



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 145

WASHINGTON, SATURDAY, FEBRUARY 6, 1999

No. 21

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 8, 1999, at 2 p.m.

## Senate

SATURDAY, FEBRUARY 6, 1999

The Senate met at 10:05 a.m. and was called to order by the Chief Justice of the United States.

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

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

#### PRAYER

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

Mr. Chief Justice, it is with profound sadness that we express our grief over the loss of our legislative clerk, R. Scott Bates, who, along with his wife, Ricki Ellison Bates, last evening was struck by a car while walking across Lee Highway in Arlington. Mrs. Bates remains in serious condition and needs our prayers throughout this day.

Let us pray.

O eternal God, our heavenly Father, who loves us with an everlasting love and transforms the darkness of the Valley of the Shadow of Death into bright hope, the Senate family of Members and staff call on You for strength, comfort, and courage. Tragic death has taken from us a beloved friend, an admired fellow worker, a faithful Senate employee for over 30 years.

In the quietness we can hear his voice call the roll, read proposed legislation and, most of all, express his caring friendship to us all.

Thank You for Scott's commitment to excellence and his dedication to the work of the Senate regardless of long

sessions or arduous debate. We intercede now for his wife, for her complete healing and recovery. Hold his wonderful children in Your loving arms: Lisa, Lori, and Paul. We remember with gratitude Lisa and Lori's outstanding service as pages in the Senate. Help them and their brother, Paul, to know that their dad, whom they loved so deeply, is with You. He trusted You in this life and now lives with You forever. Traumatic as was his physical death, it was but a transition in his eternal life.

Now, Lord, bless the Senate as it turns to the work of this day, cognizant of the shortness of time and the length of eternity for all of us. In the sure hope of the resurrection and eternal life. Amen.

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 Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

#### R. SCOTT BATES, LEGISLATIVE CLERK

Mr. LOTT. Mr. Chief Justice, our Senate family grieves today and our hearts are heavy as a result of the tragic loss of Scott Bates. Senators come and Senators go, but Scott has been a fixture in this great Chamber

for 30 years and the last 8 years as our legislative clerk. His familiar voice was a pillar of our continuity and tradition. He was not just a coworker; he was a friend, really a great guy. Even as we conduct our business today, we will be grieving, but those who knew him well know that that is exactly what he would want us to do, to continue with the work of the Senate to which he devoted his life. He was an example of public service at its finest, never claiming the spotlight, never seeking a headline, but always working for the good of this institution and for the country we are here to serve.

We pray for the recovery of his wife, Ricki. We ask that the Lord keep her and their three children always in His care. Before I ask for a moment of silence by the Senate, I yield to Senator DASCHLE for his comments.

The CHIEF JUSTICE. The minority leader is recognized.

Mr. DASCHLE. I thank the majority leader. I thank our Chaplain for his gracious prayer.

The presence of Scott Bates in that chair and in our lives is something most of us have counted on each and every day. As the majority leader so eloquently said, he, Scott, served the Senate, our country, and each of us so admirably for the last 30 years. Who can forget that resonant voice? Who can forget the call of the roll? Who can forget the authority with which he articulated each of our names? The answer is—no one.

When Scott began his service, Senator Mansfield was the majority leader and Senator Hugh Scott the minority leader. Ever since that time, Scott was

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



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an integral part of the history created in this Chamber and certainly an integral part of our Senate family. He grew up with small town values, active in his church and Boy Scouts. He loved politics and school and served as a page in both the House and the Senate in the Arkansas Legislature. Scott's love of politics came naturally for him. His father actually served as a member of the Arkansas State Legislature. In 1970 he came here as a summer intern for Senator John McClellan, in the bill clerk's office, and began his work for us in 1973.

Today, we send our thoughts and our prayers to his wife, Ricki, who remains in the hospital, and to their three children, Lisa, Lori, and Paul, and his family in Arkansas, who are now dealing with this tragic loss.

Mr. LOTT. Mr. Chief Justice, I now ask that all Senators rise and let's observe a moment of silence for our friend, Scott Bates.

(Moment of silence, Senators rising.)

Thank you, Mr. Chief Justice.

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

Mr. LOTT. Mr. Chief Justice, under the order for today there will be a 6-hour presentation equally divided between the House managers and the White House counsel. It would be our intention to have a break around noon so we will have an opportunity for lunch, and also it may be necessary to have one break, a brief break, before that time.

Following today's presentation, the Senate will adjourn over until 1 p.m. on Monday.

#### THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of the proceedings of the trial are approved to date.

#### ORDER OF PROCEDURE

The CHIEF JUSTICE. Pursuant to the order of February 1, 1999, the managers on the part of the House of Representatives and the counsel for the President each have 3 hours to make their presentation. The Chair recognizes Mr. Manager ROGAN to begin the presentation on the part of the House of Representatives.

Mr. Manager ROGAN. Mr. Chief Justice, distinguished counsel for the President, Members of the United States Senate, this is the first and only chance you will have in this historic impeachment trial to consider the evidence from a few of the actual witnesses. After weeks of proceedings, the day has finally arrived when the U.S. Senate will listen, not just to lawyers talk about the evidence, but to witnesses with direct knowledge of the unlawful conduct of the President of the United States.

Today in particular, you will have your only opportunity to hear from the one person whose testimony invariably leads to the conclusion that the Presi-

dent of the United States committed perjury and obstructed justice in a Federal civil rights action. That person is Monica Lewinsky, a bright lady whose life has forever been marked by the most powerful man on the Earth.

If her testimony is truthful, then the President committed the offenses alleged in the articles of impeachment. Many different opinions have been formed about her over the last year. Nearly all of this has been fueled by spin and by propaganda rather than by truth. Today, the analysis and the speculation ends. There is only one judgment the Senate must make for history about Monica Lewinsky: Do you believe her?

(Text of videotape presentation:)

SENATOR DeWINE. Do you, Monica S. Lewinsky, swear or affirm that the evidence you shall give in the case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS. I do.

SENATOR DeWINE. The House managers may now begin your questioning.

Mr. Manager ROGAN. Who is this former intern who swore under oath to tell the truth, the whole truth, and nothing but the truth? Monica Lewinsky is an intelligent, articulate young woman who, until recently, held untarnished hope for tomorrow, like any other recent college graduate. That hope was drastically altered when she was subpoenaed in a lawsuit against the President of the United States.

(Text of videotape presentation:)

But for the record, would you state your name once again, your full name?

A Yes. Monica Samille Lewinsky.

Q And you're a—are you a resident of California?

A I'm—I'm not sure exactly where I'm a resident now, but I—that's where I'm living right now.

Q Okay. You—did you grow up there in California?

A Yes.

Q I'm not going to go into all that, but I thought just a little bit of background here. You went to college where?

A Lewis and Clark, in Portland, Oregon.

Q And you majored in—majored in?

A Psychology.

Q Tell me about your work history, briefly, from the time you left college until, let's say, you started as an intern at the White House.

A Uh, I wasn't working from the time I—

Q Okay. Did you—

A I graduated college in May of '95.

Q Did you work part time there in—Oregon with a—

A Uh—

Q—in his office somewhere?

A During—I had an internship or a practicum when I was in school. I had two practicums, and one was at the public defender's office and the other was at the Southeast Mental Health Network.

Q And those were in Portland?

A Yes.

Q Okay. What—you received a bachelor of science in psychology?

A Correct.

Q Okay. As a part of your duties at the Southeast Health Network, what did you—what did you do in terms of working? Did

you have direct contact with people there, patients?

A Yes, I did. Um, they referred to them as clients there and I worked in what was called the Phoenix Club, which was a socialization area for the clients to—really to just hang out and, um, sort of work on their social skills. So I—

Q Okay. After your work there, you obviously had occasion to come to work at the White House. How did—how did you come to decide you wanted to come to Washington, and in particular work at the White House?

A There were a few different factors. My mom's side of the family had moved to Washington during my senior year of college and I wanted—I wasn't ready to go to graduate school yet. So I wanted to get out of Portland, and a friend of our family's had a grandson who had had an internship at the White House and had thought it might be something I'd enjoy doing.

Q Had you ever worked around—in politics and campaigns or been very active?

A No.

Q You had to go through the normal application process of submitting a written application, references, and so forth to—to the White House?

A Yes.

Q Did you do that while you were still in Oregon, or were you already in D.C.?

A No. The application process was while I was a senior in college in Oregon.

Q Had you ever been to Washington before?

A Yes.

Q Obviously, you were accepted, and you started work when?

A July 10th, 1995.

That image, the image of a young woman, very much like a family member or a friend that we might know, is an image that the President did not want America to see when his indiscretions with her became public. When that happened, the President painted Monica Lewinsky in a very different and callous light.

(Text of videotape presentation:)

WILLIAM JEFFERSON CLINTON: But I want to say one thing to the American people. I want you to listen to me. I'm going to say this again. I did not have sexual relations with that woman, Ms. Lewinsky. I never told anybody to lie, not a single time, never. These allegations are false, and I need to go back to work for the American people. Thank you.

"That woman" with that subtle description, the President invited a waiting America to adopt a totally false impression of Monica Lewinsky. That was not fair. Yet, with his close aides, aides that he later testified he knew would be witnesses before the grand jury, he went much further than a subtle sneer. Hear the words of Sidney Blumenthal, assistant to the President, recount how the President painted this vulnerable young intern who made the tragic mistake of becoming involved with him.

(Text of videotape presentation:)

Q Did the President then give you his account of what happened between him and Monica Lewinsky?

A As I recall, he did.

Q What did the President tell you?

A He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was

called "the stalker" by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as "the stalker" anymore?

A Yes, that's right.

Q Do you remember the President also saying that—and I'm quoting—"I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again"?

A Yes. He told me that.

Q And that was in the same conversation that you had with the President?

A Right, in—in that sequence.

Q Can you describe for us the President's demeanor when he shared this information with you?

A Yes. He was, uh, very upset. I thought he was, a man in anguish.

He was a man in anguish. This was more than rakish behavior. When the President used his aides as a conduit to impart false information to a Federal grand jury in a criminal investigation, his behavior graduated from the unconscionable to the illegal.

Members of the Senate, your task is to determine who is telling the truth and who is lying. As you weigh that option, consider Mr. Blumenthal's conclusion drawn on the very subject.

(Text of videotape presentation:)

Q That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A I do.

To justify a vote of not guilty for the President, you certainly have the right to reject Monica Lewinsky's testimony as untruthful. However, I trust your sense of fairness will dictate that you will listen to all of her testimony before you dismiss it outright. If you believe her, you will see this morning how the President wove the web of perjury and obstruction of justice. You will see why he was impeached by the House of Representatives, and you will see why a just and proper verdict in this body would be to replace him as President with Vice President Al Gore.

Consider, for example, Ms. Lewinsky's testimony regarding witness tampering, one element of the obstruction of justice charge against the President. The President stands charged with illegally encouraging a witness in a Federal civil rights suit brought against him to give perjured testimony in that proceeding. Did he do this? Listen to Monica Lewinsky.

(Text of videotape presentation:)

We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A Correct.

Q And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you

were coming to my office to deliver papers or to see Betty Currie; is that right?

A Correct. It was from the entire relationship, that story.

Q Now, when he alluded to that cover story, was that instantly familiar to you?

A Yes.

Q You knew what he was talking about?

A Yes.

Q And why was this familiar to you?

A Because it was part of the pattern of the relationship.

It was part of the pattern of the relationship. During Ms. Lewinsky's testimony earlier this week under oath pursuant to a Senate deposition order, she further elaborated on this critical piece of evidence.

(Text of videotape presentation:)

Q Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A Yes, sir.

Q And what was said?

A Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q I think you've testified that you're sure he said that that night. You are sure he said that that night?

A Yes.

Consider also Ms. Lewinsky's testimony regarding concealing subpoenaed evidence; namely, the gifts he gave her. This is yet another element in the obstruction of justice allegation against the President. The President stands charged with corruptly engaging in a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him. Did he do this? Remember, on the morning of December 28, 1997, a few days after Ms. Lewinsky received a subpoena directing her to turn over any gifts she had received from the President, the President met with Ms. Lewinsky. She suggested to him that she could give the gifts he gave her to Betty Currie, the President's personal secretary. The President said that he would think about it. Listen to what Monica Lewinsky said happened next.

(Text of videotape presentation:)

Did you later that day receive a call from Betty Currie?

A Yes, I did.

Q Tell us about that.

A I received a call from—Betty, and to the best of my memory, she said something like I understand you have something for me or I know—I know I've testified to saying that—that I remember her saying either I know you have something for me or the President said you have something for me. And to me, it's a—she said—I mean, this is not a direct quote, but the gist of the conversation was that she was going to go visit her mom in the hospital and she'd stop by and get whatever it was.

Q Did you question Ms. Currie or ask her, what are you talking about or what do you mean?

A No.

Q Why didn't you?

A Because I assumed that it meant the gifts.

As you can see, the only way Betty Currie would have known to come and get the gifts would have been for the President to tell her to do so.

Finally, consider Ms. Lewinsky's testimony regarding the President's help in securing a New York job for her to encourage her silence, which is another element of the obstruction of justice charge against him. The President is charged with chasing a job for her in order to prevent her truthful testimony. Did he do this? Remember that the President learned on December 6, 1997, that Ms. Lewinsky was on the Paula Jones witness list.

Listen to Monica Lewinsky.

(Text of videotape presentation:)

Q Okay. Between your meeting with Mr. Jordan in early November, and December the 11th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A I hadn't seen any progress.

Q Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A Yes.

Q In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A Yes.

Members of the Senate, these are but a few highlights of a broad tapestry of corruption that Mr. Manager HUTCHINSON and I will develop for you this morning through videotape testimony and through other evidence.

Before we proceed to that, it is worth briefly recounting the circumstances that elevated the President's initial indiscretions to the level of impeachable offenses. The lesson is not complex. It is quite elementary.

In all the things we do in life, life is about making choices. Parents teach children that bad choices bring sorrow and consequences. We do that because the failure to impose meaningful consequences for bad choices brings about more bad choices. That simple primer on life encapsulates the political and personal legacy of Bill Clinton, his continuing pattern of indulging all choices and accepting no consequences. This is demonstrated by the actions he took leading to his impeachment and trial before the Senate.

In May 1991, an incident allegedly occurred that led the President to make a bad choice. According to Paula Jones, a subordinate government employee, then-Governor Clinton made a crude and unwelcome sexual advance on her. She later filed a legal claim for sexual harassment against him.

In November 1995, the President made another bad choice. He began a physical relationship with a 22-year-old White House intern. He chose to begin a physical relationship with her. This was not, as he told the grand jury, a relationship that began as a friendship only to later blossom into intimacy. The President impulsively began using her for his gratification the very day he first spoke with her. Later, he made the bad choice of continuing the relationship after Monica became a paid Government employee.

An important note. As regrettable as his choice was here, any accountability

for the private aspect of this should not be determined by the Congress of the United States. It should be determined by his family. Had the President's bad choice simply ended with this indiscretion, we would not be here today. Adultery may be a lot of things, but it is not an impeachable offense.

Unfortunately, the President's bad choices only grew worse. In December 1997, the President made a bad choice. In order to avoid any possible legal accountability to Paula Jones, he chose to destroy her lawful right to proceed with her case. And this is how he did it: During the so-called discovery portion of the Paula Jones case, Federal Judge Susan Wright ordered the President to answer questions under oath about any intimate relationship he may have had with subordinate female government employees while he was Governor or President.

Why did Judge Susan Wright order him to answer these questions? She did it because sexual harassers in the workplace usually do not commit their offenses in the open. Typically they get their victims alone and isolated. Predators know if they can do this, one of two things generally will happen. Out of fear and intimidation the victim will submit, or out of fear and intimidation the victim will not submit but the victim will not tell anybody about it.

There usually is no other way for a sexual harassment victim to learn if there is evidence of a pattern of similar conduct by a predator without being able to ask these kinds of questions in a sexual harassment case. Without this information, a harassment victim in the workplace generally would not be able to prove her case. This is why courts routinely order defendants to answer these kinds of questions in almost every sexual harassment case in the country.

Now, President Clinton vigorously pursued legal arguments and motions to avoid answering these questions about his sexual relations with subordinate government employees. Yet, after hearing his arguments, Judge Susan Wright ordered the President to answer under oath these routine questions. And by the way, Paula Jones also was required to provide truthful answers under oath as part of the trial of the discovery process. Had Paula Jones lied in providing such answers, she would have been liable for criminal prosecution.

It was while the Paula Jones case was proceeding in the summer of 1995, that a 22-year-old named Monica Lewinsky went to work as an intern at the White House. Shortly thereafter, in November 1995, the President began his physical relationship with Monica Lewinsky. And this continued from 1995 until the early part of 1997.

In order to shield him, Monica Lewinsky promised the President that she would always deny the sexual nature of their relationship. She said she would always protect him. The President spoke words of approval and en-

couragement to this pledge of secrecy. Monica and the President even agreed to cover stories to disguise the true nature of their relationship.

In April 1996, Monica was transferred, against her will, from the White House job to a job at the Pentagon. After she left employment at the White House, she frequently returned there to continue her secret relationship with the President under the guise of visiting Betty Currie, the President's personal secretary.

After working at the Pentagon for over a year, Monica became disheartened. Despite the President's promises to the contrary, Monica was not returned to work at the White House. In July 1997, she began looking for a job in New York. She wasn't having any luck, despite the President's promise to help her with this, too. By early November 1997, Monica became frustrated with the lack of assistance.

Finally, Betty Currie arranged a meeting for Monica with Vernon Jordan, one of the President's closest friends. They sought to enlist his help in her New York job search. On November 5, 1997, Monica met for 20 minutes with Mr. Jordan in his office. No job referrals followed, no job interviews were arranged, and there were no contacts from Mr. Jordan. In short, Mr. Jordan made no effort to find Monica a job. Indeed, getting her a job was so unimportant to him that Mr. Jordan later testified that he didn't even remember meeting her on November 5.

Nothing happened on her job search through the month of November, because Mr. Jordan was either gone or he simply wasn't returning Monica's phone calls. All that changed on December 5, 1997. That was the day Monica Lewinsky's name appeared on the Paula Jones witness list.

Members of the Senate, this is how the whole thing started. A lone woman in Arkansas felt that she had been wronged by the President of the United States. The law said that she had a right to have her claim heard in a court of law. At each stage the President could have chosen to uphold the law. Instead, he chose to obstruct justice and to commit perjury.

In his presentation, Mr. Manager HUTCHINSON will show you, through videotape words of the key witnesses, how the President used his position to obstruct justice as set forth in the articles of impeachment. I will then return to make the same showing respecting the allegations of perjury in the articles. Throughout all of this, throughout this presentation, it is important to keep in mind that we seek no congressional punishment for a man who chose to cheat on his wife. However, we have a legal obligation to expect constitutional accountability for a President who chooses to cheat the law.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, I want to continue the presentation

that was commenced this morning by Mr. Rogan. Let me continue with the path of obstruction. The obstruction, for our purposes, began on December 5, 1997, when the witness list came out in the civil rights case. It was faxed to the President's lawyers. It was later given to the President.

At that point, the administration of justice became a threat to the President of the United States. He determined that the truth would be harmful to the case that he was trying to defend, and the President made a decision to take whatever steps were necessary to suppress the truth rather than to uphold the law. The acts of obstruction included attempts to improperly influence the testimony of witnesses in the case against him, the procurement of a false affidavit in the case, the willful concealment of evidence that was under subpoena, and efforts to illegally influence the testimony of witnesses before the Federal grand jury.

You have heard these areas of obstruction presented to you before by managers on behalf of the House. Today it is important that you hear this case from those who have testified by deposition at your direction. And as you hear their testimony, you will see that the President may have been the only individual who had the complete picture. He had all the facts, and he did not always share those facts with others. He did not share those facts with Mr. Vernon Jordan, nor did he share all the facts with Ms. Monica Lewinsky, until he determined the time was right to do so.

