

does not amount to the technical "crimes" of perjury and obstruction, but I'm content to allow a regular court of law to settle the issue. I also reject their argument that the President's conduct does not rise to the level of impeachable offenses.

I believe the President's conduct (however it is ultimately labeled) constitutes absolutely unacceptable behavior on the part of the President of the United States, the nation's chief law enforcement officer who is constitutionally charged to "faithfully execute the laws," and who, by word and deed, sets an example for every citizen.

In finding the President guilty on both Articles of Impeachment, I believe the constitutional consequence of removal from office is warranted in order to uphold for future generations:

The integrity, honor, and trust which are indispensable to the moral authority of the presidency;

The sanctity of the oath which every citizen must take in any legal proceeding to tell "the truth, the whole truth, and nothing but the truth;" and

The viability of our judicial system, the rule of law, and the principle of "equal justice under law."

A FINAL NOTE TO MY FELLOW OKLAHOMANS

Holding public office is a special privilege and I am continually grateful to the people of Oklahoma for the opportunity to serve in the United States Senate.

During the past weeks and months, I have received thousands of letters, e-mails, faxes, phone calls and other communications relative to the impeachment trial and all of the subject matters surrounding it. Many have expressed strongly held views on one side or the other, often urging me to vote in accord with their wishes and thinking. My overworked staff and I have done our best to digest and respond to these inquiries and comments as best we could. To those who may have not yet received a personal response, I want to express my appreciation for sharing your thoughts, your ideas, and your concerns.

Whether you agree or disagree, I want you to know that my votes for conviction on the two Articles of Impeachment represent my best judgment, based on my analysis of the facts, the law, the Constitution and what I believe is best for our country. They do not represent the results of any poll or political calculation about what may be popular, either in Oklahoma or elsewhere.

I have viewed the trial as a serious Constitutional duty and have listened and deliberated with profound sense of history and patriotism. I have sought to respect the process and preserve for future generations those wise procedural precedents, including the rule of law, that have served this nation so well for over 200 years.

I have stated my views and I accept the result of the trial. I harbor no personal bitterness or hatred toward the

President. It is time to look to the future. I hope all of us on all sides of these issues can unite in a prayer for the future of our country and for the ideals of freedom and justice it stands for in the world. God Bless America.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. FEINSTEIN. Mr. President, I ask for a brief moment to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENSURE RESOLUTION OF PRESIDENT WILLIAM JEFFERSON CLINTON

Mrs. FEINSTEIN. Mr. President, I just want to point out to everyone who is interested that a censure resolution has been entered at the desk. It has 38 cosponsors.

Mr. President, during these trying days, the question has been asked of many of us: "What will we tell our children about this sordid period in our Nation's history?"

Mr. President, Members of the Senate, I had hoped to be able to tell my granddaughter and, indeed, the rest of our Nation, that the United States Senate had come together in bipartisan fellowship to approve a censure resolution that would deliver a clear message that the behavior of President William Jefferson Clinton has been inappropriate, intolerable and unacceptable.

Unfortunately, some in this body have forestalled our ability to bring such a resolution to the floor of the Senate for a vote. This I regret deeply.

There are moments in history when we are able to rise up against the forces driving us apart and come together with a united purpose. I believe that the censure resolution provided us with just such an opportunity.

While not a cure-all, the resolution is a way to share with our children and the rest of our nation our findings, our sentiments, our belief that the actions of the President are a violation of the trust of the American people and have brought shame and dishonor upon the presidency and the man.

But as has been made clear, those of us who truly believe a strong censure is the appropriate resolution in this case are being prevented from bringing it to the floor of this Senate for a vote.

The main co-sponsor is the Senator from Utah, Mr. ROBERT BENNETT. In all, it is co-sponsored by 36 Senators.—over 1/3 of this Senate.

The words of the resolution were strong, but they are fitting words and I

believe a bipartisan majority of the Senate would be prepared to vote for this censure resolution if it were permitted to come to a vote today.

Over the past few weeks, I have worked very closely with a large number of Senators to develop a bipartisan resolution, largely because I felt it so important that anyone who looks at this shabby episode of American history understands that while one may not vote to convict and remove a president, one can have profound dismay and concern about the misconduct that was inherent in the articles of impeachment.

That is why I regret deeply that some have seen fit to prevent us from voting on a censure resolution.

Because that cannot happen today, I have joined with the cosponsors of this resolution to formally present it to the Senate and record it in the CONGRESSIONAL RECORD, making clear for all time the strong censure of this President and condemnation of his actions by at least one-third of the U.S. Senate.

