

U.S.C. 1621. 18 U.S.C. 1623. Tampering. Perjury. Obstruction. That is a lot to digest, but these are real laws and they are applicable to these proceedings and to this President."—House Manager Barr, Congressional Record, February 8, 1999, Page S1342.

APPENDIX K

Though written in his diary almost 200 hundred years ago, John Quincy Adams' thoughts on the impeachment of Justice Samuel P. Chase, who was acquitted, are relevant to the impeachment of President Clinton.

On the day that Justice Chase was acquitted in 1805, John Quincy Adams wrote the following:

"... This was a party prosecution, and is issued in the unexpected and total disappointment of those by whom it was brought forward. It has exhibited the Senate of the United States fulfilling the most important purpose of its institution. . . It has proved that a sense of justice is yet strong enough to overpower the furies of factions; but it has, at the same time, shown the wisdom and necessity of that provision in the Constitution which requires the concurrence of two-thirds for conviction upon impeachments."

APPENDIX L

ADDITIONAL STATEMENT OF SENATOR CARL LEVIN REGARDING THE INDEPENDENT COUNSEL

Mr. President, four and one half years ago, the Special Court under the independent counsel law appointed Kenneth Starr to investigate certain specific and credible allegations concerning President Clinton's involvement in the Madison Guaranty Savings and Loan Association of Little Rock, Arkansas. Three and half years later—and after what appears to be the most thorough criminal investigation of a sitting President, Mr. Starr was unable to find any criminal wrongdoing on the part of the President in what came to be known as "Whitewater." A similar conclusion was reached by Mr. Starr with respect to additional investigations assigned to Mr. Starr along the way—namely, allegations with respect to the White House use of FBI files and the discharge of White House employees from the White House Travel Office.

A year ago Mr. Starr's investigation was coming to an end. That's when Linda Tripp walked through Mr. Starr's door with promises of taped phone conversations between Ms. Tripp and Monica Lewinsky about Ms. Lewinsky's sexual relationship with President Clinton. And what was the alleged crime? That President Clinton and Ms. Lewinsky were about to lie about their relationship—if they were asked about it by the attorneys for Paula Jones in her sexual harassment case against President Clinton. Mr. Starr had to know that the relationship between President Clinton and Monica Lewinsky had been a consensual one. Mr. Starr had to know that, because Ms. Tripp was informed by Ms. Lewinsky of every aspect of her relationship with President Clinton. And at this point—January 12, 1998—neither Monica Lewinsky nor President Clinton had been deposed.

I am convinced that no ordinary federal prosecutor, if confronted with the same situation involving a private citizen, would have pursued this case. But Mr. Starr was no ordinary federal prosecutor. Without jurisdiction with respect to these matters, he immediately gave Ms. Tripp immunity in exchange for access to her tapes, and he wired her to tape a private luncheon conversation with Ms. Lewinsky. Shortly after Mr. Starr wired Ms. Tripp, he confronted Ms. Lewinsky and, according to her, threatened her with 27 years in prison and the prosecution of her

mother in order to get her cooperation and to tape Betty Currie, the President, and/or Vernon Jordan. Mr. Starr brought his enormous criminal investigative resources to bear on testimony yet to be given in a civil lawsuit involving a consensual, sexual relationship.

At the time Ms. Lewinsky was threatened by Mr. Starr, her affidavit in the Jones case had not been filed. She was still in a position to retrieve it or amend it. Also, President Clinton had not been deposed. He had not given his testimony in the Paula Jones suit. In effect, Mr. Starr and his agents lay in wait—waiting for the President to be surprised at the Jones deposition with information about Monica Lewinsky. And how did that information about Monica Lewinsky get in the hands of the Jones attorneys? Ms. Tripp gave them the information. And she was able to do that even though she was under an immunity arrangement with Mr. Starr, because—as Mr. Starr acknowledged to the House Judiciary Committee under questioning—Mr. Starr's agents never directed Ms. Tripp to keep her information confidential, even though Mr. Starr had a major concern that the Lewinsky matter would leak to the press. Mr. Starr's agents did not tell Ms. Tripp not to talk to the Jones attorneys or anyone else in order to ensure that the story would not leak to the press.

So the enormous criminal investigative resources of the federal government were brought to bear on the President of the United States to catch him by surprise in a future deposition in a civil proceeding on a matter peripheral to the lawsuit, prior to any of the suspected unlawful conduct.