For example, he knows that Ms. Lewinsky is a witness but does not tell Ms. Lewinsky that fact until the time is right and whenever the job search is proceeding. He asks Mr. Jordan to help Ms. Lewinsky to get a job, but he does not tell Mr. Jordan the essential facts, first of all, that Ms. Lewinsky is a witness and, secondly, that there is a dangerous relationship between them in which, if she testified, her testimony would be harmful.

The President was obviously concerned about the truth of the testimony of Ms. Lewinsky. It would have been harmful to his interests in the case. As a result, the President personally obstructed and directed the efforts of Mr. Jordan to secure Ms. Lewinsky a job and urge the filing of the affidavit. Now, what is the President's defense to this charge? Let's listen.

(Text of videotape presentation:)

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

Now, you have heard that before. As you can see, Mr. Jordan defends his actions and, by implication, defends the actions of the President. You can weigh his intentions, but his intentions are not the issue, because regardless of your view of Mr. Jordan and his motivations, they are irrelevant. His view as to whether there is a connection between the job and the testimony is not

an issue. It is not an issue as to whether Ms. Lewinsky thought there was a connection between the job and the testimony. It is not an issue as to whether Revlon thought there was a connection between the job and the testimony.

There is only one issue, and that is whether the President viewed that there was a connection between those two. And it is the President who, under the law, had to have the corrupt intent, and that is the question that you have to answer. And I believe that the evidence will show that regardless of what anyone else believed, he knew the direct connection.

Now, after each of you hears the testimony of Ms. Lewinsky and Mr. Jordan, some of you will conclude that surely he had to know that there was an inappropriate relationship between the President and Ms. Lewinsky. And why do I say that? Well, Ms. Lewinsky will testify that he made it clear—that she made it clear to Mr. Jordan that there was that type of relationship. At first, she sort of is careful about it, but then she just ultimately tells him, as you will see from her testimony. But Mr. Jordan also, for those who have listened to his testimony, refers to mother wit, and his oft relied upon mother wit would have told him as well, under the circumstances, that there is something more going on.

If he knew about the relationship, he had to know that all was not as it should be in what the President was asking him to do. The President requested a job for Ms. Lewinsky at the same time he was monitoring the filing of a false affidavit and knowing she was a witness in a case against him: All indicated that the job was not a favor for a young friend but it was a favor for someone in high office that had to be accomplished in order to assure the cooperation of a dangerous witness. That evidence will show that it is the President who suggested the assistance from Ms. Lewinsky and it is the President who suggested the false affidavit.

Now, let's listen to the testimony, step by step, through the job search, through the signing of the false affidavit, to the encouragement to file the false affidavit on December 17, to the discussion of the gifts on December 28, through the tampering with the testimony of Betty Currie on two occasions, and then with the President's aide when they were called before the Federal grand jury, or prior to that.

First, let's go to the job benefit to Ms. Lewinsky. How involved was the President in this activity? Let's first listen to the President as to what he said when he testified under oath in his deposition.

(Text of videotape presentation:)

Q Do you know a man named Vernon Jordan?

A I know him well.

Q You have known him for a long time?

A A long time.

Q Has it ever been reported to you that he met with Monica Lewinsky and talked about this case?

A I knew that he met with her. I think Betty suggested he met with her and she may have met with her. I thought that he talked with her about something else. I thought he had given her some advice about her move to New York. It seems like that is what Betty said.

Rather vague. Attributes all of his knowledge about Vernon Jordan, in reference to Ms. Lewinsky, to Betty, to Betty.

Let's go on and hear more of what the President has to say in this connection.

(Text of videotape presentation:)

Q Have you ever had a conversation with Vernon Jordan in which Monica Lewinsky was mentioned?

A I have. He told me that he thought he mentioned in passing to me that he had talked to her and she had come to him for advice about moving to New York.

Q She had come to him for advice.

A She had come to him for advice about moving to New York. She had called him and asked if she could come see him, and Betty, I think, maybe had said something to him about talking to him and he had given her some advice about moving to New York.

That's all I know about that.

That is all I know about that—diminished knowledge, diminished responsibility.

But let's see what his good friend and confidant, Mr. Jordan, says about what the President knew, when he knew it, and to what extent he controlled this effort.

(Text of videotape presentation:)

Q Now, is it true that your efforts to find a job for Ms. Lewinsky that you referenced in that meeting with Mr. Gittis—were your efforts carried out at the request of the President of the United States?

A There is no question but that through Betty Currie, I was acting on behalf of the President to get Ms. Lewinsky a job. I think that's clear from my grand jury testimony.

Q Okay. And I just want to make sure that that's firmly established. And in reference to your previous grand jury testimony, you indicated, I believe, on May 28th, 1998, at page 61, that "She"—referring to Betty Currie—"was the one that called me at the behest of the President."

A That is correct, and I think, Congressman, if in fact the President of the United States' secretary calls and asks for a request that you try to do the best you can to make it happen.

Q And you received that request as a request coming from the President?

A I—I interpreted it as a request from the President.

Q And then, later on in June of '98 in the grand jury testimony at page 45, did you not reference or testify that "The President asked me to get Monica Lewinsky a job"?

A There was no—there was no question but that he asked me to help and that he asked others to help. I think that is clear from everybody's grand jury testimony.

Q And just one more point in that regard. In the same grand jury testimony, is it correct that you testified that "He"—referring to the President—"was the source of it coming to my attention in the first place"?

A I may—if that is—if you—if it's in the—

Q It's at page 58 of the grand jury—

A I stand on my grand jury testimony.

As Mr. Jordan testified, the President was a source of it coming to his attention in the first place. Mr. Jordan, the President's friend, testified

that this was not a casual matter for the President. He was interested, he was directing the show and, as will be clear, he was consumed with preventing the truth from coming out in the civil rights case.

But let's start back, for a moment, at the beginning. In the packet provided to you, there is a time line, and you can see again that there was the witness list that came out on December 5. That triggered the action in this case. But as we know, there was a meeting on November 5 between Ms. Lewinsky and Mr. Jordan in Mr. Jordan's office. Ms. Lewinsky wanted a job before the witness list came out, but not a whole lot was happening in that regard.

Let's look at the testimony of Mr. Jordan in regard to this November 5 meeting that he was first asked about, which he had no recollection about. When the records were reproduced for him, he had a recollection.

(Text of videotape presentation:)

Q Well, regardless of whether you met with her in November or not, the fact is you did not do anything in November to secure a job for Ms. Lewinsky until your activities on December 11 of '97?

A I think that's correct.

Q And on December 11, I think you made some calls for Ms. Lewinsky on that particular day?

A I believe I did.

There will be a pattern developing, as you can see. Mr. Jordan had no recollection of the November 5 meeting when he originally testified before the grand jury. He had no recollection whatsoever of that meeting. Basically, he said it didn't happen.

The second time he testified before the grand jury, the record was produced and it was substantiated. He recalls that. The second thing you can see from this was the meeting was of absolutely no consequence to him because this was not a priority issue to him. He was not going to do anything. It started happening, of course, when the witness list came out. The President met with the attorneys with the witness list, and on December 7 the President and Mr. Jordan meet. On December 8, a meeting is set up by Ms. Lewinsky with Mr. Jordan for the 11th, and it was on the 11th when they met that things started moving and calls were being made. Of course, that was done at the direction of the President.

Look at Ms. Lewinsky's recollection of that same November 5 meeting.

(Text of videotape presentation:)

Q . . . you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A I hadn't seen any progress.

Q Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A Yes.

Q In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A Yes.

Ms. Lewinsky, at this point, is at their mercy. She doesn't know what the communication is, she doesn't

know what the President knows. The witness list has come in, and she hoped things were moving, but she doesn't know it. Finally, they start moving after the witness list comes in. On December 11, she has the meeting at which things start moving.

Was this a typical referral? Each of you in this body have had occasions where friends and acquaintances, at different levels, or previous employees come to you and say: I am going to be applying for a job with such and such a company. Will you be a reference for me?

Sometimes they ask you to make a call to that company that they are applying for a job. This is not a typical referral, as you will see from the testimony. A few days prior to the December 11 meeting, Ms. Lewinsky sends up a wish list of the companies she wanted to apply. Mr. Jordan quickly said, "I'm not concerned about your wish list. I have the people I want to deal with." He took control of the job search.

Let's listen to the testimony of Mr. Jordan as he emphasizes that point.

(Text of videotape presentation:)

Q Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A Not jobs—companies.

Q —companies that she would be interested in seeking employment with.

A That's correct.

Q And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q Absolutely. No question about it. And let me just comment and ask your response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name "Vernon Jordan" would be a good reference anywhere, would it not?

A I would hope so.

Q And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A Yes.

The testimony is very clear as to Mr. Jordan running the job search—in essence, a job placement on behalf of the President.

Let's go again to that meeting of December 11 at which Ms. Lewinsky goes, for the first time Mr. Jordan remembers, for that meeting about the jobs.

Ms. Lewinsky's view of this meeting—again, Jordan's list—he was the one controlling the job search. Also, you will see that Mr. Jordan acquires some knowledge from Ms. Lewinsky as to the relationship.

(Text of videotape presentation:)

Q Let's go forward another week or so to December the 11th and a lunch that you had with Vernon Jordan, I believe, in his office.

A Yes.

Q How did—how was that meeting set up.

A Through his secretary.

Q Did you instigate that, or did he call through his secretary?

A I don't remember.

Q What was the purpose of that meeting?

A Uh, it was to discuss my job situation.

Q And what, what—how was that discussed?

A Uh, Mr. Jordan gave me a list of three names and suggested that I contact these people in a letter that I should cc him on, and that's what I did.

Q Did he ask you to copy him on the letters that you sent out?

A Yes.

Q During this meeting, did he make any comments about your status as a friend of the President?

A Yes.

Q What—what did he say?

A In one of his remarks, he said something about me being a friend of the President.

Q And did you respond?

A Yes.

Q How?

A I said that I didn't, uh—I think I—my grand jury testimony, I know I talked about this, so it's probably more accurate. My memory right now is I said something about, uh, seeing him more as, uh, a man than as a President, and I treated him accordingly.

Q Did you express your frustration to Mr. Jordan with, uh, with the President?

A I expressed that sometimes I had frustrations with him, yes.

Q And what was his response to you about, uh—after you talked about the President?

A Uh, he sort of jokingly said to me, You know what your problem is, and don't deny it—you're in love with him. But it was a sort of light-hearted nature.

Q Did you—did you have a response to that?

A I probably blushed or giggled or something.

That was on December 11. And I am sure Mr. Jordan and others were starting to kick in, at this point, understanding that there was something a little bit more involved in the relationship between Ms. Lewinsky and the President.

But let's go to another aspect of the relationship on the job search. Let's look how information is controlled. Mr. Jordan learns ultimately on December 19 clearly that Ms. Lewinsky is on the witness list because she presents a subpoena to him. But whenever he pursues the jobs later on and maybe the call to Mr. Perelman, he does not pass that information along to the company. Does that make a difference to Revlon? You will hear some reference to Mr. Halperin, who is one of the executives at MacAndrews & Forbes, the parent company of Revlon, and Mr. Perelman, who is the CEO of MacAndrews and Forbes as well.

Let's listen to the testimony of Mr. Jordan on how information is controlled.

(Text of videotape presentation:)

Q Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A That's correct.

Q Now, I wanted to read you a question and answer of Mr. Howard Gittis in his grand jury testimony of April 23, 1998.

The question was: "Now, you had mentioned before that one of the responsibilities of director is to have a fiduciary duty to the company. If it was the case that Ms. Lewinsky had been noticed as a witness in the Paula Jones case, and Vernon Jordan had known that, is that something that you believe as a person who works for MacAndrews & Forbes, is that something that you believe that Mr. Jordan should have told you, or someone in the company, not necessarily you, but someone in the company, when you referred her for employment?"

His answer was "Yes."

Do you disagree with Mr. Gittis' conclusion that that was important information for MacAndrews & Forbes?

A I obviously didn't think it was important at the time, and I didn't do it.

Why would Revlon want to know that Ms. Lewinsky was on a witness list and under subpoena in a case that was adverse to the President and the fact the President was really the one that was wanting the job placement for Ms. Lewinsky? I think everyone understands the extraordinary conflict, extraordinary impropriety of that circumstance. As Mr. Jordan himself testified previously, that whenever the subpoena was issued, it changed the circumstances, and, yet, that information was not provided to Revlon, and Mr. Gittis certainly would have thought that it should have been.

So Revlon wanted to know for the same reason, really, that Mr. Jordan would have liked to have had that information. But when the President learned that Ms. Lewinsky was on the witness list, he did not share that information with Mr. Jordan himself.

So it is explosive information that the President did not make available to him until the right time.

Let's listen to Mr. Jordan.

(Text of videotape presentation:)

Q All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A If there was a discussion subsequent to Monica Lewinsky's visit to me on December the 11th with the President of the United States, it was about the job search.

Q All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A He was aware that—she was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having

conversations with me. There is no doubt about that.

Q And he thanked you for helping her?

A There's no question about that, either.

Q And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A He did not.

The President knew it was not disclosed to Mr. Jordan, according to his testimony. Mr. Jordan has to be reminded as to how important this information was because, he previously testified, that he expected to be told. It was significant enough information that if Ms. Betty Currie knew that Ms. Lewinsky was under subpoena that Betty Currie should tell him. He expected the President to tell him. That was his expectation, for natural reasons—that this is an extraordinary conflict whenever the President knows there is a relationship. She is an adverse witness. She is under subpoena, and provided a job benefit. But he kept some of those details to himself without disclosing.

Let's listen again to Mr. Jordan.

(Text of videotape presentation:)

Q Precisely. She disclosed to you, of course, when she received the subpoena, and that's information that you expected to know and to be disclosed to you?

A Fine.

Q Is—

A Yes, Fine.

Q And in fact, if Ms. Currie—I'm talking about Betty Currie—if she had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information as well since you were seeking employment for Ms. Lewinsky?

A Well, it would have been fine had she told me. I do make a distinction between being a witness on the one hand and being a defendant in some sort of criminal action on the other. She was a witness in the civil case, and I don't believe witnesses in civil cases don't have a right for—to employment.

Q Okay. I refer you to page 95 of your grand jury testimony, in which you said: "I believe that had Ms. Currie known, that she would have told me."

And the next question: "Let me ask the question again, though. Would you have expected her to tell you if she knew?"

And do you recall your answer?

A I don't.

Q "Yes, sure."

A I stand by that answer.

Q And so it's your testimony that if Ms. Currie had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information?

A It would have been helpful.

Q And likewise, would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

A That would have been helpful, too.

Q And that was your expectation, that he would have done that in your conversations?

A It—it would certainly have been helpful, but it would not have changed my mind.

Q Well, being helpful and that being your expectation is a little bit different, and so I want to go back again to your testimony on March 3, page 95, when the question is asked to you—question: "If the President had any reason to believe that Ms. Lewinsky could be

called a witness in the Paula Jones case, would you have expected him to tell you that when you spoke with him between the 11th and the 19th about her?"

And your answer: "And I think he would have."

A My answer was yes in the grand jury testimony, and my answer is yes today.

Q All right. So it would have been helpful, and it was something you would have expected?

A Yes.

Q And yet, according to your testimony, the President did not so advise you of that fact in the conversations that he had with you on December 7th and December 11th after he learned that Ms. Lewinsky was on the witness list?

A As I testified—

MR. KENDALL: Objection. Misstates the record with regard to December 11th.

MR. HUTCHINSON: I—I will restate the question. I believe it accurately reflects the record, and I'll ask the question.

BY MR. HUTCHINSON:

Q And yet, according to your testimony, the President did not so advise you of the fact that Ms. Lewinsky was on the witness list despite the fact that he had conversations with you on two occasions, on December 7th and December 11th?

A I have no recollection of the President telling me about the witness list.

Now, I am providing some long snippets because I want you to see the testimony of the witnesses. I think it is very important as you piece it together. You might say, well, there is nothing explosive here. Whenever you are talking about obstruction of justice, it ties together, it fits together. Information is controlled and that is what we see in this particular case.

Clearly, Mr. Jordan expected information because he knew that something that the President should have shared, it was not shared, according to Mr. Jordan's testimony. And for natural reasons.

If you look at the exhibit that I passed out, on the time line we have talked about when the witness list came out, on the 7th, and on the 11th, or sometime thereafter, the President and Mr. Jordan meet, and that information is not disclosed, despite the fact that the President knows she is on the witness list.

And now, let's go to the 17th, because now the President is ready to share some additional information with Ms. Lewinsky. Now that he has got the job search moving, perhaps she is in a more receptive mood so that she can handle the news that she is on the witness list. So let's listen to Ms. Lewinsky's testimony as to this December 17, 2 a.m., telephone conversation from the President of the United States.

(Text of videotape presentation:)

Q Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A Yes.

Q What was the purpose of that call? What did you talk about?

A It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christ-mas present he had for me.

Q This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30. A Correct.

Q Did it surprise you that he called you so late?

A No.

Q Was this your first notice of your name being on the Paula Jones witness list?

A Yes.

Q I will try to ask sharper questions to avoid these objections. At that point we got a telephone conversation in the morning with you and the President. And he has, among other things, mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right.

A Correct.

Q And he's also, I think, now at the point that we were in our questioning in reference to the cover story that you and he had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie. Is that right.

A Correct. It was from the entire relationship. That's correct.

Q Now, when he alluded to that cover story, was that instantly familiar to you.

A Yes.

Q You knew what he was talking about.

A Yes.

Q And why was this familiar to you.

A Because it was part of the pattern of the relationship.

\* \* \*

Q As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A Correct.

Q —and after he told you you would be a witness—or your name was on the witness list, I should say?

A Correct.

Q And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q Were you in fact subpoenaed to testify?

A Yes.

Q And that was what—

\* \* \*

Q Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q And you would deny the relationship to the Jones lawyers?

A Yes, correct.

Q Good.

Do you believe Monica Lewinsky? I believe her testimony is credible. She is not trying to hammer the President. She is trying to tell the truth as to her recollection of this 2 a.m. call to her by the President of the United States on December 17.

The news is broken to her that she is on the witness list. It puts it in a legal context. This is a 24-year-old ex-intern. She might not have the legal sophistication of the President, but the President certainly knows the legal



consequences as to his actions. What he is telling a witness in a case that is adverse to him is that: You do not have to tell the truth. You can use the cover stories that we used before. And that might have been in a nonlegal context, but now we are in a different arena and he says: Continue the same lies, even though you are in a court of law. Continue the same pattern.

Ladies and gentlemen of the Senate, in my book that is illegal, and I hate to say it, but that is obstruction of justice by the President of the United States. And, if you believe Ms. Lewinsky, then you have to accept that fact. Otherwise, we are saying that it is all right for someone to take a witness who is against them and say: Don't tell the truth, don't worry about that, use the cover stories. You can file an affidavit. You can avoid telling the truth.

Ladies and gentlemen, this is significant. It is important. Do not diminish this, the impact of what happened on December 17, with the obstruction of justice on that occasion.

And, now, let's move on. That is December 17. We can move on to December 19, and this is when the subpoena is actually delivered to Ms. Lewinsky. She calls Vernon Jordan. She is in tears. She is upset. Vernon Jordan says, "Come over to my office," and they have the discussion. And you are going to hear Mr. Jordan's version of what happens on December 19. You are going to hear Ms. Lewinsky's testimony as to what happens in that office on December 19 as well.

Let's hear from Mr. Jordan.

(Text of videotape presentation:)

Q And during this meeting, did she in fact show you the subpoena that she had received in the Jones litigation?