Earlier today, I voted against conviction and removal of the President on both articles of impeachment. I did not believe the House managers established beyond a reasonable doubt that this President is guilty of perjury and obstruction of justice.

Although I deplore the circumstances that have brought us to this point, I do not believe they present a clear and present danger to the functioning of our government, and therefore this President, who has been a good President for the people of the United States, should not be convicted and removed from office.

However, I feel very strongly and sincerely that the acquittal of the President on the articles of impeachment should not be the Senate's last word on the President's conduct, and that without further action such as a resolution of censure, the wrong message about the President's actions and the Senate's views thereon will be sent to the country.

One of the most worthwhile experiences of my Senate career has been listening to the remarks of the Senators over the past three days on the floor of the U.S. Senate. Each one gave substantial deliberation, serious thought and research and tried his or her level best to maintain their oath of impartiality.

It should be clear that this was not an easy time. It should be clear that every one in the Senate at every minute of every day wished this were not happening. But we found ourselves caught up in a constitutional requirement that gave us little choice.

I hope we come out of this with a deeper understanding of the divisions and polarization, which all of this has caused, and that every effort can be made, not only by our leadership, but by every member of the Senate in every issue that comes before us to seek out a bipartisanship and to work

together to solve the problems facing our nation.

A good start in this process would have been to have allowed a vote on the censure resolution. I hope that when we return from the President's Day recess, we will do better.

INTENT BEHIND THE CENSURE RESOLUTION

I want to clear up once and for all the intent behind our censure resolution.

The resolution does not express legal conclusions in the court of impeachment. Rather, it is a legislative measure, expressing our conclusions regarding the President's conduct.

The legal conclusions to be made in this case, if any, will be left to a court of law. Our intent is not to bind or influence the court one way or another, for good or ill, in making any determinations which it may about the President's conduct.

Instead, our purpose is to speak to the moral ramifications of the President's conduct, and to the message that those actions send to the people of our nation, especially its youth.

While the President's actions do not constitute a fundamental threat to the nation, neither were they at all acceptable. The President's conduct was both willful and wrong, clearly by any standard, his behavior is indefensible.

These actions demeaned the Office of the President, violated the trust of the American people, and brought shame and dishonor upon President Clinton.

DRAFTING THE RESOLUTION

Let me speak for a moment about the process which we have gone through in developing the language. I began the process when I started to doubt whether the President's conduct rose to the level of a high crime or misdemeanor for which he should be removed from office.

Senator HERB KOHL was an early partner in this effort, and he and his staff provided valuable input.

As we developed the language further, I sounded out more of my colleagues, on both sides of the aisle, on the issue. I was fortunate enough to have Senator BENNETT join me as the lead Republican co-sponsor. Senator BENNETT has been a stalwart partner in this effort, and it has been a real pleasure working with him.

Many senators offered input regarding the specific language of the resolution, and we have incorporated virtually every suggestion made.

Senators LINCOLN, SNOWE, LEVIN, JEFFORDS, and SCHUMER, for instance, all have left their imprint on this text, as has Senator MOYNIHAN, who was appointed by Senator DASCHLE to join Senator KOHL and myself as a Democratic task force on censure.

In the process of developing this language and striving for a bipartisanship, we have gone through some 25 drafts of the resolution. We believe that the text before you today is that which can obtain the most support from the most senators, of both parties, possible.

As a result of these efforts, I am very pleased that we have been joined by a

very significant number of co-sponsors from both sides of the aisle. These co-sponsors run the ideological gamut from liberal to moderate to conservative. The breadth of these co-sponsors, I believe, represents the widespread consensus that the President's actions merit serious condemnation.

HISTORICAL PRECEDENTS FOR CENSURE

Let me now discuss the ample historical precedents for this censure resolution.

Censure is an extraordinary measure that Congress has used sparingly over the past 200 hundred years.

Censure is rare because it is such a powerful expression of Congressional criticism. In a censure resolution, a House of Congress publicly states its collective view that an individual has acted beyond the bounds of acceptable professional conduct. A censure records for history the major misdoings of public men and women.

Over the past 200 years, the House and Senate have initiated censure proceedings against Executive Branch officials on at least 13 different occasions.

Three times a House of Congress has adopted measures that could be described as a censure of a President. In 1834, the Senate censured President Andrew Jackson. Twice the House has adopted statements criticizing presidents—in the cases of John Tyler and James Buchanan.

Censuring President Clinton would be consistent with historical use of this rare, but powerful, Congressional power.