Once the President testified in that civil suit, Mr. Starr convened a grand jury to investigate the truthfulness of Mr. Clinton's testimony. Again, using the virtually unlimited resources of the federal government with respect to a criminal investigation, Mr. Starr called countless witnesses before the grand jury—recalling numerous witnesses multiple times. Betty Currie testified on 5 different occasions; so did Vernon Jordan. Monica Lewinsky testified 3 times and was interviewed over 20 separate times. I don't believe any regular prosecutor would have invested the time and money and resources in the kind of investigation that Kenneth Starr did.

At the end, Mr. Starr wrote a report arguing for impeachment to the House of Representatives. He didn't just impartially forward evidence he thought may demonstrate possible impeachable offenses.

The Starr report spared nothing. Lacking good judgment and balance, the Starr report contained a large amount of salacious detail, and skipped over or dismissed important exculpatory evidence, such as Monica Lewinsky's statement that no one asked her to lie and no one promised her a job for her silence. Mr. Starr violated the standards enunciated by Judge Sirica when he addressed the status of the grand jury report in the Watergate matter. In that case, Judge Sirica wrote in granting Leon Jaworski, the Watergate prosecutor, the right to forward grand jury information to the House of Representatives:

"It draws no accusatory conclusions. . . It contains no recommendations, advice or statements that infringe on the prerogatives of other branches of government. . . It renders no moral or social judgments. The Report is a simple and straightforward compilation of information gathered by the Grand Jury, and no more. . . The Grand Jury has obviously taken care to assure that its Report contains no objectionable features, and has throughout acted in the interests of

fairness. The Grand Jury having thus respected its own limitations and the rights of others, the Court ought to respect the Jury's exercise of its prerogatives." (*In re Report and Recommendation of June 5, 1972, Grand Jury Concerning Transmission of Evidence to the House of Representatives*, U.S. District Court, District of Columbia, March 18, 1974.)

What a far cry the Watergate grand jury report was from Mr. Starr's. The Starr Report violates almost every one of the standards laid out by Judge Sirica in the Watergate case.

The House of Representatives the Judiciary Committee then almost immediately released the Starr report and the thousands of pages of evidence to the public.

Because of that release—enormous damage had been done to the public's sense of decorum and to appropriate limits between public and private life.

DEPOSITION OF VERNON JORDAN IN THE SENATE IMPEACHMENT TRIAL

Mr. LEAHY. Mr. President, I regret to have to return to an unfinished aspect of the Senate impeachment trial of President Clinton.

On February 2, I attended the deposition of Vernon Jordan as one of the Senators designated to serve as presiding officers. On February 4, the Senate approved the House Managers' motion to include a portion of that deposition in the trial record. Unfortunately, the House Managers moved to include only a portion of the videotaped deposition in the trial record and left the rest hidden from the public and subject to the confidentiality rules that governed those proceedings.

On Saturday, February 6, at the conclusion of his presentation, Mr. Kendall asked for permission to display the last segment of the videotaped deposition of Vernon Jordan, in which, as Mr. Kendall described it "Mr. Jordan made a statement defending his own integrity." The House Managers objected to the playing of the approximately 2-minute segment of the deposition that represented Mr. Jordan's "own statement about his integrity."

I then rose to request unanimous consent from the Senate that the segment of the videotaped deposition be allowed to be shown on the Senate floor to the Senate and the American people. There was objection from the Republican side.

I noted my disappointment at the time and in my February 12 remarks about the depositions. After the conclusion of the voting on the Articles of Impeachment and before the adjournment of the court of impeachment, unanimous consent was finally granted to include the "full written transcripts" of the depositions in the public record of the trial. As far as I can tell, however, the statement of integrity by Mr. Jordan has yet to be published in the CONGRESSIONAL RECORD.

I regret that the Senate chose to prohibit the viewing of the videotape of

this powerful personal statement during the trial. I regret that it continues to be restricted from public viewing.

In order to be sure that the transcript that is being made a part of the public trial record is readily available to the public, I ask unanimous consent that the following portion of the written transcript of the deposition of Vernon Jordan, that containing his statement of integrity heretofore suppressed, be printed in the RECORD.

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

The WITNESS. Mr. Chairman, may I be just permitted a moment of personal privilege? I don't know about the rules here, but uh, I'd like to say something if you would permit.