A I'm sure she showed me the subpoena.

Q And the subpoena that was presented to you asked her to give a deposition, is that correct?

A As I recollect.

Q But did it also ask Ms. Lewinsky or direct her to produce certain documents and tangible objects?

A I think, if I'm correct in my recollection, it asked that she produce gifts.

Q Gifts, and some of those gifts were specifically enumerated.

A I don't remember that. I do remember gifts.

Q And did you discuss any of the items requested under the subpoena?

A I did not. What I said to her was that she needed counsel.

Q Now, just to help you in reference to your previous grand jury testimony of March 3, '98—and if you would like to refer to that, page 121, but I believe it was your testimony that you asked her if there had been any gifts after you looked at the subpoena.

A I may have done that, and if I—if that's in my testimony, I stand by it.

Q And did she—from your conversation with her, did you determine that in your opinion, there was a fascination on her part with the President?

A No question about that.

Q And I think you previously described it that she had a "thing" for the President?

A "Thing," yes.

Q And did you make any specific inquiry as to the nature of the relationship that she had with the President?

A Yes. At some point during that conversation, I asked her directly if she had had sexual relationships with the President.

Q And is this not an extraordinary question to ask a 24-year-old intern, whether she had sexual relations with the President of the United States?

A Not if you see—not if you had witnessed her emotional state and this "thing," as I say. It was not.

Q And her emotional state and what she expressed to you about her feelings for the President is what prompted you to ask that question?

A That, plus the question of whether or not the President at the end of his term would leave the First Lady; and that was alarming and stunning to me.

Q And she related that question to you in that meeting on December 19th?

A That's correct.

Q Now, going back to the question in which you asked her if she had had a sexual relationship with the President, what was her response?

A No.

Q And I'm sure that that was not an idle question on your part, and I presume that you needed to know the answer for some purpose.

A I wanted to know the answer based on what I had seen in her expression; obviously, based on the fact that this was a subpoena about her relationship with the President.

Q And so you felt like you needed to know the answer to that question to determine how you were going to handle the situation?

A No. I thought it was a factual data that I needed to know, and I asked the question.

Q And why did you need to know the answer to that question?

A I am referring this lady, Ms. Lewinsky, to various companies for jobs, and it seemed to me that it was important for me to know in that process whether or not there had been something going on with the President based on what I saw and based on what I heard.

Why was it important? Why was it important for Mr. Jordan to know whether she was under subpoena? Why was it important for Mr. Jordan to know whether there was a sexual relationship? Why was it important? Because those would be incredible, explosive ingredients in a circumstance that is fraught with danger and impropriety, and he knows that and he asked the right questions. But he doesn't listen to the right answer, nor does he take the right steps, because he is acting at the direction of the President.

As you will see, during his meeting on December 19, he was keeping the President very closely informed. You will see in your packet of materials that the call—as soon as he was notified, Mr. Jordan was notified Ms. Lewinsky was under subpoena, he tried to get ahold of the President, exhibit H-25, a 3:51 call to the President. He didn't make contact at that point. Ms. Lewinsky came into his office about 4:47. It was at 5:01 that he received a call from the President. So the President actually called him at the same time Ms. Lewinsky was in the office.

Let's look at Ms. Lewinsky's testimony as to her recollection of that December 19 meeting with Mr. Jordan.

(Text of videotape presentation:)

Q You went to see Mr. Jordan, and you were inside his office after 5 o'clock, and you did—is that correct?

A Yes.

Q Were—were you interrupted, in the office?

A Yes. He received a phone call.

Q And you testified that you didn't know who that was that called?

A Correct.

Q Did you excuse yourself?

A Yes.

Q What—after you came back in, what—what occurred? Did he tell you who he had been talking to?

A No.

Q Okay. What happened next?

A I know I've testified about this—

Q Yes.

A—so I stand by that testimony, and my recollection right now is when I came back in the room, I think shortly after he had placed a phone call to—to Mr. Carter's office, and told me to come to his office at 10:30 Monday morning.

Q Did you know who Mr. Carter was?

A No.

Q Did Mr. Jordan tell you who he was?

A No—I don't remember.

Q Did you understand he was going to be your attorney?

A Yes.

Q Did you express any concerns about the—the subpoena?

A I think that happened before the phone call came.

Q Okay, but did you express concerns about the subpoena?

A Yes, yes.

Q And what were those concerns?

A In general, I think I was just concerned about being dragged into this, and I was concerned because the subpoena had called for a hatpin, that I turn over a hatpin, and that was an alarm to me.

Q How—in what sense was it—in what sense was it an alarm to you?

A The hatpin being on the subpoena was evidence to me that someone had given that information to the Paula Jones people.

Q What did Mr. Jordan say about the subpoena?

A That it was standard.

Q Did he have any—did he have any comment about the specificity of the hatpin?

A No.

Q And did you—

A He just kept telling me to calm down.

Q Did you raise that concern with Mr. Jordan?

A I don't remember if—if I've testified to it, then yes. If—I don't remember right now.

Q Did—would you have remembered then if he made any comment or answer about the hatpin?

A I mean, I think I would.

Q And you don't remember?

A I—I remember him saying something that it was—you know, calm down, it's a standard subpoena or vanilla subpoena, something like that.

What we see here is another example of compartmentalization of information. During this meeting with Ms. Lewinsky, Mr. Jordan receives a call from the President, presumably in response to a call he had placed to the President, to tell him Ms. Lewinsky had been subpoenaed. When the President calls, Mr. Jordan takes that call in private. It is about Ms. Lewinsky, it is about the subpoena, and that information is not shared with Ms. Lewinsky. It is of interest to her.

Let's go on and hear some more about Ms. Lewinsky's version of that conversation on December 19.

(Text of videotape presentation:)



Q. Did Mr. Jordan during that meeting make an inquiry about the nature of the relationship between you and the President?

A. Yes, he did.

Q. What was that inquiry?

A. I don't remember the exact wording of the questions, but there were two questions, and I think they were something like did you have sex with the President or did he—and if—or did he ask for it or some—something like that.

At this point, Ms. Lewinsky denies the relationship. She thinks this is some type of a test. She is not sure the reason for the question. She thinks he knows there is a little confusion on that. Clearly, Mr. Jordan is not satisfied with the answer. Mother wit is still around, as he indicated. But he feels so concerned about it that that night he goes to see the President, that we will later see, and asks that same question of the President.

Now, let's talk to President Clinton and see what he testifies about when this information was reported to him on the subpoena. Let's listen to the testimony of President Clinton.

(Text of videotape presentation:)

Q Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with subpoena in this case?

A I don't think so.

Q Did you ever talk with Monica Lewinsky about the possibility that she might be asked to testify in this case?

A Bruce Lindsey, I think Bruce Lindsey told me that she was, I think maybe that's the first person told me she was. I want to be as accurate as I can.

Mr. KERREY addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Can I ask the manager to identify which deposition this is?

Mr. Manager HUTCHINSON. This is the January deposition.

Mr. KERREY. Mr. Chief Justice, will the manager answer the question and then show that again? This is the second time he has shown a tape of the President without indicating which deposition it was.

The CHIEF JUSTICE. Yes, I think it would be a good idea for the manager if he will indicate what deposition it was, if you are showing a deposition video of the President.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice, and I thank the Senator for the question. It is a very fair question, and I will try to be more clear in the identification of that. This is the testimony of William Jefferson Clinton before the deposition in the Jones case in January, January 17. I believe—can we replay that? We are not going to replay that. Let me go on.

The testimony that he gave at that time was, "Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in that case," and the answer was, "I don't think so." Clearly, Mr. Jordan was keeping close contact with the President, telling him every step of the way, when the subpoena, the call, he is placing a call back—the information is there, but, of course, the President tries to diminish that.

Let's go on with some more testimony of Ms. Lewinsky.

(Text of videotape presentation:)

Q. Did you ask Mr. Jordan to call the President and advise him of the subpoena?

A. I think so, yes. I asked him to inform the President. I don't know if it was through telephone or not.

Q. And you did that because the President had asked you to make sure you let Betty know that?

A. Well, sure. With Betty not being in the office, I couldn't—there wasn't anyone else that I could call to get through to him.

Q. Did Mr. Jordan say to you when he might see the President next?

A. I believe he said he would see him that evening at a holiday reception.

Mr. LOTT. Mr. Chief Justice, could I inquire, was the manager thinking in terms of concluding this portion in 15 minutes, or do you want to take a break now?

Mr. Manager HUTCHINSON. This would be a good time for a break.

RECESS

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 15-minute break at this time.

There being no objection, at 11:30 a.m., the Senate recessed until 11:53 a.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice. I was going to take the opportunity to replay the videotape—in fact, I will now—that I did not properly explain before. This is the videotape of President Clinton and his testimony before the civil deposition in the Jones case in January of 1997.

The CHIEF JUSTICE. When you say "before," you actually mean "during," don't you? It is not before the deposition; his testimony was during the deposition.

Mr. Manager HUTCHINSON. Mr. Chief Justice, you are absolutely correct. Excuse me. Thank you.

(Text of videotape presentation:)

Q Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with subpoena in this case?

A I don't think so.

Q Did you ever talk with Monica Lewinsky about the possibility that she might be asked to testify in this case?

A Bruce Lindsey, I think Bruce Lindsey told me that she was, I think maybe that's the first person told me she was. I want to be as accurate as I can.

And now let's go to what Mr. Jordan has to say in reference to his contacts with the President when he learned of the subpoena on December 19. Let's play that tape.

(Text of videotape presentation:)

Q Now, Mr. Jordan, you indicated you had this conversation with the President at about 5:01 p.m. out of the presence of Ms. Lewinsky. Now, during this conversation with the President, what did you tell the President in that conversation?

A That Lewinsky—I'm sure I told him that Ms. Lewinsky was in my office, in the reception area, that she had a subpoena and that I was going to visit with her.

Q And did you advise the President as well that you were going to recommend Frank Carter as an attorney?

A I may have.

Q And why was it necessary to tell the President these facts?

A I don't know why it was not unnecessary to tell him these facts. I was keeping him informed about what was going on, and so I told him.

Q Why did you make the judgment that you should call the President and advise him of these facts?

A I just thought he ought to know. He was interested it—he was obviously interested in it—and I felt some responsibility to tell him, and I did.

Q All right. And what was the President's response?

A He said thank you.

Q Subsequent to your conversation with the President about Monica Lewinsky, did you advise Ms. Lewinsky of this conversation with the President?

A I doubt it.

Once again, Mr. Jordan testifies that the President was obviously interested in it. This was not a matter of casual interest to him. It was a matter of deep concern that jeopardized what he saw as his position in that lawsuit.

Now, let's go back again to the testimony of President Clinton, this time before the grand jury in August of 1998.

(Playing of videotape.)

Mr. STEVENS. We cannot hear that monitor.

Mr. Manager HUTCHINSON. I will read the answer again:

... and Mr. Jordan informed you of that, is that right?

Answer: No, sir.

Now, in fairness to the President, he gives a longer answer than that. I welcome anybody to read it, but it appears rather convoluted. I think that you can see the contrast. There is no question in Mr. Jordan's mind as to the details that he is providing to the President on a regular basis. We are on December 19. The subpoena is issued. He notifies the President. He notifies the President how the job search is going. He notifies the President that they got representation through Mr. Carter. So the details are provided to the President and to contrast that with the President's recollection as to did he have any contact with Mr. Jordan, once again diminishing that.

Let's go back to December 19, back to the chart—to December 19 when the subpoena is issued. Mr. Jordan meets with Monica Lewinsky. He confronts her about the relationship. Now, he goes that evening to see the President at the White House to confront him personally about it to discuss this with him. Let's hear from Mr. Jordan, and this is at the White House.

(Text of videotape presentation:)

Q. Now, would you describe your conversation with the President?

A. We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica

Lewinsky, and the President said, "No, never."

(Text of videotape presentation:)

A Well, we had established that.

Q All right. And did you tell him that you were concerned about her fascination?

A I did.

Q And did you describe her as being emotional in your meeting that day?

A I did.

Q And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A I did.

Q And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A And he said he had not, and I was satisfied—end of conversation.

Q Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q And did you expect your friend, the President of the United States, to give you a truthful answer?

A I did.

Q Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A I believed him, and I continued to do what I had been asked to do.

Q Well, my question was more did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job.

A I did not rely on his answer. I was going to pursue the job in any event. But I got the answer to the question that I had asked Ms. Lewinsky earlier from her, and I got the answer from him that night as to the sexual relationships, and he said no.

You will have to judge for yourselves as to why Mr. Jordan felt compelled to ask the question. He is asking the right questions. It was important information. If the President had said, "Yes; there is," then it would certainly have been inappropriate to continue providing a job benefit for a witness that you are seeking an affidavit from denying a relationship exists, when that witness would be adverse to the President's interest who is seeking the job.

To some that might be convoluted, and perhaps I didn't explain it as best it can be. But it looks to me like that is why Mr. Jordan is asking the question because he knows it would be inappropriate if that, in fact, did exist. He got an answer "no." I don't know what he thought in his mind. But clearly you see the conversations develop when Ms. Lewinsky made it totally clear to him without any question that there was that relationship. But still the job benefit was provided.

We are not going to have time to go through it all. But sequentially, the next thing that happens is December 2 when Ms. Lewinsky goes to Mr. Jordan's office where Mr. Jordan drives her in the chauffeur-driven government vehicle to Mr. Frank Carter's office where the attorney is that is provided for Ms. Lewinsky. And that is the only

time that it happened in the referral that Mr. Jordan took it upon himself to personally deliver a client to Mr. Carter. During that conversation, Ms. Lewinsky tells Mr. Jordan more of the details of their relationship.

But let's go to another element of obstruction—on December 28, a few days after Christmas. You are very familiar with this episode in which Ms. Lewinsky and the President meet. They exchange gifts. The testimony in the Jones case is discussed. There is concern expressed about the gifts. She asks the President in essence, Should I get them out of my house? And you will hear her answer. Her testimony is very clear on this. That is what I would like you to listen to. There is no ambiguity. There are no "what-ifs." It is very clear. And let's move now to the testimony of Ms. Lewinsky.

(Inaudible.)

Mr. LAUTENBERG. I can't hear.

Mr. GRAMM. Can we turn this up?

Mr. Manager HUTCHINSON. I don't think the question is audible.

Well, that is a different—it's not as sophisticated a sound collection system as the U.S. Senate used in the depositions here, so I apologize for the fact that that was inaudible but the question was asked of the President:

Q. After you gave her the gifts on December 28, did you speak with your secretary, Ms. Currie, and ask her to pick up a box of gifts that was some compilation of gifts that Ms. Lewinsky would have?

His answer:

No, sir, I did not do that.

His denial and then the facts presented by Ms. Lewinsky and the circumstantial evidence, the question was asked of Ms. Lewinsky:

Q. Did the President ever tell you to turn over the gifts?

A. Not that I remember.

But when I say that she that testified unequivocally, whenever Ms. Lewinsky was asked "Did you later that day receive a call from Ms. Currie," the answer was, "Yes, I did," and she goes ahead and explains it. There is no hesitation. There is no question. But their memory is clear that the call came from Betty Currie.

Now, how could Betty Currie know to go pick up the gifts? I think you understand there is only one way that could have come about, and that would be through a communication from the President to her.

Now, let's go on down the path. After we see the meeting on December 28, there was a meeting at the Hyatt on December 31. We could play this video—I would like to—with Vernon Jordan and with Ms. Lewinsky. This is a meeting at the Hyatt that Mr. Jordan totally denied ever happened in his first few testimonies before the grand jury. But in his most recent testimony before the Senate, in the deposition, he was confronted with receipts from the Hyatt, and the testimony of Ms. Lewinsky which was clear, and the corroborating facts. And he said yes, in fact, it did happen. And not only did he

recall the meeting, but then he recalled what was discussed, that yes, in fact, notes were discussed there.

And Ms. Lewinsky testifies that she raised the issue of other evidence that would be possibly in her apartment, notes to the President. According to her testimony, she was told that: You need to get rid of those.

Now, Mr. Jordan totally denies that. But the point is, there is more evidence at risk for the President. Mr. Jordan, who is doing the work for the President, has this conversation with Ms. Lewinsky that he earlier denied ever happened.

So, I think you look at credibility there. You believe Ms. Lewinsky? If you accept the testimony of Ms. Lewinsky, then you have more evidence that is at issue, and that is being urged to be destroyed and not available for the truth-seeking endeavor in the civil rights case. I think that is significant.

Now, you say that is not the President, that is Mr. Jordan. You have to put this in context. It is Ms. Lewinsky who says that she is talking to the President when she is talking to Mr. Jordan—and I am paraphrasing that, but that is what she was seeing—seeing Mr. Jordan as a conduit to the President.

Then we go on after the meeting in the Hyatt, we go into January, where the job search continues. But it is tied directly to the signing of the affidavit, which is false by its nature.

If we look at the testimony of Mr. Jordan, in the January 5 timeframe where the affidavit is prepared and discussed with Mr. Jordan:

(Text of videotape presentation:)

Q Do you know why you would have been calling Mr. Carter on 3 occasions the day before the affidavit was signed?

A Yeah, my recollection is, is that I was exchanging or sharing with Mr. Carter what had gone on, what she asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.

Q Would you have been relating to Mr. Carter your conversation with Ms. Lewinsky?

A I may have.

Q And if Ms. Lewinsky expressed to you any concerns about the affidavit would you have relayed those to Mr. Carter?

A Yes.

Q And if Mr. Carter was a good attorney that was concerned about the economics of law practice he would have likely billed Ms. Lewinsky for some of those telephone calls?

A You have to talk to Mr. Carter about his billing.

So you have Mr. Jordan discussing the affidavit with both Ms. Lewinsky and her attorney, Mr. Carter. And if you look at the testimony of Mr. Carter, he talks about the fact that he did bill some time for his conversations with Mr. Jordan. Certainly they are matters of substance in relation to the affidavit that was being discussed between the three: Ms. Lewinsky, Mr. Jordan, and Mr. Carter.

Now, let's hear what Ms. Lewinsky has to say on the changes that were made in the affidavit:

(Text of videotape presentation:)

Q OK, have you had an opportunity to review the draft of your affidavit?

A I—yes.

Q Do you have any comment or response?

A I received it. I made the suggested changes. And I believe I spoke with Mr. Jordan about the changes I wanted to make.

Now, because of time, I am not going to be able to go completely through all of their testimony but let me tell you time sequentially what is happening here. This is the second page of the time chart that you have.

January 5 and 6, the affidavit is prepared and discussed with Mr. Jordan and with the President.

On the 7th, the affidavit is signed. You recall Mr. Jordan lets the President know that the affidavit was signed. And he says he was interested, he was obviously interested in this.

On January 8 the job came through, the day after the affidavit was signed. And of course it had to come through, the personal call of Mr. Jordan to Mr. Perelman to "make it happen—if it can happen." Once that job is secured, the President is informed: Mission accomplished.

January 15, there are some inquiries from the news media about the gifts that had been delivered to the White House. This makes Betty Currie nervous enough that she has to go see Mr. Jordan about it.

You go to the 17th; the President gives his deposition in which that false affidavit is presented on behalf of Ms. Lewinsky and the President's attorney.

And then the next day, after that deposition is given, you go to January 18, where he is very concerned because he mentions Betty Currie's name so many times.

We were not able—we did not ask for the deposition of Betty Currie. We wish that we had had that opportunity. We would like to call her here. But that is one of the most critical and important elements of the structure in which the truth is so critically clear, because it happened not just on one day, because it happened on a couple of days.

We see on the 17th, the President is deposed. This is the third chart that you have. The 18th, the President coaches Betty Currie, going through the series of questions. On the 19th, there is this dramatic search for Ms. Lewinsky. On the 20th, the Washington Post story becomes known, because the President's counselors get calls and the OIC investigation becomes known.