THE CASE OF ANDREW JACKSON

By far the most famous censure case of a sitting president involved Andrew Jackson.

President Jackson feuded with Congress over the establishment of a bank of the United States.

1. First, In 1832, he vetoed the re-chartering of the Bank of the United States on the grounds that it was unconstitutional, elitist, and had failed in establishing a sound currency.

2. Second, Jackson directed the government to withdraw its funds from the Bank. When his Treasury Secretary protested the withdrawal, Jackson removed him from his position.

On March 28, 1834, the Senate voted to censure President Jackson by a partisan vote of 26-20.

The resolution stated:

Resolved, That the President, in the last executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

The censure resolution expressed more than idle words. It dealt Jackson a painful blow in the arena of public opinion and in history.

Soon after the vote, Jackson wrote to the Senate challenging its action. He noted that the Senate resolution was an "an imputation upon my private as well as public character."

This censure was such a powerful condemnation of President Jackson's actions that his supporters led the Sen-

ate to revisit the issue several years later. On January 14, 1837, the Senate voted to expunge the censure resolution from the record by a vote of 24-19.

The House of Representatives has adopted two other statements that can be construed as censure motions against a president.

PRESIDENT JOHN TYLER

In 1841, John Tyler assumed the Presidency upon the death of President William Henry Harrison. In contrast to President Harrison, whose Whig views coincided with views of the majority of Congress, Tyler espoused State's rights.

Tyler aroused the anger of Congress by vetoing Whig-sponsored bills related to tariffs and the creation of a national bank. Exasperated Members of the House of Representatives finally decided to publicly rebuke the President.

A select committee drafted a report criticizing the President for:

"Gross abuse of constitutional power and bold assumptions of powers never vested in him by any law"; for having "assumed the whole Legislative power to himself, and levying millions of money upon the people, without any authority of law"; and for the "abusive exercise of the constitutional power of the President to arrest the action of Congress upon measures vital to the welfare of the people."

On August 17, 1842, the House passed this select Committee report.

PRESIDENT JAMES BUCHANAN

Along with his Secretary of the Navy, President Buchanan was implicated in a financial scandal. There were accusations of "kickbacks" and the granting of government contracts to political supporters.

On June 13, 1860 the House of Representatives voted 106-61 in favor of "censuring" the Secretary of the Navy and stating that President Buchanan's conduct deserved its "reproof."

The resolution stated:

Resolved, That the President and the Secretary of the Navy, by receiving and considering the party relations of bidders for contracts and the effect of awarding contracts upon pending elections, have set an example dangerous to the public safety, and deserving the reproof of this House.

Other executive officials: At least three secretaries of cabinet departments and one ambassador have also been censured.

These cases include:

(1) Secretary of the Navy Isaac Toucey, 1860—On June 13, 1860, the House of Representatives passed a resolution censuring Secretary Toucey in the same "kickback" and bribery scandal that led to the "reproof" of President Buchanan.

(2) Secretary of War Simon Cameron, 1862—In another corruption scandal, the House passed a censure resolution against Secretary of War Cameron for embezzlement and for entrusting public money to his lieutenant, Alexander Cummings. Mr. Cummings allegedly spent \$21,000 of government funds on personal items like straw hats, linen pantaloons, scotch ale, and herring.

(3) Attorney General, A.H. Garland, 1886—On March 24, 1886, the Senate passed a resolution of "condemnation" of the Attorney General for refusing to turn over government papers regarding the removal of a District Attorney from Office.

(4) Ambassador Thomas Bayard, 1896—On March 20, 1896 the House of Representatives considered a resolution condemning and censuring Ambassador Bayard for diplomatic improprieties. He was charged with making partisan remarks to British audiences.

CENSUR OF MEMBERS OF CONGRESS

Congress has also used censure to condemn the conduct of its own members. Nine senators and 22 members of the House have been censured.

Indeed, many members of this body personally know former senators who have been censured. To those who argue that censure is "a wet noodle across the wrist," I would respectfully request that they ask their colleagues how these former senators felt about being censured. I am confident, because I have had some of these conversations myself, that they would find that censure was felt deeply, and was a very significant stain upon their reputations and legacy.

CENSURE HISTORY CONCLUSION

In sum, censure is a powerful tool used very sparingly by Congress to condemn unacceptable conduct. Congress has initiated censure proceedings in policy disputes, but it has also criticized executive branch officials in the case of President Buchanan, Navy Secretary Welles, and President Nixon for personal misconduct.