Mr. HUTCHINSON. Mr. Chairman—

Senator THOMPSON. Well, Mr. Jordan, quite frankly, it depends on what the subject matter is and what you'd like—

The WITNESS. Well, it won't be a declaration of war. [Laughter.]

Senator THOMPSON. Counsel, did you have—

Mr. HUTCHINSON. I would reserve the objection. I think that's permissible under the rules. So I would state my objection, let him answer it, and if—we can debate that if it becomes an issue in the Senate. I'd like to reserve the objection.

Senator THOMPSON. All right.

The WITNESS. It's just something I want you, Mr. Hutchinson, and the House Managers to understand about Vernon Jordan. And that is, you know, it's a very long way from the first public housing project in this country for black people, where I grew up. It's a long way from there to a corner office at Akin Gump. It's a long way from University Homes to the corporate board rooms of America. It's a long way from University Homes to the Oval Office. And I have made that journey understanding one thing, and that is that the only thing I have in this world that belongs to me is fee simple absolute, completely and totally, is my integrity.

My corner office at Akin Gump is at best tenuous. My house, my home, is at best tenuous. My bank account, my stocks and my bonds, they are ultimately of no moment.

But what matters most to me, and what was taught to me by my mother, is that the only thing that I own totally and completely is my integrity. And my integrity has been on trial here, and I want to tell you that nothing is more important to me than that.

The President is my friend. He was before this happened, he is now, and he will be when this is over. But he is not a friend in that I have no friends for whom I would sacrifice my integrity. And I want you to understand that.

Senator THOMPSON. Thank you, Mr. Jordan.

If there is no further question, then this deposition is completed, and we stand adjourned.

The WITNESS. Thank you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING A WESTERN HEMISPHERE DRUG ALLIANCE—MESSAGE FROM THE PRESIDENT—PM 9

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to provide the attached report on a Western Hemisphere Drug Alliance in accordance with the provisions of section 2807 of the "Foreign Affairs Reform and Restructuring Act of 1998." This report underscores the Administration's commitment to enhancing multilateral counternarcotics cooperation in the region.

Strengthening international narcotics control is one of my Administration's top foreign policy priorities. Because of the transnational nature of the Western Hemisphere drug trafficking threat, we have made enhanced multilateral cooperation a central feature of our regional drug control strategy. Our counternarcotics diplomacy, foreign assistance, and operations have focused increasingly on making this objective a reality.

We are succeeding. Thanks to U.S. leadership in the Summit of the Americas, the Organization of American States, and other regional fora, the countries of the Western Hemisphere are taking the drug threat more seriously and responding more aggressively. South American cocaine organizations that were once regarded as among the largest and most violent crime syndicates in the world have been dismantled, and the level of coca cultivation is now plummeting as fast as it was once sky-rocketing. We are also currently working through the Organization of American States to create a counternarcotics multilateral evaluation mechanism in the hemisphere. These examples reflect fundamental narcotics control progress that was nearly unimaginable a few years ago.

While much remains to be done, I am confident that the Administration and the Congress, working together, can bolster cooperation in the hemisphere, accelerate this progress, and significantly diminish the drug threat to the American people. I look forward to your continued support and cooperation in this critical area.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 23, 1999.

MESSAGES FROM THE HOUSE

At 11:24 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the

following bill, in which it requests the concurrence of the Senate:

H.R. 350. An act to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1864. A communication from the Secretary of Defense, transmitting, pursuant to law, the Secretary's report on the retention of members of the Armed Forces; to the Committee on Armed Services.

EC-1865. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Independent Research and Development and Bid and Proposal Costs for Fiscal Year 1996 and Beyond" (Case 95-D040) received on February 16, 1999; to the Committee on Armed Services.

EC-1866. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Deviations from Cost Accounting Standards Administration Requirements" (Case 97-D016) received on February 16, 1999; to the Committee on Armed Services.

EC-1867. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Television-Audio Support Activity" (Case 98-D008) received on February 16, 1999; to the Committee on Armed Services.

EC-1868. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Specifications and Standards Requisition" (Case 98-D022) received on February 16, 1999; to the Committee on Armed Services.

EC-1869. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Flexible Progress Payments" (Case 98-D400) received on February 16, 1999; to the Committee on Armed Services.

EC-1870. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; People's Republic of China" (Case 98-D305) received on February 16, 1999; to the Committee on Armed Services.

EC-1871. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Singapore Accession to Government Procurement Agreement" (Case 98-D029) received on February 16, 1999; to the Committee on Armed Services.