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No. 2

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, January 19, 1999, at 2 p.m.

## Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

"Is there any word from the Lord?" We humbly fall on the knees of our hearts as this ancient, urgent biblical question reverberates in our minds and echoes in this historic Chamber. When there is nowhere else to turn, we return to You, dear God. We hear Your answer sounding in our souls: "Let him who glories glory in this, that he understands and knows Me, that I am the Lord, exercising loving kindness, judgment, and righteousness in the earth."—Jeremiah 9:24. Your righteous judgment is irreducible and your grace irrefutable.

Holy God, as this sacred Chamber becomes a court and these Senators become jurors, be omnipresent in the pressures of these impeachment proceedings. Grant the Senators the ability to exercise clear judgment without judgmentalism. Today, unite the Senate in nonpartisan commitment to the procedures that will most effectively resolve the grave matters before them and our Nation. Bind the Senators together as fellow patriots seeking Your best for our beloved land.

Oh, dear Father, author of this Republic and divine authority from whom the Senators' powers flow, we trust You. With one mind and heart, we rededicate ourselves to You and thank You for Your guidance each step of the way through these troubled times. You are our Lord and Savior. Amen.

Mr. STEVENS addressed the Chair.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I am about to suggest the absence of a quorum. For the information of Senators, this will be a live quorum and, under the previous order, at 10 a.m. the Senate will receive the managers of the House of Representatives to exhibit the articles of impeachment against William Jefferson Clinton, President of the United States.

### QUORUM CALL

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names.

#### [Quorum No. 2]

Abraham	Ashcroft	Bennett
Akaka	Baucus	Biden
Allard	Bayh	Bingaman

Bond	Graham	McConnell
Boxer	Gramm	Mikulski
Breaux	Grams	Moynihan
Brownback	Grassley	Murkowski
Bryan	Gregg	Murray
Bunning	Hagel	Nickles
Burns	Harkin	Reed
Byrd	Hatch	Reid
Campbell	Hollings	Robb
Chafee	Hutchinson	Roberts
Cleland	Hutchison	Rockefeller
Cochran	Inhofe	Roth
Collins	Inouye	Santorum
Conrad	Jeffords	Sarbanes
Coverdell	Johnson	Schumer
Craig	Kennedy	Sessions
Crapo	Kerrey	Shelby
Daschle	Kerry	Smith (NH)
DeWine	Kohl	Smith (OR)
Dodd	Kyl	Snowe
Domenici	Landrieu	Specter
Dorgan	Lautenberg	Stevens
Durbin	Leahy	Thomas
Edwards	Levin	Thompson
Enzi	Lieberman	Thurmond
Feingold	Lincoln	Torricelli
Feinstein	Lott	Voinovich
Fitzgerald	Lugar	Warner
Frist	Mack	Wellstone
Gorton	McCain	Wyden

The PRESIDENT pro tempore. A quorum is present. The Sergeant at Arms will present the managers on the part of the House of Representatives.

### EXHIBITION OF ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

At 10:05 a.m., the managers on the part of the House of Representatives of the impeachment of William Jefferson Clinton appeared below the bar of the Senate, and the Sergeant at Arms, James W. Ziglar, announced their presence, as follows:

Mr. President and Members of the Senate, I announce the presence of the managers on the part of the House of Representatives to conduct the proceedings on behalf of the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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House concerning the impeachment of William Jefferson Clinton, President of the United States.

The PRESIDENT pro tempore. The managers on the part of the House will be received and escorted to the well of the Senate.

The managers were thereupon escorted by the Sergeant at Arms of the Senate, James W. Ziglar, to the well of the Senate.

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made the proclamation, as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against William Jefferson Clinton, President of the United States.

The PRESIDENT pro tempore. The managers on the part of the House will proceed.

Mr. Manager HYDE. Mr. President, the managers on the part of the House of Representatives are here present and ready to present the articles of impeachment which have been preferred by the House of Representatives against William Jefferson Clinton, President of the United States.

The House adopted the following resolution, which with the permission of the Senate I will read.

#### HOUSE RESOLUTION 10

*Resolved*, That in continuance of the authority conferred in House Resolution 614 of the One Hundred Fifth Congress adopted by the House of Representatives and delivered to the Senate on December 19, 1998, Mr. Hyde of Illinois, Mr. Sensenbrenner of Wisconsin, Mr. McCollum of Florida, Mr. Gekas of Pennsylvania, Mr. Canady of Florida, Mr. Buyer of Indiana, Mr. Bryant of Tennessee, Mr. Chabot of Ohio, Mr. Barr of Georgia, Mr. Hutchinson of Arkansas, Mr. Cannon of Utah, Mr. Rogan of California, and Mr. Graham of South Carolina are appointed managers to conduct the impeachment trial against William Jefferson Clinton, President of the United States, that a message be sent to the Senate to inform the Senate of these appointments, and that the managers so appointed may, in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include the following:

(1) Employing legal, clerical, and other necessary assistants and incurring such other expenses as may be necessary, to be paid from amounts available to the Committee on the Judiciary under applicable expense resolutions or from the applicable accounts of the House of Representatives.