So to those who argue that passing this censure would establish a precedent for the future where presidents and cabinet officials could be censured, I hope this discussion has made it clear: that precedent has already been set.

BIPARTISAN CENSURE PROMOTES HEALING

In this bipartisan censure, we provided the Senate with a real opportunity to achieve a strong, unifying, bipartisan conclusion to this whole tawdry, exhausting and divisive controversy.

The House's actions were marred with partisanship. Indeed, one example of this was the action of the House leadership to prevent a censure resolution from even being considered on the House floor.

The Senate started its proceedings on a high note, when we came together to agree unanimously, across party lines, upon procedures for the trial. Passing our censure resolution by a strong, bipartisan vote would represent an appropriate "bookend" to this bipartisan beginning, and would stand this Senate well in the annals of history.

Moreover, it would put the proper historical perspective upon the Senate's actions and determinations, which should not be read as a vindication of the President.

I believe that passing this censure on a bipartisan basis would bring a real

closure to the process, and would help to heal the divisions between the parties which were created during these proceedings, so that we can move on to work together to address the real problems confronting the American people, like saving social security, improving education, and continuing the fight to reduce crime.

It is time that we move on to these other matters of significance to our people, to reconcile differences between and within the branches of government, and to work together—across party lines—for the benefit of the American people.

I ask unanimous consent that a list of cosponsors and the text of the resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSPONSORS

Mrs. Feinstein, Mr. Bennett, Mr. Moynihan, Mr. Chafee, Mr. Kohl, Mr. Jeffords, Mr. Lieberman, Mr. Smith of Oregon, Mr. Daschle, Ms. Snowe, Mr. Reid, Mr. Gorton, Mr. Bryan, Mr. McConnell, Mr. Cleland, Mr. Domenici, Mr. Torricelli, Mr. Campbell, Mr. Wyden, Mrs. Lincoln, Mr. Kerry, Mr. Kerrey, Mr. Schumer, Mr. Durbin, Mrs. Murray, Mr. Wellstone, Mr. Breaux, Ms. Mikulski, Mr. Dorgan, Mr. Baucus, Mr. Reed, Ms. Landrieu, Mr. Kennedy, Mr. Levin, Mr. Rockefeller, Mr. Robb, Mr. Inouye, and Mr. Akaka.

RESOLUTION OF CENSURE

Whereas William Jefferson Clinton, President of the United States, engaged in an inappropriate relationship with a subordinate employee in the White House, which was shameful, reckless and indefensible;

Whereas William Jefferson Clinton, President of the United States, deliberately misled and deceived the American people, and people in all branches of the United States government;

Whereas William Jefferson Clinton, President of the United States, gave false or misleading testimony and his actions have had the effect of impeding discovery of evidence in judicial proceedings;

Whereas William Jefferson Clinton's conduct in this matter is unacceptable for a President of the United States, does demean the Office of the President as well as the President himself, and creates disrespect for the laws of the land;

Whereas President Clinton fully deserves censure for engaging in such behavior;

Whereas future generations of Americans must know that such behavior is not only unacceptable but also bears grave consequences, including loss of integrity, trust and respect;

Whereas William Jefferson Clinton remains subject to criminal actions in a court of law like any other citizen;

Whereas William Jefferson Clinton's conduct in this matter has brought shame and dishonor to himself and to the Office of the President; and

Whereas William Jefferson Clinton through his conduct in this matter has violated the trust of the American people: Now therefore, be it

Resolved, That the United States Senate does hereby censure William Jefferson Clinton, President of the United States, and does condemn his wrongful conduct in the strongest terms; and now be it

Further resolved, That the United States Senate recognizes the historic gravity of this bipartisan resolution, and trusts and urges

that future congresses will recognize the importance of allowing this bipartisan statement of censure and condemnation to remain intact for all time; and be it

Further resolved, That the Senate now move on to other matters of significance to our people, to reconcile differences between and within the branches of government, and to work together—across party lines—for the benefit of the American people.

Mr. WARNER. Mr. President, we are prepared to conclude the session. I simply await the instructions from the majority leader to do such items as may remain.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 5

Mr. WARNER. Mr. President, I ask unanimous consent that the bill S. 5 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe.

The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Ohio (Mr. VOINOVICH) to read Washington's Farewell Address on Monday, February 22, 1999.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84, appoints the following Senators to the United States Holocaust Memorial Council: The Senator from California (Mrs. BOXER), and the Senator from New Jersey (Mr. LAUTENBERG).

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Donald R. Vickers, of Vermont, to the Advisory Committee on Student Financial Assistance for term ending September 30, 2001.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law