On the 21st, at 12:30 a.m., the Post story appears on the Internet. At 12:41, the President calls Bruce Lindsey. At 1:16 a.m., the Post story appears. The President calls Betty Currie for 20 minutes, discusses the Post story. And then, according to Betty Currie, on the 20th or the 21st, it was the second incident of coaching that took place, where the President calls her in and goes through that series of questions: I did

nothing wrong; she came on to me; we were never alone. And so that was the second time that it happened. And that, ladies and gentlemen of the Senate, is another example of witness tampering: A known witness clearly going to be testifying, a subordinate employee who is called in and coached.

Now, the President says, "I was trying to gain facts." You determine that. You are the ones who have to defend that question as to whether, under common sense, the President was gaining information on two separate occasions or whether he was actually trying to tamper with the testimony of a witness.

The 21st, she is subpoenaed by the OIC. The 23rd, she is added to the Jones witness list.

Now I want to play the last video clip that I am going to move to on Ms. Lewinsky, some things that she said that are different with regard to the President:

(Text of videotape presentation:)

Q The President did not in that conversation on December 17 of 1997, or any other conversation for that matter, instruct you to tell the truth; is that correct?

A That's correct.

\* \* \* \* \*

Q But the—the pattern that you had with the President to conceal this relationship, it was never questioned that, for instance, that given day that he gave you gifts you were not going to surrender those to the Jones attorneys because that would—

A In my mind there is no reflection; no.

We have one more here we would like you to listen to.

(Text of videotape presentation:)

A Sure, gosh, I think to me that if the President had not said to Betty in letters us—cover—let us just say if we refer to that which I am talking about in paragraph 4 of page 4, I would have known to use that. So, to me, encouraging or asking me to lie would have, you know if the President had said now listen you better not say anything about this relationship, you better not tell them the truth, you better not—for me the best way to explain how I feel what happened was, you know, no one asked or encouraged me to lie, but no one discouraged me either.

It is very important to understand that we want you to know very clearly that Ms. Lewinsky says that the President never told her to lie. There is no question about that. There is no dispute about that, either. I think you have to look at all the context of this. What the President did suggest to her was to use an affidavit to avoid truthful testimony, to stick with the cover stories under legal context.

Is the issue here whether Ms. Lewinsky believed the President was encouraging her to lie, that's what the President was trying to do here? Or is the issue what the President was trying to do? It is your determination. You have to make the decision whether the President, in talking to a 24-year-old ex-employee, whether he is encouraging her to come forward and to tell the truth or, in a legal context, to use the old cover stories, to lie, to use false affidavits, to avoid the truth from coming out.

It is not Ms. Lewinsky's viewpoint that is important. It is what the President intended. What did the President intend by this conversation when he told her on December 17, "Guess what, bad news; you're a witness". Then he proceeded to suggest to her ways to avoid truthful testimony.

I really don't care what is in Ms. Lewinsky's mind at that point. The critical issue is what is in the President's mind at that point as to what he was intending. Was it an innocent conversation, or was it a conversation with corrupt intent?

I believe that if you put all of this in context—from the affidavit to the job search, to the coaching of Ms. Betty Currie, to all of the other conversations with the aides—that it was the President's intent to avoid the workings of the administration of justice, to impede the flow of the truth in the administration of justice for his own benefit, and that is what obstruction of justice is about. That is what people go to jail about, and that is what we are presenting to you as a factual basis for this case.

I now yield to my fellow manager, Mr. ROGAN.

RECESS

Mr. LOTT. Mr. Chief Justice, I think it would be appropriate if we take a break at this time for lunch and return at 1:15, and I so ask unanimous consent.

There being no objection, at 12:22 p.m., the Senate recessed until 1:24 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

I believe we are ready to resume the presentation by the House managers, and Mr. Manager ROGAN is prepared to speak.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, Members of the Senate, before the break, you had the opportunity to hear the very able presentation from Mr. Manager HUTCHINSON relating to the article of impeachment alleging obstruction of justice against the President of the United States. I would like to use my portion to discuss very briefly article I of the impeachment resolution that alleges on August 17, 1998, the President committed perjury before a Federal grand jury conducting a criminal investigation. He did this in a number of ways, embarking on a calculated effort to cover up illegal obstruction of justice.

First, the President lied about statements he made to his top aides regarding his relationship with Monica Lewinsky. This is significant because the President admitted, under oath, that he knew these aides were potential witnesses before a criminal grand jury.

(Text of videotape presentation:)

A. And so I said to them things that were true about this relationship. That I used—in the language I used, I said there was nothing going on between us. That was true. I said I have not had sex with her as I define it. That was true. And did I hope that I never had to be here on this day giving this testimony, of course. But I also didn't want to do anything to complicate this matter further.

So I said things that were true that may have been misleading, and if they were, I have to take responsibility for it, and I am sorry.

Q. It may have been misleading, but you knew, though, after January 21 when the Post article broke and said that Judge Starr was looking into this, you knew they might be witnesses, you knew they might be called into the grand jury?

A. That's right.

Q. And you do you recall denying any sexual relationship with Monica Lewinsky to the following people: Harry Thomasson, Erskine Bowles, Harold Ickes, Mr. Podesta, Mr. Blumenthal, Mr. Jordan, Miss Betty Currie. Do you recall denying any sexual relation—

The question to the President: "You knew they might be called into a grand jury, didn't you?" Answer by the President: "That's right."

The President's testimony that he said things that were misleading but true to his aides was perjury.

Just as the President predicted, several of his top aides later were called to testify before the grand jury as to what the President told them. When they testified before the grand jury, they passed along the President's false account, just as the President intended. The President's former chief of staff, Erskine Bowles, and his current chief of staff, John Podesta, went before the grand jury and testified that the President told them he did not have sexual relations with Monica and he did not ask anybody to lie.

Mr. Podesta had an additional meeting with the President 2 days after the story broke. Mr. Podesta testified that at that meeting with the President the President was extremely explicit in saying he never had sex with her in any way whatever and that he was not alone with her in the Oval Office.

The most glaring example of the President using an aide as a messenger of lies to the grand jury was his manipulation of his Presidential assistant, Mr. Blumenthal. Mr. Blumenthal has been assistant to the President since August of 1997. Mr. Blumenthal testified that dealing with the media was one of his responsibilities on January 21, 1998, the day the Monica Lewinsky story broke. Mr. Blumenthal testified under oath that once the story became public, he attended twice-a-day White House strategy sessions called to deal with the political, legal, and media impact of the Clinton scandals on the White House.

In his deposition testimony taken just this week by authority of the U.S. Senate, Mr. Blumenthal shared in chilling detail the story of how the President responded to the public discovery of his longstanding relationship with a young woman who had shared tearful and emotional descriptions of her love for him. Mr. Clinton responded

not in love, not in friendship, not even with a grain of concern for her well-being or emotional stability. Instead, the President took the deep and apparently unrequited emotional attachment Monica Lewinsky had formed for him, and prepared to summarily take her life and throw it on the ash heap.

The date is January 21, 1998. The Lewinsky scandal had just broken in the newspapers that morning. Mr. Blumenthal met initially with the First Lady, Mrs. Clinton, to get her take on the growing political fire storm. Later that day, Mr. Blumenthal is summoned to the Oval Office. Listen as Sidney Blumenthal describes, step by step, the destructive mechanism of the man who twice was elected President under the banner of feeling other people's pain.

(Text of videotape presentation:)

Q. Mr. Blumenthal, specifically inviting your attention to January 21, 1998, you testified before the grand jury that on that date you personally spoke to the President regarding the Monica Lewinsky matter, correct?

A. Yes.

Q. You are familiar with the Washington Post story that broke that day?

A. I am.

Q. The story stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case?

A. Right.

Q. And also that the Office of Independent Counsel was investigating whether the President obstructed justice in the Jones case, is that your best recollection of what that story was about?

A. Yes.

Q. And you now remember that the President asked to speak with you?

A. Yes.

Q. Did you go to the Oval Office?

A. Yes.

Q. During that conversation were you alone with the President?

A. I was.

Q. Do you remember if the door was closed?

A. It was.

Q. When you met with the President, did you relate to him a conversation you had with the First Lady earlier that day?

A. I did.

Q. What did you tell the President the First Lady told you earlier that day?

A. I believe that I told him that the First Lady had called me earlier in the day, and in the light of the story in the Post had told me that the President had helped troubled people in the past and that he had done it many times and that he was a compassionate person and that he helped people also out of his religious conviction and that part it was part of—his nature.

Q. And did she also tell you that one of the other reasons he helped people was out of his personal temperament?

A. Yes. That is what I mean by that.

Q. Do you remember telling the President that the First Lady said to you that she felt that with—in reference to the story that he was being attacked for political motives?

A. I remember her saying that to me, yes.

Q. And you relayed that to the President?

A. I'm not sure I relayed that to the President. I may have just relayed the gist of the conversation to him. I don't—I'm not sure whether I relayed the entire conversation.

Mr. ROGAN: Inviting the Senators and counsel's attention to the June 4th, 1998 testimony of Mr. Blumenthal, page 47, beginning at line 5.

By Mr. ROGAN:

Q. Mr. Blumenthal, let me just read a passage to you and tell me if this helps to refresh your memory?

A. Mm-hmm.

Q. Reading at line 5, "I was in my office, and the President asked me to come to the Oval Office. I was seeing him frequently in this period about the State of the Union and Blair's visit"—that was Prime Minister Tony Blair, as an aside—correct?

A. That's right.

Q. Reading at line 7, "So I went up to the Oval Office and I began a discussion, and I said that I HAD received—that I had spoken to the First Lady that day in the afternoon about the story that had broke in the morning, and I related to the President my conversation with the First Lady and the conversation went as follows. The First Lady said that she was distressed that the President was being attacked, in her view, for political motives for his ministry of a troubled person. She said that the President ministers to troubled people all the time," and then it goes on to—

Does that help refresh your recollection with respect to what you told the President the First Lady had said earlier?

A. Yes.

Q. And do you now remember that the First Lady had indicated to you that she felt the President was being attacked for political motives?

A. Well, I remember she said that to me.

Q. And just getting us back on track, a few moments ago, I think you—you shared with us that the First Lady said that the President helped troubled people and he had done it many times in the past.

A. Yes.

Q. Do you remember testifying before the grand jury on that subject, saying that the First Lady said that he has done this dozens, if not hundreds, of times with people—

A. Yes.

Q.—with troubled people?

A. I recall that.

Q. After you related the conversation that you had with the First Lady to the President, what do you remember saying to the President next about the subject of Monica Lewinsky?

A. Well, I recall telling him that I understood he felt that way, and that he did help people, but that he should stop trying to help troubled people personally, that troubled people are troubled and that they can get you in a lot of messes and that you had to cut yourself off from it and you just had to do it. That's what I recall saying to him.

Q. Do you also remember in that conversation saying to him, "You really need to not do that at this point, that you can't get near anybody who is even remotely crazy. You're President"?

A. Yes. I think that was a little later in the conversation, but I do recall saying that.

Q. When you told the President that he should avoid contact with troubled people, what did the President say to you in response?

A. I'm trying to remember the sequence of it. He—he said that was very difficult for him. He said he—he felt a need to help troubled people, and it was hard for him to—to cut himself off from doing that.

Q. Do you remember him saying specifically, "It's very difficult for me to do that given how I am. I want to help people"?

A. I recall—I recall that.

Q. And when the President referred to helping people, did you understand him in that conversation to be referring to Monica Lewinsky?

A. I think it included Monica Lewinsky, but also many others.

Q. Right, but it was your understanding that he was all—he was specifically referring to Monica Lewinsky in that list of people that he tried to help?

A. I believe that—that was implied.

Q. Do you remember being asked that question before the grand jury and giving the answer, "I understood that"?

A. If you could point it out to me, I'd be happy to see it.

\* \* \*  
By Mr. ROGAN: Inviting Senators' and counsels' attention to June 25th, 1998 grand jury, page 5, I believe it's at lines 6 through 8.

The WITNESS: Yes, I see that. Thank you.

By Mr. ROGAN:

Q. You recall that now?

A. Yes.

Following this conversation where Mr. Blumenthal told the President about his conversation with the First Lady that day, the President told Mr. Blumenthal about the President's own conversation he had earlier that day with his pollster, Dick Morris.

(Text of videotape presentation:)

Q. Mr. Blumenthal, did the President then relate a conversation he had with Dick Morris to you?

A. He did.

Q. What was the substance of that conversation, as the President related it to you?

A. He said that he had spoken to Dick Morris earlier that day, and that Dick Morris had told him that if Nixon, Richard Nixon, had given a nationally televised speech at the beginning of the Watergate affair, acknowledging everything he had done wrong, he may well have survived it, and that was the conversation that Dick Morris—that's what Dick Morris said to the President.

Q. Did it sound to you like the President was suggesting perhaps he would go on television and give a national speech?

A. Well, I don't know. I didn't know.

Q. When the President related the substance of his conversation with Dick Morris to you, how did you respond to that?

A. I said to the President, "Well, what have you done wrong?"

Q. Did he reply?

A. He did.

Q. What did he say?

A. He said, "I haven't done anything wrong."

Q. And what did you say to that response?

A. Well, I said, as I recall, "That's one of the stupidest ideas I ever heard. If you haven't done anything wrong, why would you do that?"

After denying to Mr. Blumenthal any wrongdoing with Monica Lewinsky, the President then struck the harshest of blows against her. He launched a preemptive strike against her name and her character to an aide who he expected would be, and very shortly became, a witness before a Federal grand jury investigation.

(Text of videotape presentation:)

Q. Did the President then give you his account of what happened between him and Monica Lewinsky?

A. As I recall, he did.

Q. What did the President tell you?

A. He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was called "the stalker" by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q. Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as "the stalker" anymore?

A. Yes, that's right.

Q. Do you remember the President also saying that—and I'm quoting—"I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again"?

A. Yes. He told me that.

Q. And that was in the same conversation that you had with the President?

A. Right, in—in that sequence.

Q. Can you describe for us the President's demeanor when he shared this information with you?

A. Yes. He was, uh, very upset. I thought he was, a man in anguish.

Q. And at that point, did you repeat your earlier admonition to him as far as not trying to help troubled people?

A. I did. I—I think that's when I told him that you can't get near crazy people, uh, or troubled people. Uh, you're President; you just have to separate yourself from this.

Q. And I'm not sure, based on your testimony, if you gave that admonition to him once or twice. Let me—let me clarify for you why my questioning suggested it was twice. In your grand jury testimony on June the 4th, at page 49, beginning at line 25, you began the sentence by saying, and I quote, "And I repeated to the President"—

A. Right.

Q. —"that he really needed never to be near people who were"—

A. Right.

Q. —"troubled like this," and so forth. Do you remember now if you—if that was correct? Did you find yourself in that conversation having to repeat the admonition to him that you'd given earlier?

A. I'm sure I did. Uh, I felt—I felt that pretty strongly. He shouldn't be involved with troubled people.

Q. Do you remember the President also saying something about being like a character in a novel?

A. I do.

Q. What did he say?

A. Uh, he said to me, uh, that, uh, he felt like a character in a novel. Uh, he felt like somebody, uh, surrounded by, uh, an oppressive environment that was creating a lie about him. He said he felt like, uh, the character in the novel *Darkness at Noon*.

Q. Did he also say he felt like he can't get the truth out?

A. Yes, I—I believe he said that.

Q. Politicians are always loathe to confess their ignorance, particularly on videotape. I will do so. I'm unfamiliar with the novel *Darkness at Noon*. Did you—do you have any familiarity with that, or did you understand what the President meant by that?

A. I—I understood what he meant. I—I was familiar with the book.

Q. What—what did he mean by that, per your understanding?

A. Uh, the book is by Arthur Koestler, who was somebody who had been a communist and had become disillusioned with communism. And it's an anti-communist novel. It's about, uh, uh, the Stalinist purge trials

and somebody who was a loyal communist who then is put in one of Stalin's prisons and held on trial and executed, uh, and it's about his trial.

Q. Did you understand what the President was trying to communicate when he related his situation to the character in that novel?

A. I think he felt that the world was against him.

Q. I thought only Members of Congress felt that way.

The President continued to pass along false information to Mr. Blumenthal with regard to the substance of his relationship with Monica Lewinsky.

(Text of videotape presentation:)

Mr. Blumenthal, did you ever ask the President if he was ever alone with Monica Lewinsky?

A. I did.

Q. What was his response?

A. I asked him a number of questions that appeared in the press that day. I asked him, uh, if he were alone, and he said that, uh, he was within eyesight or earshot of someone when he was with her.

Q. What other questions do you remember asking him?

A. Uh, there was a story in the paper that, uh, there were recorded messages, uh, left by him on her voice-mail and I asked him if that were true.

Q. What did he say?

A. He said, uh, that it was, that, uh, he had called her.

Q. You had asked him about a press account that said there were potentially a number of telephone messages left by the President for Monica Lewinsky. And he relayed to you that he called her. Did he tell you how many times he called her?

A. He—he did. He said he called once. He said he called when, uh, Betty Currie's brother had died, to tell her that.

Q. And other than that one time that he shared that information with you, he shared no other information respecting additional calls?

A. No.

Q. He never indicated to you that there were over 50 telephone conversations between himself and Monica Lewinsky?

A. No.

Q. Based on your conversation with the President at that time, would it have surprised you to know that there were over 50—there were records of over 50 telephone conversations with Monica Lewinsky and the President?

A. Would I have been surprised at that time?

Q. Yes.

A. Uh, I—to see those records and if he—I don't fully grasp the question here. Could you—would I have been surprised?

Q. Based on the President's response to your question at that time, would it have surprised you to have been told or to have later learned that there were over 50 recorded—50 conversations between the President and Ms. Lewinsky?

A. I did later learn that, uh, as the whole country did, uh, and I was surprised.

Q. When the President told you that Monica Lewinsky threatened him, did you ever feel compelled to report that information to the Secret Service?

A. No.

Q. The FBI or any other law enforcement organization?

A. No.

Q. I'm assuming that a threat to the President from somebody in the White House

would normally send off alarm bells among staff.

A It wouldn't—

MR. McDANIEL: Well, I'd like to object to the question, Senator. There's no testimony that Mr. Blumenthal learned of a threat contemporaneously with it being made by someone in the White House. This is a threat that was relayed to him sometime afterwards by someone who was no longer employed in the White House. So I think the question doesn't relate to the testimony of this witness.

MR. ROGAN: Respectfully, I'm not sure what the legal basis of the objection is. The evidence before us is that the President told the witness that Monica Lewinsky threatened him.

[Senators SPECTER and Edwards conferring.]

SENATOR SPECTER: We've conferred and overrule the objection on the ground that it calls for an answer; that, however the witness chooses to answer it, was not a contemporaneous threat, or he thought it was stale, or whatever he thinks. But the objection is overruled.

MR. ROGAN: Thank you.

BY MR. ROGAN:

Q Let me—let me restate the question, if I may. Mr. Blumenthal, would a threat—

SENATOR SPECTER: We withdraw the ruling.

[Laughter.]

MR. McDANIEL: I withdraw my objection, then.

[Laughter.]

MR. ROGAN: Senator Specter, the ruling is just fine by my light. I'm just going to try to simplify the question for the witness' benefit.

SENATOR SPECTER: We'll hold in abeyance a decision on whether to reinstate the ruling.

MR. ROGAN: Thank you. Maybe I should just quit while I'm ahead and have the question read back.

BY MR. ROGAN:

Q Basically, Mr. Blumenthal, what I'm asking is, I mean, normally, would a threat from somebody against the President in the White House typically require some sort of report being made to a law enforcement agency?

A Uh, in the abstract, yes.

Q This conversation that you had with the President on January the 21st, 1998, how did that conversation conclude?