(2) Sending for persons and papers, and filing with the Secretary of the Senate, on the part of the House of Representatives, any pleadings, in conjunction with or subsequent to, the exhibition of the articles of impeachment that the managers consider necessary.

With the permission of the Senate, I will now read the articles of impeachment, House Resolution 611.

#### HOUSE RESOLUTION 611

*Resolved*, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that

the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

#### ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

#### ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a

witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

(6) On or about January 18 and January 20-21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

(7) On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Passed the House of Representatives December 19, 1998. Newt Gingrich, Speaker of the House of Representatives. Attest: Robin H. Carle, Clerk.

Mr. President, that completes the exhibition of the articles of impeachment against William Jefferson Clinton, President of the United States. The managers request that the Senate take order for the trial. The managers now request leave to withdraw.

The PRESIDENT pro tempore. Thank you, Mr. Manager HYDE. The Senate will notify the House of Representatives when it is ready to proceed.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

#### UNANIMOUS CONSENT-AGREEMENT

Mr. LOTT. Mr. President, I modify my previous request and ask unanimous consent that the Presiding Officer be authorized to appoint a committee of six Senators, three upon the recommendation of the majority leader

and three upon the recommendation of the Democratic leader, to escort the Chief Justice into the Senate Chamber.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 12:45 today. Before the Chair rules on this request, I say as a reminder to all Senators that at 1 p.m. today, following a live quorum, the Chief Justice and all Senators will be sworn in. I thank all Senators.

There being no objection, the Senate, at 10:16 a.m., recessed; whereupon, at 12:49 p.m., the Senate reassembled when called to order by the President pro tempore.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

## AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 11 introduced earlier today.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 11) authorizing the taking of a photograph in the Chamber of the U.S. Senate.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 11) was agreed to.

The resolution reads as follows:

S. RES. 11

*Resolved*, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting an official photograph to be taken on January 7, 1999, of the swearing in of Members of the United States Senate for the impeachment trial of the President of the United States.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

## APPOINTMENT OF ESCORT COMMITTEE

The PRESIDENT pro tempore. The Chair, pursuant to the order of January 6, 1999, as modified, on behalf of the majority leader, appoints Mr. STEVENS of Alaska, Mr. HATCH of Utah, and Ms. SNOWE of Maine, and on behalf of the Democratic leader, Mr. BYRD of West

Virginia, Mr. LEAHY of Vermont, and Ms. MIKULSKI of Maryland.

## ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I am about to suggest the absence of a quorum. For the information of all Senators, this will be a live quorum, and we will under the previous order meet at 1 p.m. to proceed to the consideration of the articles of impeachment which will commence with the swearing in of the Chief Justice of the United States and all Senators.

## QUORUM CALL

Mr. LOTT. Accordingly then, Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their name.

## [Quorum No. 3]

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The PRESIDENT pro tempore. The Senate will come to order.

Senators will take their seats. All others will remove themselves from the floor.

## TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The PRESIDENT pro tempore. Under the previous order, the hour of 1 p.m. having arrived, and a quorum having been established, the Senate will proceed to the consideration of the articles of impeachment against William Jefferson Clinton, President of the United States.

Mr. LOTT. Mr. President, at this time, pursuant to rule IV of the Senate Rules on Impeachment and the United States Constitution, the Presiding Officer will now administer the oath to

William H. Rehnquist, Chief Justice of the United States.

The PRESIDENT pro tempore. Under the previous order, the escort committee will now conduct the Chief Justice of the United States to the dais to be administered the oath.

(Senators rising.)

The Chief Justice was thereupon escorted into the Chamber by Senators STEVENS, BYRD, HATCH, LEAHY, SNOWE, and MIKULSKI.

The PRESIDENT pro tempore. We are pleased to welcome you.

The CHIEF JUSTICE. Senators, I attend the Senate in conformity with your notice, for the purpose of joining with you for the trial of the President of the United States, and I am now ready to take the oath.

The PRESIDENT pro tempore. Will you place your left hand on the Bible, and raise your right hand.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of William Jefferson Clinton, President of the United States, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

The CHIEF JUSTICE. I do.

At this time I will administer the oath to all Senators in the Chamber in conformance with Article I, section 3, clause 6, of the Constitution and the Senate's impeachment rules.

Will all Senators now stand and raise your right hand.

Do you solemnly swear that in all things appertaining to the trial of the impeachment of William Jefferson Clinton, President of the United States, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

SENATORS. I do.

The CHIEF JUSTICE. The clerk will call the names and record the responses.

The legislative clerk called the roll, and the Senators present answered "I do" and signed the Official Oath Book.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The majority leader is now recognized.

Mr. LOTT. Mr. Chief Justice, any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make the fact known to the Chair so that the oath may be administered as soon as possible to the Senator. The secretary will note the names of the Senators who have been sworn and will assure that they have signed the book, which will be the Senate's permanent record of the administration of the oath. I ask for the cooperation of all