A Uh, I believe we, uh—well, I believe after that, I said to the President that, uh—who was—seemed to me to be upset, that you needed to find some sure footing and to be confident. And, uh, we went on, I believe, to discuss the State of the Union.

Q You went on to other business?

A Yes, we went on to talk about public policy.

Q When this conversation with the President concluded as it related to Monica Lewinsky, what were your feelings toward the President's statement?

A Uh, well, they were complex. Uh, I believed him, uh, but I was also, uh—I thought he was very upset. That troubled me. And I also was troubled by his association with troubled people and thought this was not a good story and thought he shouldn't be doing this.

Q Do you remember also testifying before the grand jury that you felt that the President's story was a very heartfelt story and that "he was pouring out his heart, and I believed him"?

A Yes, that's what I told the grand jury, I believe; right.

Q That was—that was how you interpreted the President's story?

A Yes, I did. He was, uh—he seemed—he seemed emotional.

Q When the President told you he was helping Monica Lewinsky, did he ever describe to you how he might be helping or ministering to her?

A No.

Q Did he ever describe how many times he may have tried to help or minister to her?

A No.

Q Did he tell you how many times he visited with Monica Lewinsky?

A No.

Q Did he tell you how many times Monica Lewinsky visited him in the Oval Office complex?

A No.

Q Did he tell you how many times he was alone with Monica Lewinsky?

A No.

Q He never described to you any intimate physical activity he may have had with Monica Lewinsky?

A Oh, no.

Q Did the President ever tell you that he gave any gifts to Monica Lewinsky?

A No.

Q Did he tell you that Monica Lewinsky gave him any gifts?

A No.

Q Based on the President's story as he related on January 21st, would it have surprised you to know at that time that there was a repeated gift exchange between Monica Lewinsky and the President?

A Well, I learned later about that, and I was surprised.

Q The President never told you that he engaged in occasional sexual banter with her on the telephone?

A No.

Q He never told you about any cover stories that he and Monica Lewinsky may have developed to disguise a relationship?

A No.

Q He never suggested to you that there might be some physical evidence pointing to a physical relationship between him—between himself and Monica Lewinsky?

A No.

Q Did the President ever discuss his grand jury—or strike that.

Did the President ever discuss his deposition testimony with you in the Paula Jones case on that date?

A Oh, no.

Q Did he ever tell you that he denied under oath in his Paula Jones deposition that he had an affair with Monica Lewinsky?

A No.

Q Did the President ever tell you that he ministered to anyone else who then made a sexual advance toward him?

A No.

One of the things that the President's counsel has continuously urged upon this body, as they did over in the House of Representatives, is to look at the President's state of mind in determining whether, in fact, he committed the crime of perjury. We hope that you will do that. Because nowhere is the President's state of mind more evident than it is in the manner in which he dealt with Sidney Blumenthal at this point.

Remember, the date of this conversation that Sidney Blumenthal just related to you was January 21, the day the Monica Lewinsky story broke. About a month later, Sidney Blumenthal was called to testify as a witness before the grand jury. That was the first time.

Five months later or 4 months later Sidney Blumenthal was called back to testify to the grand jury—not once, but two more times. From January 21 until the end of June 1998, the President had almost 6 months in which to tell Sidney Blumenthal, after he was subpoenaed, but before he testified, not to tell the grand jury information that was false. The President had the oppor-

tunity to not use his aide as a conduit of false information. Listen to what Sidney Blumenthal said the President failed to tell him.

(Text of videotape presentation:)

Q After you were subpoenaed to testify but before you testified before the Federal grand jury, did the President ever recant his earlier statements to you about Monica Lewinsky?

A No.

Q After you were subpoenaed but before you testified before the federal grand jury, did the President ever say that he did not want you to mislead the grand jury with a false statement?

A No. We didn't have any subsequent conversation about this matter.

Q So it would be fair also to say that after you were subpoenaed but before you testified before the Federal grand jury, the President never told you that he was not being truthful with you in that January 21st conversation about Monica Lewinsky?

A Uh, he never spoke to me about that at all.

Q The President never instructed you before your testimony before the grand jury not to relay his false account of his relationship with Monica Lewinsky?

A We—we didn't speak about anything.

The President of the United States used a special assistant, one of his aides, as a conduit to go before a Federal grand jury and present false and misleading information and precluded the grand jury from being able to make an honest determination in their investigation. He obstructed justice when he did it, and when he denied that testimony he committed the offense of perjury.

In response to a question from Mr. Manager GRAHAM, Mr. Blumenthal candidly addressed the President's claim under oath that he was truthful with his aides that he knew would be future grand jury witnesses:

(Text of videotape presentation:)

Q . . . Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A I do.

Q I appreciate your honesty . . .

\* \* \* \* \*

Q . . . Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A I think that's the import of his whole story.

In an earlier presentation, the President's attorney, Mr. Ruff, said that the very same denial the President made to his family and his friends was the same one he made to the American people.

Mr. Ruff said:

Having made the announcement to the whole country, it is simply absurd, I suggest to you, to believe that he was somehow attempting corruptly to influence his senior staff when he told them virtually the same thing at the same time.

Members of the Senate, Mr. Ruff's conclusion is wrong because his premise is wrong. The President didn't tell the American public and his aides the same thing, nor did he make the

very same denial. On the contrary, the President went out of his way with his aides to make explicit denials, coupled with character assassination against Monica Lewinsky. Why the distinction? Because the American public was not destined to be subpoenaed as a witness before the grand jury and the President's aides were.

Members of the Senate, our time draws short. The record is replete with other examples which I have addressed and Mr. Manager HUTCHINSON has addressed dealing with the President's perjuries in other areas, for instance, in the Paula Jones deposition where he emphatically denied having a relationship with Monica Lewinsky that we now know to be true, a relationship that a Federal judge ordered him to discuss with Paula Jones' attorneys because it was relevant information in the sexual civil harassment lawsuit.

The President's perjury is with respect to Betty Currie and using Betty Currie as somebody to be brought into the Oval Office so that he could coach her as a witness and doing everything he could in his own testimony to ensure that the Jones attorney would subpoena her as a witness, to once again use a White House aide as a conduit of false information before the grand jury.

I don't feel the need to have to go over this ground with you any further. In my final couple of minutes, before I reserve time, I do want to raise one last point, because I think it is a valid one and it, perhaps, in the long run, is the most important point that this body should consider in coming to their verdict.

We have heard an awful lot throughout this entire episode about the idea of proportionality of punishment. We have also heard that lying about sex somehow minimizes the perjury because everybody does it. Many people in everyday life under the stress of ordinary relations may well lie about personal matters when confronted with embarrassing situations. But, no, everybody doesn't commit perjury under oath in a court proceeding, having been ordered by a Federal judge to answer questions. And if they did so, they generally don't expect to keep their job or their liberty if they get caught.

The dispensation this President wants for himself is not the same dispensation he grants as head of the executive branch to ordinary Americans when they lie about sex under oath. Bill Clinton wants it both ways. The question before this body is whether you are going to give it to him.

During our committee hearings, we learned the Clinton administration had no shyness in prosecuting other people for lying under oath about consensual sex in civil cases, even when the underlying civil case was dismissed. For instance, Dr. Barbara Battalino was an attorney and a VA doctor when she began a relationship with one of her counseling patients at a VA hospital. On a single occasion, she performed an

inappropriate sexual act with him in her office. The patient later sued the Veterans Administration for, among other things, sexual harassment.

During a deposition in this civil lawsuit, Dr. Battalino was asked if anything of a sexual nature took place in her office with the patient. Fearing embarrassment, disgrace and the loss of her job, Dr. Battalino answered, "No." Later, she learned the patient had tape recorded conversations which proved she lied about sex under oath.

Even though the patient's harassment case was eventually dismissed, the Clinton Justice Department prosecuted Dr. Battalino. She lost her medical license. She lost her right to practice law. She was fired from her job. She later agreed to a plea bargain. She was fined \$3,500 and sentenced to 6 months of imprisonment under electronic monitoring.

Listen to the words of Dr. Battalino as she testified before the House Judiciary Committee, and then explain to her the theory of proportionality, if you can.

(Text of videotape presentation:)

Dr. Battalino, your case intrigues me.

I want to make sure I understand the factual circumstances. You lied about a one-time act of consensual sex with someone on Federal property; is that correct?

Ms. Battalino, Yes, absolutely, correct.

Mr. Rogan. This act of perjury was in a civil lawsuit, not in a criminal case?

Ms. Battalino. That's also correct.

Mr. Rogan. And, in fact, the civil case eventually was dismissed?

Ms. Battalino. Correct.

Mr. Rogan. Yet despite the dismissal, you were prosecuted by the Clinton Justice Department for this act of perjury; is that correct?

Ms. Battalino. That is correct.

Mr. Rogan. I want to know, Dr. Battalino: During your ordeal, during your prosecution, did anybody from the White House, from the Clinton Justice Department, any Members of Congress, or academics from respected universities every show up at your trial and suggest that you should be treated with leniency because "everybody lies about sex"?

Ms. Battalino. No, sir.

Mr. Rogan. Did anybody ever come forward from the White House or from the Clinton Justice Department and urge leniency for you because your perjury was only in a civil case?

Ms. Battalino. No.

Mr. Rogan. Did they argue for leniency because the civil case in which you committed perjury was ultimately dismissed?

Ms. Battalino. No.

Mr. Rogan. Did anybody from the White House ever say that leniency should be granted to you because you otherwise did your job very well?

Ms. Battalino. No.

Mr. Rogan. Did anybody ever come forward from Congress to suggest that you were the victim of an overzealous or sex-obsessed prosecutor?

Ms. Battalino. No.

Mr. Rogan. Now, according to the New York Times, they report that you lied when your lawyer asked you at a deposition whether "anything of a sexual nature" occurred; is that correct?

Ms. Battalino. Yes, that is correct.

Mr. Rogan. Did anybody from Congress or from the White House come forward to defend you, saying that that phrase was ambig-

uous or it all depended on what the word "anything" meant?

Ms. Battalino. No, sir. May I just—I am not sure it was my lawyer that asked the question, but that is the exact question that I was asked.

Mr. Rogan. The question that was asked that caused your prosecution for perjury.

Ms. Battalino. That's correct.

Mr. Rogan. No one ever argued that that phrase itself was ambiguous, did they?

Ms. Battalino. No.

Ms. Waters. Will the gentleman yield?

Mr. Rogan. Regrettably, my time is limited and I will not yield for that reason.

Now, Doctor, you lost two licenses. You lost a law license.

Ms. Battalino. Well, I have a law degree. I was not a member of any bar.

Mr. Rogan. Your conviction precludes you from practicing law?

Ms. Battalino. That is correct, sir.

Mr. Rogan. You also had a medical degree and license.

Ms. Battalino. That is correct.

Mr. Rogan. You lost your medical license?

Ms. Battalino. Yes. I am no longer permitted to practice medicine either.

Mr. Rogan. Did anybody from either the White House or from Congress come forward during your prosecution, or during your sentencing, and suggest that rather than you suffer the severe punishment of no longer being able to practice your profession, perhaps you should simply just receive some sort of rebuke or censure?

Ms. Battalino. No one came to my aid or defense, no.

Mr. Rogan. Nobody from the Clinton Justice Department suggested that during your sentencing hearing?

Ms. Battalino. No.

Mr. Rogan. Has anybody come forward from the White House to suggest to you that in light of circumstances, as we now see them unfolding, you should be pardoned for your offense?

Ms. Battalino. Nobody has come no. . . .

That is how the Clinton administration defines proportionality in punishment.

Mr. Chief Justice, we reserve the remainder of our time.

The CHIEF JUSTICE. Very well. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe now we are prepared to hear from White House counsel for up to 3 hours. How much time is remaining for the House managers?

The CHIEF JUSTICE. Thirty-one minutes.

Mr. LOTT. Does the Chief Justice suggest we take a brief break here?

The CHIEF JUSTICE. No, let's keep going.

Mr. LOTT. All right, sir.

(Laughter.)

Mr. LOTT. I guess that settles that.

(Laughter.)

The CHIEF JUSTICE. The Chair recognizes Counsel Seligman.

Ms. Counsel SELIGMAN. Mr. Chief Justice, ladies and gentlemen of the Senate, the House managers have suggested to you that the deposition of Ms. Lewinsky helped their case. The opposite is true. Ms. Lewinsky undermined critical aspects of the House managers' obstruction case.

As those of you who watched the entire video are well aware, the managers have cleverly snipped here and there in



an effort to present their story even if, as a result, the story they are telling you is not Ms. Lewinsky's story. They have distorted, they have omitted, and they have created a profoundly erroneous impression.

So let's look at the facts.

In her deposition this week, Ms. Lewinsky reaffirmed her previous testimony and provided extremely useful supplements to that testimony. We asked her no questions. Why? Because there was no need. Her testimony exonerated the President. In four areas in particular, what she said demonstrates that the allegations in the articles cannot stand.

First, she refuted the allegations in article II, subpart (1), with respect to alleged efforts to obstruct and influence Ms. Lewinsky's affidavit.

Second, she contradicted the allegations in article II, subpart (2), with respect to alleged efforts to influence Ms. Lewinsky's testimony as distinct from her affidavit.

Third, she undermined the allegations in article II, subpart (3), with respect to alleged efforts to conceal gifts.

And fourth, she rebutted the allegations in article II, subpart (4), with respect to Ms. Lewinsky's job search.

I will discuss each briefly.

Let's begin with the December 17 phone call between the President and Ms. Lewinsky, which is at the heart of article II's first two subparts. The managers have consistently exaggerated the facts, the impact, and the import of this conversation. They have relentlessly argued that you should draw inferences and conclusions that are not supported by the evidence. Ms. Lewinsky's testimony this week should put an end to these inflated claims about that call.

Article II charges, in subpart (1), that the President: "On or about December 17, 1997," "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."

"On or about December 17." In other words, the allegation is firmly grounded in the December 17 phone call. That is where the House of Representatives charged the deed was done. That is the single event on which the managers base the first obstruction of justice charge.

Indeed, Mr. Manager MCCOLLUM made this point emphatically before the Senate. He claimed:

In this context, the evidence is compelling that the President committed both the crimes of obstruction of justice and witness tampering right then and there on December 17th.

He went on:

Now, Monica Lewinsky's testimony is so clear about this that the President's lawyers probably won't spend a lot of time with you on this; they didn't in the Judiciary Committee. I could be wrong, and they probably will just to show me I am wrong.

Well, Mr. MCCOLLUM was wrong in one respect. We do plan to spend time

on that call. But he was absolutely right in another respect. He was correct that Ms. Lewinsky's testimony is so clear on this issue. It is so clear it exonerates the President.

The managers asked this body to permit the deposition and later the live testimony of Ms. Lewinsky to complete their proof. As Mr. Manager BRYANT stated:

An appropriate examination—and an appropriate cross-examination, I might add; let's don't limit the White House attorneys here—of Ms. Lewinsky on the factual disputes of the affidavit and their cover story, wouldn't that be nice to hear?

Well, the managers got their examination of Ms. Lewinsky about the December 17 phone call, and it defeated the charge. It showed that she and the President did not discuss the content of an affidavit—never ever. Again, the managers ask you to convict the President and remove him from office for what turns out to be his silence. No discussion of content.

Let's listen to the testimony of Monica Lewinsky about that December 17 phone call. It is critically important. And we are showing it to you unvarnished, not in snippets, because the snippets you have seen are terribly misleading. The tape you will hear establishes beyond doubt that she and the President did not discuss the content of the affidavit in that call, or ever. It establishes beyond doubt that what happened is not obstruction of justice.

(Text of videotape presentation:)

Q. Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A. Yes.

Q. What was the purpose of that call? What did you talk about?

A. It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christmas present he had for me.

Q. This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30.

A. Correct.

Q. Did it surprise you that he called you so late?

A. No.

Q. Was this your first notice of your name being on the Paula Jones witness list?

A. Yes.

Q. I realize he, he commented about some other things, but I do want to focus on the witness list.

A. Okay.

Q. Did he say anything to you about how he felt concerning this witness list?

A. He said it broke his heart that, well, that my name was on the witness list.

Can I take a break, please? I'm sorry.

SENATOR DEWINE: Sure, sure.

\* \* \* \* \*

BY MR. BRYANT:

Q. Did—we did we get your response? We were talking about the discussion you were having with the President over the telephone, early morning of the December 17th phone call, and he had, uh, mentioned that it broke his heart that you were on that list.

A. Correct.

Q. And I think you were about to comment on that further, and then you need a break.

A. No.

Q. No.

A. I just wanted to be able to focus—I know this is an important date, so I felt I need a few moments to be able to focus on it.

Q. And you're comfortable now with that, with your—you are ready to talk about that?

A. Comfortable, I don't know, but I'm ready to talk about.

Q. Well, I mean comfortable that you can focus on it.

A. Yes, sir.

Q. Good. Now, with this discussion of the fact that your name appeared as a witness, had you—had you been asleep that night when the phone rang?

A. Yes.

Q. So were you wide awake by this point? It's the President calling you, so I guess you're—you wake up.

A. I wouldn't say wide awake.

Q. He expressed to you that your name—you know, again, you talked about some other things—but he told you your name was on the list.

A. Correct.

Q. What was your reaction to that?

A. I was scared.

Q. What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A. Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh—

Q. Did he say anything about an affidavit?

A. Yes.

Q. What did he say?

A. He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q. How did he tell you you would avoid being deposed by filing an affidavit?

A. I don't think he did.

Q. You just accepted that statement?

A. [Nodding head.]

Q. Yes?

A. Yes, yes. Sorry.

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

Q. When you say, uh, it would be—it could have been something where the relationship was denied, what was your thinking at that point?

A. I—I—I think I don't understand what you're asking me. I'm sorry.

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

Q. How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A. No.

Q. Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A. First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Q. You—you have already mentioned that you were not a lawyer and you had not been to law school, those kinds of things. Did, uh, did you understand when you—the potential legal problems that you could have caused yourself by allowing a false affidavit to be filed with the court, in a court proceeding?

A. During what time—I mean—I—can you be—I'm sorry—

Q. At this point, I may ask it again at later points, but the night of the telephone—

A. Are you—are you still referring to December 17th?

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Q. Did you know what an affidavit was?

A. Sort of.

Q. Of course, you're talking at that time by telephone to the President, and he's—and he is a lawyer, and he taught law school—I don't know—did you know that? Did you know he was a lawyer?

A. I—I think I knew it, but it wasn't something that was present in my, in my thoughts, as in he's a lawyer, he's telling me, you know, something.

Q. Did the, did the President ever tell you, caution you, that you had to tell the truth in an affidavit?

A. Not that I recall.

Q. It would have been against his interest in that lawsuit for you to have told the truth, would it not?

A. I'm not really comfortable—I mean, I can tell you what would have been in my best interest, but I—

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

Q. But had you testified truthfully, you would have had no—certainly, no legal implications—it may have been embarrassing, but you would have not had any legal problems, would you?

A. That's true.

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

Q. Why would he have told you you could always say that?

A. I don't know.

\* \* \* \* \*

We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A. Correct.

Q. And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie; is that right?

A. Correct. It was from the entire relationship, that story.

Q. Now, when he alluded to that cover story, was that instantly familiar to you?

A. Yes.

Q. You knew what he was talking about?

A. Yes.

Q. And why was this familiar to you?

A. Because it was part of the pattern of the relationship.

Q. Had you actually had to use elements of this cover story in the past?

A. I think so, yes.

\* \* \* \* \*

Q. Okay. Now let me go back again to the December 11th date—I'm sorry—the 17th. This is the conversation in the morning. What else—was there anything else you talked about in terms of—other than your name being on the list and the affidavit and the cover story?

A. Yes. I had—I had had my own thoughts on why and how he should settle the case, and I expressed those thoughts to him. And at some point, he mentioned that he still had this Christmas present for me and that maybe he would ask Mrs. Currie to come in that weekend, and I said not to because she was obviously going to be in mourning because of her brother.

\* \* \* \* \*

Q. As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A. Correct.

Q. —and after he told you you would be a witness—or your name was on the witness list, I should say?

A. Correct.

Q. And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A. I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q. Were you in fact subpoenaed to testify?

A. Yes.

Q. And that was what—

A. December 19th, 1997.

Q. December 19th.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

Q. But they were in the same conversation, were they not?

A. Yes, they were.

Q. Did you understand in the context of the conversation that you would deny the—the President and your relationship to the Jones lawyers?

A. Do you mean from what was said to me or—

Q. In the context of that—in the context of that conversation, December the 17th—

A. I—I don't—I didn't—

Q. Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A. From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q. And you would deny the relationship to the Jones lawyers?

A. Yes, correct.

Q. Good.

A. If—if that's what it came to.

Q. And in fact you did deny the relationship to the Jones lawyers in the affidavit that you signed under penalty of perjury; is that right?

A. I denied a sexual relationship.

Q. The President did not in that conversation on December the 17th of 1997 or any other conversation, for that matter, instruct you to tell the truth; is that correct?

A. That's correct.

Q. And prior to being on the witness list, you—you both spoke—

A. Well, I guess any conversation in relation to the Paula Jones case. I can't say that any conversation from the—the entire relationship that he didn't ever say, you know, "Are you mad? Tell me the truth." So—

Q. And prior to being on the witness list, you both spoke about denying this relationship if asked?

A. Yes. That was discussed.

Q. He would say something to the effect that—or you would say that—you—you would deny anything if it ever came up, and he would nod or say that's good, something to that effect; is that right?

A. Yes, I believe I testified to that.

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Now, there is a lot there, but that's the testimony. I would like to go quickly through some parts of it. First, let's be very clear, as you saw, Ms. Lewinsky repeatedly told Mr. Manager BRYANT that she and the President did not discuss the content of the affidavit in that phone call.

Let's listen quickly again:

(Text of videotape presentation:)

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was

no discussion of what would be in an affidavit.

Q In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A He didn't discuss the content of my affidavit with me at all, ever.

Now, ladies and gentlemen, the managers skipped these excerpts. They hid from you this key fact about the call. To borrow a phrase, they "want to win too badly."

In that excerpt, Ms. Lewinsky also made clear that the President only suggested she might be able to file an affidavit that might enable her to avoid testifying.

Let's listen:

(Text of videotape presentation:)

Q Did he say anything about an affidavit?

A Yes.

Q What did he say?

A He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q How did he tell you you would avoid being deposed by filing an affidavit?

A I don't think he did.

Q You just accepted that statement?

A [Nodding head.]

Q Yes?

A Yes, yes. Sorry.

Q And in that same telephone conversation, he encouraged you to file an affidavit in the Jones case?

A He suggested I could file an affidavit.

She also made clear that the President was not certain she even would be subpoenaed and have to confront the issue.

(Text of videotape presentation:)

Q What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh—

Q How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A No.

Now, where does this leave us? Ms. Lewinsky described a brief conversation in which the President mentioned the possibility that an affidavit might enable her to avoid testifying if the need for it arose, and they left the subject. No discussion of content. No discussion of logistics. No discussion of timing. Virtually no discussion at all. And that very brief exchange is the heart of the case.

Now, the managers contend that because Ms. Lewinsky also recalls a reference to cover stories in that call, it is clear beyond doubt that the President instructed her to file a false affidavit.

But for at least two reasons, this claim fails also. First, Ms. Lewinsky repeatedly told Mr. Manager BRYANT that the mention of cover stories in that call was not connected to the mention of a possible affidavit—a position, I must note, that she had taken with the independent counsel for a very long time.

Second, Ms. Lewinsky has insisted for more than a year that the cover stories were not, in any event, false—a position she reasserted this week in explaining why an affidavit didn't necessarily have to be false.

Let's look quickly at Ms. Lewinsky's testimony, first, with respect to the alleged connection between cover stories and the affidavit.

(Text of videotape presentation:)

Q Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A Not in connection with the—not in connection with the affidavit.

Q Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A Yes, sir.

Q And what was said?

A Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q I think you've testified that you're sure he said that that night. You are sure he said that that night?

A Yes.

Q Now, was that in connection with the affidavit?

A I don't believe so, no.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q Well, those two—

A Those three events occurred, but they don't—they weren't linked for me.

Again, the managers did not play these excerpts for you either. They don't want you to know Ms. Lewinsky's recollection, which is that the cover stories and the affidavit were not connected in that telephone call. And that is the call that is at the heart of that first obstruction charge.

The managers have suggested to you that Ms. Lewinsky for the first time this week offered responses, responses concerning the literal truth, for example, of the cover story designed to help the President. That was a suggestion a few days ago. Concerned then that the testimony might now undermine their

case, they suddenly did an about-face and attacked her on Thursday.

Through these proceedings, the managers have consistently told you how credible a witness Ms. Lewinsky is and they have invoked her immunity agreement as the reason that she must be honest, and today they again credit her testimony, but carefully, only in snippets, only when it suits their purposes. The responses Ms. Lewinsky provided about the cover story that were mentioned on Thursday by Mr. Manager BRYANT are not new; they are the same responses Ms. Lewinsky gave to the independent counsel. For example, when asked about the so-called cover story, Ms. Lewinsky testified as follows this week.

(Text of videotape presentation:)

Q Would you agree that these cover stories that you've just testified to, if they were told to the attorneys for Paula Jones, that they would be misleading to them and not be the whole story, the whole truth?

A They would—yes, I guess misleading. They were literally true, but they would be misleading, so incomplete.

The managers suggest that this testimony may be new, different, tinted, and tainted, I think they said on Thursday, but they don't tell you that Ms. Lewinsky said the very same things to the independent counsel. She did so repeatedly, and she did so—and this is key—before the President testified. She didn't know what he would say. He didn't know what she had said.

For example, Ms. Lewinsky referred to the two cover stories in her February 1998 proffer, more than a year ago. Remember, one such cover story concerned the reasons for visiting the President before she left the White House. That was to bring papers to him. And the other concerned her reasons for visiting the President after she left the White House, and that was to visit Betty Currie. Ms. Lewinsky was asked and said that neither of these statements was untrue and also that there was truth to both of these statements in her proffer a year ago.

She repeated this testimony in July to the independent counsel, telling an FBI agent that "these statements were not untrue but were misleading" and that "some facts were omitted from this statement." That is what she said this week.

The cover story testimony is consistent and is consistently exculpatory. Of course, it was easy for Mr. Manager BRYANT to stand before you on Thursday reminiscing about the open and forthcoming Ms. Lewinsky he had met during the informal interview. It was easy for Mr. Manager BRYANT to complain that the Ms. Lewinsky of the deposition was, I believe he said, not open to discussion or fully responsive to their inquiry. Let the questions and answers let you be the judge of that. It was easy for him to say that, because the House managers had refused Senator DASCHLE's request that they be allowed to make a transcript of the interview. That absence of a transcript

allowed them this unverifiable fallback if their examination was disappointing: Oh, she changed on us. The truth is that she didn't tell the story that the managers wanted to hear. Remember those stubborn facts.

So we know that the managers are disappointed and want to blame their disappointment on Ms. Lewinsky. But when you get to the substance of today's presentation by the House managers, it shows that they have not in fact identified any significant area where Ms. Lewinsky's testimony on Monday differs from her earlier testimony in the grand jury. Her view of the cover story has been consistent from day 1.

Mr. Manager MCCOLLUM has also insisted that in the December 17 call it was clear both to the President and Ms. Lewinsky that the affidavit had to be false. As he put it—and I quote—“Can there be any doubt that the President was suggesting that they file an affidavit that contained lies and falsehoods that might keep her from ever having to testify in the Jones case, and give the President the kind of protection he needed when he testified?” Yes, there surely is doubt.

Ms. Lewinsky herself explains this week that she did not discuss the content of the affidavit with the President—we played those portions already and I will not again—but also that in her mind an affidavit presented a whole range of possibilities that were not necessarily false.

(Text of videotape presentation:)

Q The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Thus, as we have seen and heard, Ms. Lewinsky testified that there was no discussion of what would be in the affidavit and also that, to her thinking, the affidavit would not necessarily have been false.

Now that the December 17 call has fallen short, the managers have tried to transform the articles, as drafted, by asserting that the alleged obstruction occurred also on another date, January 5, in a call that took place then, even though the articles pin everything on December 17.

With respect to a January 5 call, Mr. Manager HUTCHINSON made the following claim to you. He asserted, and I quote:

Well, the record demonstrates that Monica Lewinsky's testimony is that she had a conversation with the President on the telephone in which she asked questions about the affidavit. She was concerned about signing that affidavit and according to Ms. Lewinsky, the President said, “Well, you could always say the people in legislative affairs got it for you or helped you get it.”

This is still a quote:

And that is in reference to a paragraph in a particular affidavit.

Those were Mr. Manager HUTCHINSON's words. But the record unequivocally demonstrates that Ms. Lewinsky and the President did not ever discuss the content of that affidavit in this January 5 call or otherwise. And I challenge you to find any paragraph in Ms. Lewinsky's affidavit, either her draft or the final, reflecting this conversation. There isn't one. The call wasn't about the affidavit. He didn't tell her what to say in the affidavit. It is just not there.

In fact, Mr. Manager HUTCHINSON repeatedly represented to you that Ms. Lewinsky reviewed the content of her affidavit with the President. He had to say that because he is asking you to remove the President from office for getting her to file a false affidavit. That is a tough sell if they never talked about the content of the affidavit. That is why he told you, and I quote, “On January 6th”—5th or 6th—“she discussed that with the President, signing that affidavit, and the content of the affidavit.”

That is why Mr. Manager HUTCHINSON also told you, “She went over the contents of that, even though she might not have had it in hand, with the President.”

That is just not true. It is not true. To borrow a phrase, again: It is wanting to win too much. What is clear from Ms. Lewinsky's testimony is that she never went over the contents of the affidavit with the President, on January 5 or at any other time. Let's watch a brief excerpt about this matter.

(Text of videotape presentation:)

Q Did—did the subject of the affidavit come up with the President?

A Yes, towards the end of the conversation.

Q And how did—tell us how that occurred.

A I believe I asked him if he wanted to see a copy of it, and he said no.

Q Well, I mean, how did you introduce that into the subject—into the conversation?

A I don't really remember.

Q Did he ask you, well, how's the affidavit coming or—

A No, I don't think so.

Q But you told him that you had one being prepared, or something?

A I think I said—I think I said, you know, I'm going to sign an affidavit, or something like that.

Q Did he ask you what are you going to say?

A No.

Q And this is the time when he said something about 15 other affidavits?

A Correct.

Q And tell us as best as you can recall what—how that—how that part of the conversation went.

A I think that was the—sort of the other half of his sentence as, No, you know, I don't want to see it. I don't need to—or, I've seen 15 others.

It was a little flippant.

Q In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A He didn't discuss the content of my affidavit with me at all, ever.

In fact, Ms. Lewinsky made clear she did not have any indication whatsoever that the President learned of the content of the affidavit from Mr. Jordan, either.

(Text of videotape presentation:)

Q The fact that you assume that Mr. Jordan was in contact with the President—and I believe the evidence would support that through his own testimony that he had talked to the President about the signed affidavit and that he had kept the President updated on the subpoena issue and the job search—

A Sir, I'm not sure that I knew he was having contact with the President about this. I—I think what I said was that I felt that it was getting his approval. It didn't necessarily mean that I felt he was going to get a direct approval from the President.

Q Did you have any indication from Mr. Jordan that he—when he discussed the signed affidavit with the President, they were discussing some of the contents of the affidavit? Did you have—

A Before I signed it or—

Q No; during the drafting stage.

A No, absolutely not—either/or. I didn't. No, I did not.

Finally, lacking any direct evidence of any kind that there was a discussion about the content of the affidavit, the managers have argued again and again that the President must have told Ms. Lewinsky to file a false affidavit because it was in his interest, not hers, to avoid her testifying in the Jones case. Mr. Manager BRYANT argued to you at the start of these proceedings, “When everything is said and done, Ms. Lewinsky had no motivation, no reason whatsoever, to want to commit a crime by willfully submitting a false affidavit with a court of law. She really did not need to do this at that point in her life.”

Mr. Manager BRYANT also argued that only the President would benefit from a false affidavit, so he must have instructed her to do it. As he put it, “Ms. Lewinsky files a false affidavit in the Jones case. What is the result of filing that false affidavit and who benefited from that?”

But he was wrong. He was wrong, as Ms. Lewinsky made very clear when Mr. Manager BRYANT asked her about this very subject this week. Let's listen to what she said:

(Text of videotape presentation:)

Q But you didn't file the affidavit for your best interest, did you?

A Uh, actually, I did.

Q To avoid testifying.

A Yes.

Q Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Ms. Lewinsky concedes that she had a reason to act on her own.

Now, we have been discussing subpart (1) of article II, the affidavit allegation. But this testimony also undermined subpart (2) of article II, which

alleges that the President obstructed justice in that very same phone call by encouraging Ms. Lewinsky to lie in any testimony that she might give. Ms. Lewinsky previously denied that she and the President ever discussed the content of any deposition testimony in that conversation. That happened before this week. Indeed, she had told the FBI that she and the President never discussed what to say about her visits to the White House in the context of the Paula Jones case. And the managers themselves said, in a press release on January 19 of this year, that the President and Ms. Lewinsky "did not discuss the deposition that evening because Monica had not yet been subpoenaed."

So it is not entirely surprising that the managers did not ask Ms. Lewinsky to confirm that she and the President talked about the testimony in this call, even though that is where the obstruction allegedly occurred. They didn't ask her about that this week because they knew the answer. They knew the answer was "No." They knew there was no discussion about the content of her testimony during that call. And the testimony you have seen today confirms that answer resoundingly. There is no evidence to support the charge in subpart (2) either. The managers did not even try to elicit it.

The President did not obstruct justice. Ms. Lewinsky's testimony explodes these two claims arising out of the December 17 telephone call.

Now let's turn to the allegation in article (2) concerning gifts. Subpart (3) charges that:

On or about December 28, 1997, [the President] corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

Now, the managers have indicated to you that Ms. Lewinsky provided testimony useful to their case with respect to the President's involvement in the transfer of gifts to Ms. Currie. We must have attended a different deposition. In fact, Ms. Lewinsky's testimony provides powerful support for the position that Ms. Lewinsky decided on her own to keep from the Jones lawyers the gifts she had received from the President. It provides powerful support for the position that she had her own reasons and concerns for keeping the gifts from them. And it provides powerful support for the position that she never discussed either the topic of gifts or her own reasons for concern with the President before making her own independent decision on how to handle the gifts.

Perhaps most notably, her testimony also provides corroboration for the President's testimony that he told her she had to turn over to the Jones lawyers what gifts she had. That is new evidence. But it undermines the managers' case, it doesn't help it.

In one of the most extraordinary points in the deposition—and we will get to this in a moment—we learned

that the Office of Independent Counsel failed to disclose to the House, to the Senate, to the President, Ms. Lewinsky's exculpatory statement on this point.

Since the OIC evidently had chosen not to share the information with us, with the House or with this body, we owe the managers a small debt of gratitude for allowing us to learn of it here.

Now let's look at the record with respect to the phone calls giving rise to the gift pickup. The managers repeatedly asserted at the outset that they could prove Ms. Currie called Ms. Lewinsky and not the other way around. They claimed they had found a cell phone record documenting that initial call to arrange to pick up the gifts. As Mr. Manager HUTCHINSON said tantalizingly at the start of these proceedings:

Well, it was not known at the time of the questioning of Monica Lewinsky, but since then, the cell phone record was retrieved. And you don't have it in front of you, but it will be available. The cell phone record was retrieved that showed on Betty Currie's cell phone calls that a call was made at 3:32 p.m. from Betty Currie to Monica Lewinsky and—

Still under quotes—

this confirms the testimony of Monica Lewinsky that the followup to get the gifts came from Betty Currie.

That is what Mr. Manager HUTCHINSON promised the record would show. But that is not, in the end, what the record now shows. There is no evidence that the cell phone call initiated the process, as the managers claimed, and since there is no evidence that that call from Ms. Currie was the call initiating the process, there is no documentary evidence that Ms. Currie initiated the process. It is that simple. The proof has failed.

What the record does show is that there was a cell phone call that day, a proposition that no one has ever disputed. Ms. Lewinsky testified to the managers that she recalls a cell phone call that day. Let's look at the testimony. This passage that you are about to see addresses the calls between Ms. Lewinsky and Ms. Currie on December 28. Ms. Lewinsky has just described Ms. Currie's call to her about picking something up, and this is what follows.

(Text of videotape presentation:)

Q. Did—did you have other telephone calls with her that day?

A. Yes.

Q. Okay. What was the purpose of those conversations?

A. I believe I spoke with her a little later to find out when she was coming, and I think that I might have spoken with her again when she was either leaving her house or outside or right there, to let me know to come out.

Q. Do—at that time, did you have the caller identification—

A. Yes, I did.

Q. —on your telephone?

A. Yes.

Q. And did you at least on one occasion see her cell phone number on your caller-ID that day?

A. Yes, I did.

Nowhere does Ms. Lewinsky say which call was the cell phone call. In

fact, if anything, it is logical to assume that it is the call from Ms. Currie announcing her imminent arrival which, of course, says nothing about how the visit was initially planned, and no one ever has disputed that Ms. Currie picked up the box. The fact that she might have called to say, "I'm downstairs now," is of no additional evidentiary value whatsoever.

Left without a documentary record, the managers assert that there is new testimonial evidence of other calls on December 28 that somehow corroborate their theory of the case. But the new testimony doesn't even establish who made the other calls that day, and the record already had evidence of other calls on that day. Ms. Lewinsky mentioned such calls to the grand jury. Ms. Lewinsky and Ms. Currie spoke often, especially in that time period. There were phone calls.

There is nothing new here. Ms. Currie has one recollection; Ms. Lewinsky has a different recollection. Indeed, when asked by Mr. Manager BRYANT whether there was any doubt in her mind that it was Betty Currie who called her, Ms. Lewinsky stated simply, "That's how I remember this event."

Straining for something beyond this absolutely unresolvable conflict, the managers promised evidence to tip the balance, and they produced none. The much-touted cell phone call utterly fails to establish who initiated the gift pickup by Ms. Currie.

It is, therefore, clear that the deposition testimony does not advance the managers' case with respect to the gifts, but it sure advances the defense case. Remember, Ms. Lewinsky received a subpoena on December 19 requesting gifts she had received from the President. She met with her lawyer, Frank Carter, on December 22, and she did not speak to the President in the interim.

In her deposition this week, Ms. Lewinsky testified at some length about how she decided what to bring her attorney, Frank Carter, in response to that request for gifts. As we will see, she decided on her own that she would bring only innocuous things to produce, things that any intern might have in his or her possession.

Again, this was on December 22, well before the December 28 meeting with the President at which the managers and the articles say the plan to hide the gifts was hatched. Ms. Lewinsky explained to the managers what she did and why she did it. Let's listen.

(Text of videotape presentation:)

Q. Did, uh, did you bring with you to the meeting with Mr. Jordan, and for the purpose of carrying it, I guess, to Mr. Carter, items in response to this request for production?

A. Yes.

Q. Did you discuss those items with Mr. Jordan?

A. I think I showed them to him, but I'm not 100 percent sure. If I've testified that I did, then I'd stand by that.

Q. Okay. How did you select those items?

A. Uh, actually, kind of in an obnoxious way, I guess. I—I felt that it was important

to take the stand with Mr. Carter and then, I guess, to the Jones people that this was ridiculous, that they were—they were looking at the wrong person to be involved in this. And, in fact, that was true. I know and knew nothing of sexual harassment. So I think I brought the, uh, Christmas cards, that I'm sure everyone in this room has probably gotten from the President and First Lady, and considered that correspondence, and some innocuous pictures and—they were innocuous.

Q. Were they the kind of items that typically, an intern would receive or, like you said, any one of us might receive?

A. I think so.

Q. In other words, it wouldn't give away any kind of special relationship?

A. Exactly.

Q. And was that your intent?

A. Yes.

Q. Did you discuss how you selected those items with anybody?

A. I don't believe so.

Q. Did Mr. Jordan make any comment about those items?

A. No.

Q. Were any of these items eventually turned over to Mr. Carter?

A. Yes.

As an aside, contrary to the assertion of Mr. Manager ROGAN, it is also clear from that excerpt that Ms. Lewinsky knew nothing of sexual harassment. That is what she said.

So it is clear from this tape that well before December 28 Ms. Lewinsky had made her own decision for her own reasons not to produce the gifts. She remained firm in this decision for her own reasons on December 28 when the President gave her more gifts. Let's watch again.

(Text of videotape presentation:)

Q. Okay. Did—he gave you some gifts that day, and my question to you is what went through your mind when he did that, when you knew all along that you had just received a subpoena to produce gifts. Did that not concern you?

A. No, it didn't. I was happy to get them.

Q. All right. Why did it—beyond your happiness in receiving them, why did the subpoena aspect of it not concern you?

A. I think at that moment—I mean, you asked me when he gave me those gifts. So, at that moment, when I was there, I was happy to be with him. I was happy to get these Christmas presents. So I was nervous about the case, but I had made a decision that I wasn't going to get into it too much—

Q. Well—

A. —with a discussion.

Q. —have you in regards to that—you've testified in the past that from everything that the President had told you about things like this, there was never any question that you were going to keep everything quiet, and turning over all the gifts would prompt the Jones attorneys to question you. So you had no doubt in your mind, did you not, that you weren't going to turn these gifts over that he had just given you?

A. Uh, I—I think the latter half of your statement is correct. I don't know if you're reading from my direct testimony, but—because you said—your first statement was from everything the President had told you. So I don't know if that was—if those were my words or not, but I—no, I was—I—it—I was concerned about the gifts. I was worried someone might break into my house or concerned that they actually existed, but I wasn't concerned about turning them over because I knew I wasn't going to, for the reason that you stated.

Now, when Ms. Lewinsky raised the issue of gifts with the President on December 28, she did not state he even answered. Her recollection of whether he said anything has been murky, as we have heard discussed here. And in her recent deposition she declined to resolve the inconsistencies in favor of the version the managers have advanced.

And then what happened after she left on December 28? As Ms. Lewinsky recounted the subsequent events, Ms. Currie later called and arranged to pick up something. But what? According to Ms. Lewinsky, Ms. Currie never said "gifts" when she called. Ms. Lewinsky assumed that was what she was calling about—that is her testimony—no doubt because they had been on her mind for the reasons we have just heard explained.

Now, the managers attempt to respond to all this by saying over and over, yes, but the President never told Ms. Lewinsky she had to produce the gifts he had given her. They attempt to convert his silence into a failure to perform a legal duty and then to convert that failure to perform a legal duty into a high crime.

But are we really sure that he didn't tell her to produce the gifts? Remember, the President volunteered on his own in the grand jury that Ms. Lewinsky had raised the subject of gifts with him. That was long before he knew she had said it. And remember, he said what his response was: "You have to give them whatever you have."

Now, the managers would have you believe Ms. Lewinsky rejected that recollection wholesale, that she said he never said any such thing. They need that to be the case. But it is not so, we now learn, no thanks to Mr. Starr's agents.

Let's watch.

(Text of videotape presentation:)

Q. Okay. Now, were you ever under the impression from anything that the President said that you should turn over all the gifts to the Jones lawyers?

A. No, but where this is a little tricky—and I think I might have even mentioned this last weekend—was that I had an occasion in an interview with one of the—with the OIC—where I was asked a series of statements, if the President had made those, and there was one statement that Agent Phalen said to me—I—there were—other people, they asked me these statements—this is after the President testified and they asked me some statements, did you say this, did you say this, and I said, no, no, no. And Agent Phalen said something, and I think it was, "Well, you have to turn over whatever you have." And I said to you, "You know, that sounds a little bit familiar to me."

So that's what I can tell you on that.

Q. That's in the 302 exam?

A. I don't know if it's in the 302 or not, but that's what happened.

Q. Uh-huh.

This is extraordinary testimony. Why? Because Ms. Lewinsky apparently corroborated the President. She recognized those words when she heard them. She didn't refute the President. And the OIC never told us that that was what she said. Never told the

House. Never told this body. We had no idea about Ms. Lewinsky's recollection until we heard her testimony. We can only wonder—in troubled disbelief—how much more we still don't know. The President did not obstruct justice. Ms. Lewinsky's testimony seriously undermines the gift claim that is before you.

We have reviewed the first three subparts of article II. Now, let's look quickly at the fourth.

Ms. Lewinsky's testimony also confirms what has been clear throughout these proceedings: That her New York job search efforts began in October 1997, well before Ms. Lewinsky was ever named a potential witness in the Jones case; and that Mr. Jordan first became involved in the job search effort in November, early November, also before she became a witness; that Ms. Lewinsky had received a job offer in New York from the United Nations in November also, and also well before there was any indication she would be a witness; and that Mr. Jordan and Ms. Lewinsky had several contacts related to her job search in November, despite the fact that both of them were traveling extensively, including out of the country in that period.

In fact, Ms. Lewinsky makes it clear in this testimony that she and Mr. Jordan began arranging the meeting that took place on December 11 before Thanksgiving, before anyone knew Ms. Lewinsky's name would be on a witness list—all of this, of course, before anyone knew Ms. Lewinsky's name would be on a witness list. If the fact that the assistance to Ms. Lewinsky preceded her appearance on the witness list needed confirmation, it has been confirmed again.

But there is more. What has also been confirmed is Ms. Lewinsky's grand jury testimony that, "No one ever asked me to lie. And I was never promised a job for my silence." We have repeatedly reminded this body of these plain and simple words with their plain, simple and exculpatory meaning.

The House managers repeatedly have tried to suggest that these words must mean something else. But at no time in their hours of questioning Ms. Lewinsky did they question her about this pivotal assertion regarding the job search allegation. They did not ask her to explain it, to amend it, to qualify it. They did not challenge it. They did not confront it. They didn't dare. They knew the answer. They knew there was no quid pro quo. And their failure to elicit a response speaks volumes.

The President did not obstruct justice. Ms. Lewinsky's testimony undermines this job search claim, as well. Plain and simple, the evidence is to the contrary.

Now, Mr. Manager BRYANT remarked on Thursday that after deposing Ms. Lewinsky he felt like the actor Charles Laughton in the film "Witness for the Prosecution." As counsel for the President, I would respectfully submit that another famous role of Charles

Laughton might be the more fitting reference. It is that of the dogged, tireless, obsessed Inspector Javert once played by Mr. Laughton in the 1935 movie version of "Les Miserables."

The most recent testimony of Ms. Lewinsky has seriously damaged the managers' case and has confirmed that it is time for this tireless pursuit of the President to come to an end.

I turn now to my partner, Mr. Kendall, who will discuss Mr. Jordan's recent testimony.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

RECESS

Mr. LOTT. I think I see in the Chief Justice's eyes the desire for—

(Laughter.)

Mr. LOTT. —a 15-minute break. Let's return as shortly after 3:30 as is possible.

Thereupon, at 3:18 p.m., the Senate recessed until 3:42 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice. I believe the White House counsel has an additional presenter at this time.

The CHIEF JUSTICE. The Chair recognizes White House Counsel Kendall.

Mr. Counsel KENDALL. Mr. Chief Justice, ladies and gentlemen of the Senate, distinguished House Managers, I am going to deal with Vernon Jordan's videotape deposition. That deposition was taken on February 2, this last Tuesday, and it produced nothing at all which was significant and new. Time and again, Mr. Manager HUTCHINSON cited Mr. Jordan's previous grand jury testimony, and time and again Mr. Jordan confirmed and recited his previous grand jury testimony.

The managers had a full and fair opportunity to take Mr. Jordan's testimony, and they, indeed, had time to spare. They used just about 3 hours of their allotted 4-hour time. And they discovered nothing that was not contained in the previous 900 pages of Mr. Jordan's grand jury testimony which has been taken in his March 3, March 5, May 5, May 28, and June 9 appearances before the OIC grand jury. Assertions by counsel is not the same thing as proof. And I think that it is clear when you watch the actual video as we have done today of the three witnesses whose testimony the managers took earlier this week.

For example, with respect to Mr. Jordan, Mr. Manager HUTCHINSON, who did a first-rate job of interrogation as you can see from the video, told you last Thursday that he needed to have in evidence the videotape, and you admitted it into evidence, because—and I quote—"Mr. Jordan's testimony goes to the connection between the job search, the benefit provided to a witness, and the solicited false testimony from that witness."

Mr. Manager HUTCHINSON also asserted more than once last Thursday

that Mr. Jordan's testimony will prove that the President was controlling the job search. There is only one problem with these assertions. When you actually look at the videotape and listen to what Mr. Jordan testified to, there is no support for these propositions. There is no direct evidence and there is no circumstantial evidence. It is plain that to help somebody find a job is an acceptable activity. It is only when this is tied, as the second article of impeachment alleges it is tied, to some obstruction in the Paula Jones case that it becomes illegal. And, when fairly considered, Mr. Jordan's testimony provides no evidence whatsoever of that.

Mr. Jordan was a long-time and close personal friend of the President.

(Text of videotape presentation:)

Q. It's probably not bad from Washington standards.

Would you describe the nature of your relationship with President Clinton?

A. President Clinton has been a friend of mine since approximately 1973, when I came to your State, Arkansas, to make a speech as president of the National Urban League about race and equal opportunity in our Nation, and we met then and there, and our friendship has grown and developed and matured and he is my friend and will continue to be my friend.

Q. And just to further elaborate on that friendship, it's my understanding that he and his—and the First Lady has had Christmas Eve dinner with you and your family for a number of years?

A. Every year since his Presidency, the Jordan family has been privileged to entertain the Clinton family on Christmas Eve.

Q. And has there been any exceptions in recent years to that?

A. Every year that he has been President, he has had, he and his family, Christmas Eve with my family.

Q. And have you vacationed together with the Clinton family?

A. Yes. I think you have seen reels of playing golf and having fun at Martha's Vineyard.

Q. And so you vacation together, you play golf together on a semi-regular basis?

A. Whenever we can.

It has been, since the start of this investigation, well known that Mr. Jordan was active in helping Ms. Lewinsky secure employment in New York, and also that he construed this request which came to him through Betty Currie as having come from the President himself. In his May 28 grand jury testimony, for example, Mr. Jordan testified that Betty Currie is the President's secretary. "She was the person who called me at the behest of the President, I believe, to ask me to look into getting Monica Lewinsky the job."

And, again, on June 9, Mr. Jordan testified to the grand jury that, "The President asked me to help get Monica Lewinsky a job."

Mr. Manager HUTCHINSON played an excerpt, which I will not play again, which once more repeats that testimony.

Mr. Jordan, however, made clear that while he recommended Ms. Lewinsky for a job at three New York firms

which he had some connection with, the decision to hire her was the company's, and he put no pressure of any kind on these companies to hire Ms. Lewinsky. Indeed, she received an offer at one company, Revlon, and failed to obtain one from American Express or Burson-Marsteller.

(Text of video presentation:)

Q. Okay. Do you believe that you are acting in the company's interest or the President's interest when you were trying to secure a job for Ms. Lewinsky?

A. Well, what I knew was that the company would take care of its own interest. This is not the first time that I referred somebody, and what I know is, is that if a person being referred does not meet the standards required for that company, I have no question but that that person will not be hired. And so the referral is an easy thing to do; the judgment about employment is not a judgment as a person referring that I make. But I do have confidence in all of the companies on whose boards I sit that, regardless of my reference, that as to their needs and as to their expectations for their employees that they will make the right decisions, as happened in the American Express situation.

American Express called and said: We will not hire Ms. Lewinsky. I did not question it, I did not challenge it, because they understood their needs and their needs in comparison to her qualifications. They made a judgment. Revlon, on the other hand, made another judgment.

I am not the employer. I am the referrer, and there is a major difference.

Q. Now, going back to what you knew as far as information and what you conveyed to Revlon, you indicated that you did not tell Mr. Halperin that you were making this request or referral at the request of the President of the United States.

A. Yes, and I didn't see any need to do that.

Q. And then, when you talked to Mr.—

A. Nor do I believe not saying that, Counselor, was a breach of some fiduciary relationship.

Q. And when you had your conversation with Mr. Perelman—

A. Right.

Q. —at a later time—

A. Right.

Q. —you do not remember whether you told him—you do not believe you told him you were calling for the President—

A. I believe that I did not tell him.

Q. —but you assumed that he knew?

A. No. I did not make any assumptions, let me say. I said: Ronald, here is a young lady who has been interviewed. She thinks the interview has not gone well. See what you can do to make sure that she is properly interviewed and evaluated—in essence.

Q. And did you reference her as a former White House intern?

A. Probably. I do not have a recollection of whether I described her as a White House intern, whether I described her as a person who had worked for the Pentagon. I said this is a person that I have referred.

I think, Mr. HUTCHINSON, that I have sufficient, uh, influence, shall we say, sufficient character, shall we say, that people have been throughout my career able to take my word at face value.

Q. And so you didn't need to reference the President. The fact that you were calling Mr. Perelman—

A. That was sufficient.

Q. —and asking for a second interview for Ms. Lewinsky, that that should be sufficient?

A. I thought it was sufficient, and obviously, Mr. Perelman thought it was sufficient.



Q. And so there is no reason, based on what you told him, for him to think that you were calling at the request of the President of the United States?

A. I think that's about right.

Q. And so, at least with the conversation with Mr. Halperin and Mr. Perelman, you did not reference that you were acting in behalf of the President of the United States. Was there anyone else that you talked to at Revlon in which they might have acquired that information?

A. The only persons that I talked to in this process, as I explained to you, was Mr. Halperin and Mr. Perelman about this process. And it was Mr. Halperin who put the—who got the process started.

Q. So those are the only two you talked about, and you made no reference that you were acting in behalf of the President?

A. Right.

Q. Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A. That's correct.

The most critical thing about this deposition is it contained no evidence of any kind which supports the central allegation of article II, the obstruction of justice article, that Mr. Jordan's job search assistance was tied to Ms. Lewinsky testifying in a certain way or that the President intended Mr. Jordan's assistance to corruptly influence her testimony. Mr. Jordan was unequivocal about the fact that he had frequently helped other people and that here there was no quid pro quo, no tie-in of any kind. Indeed, he provided direct evidence of this fact.

(Text of videotape presentation:)

Q. Mr. Jordan, you were asked questions about job assistance. Would you describe the job assistance you have over your career given to people who have come to you requesting help finding a job or finding employment?

A. Well, I've known about job assistance and have for a very long time. I learned about it dramatically when I finished at Howard University Law School, 1960, to return home to Atlanta, Georgia to look for work. In the process of my—during my senior year, it was very clear to me that no law firm in Atlanta would hire me. It was very clear to me that, uh, I could not get a job as a black lawyer in the city government, the county government, the State government or the Federal Government.

And thanks to my high school bandmaster, Mr. Kenneth Days, who called his fraternity brother, Donald L. Hollowell, a civil rights lawyer, and said, "That Jordan boy is a fine boy, and you ought to consider him for a job at your law firm," that's when I learned about job referral, and that job referral by Kenneth Days, now going to Don Hollowell, got me a job as a civil rights lawyer working for Don Hollowell for \$35 a week.

I have never forgotten Kenneth Days' generosity. And given the fact that all of the other doors for employment as a black lawyer graduating from Howard University were open to me, that's always—that's always been etched in my heart and my mind, and as a result, because I stand on Mr. Days' shoulders and Don Hollowell's shoulders, I felt some responsibility to the extent that I could be helpful or got in a position to be helpful, that I would do that.

And there is I think ample evidence, both in the media and by individuals across this

country, that at such times that I have been presented with that opportunity that I have taken advantage of that opportunity, and I think that I have been successful at it.

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

That is direct evidence. That is not circumstantial evidence. That is unimpugned direct evidence.

Mr. Manager HUTCHINSON emphasized that Mr. Jordan now admits that he met with Ms. Lewinsky for breakfast on December 31. But Mr. Jordan also conceded in his deposition that, while he has no direct recollection of it, he also met with Ms. Lewinsky on November 5, a date well before any of the many managerial-selected dates for the beginning of the corrupt conspiracy here.

(Text of videotape presentation:)

Q. . . . Now, when was the first time that you recall that you met with Monica Lewinsky?

A. If you've read my grand jury testimony—

Q. I have.

A. —and I'm sure that you have—there is testimony in the grand jury that she came to see me on or about the 5th of November. I have no recollection of that. It was not on my calendar, and I just have no recollection of her visit. There is a letter here that you have in evidence, and I have to assume that in fact that happened. But as I said in my grand jury testimony, I'm not aware of it, I don't remember it—but I do not deny that it happened.

Q. And Ms. Lewinsky has made reference to a meeting that occurred in your office on November 5, and that's the meeting that you have no recollection of?

A. That is correct. We have no record of it in my office, and I just have no recollection of it.

Q. And in your first grand jury appearance, you were firm, shall I say, that the first time you met with Ms. Lewinsky, that it was on December 11th?

A. Yes. It was firm based on what my calendar told me, and subsequently to that, there has been a refreshing of my recollection, and I do not deny that it happened. By the same token, I will tell you, as I said in my grand jury testimony, that I did not remember that I had met with her.

Q. And in fact today, the fact that you do not dispute that that meeting occurred is not based upon your recollection but is simply based upon you've seen the records, and it appears that that meeting occurred?

A. That is correct.

The managers' theory is that it wasn't the original job assistance which constitutes obstruction of justice, it was, rather, the intensification of it which began at a certain point—and that point has varied.

When you boil it all down, when you look at Mr. Jordan's deposition or read his grand jury testimony, you see that he acted for Ms. Lewinsky on two different occasions. On December 11 he made three phone calls for her to New York firms, and then on January 8, when she thought an interview had gone badly, he made another phone call, this time to Mr. Perelman. That is all he did.

Now, you also will recall, I think, that the managers' original theory was

that what catalyzed this job search intensification, what really kick-started it, was the entry of an order in the Paula Jones case by Judge Wright on December 11.

Mr. Manager HUTCHINSON told you on January 14 that what triggered—

Let's look at the chain of events. The judge—the witness list came in, the judge's order came in, that triggered the President into action and the President triggered Vernon Jordan into action. That chain reaction here is what moved the job search along. . . . Remember what else happened on that day, December 11. Again, that was the same day that Judge Wright ruled that the questions about other relationships could be asked by the Jones attorneys.

That was the theory then. This is now. We demonstrated, in our own presentation, of course, that that order was entered late in the day at a time when Mr. Jordan was high over the Atlantic in an airplane on his way to Amsterdam.

Mr. Manager HUTCHINSON's very able examination did not try to resuscitate that theory. He didn't even make the attempt. He didn't ask Mr. Jordan about the December 11 order.

So today we have a different time line. We have a new chart and a new time line. Let's look at this.

This is Mr. Manager HUTCHINSON's chart this morning. What is critical here? Well, we learned today that it is the December 5 date that is critical. That is when the witness list was faxed to the President's counsel, and that is what triggered the succeeding chain of events. Mr. Manager HUTCHINSON remarked, if I heard him correctly, that whenever you are talking about obstruction of justice, it ties together, it all fits together.

Let's look at his chart. We see that December 11 is on here, but Judge Wright's order has dropped off entirely, unless it is there where I don't see it. Judge Wright's order is now not part of the chain of causation.

We look at December 7. We ask ourselves what happened then; this is 2 days after the witness list came in. It must have been something nefarious, because the President and Jordan meet. But Mr. Manager HUTCHINSON did not represent to you that they even talked about the Jones litigation or Ms. Lewinsky because they didn't. The managers told you that in their trial brief, and it has been Mr. Jordan's consistent testimony.

On December 11, Mr. Jordan did have a meeting with Ms. Lewinsky. That was originally set up not on December 8, you will recall, but back in November when Ms. Lewinsky had agreed to call Mr. Jordan when he returned from his travel.

So the chronology here produces no even circumstantial evidence of some linkage between the Paula Jones case and Mr. Jordan's job search.

It is also significant, I think, while the witness list came in on December 5, the President met with his lawyers on December 6, the President doesn't call Ms. Lewinsky until December 17 and

Mr. Jordan doesn't learn about the fact that Ms. Lewinsky is on the witness list until December 19. There does not seem to be a lot of urgency here.

Let's review the nefarious conspiracy that we have heard about today to get Ms. Lewinsky a job. We are told today that Vernon Jordan had no corrupt intent, that Ms. Lewinsky had no corrupt intent, and that Revlon had no corrupt intent. Rather, it was the President who somehow spun out this conspiracy. But I ask you, where, in all of the voluminous record, is there any evidence, either direct or circumstantial, that the President somehow tied these things together through Mr. Jordan? It is a shell game, but the game doesn't have any shell in it, and I think this is the loneliest conspiracy in human history, if it was a conspiracy. But it wasn't.

On the subject of quid pro quo, I want to play two excerpts, and part of these I ask your indulgence. They were played in part by Mr. Manager HUTCHINSON, but I think they deserve to be seen in their full context. In one of them you are going to hear Mr. Jordan say that he was running the job search, he was in control of the job search. I think that is true about the Vernon Jordan job search. Ms. Lewinsky's job search had also been proceeding with Mr. Richardson—Mr. Jordan was not involved in any way with that—and through her superior at the Pentagon, Mr. Ken Bacon. Let's listen to the full context and listen for any evidence of a quid pro quo.

(Text of videotape presentation:)

BY MR. HUTCHINSON:

Q. Mr. Jordan, let me go back to that meeting on December 11th. I believe we were discussing that. My question would be: How did the meeting on December 11 of 1997 with Ms. Lewinsky come about?

A. Ms. Lewinsky called my office and asked if she could come to see me.

Q. And was that preceded by a call from Betty Currie?

A. At some point in time, Betty Currie had called me, and Ms. Lewinsky followed up on that call, and she came to my office, and we had a visit.

Q. Ms. Lewinsky called, set up a meeting, and at some point sent you a resume, I believe.

A. I believe so.

Q. And did you receive that prior to the meeting on December 11th?

A. I—I have to assume that I did, but I—I do not know whether she brought it with her or whether—it was at some point that she brought with her or sent to me—somehow it came into my possession—a list of various companies in New York with which she had—which were her preferences, by the way—most of which I did not know well enough to make any calls for.

Q. All right. And I want to come back to that, but I believe—would you dispute if the record shows that you received the resume of Ms. Lewinsky on December 8th?

A. I would not.

Q. And presumably, the meeting on December 11th was set up somewhere around December 8th by the call from Ms. Lewinsky?

A. I—I would not dispute that, sir.

Q. All right. Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A. Not jobs—companies.

Q. —companies that she would be interested in seeking employment with.

A. That's correct.

Q. And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A. I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q. Absolutely. No question about it. And let me just comment and ask your response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name "Vernon Jordan" would be a good reference anywhere, would it not?

A. I would hope so.

Q. And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A. Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q. And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A. I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q. You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A. Yes.

Q. Now, going back—going to your meeting that we're talking about on December 11th, prior to the meeting did you make any calls to prospective employers in behalf of Ms. Lewinsky?

A. I don't think so. I think not. I think I wanted to see her before I made any calls.

Q. And so if they were not before, after you met with her, you made some calls on December 11th?

A. I—I believe that's correct.

Q. And you called Mr. Richard Halperin of McAndrews & Forbes?

A. That's right.

Q. You called Mr. Peter—

A. Georgescu.

Q. —Georgescu. And he is with what company?

A. He is chairman and chief executive officer of Young & Rubicam, a leading advertising agency on Madison Avenue.

Q. And did you make one other call?

A. Yes. I called Ursie Fairbairn, who runs Human Resources at American Express, at the American Express Company, where I am the senior director.

Q And what did you basically communicate to each of these officials in behalf of Ms. Lewinsky?

A I essentially said that you're going to hear from Ms. Lewinsky, and I hope that you will afford her an opportunity to come in and be interviewed and look favorably upon her if she meets your qualifications and your needs for work.

Q Okay. And at what level did you try to communicate this information?

A By—what do you mean by "what level"?

Q In the company that you were calling, did you call the chairman of human resources, did you call the CEO—who did you call, or what level were you seeking to talk to?

A Richard Halperin is sort of the utility man; he does everything at McAndrews & Forbes. He is very close to the chairman, he is very close to Mr. Gittis. And so at McAndrews & Forbes, I called Halperin.

As I said to you, and as my grand jury testimony shows, I called Young & Rubicam, Peter Georgescu as its chairman and CEO. I have had a long-term relationship with Young & Rubicam going back to three of its CEOs, the first being Edward Ney, who was chairman of Young & Rubicam when I was head of the United Negro College Fund, and it was during that time that we developed the great theme, "A mind is a terrible thing to waste." So I have had a long-term relationship with Young & Rubicam and with Peter Georgescu, so I called the chairman in that instance.

At American Express, I called Ms. Ursie Fairbairn who is, as I said before, in charge of Human Resources.

So that is the level—in one instance, the chairman; in one instance a utilitarian person; and in another instance, the head of the Human Resources Department.

Q And the utilitarian connection, Mr. Richard Halperin, was sort of an assistant to Mr. Ron Perelman?

A That's correct. He's a lawyer.

Q Now, going to your meeting on December 11th with Ms. Lewinsky, about how long of a meeting was that?

A I don't—I don't remember. You have a record of it, Congressman.

Q And actually, I think you've testified it was about 15 to 20 minutes, but don't hold me to that, either.

During the course of the meeting with Ms. Lewinsky, what did you learn about her?

A Uh, enthusiastic, quite taken with herself and her experience, uh, bubbly, effervescent, bouncy, confident, uh—actually, I sort of had the same impression that you House Managers had of her when you met with her. You came out and said she was impressive, and so we come out about the same place.

Q And did she relate to you the fact that she liked being an intern because it put her close to the President?

A I have never seen a White House intern who did not like being a White House intern, and so her enthusiasm for being a White House intern was about like the enthusiasm of White House interns—they liked it.

She was not happy about not being there anymore—she did not like being at the Defense Department—and I think she actually had some desire to go back. But when she actually talked to me, she wanted to go to New York for a job in the private sector, and she thought that I could be helpful in that process.

Q Did she make reference to someone in the White House being uncomfortable when she was an intern, and she thought that people did not want her there?

A She felt unwanted—there is no question about that. As to who did not want her there and why they did not want her there, that was not my business.

Q And she related that—

A She talked about it.

Q —experience or feeling to you?

A Yes.

Q Now, your meeting with Ms. Lewinsky was on December 11th, and I believe that Ms. Lewinsky has testified that she met with the President on December 5—excuse me, on December 6—at the White House and complained that her job search was not going anywhere, and the President then talked to Mr. Jordan.

Do you recall the President talking to you about that after that meeting?

A I do not have a specific recollection of the President saying to me anything about

having met with Ms. Lewinsky. The President has never told me that he met with Ms. Lewinsky, as best as I can recollect. I—I am aware that she was in a state of anxiety about going to work. She was in a state of anxiety in addition because her lease at Watergate, at the Watergate, was to expire December 31st. And there was a part of Ms. Lewinsky. I think, that thought that because she was coming to me, that she could come today and that she would have a job tomorrow. That is not an unusual misapprehension, and it's not limited to White House interns.

Q I mentioned her meeting with the President on the same day, December 6th. I believe the record shows the President met with his lawyers and learned that Ms. Lewinsky was on the Jones witness list. Now, did you subsequently meet with the President on the next day, December 7th?

A I may have met with the President. I'd have to—I mean, I'd have to look. I'd have to look. I don't know whether I did or not.

Q If you would like to confer—I believe the record shows that, but I'd like to establish that through your testimony.

MS. WALDEN: Yes.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q All right. So you met with the President on December 7th. And was it the next day after that, December 8th, that Ms. Lewinsky called to set up the job meeting with you on December 11th?

A I believe that is correct.

Q And sometime after your meeting on December 11th with Ms. Lewinsky, did you have another conversation with the President?

A Uh, you do understand that conversations between me and the President, uh, was not an unusual circumstance.

Q And I understand that—

A All right.

Q —and so let me be more specific. I believe your previous testimony has been that sometime after the 11th, you spoke with the President about Ms. Lewinsky.

A I stand on that testimony.

Q All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A If there was a discussion subsequent to Monica Lewinsky's visit to me on December 11th with the President of the United States, it was about the job search.

Q All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A He was aware that—he was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having conversations with me. There is no doubt about that.

Q And he thanked you for helping her?

A There's no question about that, either.

Q And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A He did not.

Q And did you consider this information to be important in your efforts to be helpful to Ms. Lewinsky?

A I never thought about it.

Mr. Jordan found out about Ms. Lewinsky's subpoena on December 19 when a weeping Ms. Lewinsky telephoned him and came to his office. Mr. Manager HUTCHINSON played that excerpt from the testimony this morning. I won't replay it. Mr. Jordan then did what I think is best called due diligence. He talked to Ms. Lewinsky, got her a lawyer, asked her whether there was any sexual relationship with the President, and was assured that there was not. That same evening, he went to the White House and made a similar inquiry of the President and he received a similar response.

(Text of videotape presentation:)

Q And still on December 19th, after your meeting with Ms. Lewinsky, did you subsequently see the President of the United States later that evening?

A I did.

Q And is this when you went to the White House and saw the President?

A Yes.

Q At the time that Ms. Lewinsky came to see you on December 19th, did you have any plans to attend any social function at the White House that evening?

A I did not.

Q And in fact there was a social invitation that you had at the White House that you declined?

A I had—I had declined it; that's right.

Q And subsequent to Ms. Lewinsky visiting you, did you change your mind and go see the President that evening?

A After the—a social engagement that Mrs. Jordan and I had, we went to the White House for two reasons. We went to the White House to see some friends who were there, two of whom were staying in the White House; and secondly, I wanted to have a conversation with the President.

Q And this conversation that you wanted to have with the President was one that you wanted to have with him alone?

A That is correct.

Q And did you let him know in advance that you were coming and wanted to talk to him?

A I told him I would see him sometime that night after dinner.

Q Did you tell him why you wanted to see him?

A No.

Q Now, was this—once you told him that you wanted to see him, did it occur the same time that you talked to him while Ms. Lewinsky was waiting outside?

A It could be. I made it clear that I would come by after dinner, and he said fine.

Q Now, let me backtrack for just a moment, because whenever you talked to the President, Ms. Lewinsky was not inside the room—

A That's correct.

Q —and therefore, you did not know the details about her questions on the President might leave the First Lady and those questions that set off all of these alarm bells.

A [Nodding head up and down.]

Q And so you were having—is the answer yes?

A That's correct.

Q And so you were having this discussion with the President not knowing the extent of Ms. Lewinsky's fixation?

A Uh—

Q Is that correct?

A Correct.

Q And, regardless, you wanted to see the President that night, and so you went to see him. And was he expecting you?

A I believe he was.

Q And did you have a conversation with him alone?

A I did.

Q No one else around?

A No one else around.

Q And I know that's a redundant question.

A It's okay.

Q Now, would you describe your conversation with the President?

A We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica Lewinsky, and the President said, "No, never."

Q All right. Now, during that conversation, did you tell the President again that Monica Lewinsky had been subpoenaed?

A Well, we had established that.

Q All right. And did you tell him that you were concerned about her fascination?

A I did.

Q And did you describe her as being emotional in your meeting that day?

A I did.

Q And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A I did.

Q And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A And he said he had not, and I was satisfied—end of conversation.

Q Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q And did you expect your friend, the President of the United States, to give you a truthful answer?

A I did.

Q Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A I believed him, and I continued to do what I had been asked to do.

This morning, a very short portion of the President's grand jury testimony was played. The sound was not very good. It was a very short snippet, but it relates to what happened between Mr. Jordan and the President in that December 19, late-night meeting at the White House. The snippet that was played for you was:

Q And Mr. Jordan informed you of that, is that correct?

"That" being the subpoena.

A No, sir.

That leaves the misleading impression in his grand jury testimony the President did not acknowledge this visit with Mr. Jordan. The question right above the one that was quoted, however, was the following:

Q You were familiar, weren't you, Mr. President, that she had received the subpoena? You have already acknowledged that.

The answer was, "Yes, sir, I was."

And then two pages later, the President was asked by the OIC:

Q Did you, in fact, have a conversation with Mr. Jordan on the evening of December 19, 1997, in which he talked to you about Monica being in Mr. Jordan's office, having a copy of the subpoena and being upset about being subpoenaed?

And the President's answer was:

I remember that Mr. Jordan was in the White House on December 19 for an event of some kind, that he came up to the residence floor and told me that he had—that Monica had gotten subpoenaed or Monica was going to have to testify and I think he told me he recommended a lawyer for her. I believe that's what happened, but it was a very brief conversation.

So I think it is absolutely clear that there is no conflict between the President's testimony and Mr. Jordan's testimony about this. Mr. Jordan had recommended Ms. Lewinsky and took her to the lawyer's office, to a lawyer, a Mr. Frank Carter, a respected Washington, DC, lawyer, to whom Mr. Jordan had recommended other clients. (Text of videotape presentation:)

Q Now, you have referred other clients to Mr. Carter during your course of practice here in Washington, D.C.?

A Yes, I have.

Q About how many have you referred to him?

A Oh, I don't know. Maggie Williams is one client that I—I remember very definitely.

I like Frank Carter a lot. He's a very able young lawyer. He's a first-class person, a first-class lawyer, and he's one of my new acquaintances amongst lawyers in town, and I like being around him. We have lunch, and he's a friend.

Q And is it true, though, that when you've referred other clients to Mr. Carter that you never personally delivered and presented that client to him in his office?

A But I delivered Maggie Williams to him in my office. I had Maggie Williams to come to my office, and it was in my office that I introduced, uh, Maggie Williams to Mr. Carter, and she chose other counsel. I would have happily taken Maggie Williams to his office.

Gary, I will skip the next two videotapes 21 and 22. I hear a sigh of relief.

I want to use the next videotape—and I am almost through—to correct the record as to one point that was made by the managers on Thursday. And again, this representation was important because it asserted an interconnection between the job search assistance and testimony in the Jones case.

We were shown a chart on Thursday and it was a chart that was entitled "Interconnection Between Job Help and Testimony."

Managers' version:

Q [so you] Talk to her both about the job and her concerns about parts of the affidavit.

Answer, according to the managers' version, "That is correct."

When we actually looked at the testimony which we will see in just a second, the question is:

Q Did you, in fact, talk to her about the job and her concerns about parts of the affidavit?

A I have never in any conversation with Ms. Lewinsky talked to her about the job, on

the one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

I don't suggest any intentional misrepresentation, but I think the record deserves to be corrected.

(Text of videotape presentation:)

Q Do you know why you would have been calling Mr. Carter on three occasions, the day before the affidavit was signed?

A Yeah. I—my recollection is—is that I was exchanging or sharing with Mr. Carter what had gone on, what she had asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.

Q Would you have been relating to Mr. Carter your conversations with Ms. Lewinsky?

A I may have.

Q And if Ms. Lewinsky expressed to you any concerns about the affidavit, would you have relayed those to Mr. Carter?

A Yes.

Q And if Mr. Carter was a good attorney that was concerned about the economics of law practice, he would have likely billed Ms. Lewinsky for some of those telephone calls?

A You have to talk to Mr. Carter about his billing.

Q It wouldn't surprise you if his billing did reflect a—a charge for a telephone conversation with Mr. Jordan?

A Keep in mind that Mr. Carter spent most of his time in being a legal services lawyer. I think his concentration is primarily on service, rather than billing.

Q But, again, based upon the conversations you had with him, which sounds like conversations of substance in reference to the affidavit, that it would be consistent with the practice of law if he charged for those conversations?

A That's a question you'd have to ask Mr. Carter.

Q They were conversations of substance with Mr. Carter concerning the affidavit?

A And they were likely conversations about more than Ms. Lewinsky.

Q But the answer was yes, that they were conversations of substance in reference to the affidavit?

A Or at least a portion of them.

Q In other words, other things might have been discussed?

A Yes.

Q In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

Q But the—in the same conversations, both her interest in a job and her discussions about the affidavit were contained in the same conversation?

A As I said to you before, Counselor, she was always interested in the job.

Q Okay. And she was always interested in the job, and so, if she brought up the affidavit, very likely it was in the same conversation?

A No doubt.

Q And that would be consistent with your previous grand jury testimony when you expressed that you talked to her both about the job and her concerns about parts of the affidavit?

A That is correct.

Q Now, on January 7th, the affidavit was signed. Subsequent to this, did you notify anyone in the White House that the affidavit

in the Jones case had been signed by Ms. Lewinsky?

A Yeah. I'm certain I told Betty Currie, and I'm fairly certain that I told the President.

Q And why did you tell Betty Currie?

A I'm—I kept them informed about everybody else that was—everything else. There was no reason not to tell them about that she had signed the affidavit.

Q And why did you tell the President?

A The President was obviously interested in her job search. We had talked about the affidavit. He knew that she had a lawyer. It was in the due course of a conversation. I would say, "Mr. President, she signed the affidavit. She signed the affidavit."

Q And what was his response when you informed him that she had signed the affidavit?

A "Thank you very much."

Q All right. And would you also have been giving him a report on the status of the job search at the same time?

A He may have asked about that, and—and part of her problem was that, you know, she was—there was a great deal of anxiety about the job. She wanted the job. She was unemployed, and she wanted to work.

Q Now, I think you indicated that he was obviously concerned about—was it her representation and the affidavit?

A I told him that I had found counsel for her, and I told him that she had signed the affidavit.

Q Okay. You indicated that he was concerned, obviously, about something. What was he obviously concerned about in your conversations with him?

A Throughout, he had been concerned about her getting employment in New York, period.

Q And he was also concerned about the affidavit?

A I don't know that that was concern. I did tell him that the affidavit was signed. He knew that she had counsel, and he knew that I had arranged the counsel.

In his presentation, Mr. Manager HUTCHINSON discussed the breakfast with Ms. Lewinsky, which Mr. Jordan now concedes he had, on December 31. He showed you the restaurant bill. I am not going to dwell long on that because it really is not relevant to article II.

First of all, it is nowhere alleged as a ground of obstruction of justice. Mr. Manager HUTCHINSON referred to the 7 pillars of obstruction in article II. Those are 7 different factual grounds. This alleged obstruction is nowhere in the grounds.

There is plainly a conflict in the testimony between Ms. Lewinsky and Mr. Jordan; although Mr. Jordan, as you will recall, vehemently denies ever giving that instruction, saying in the videotape played this morning: "I'm a lawyer and I'm a loyal friend, but I'm not a fool. That's ridiculous. I never did that."

The second reason why I think this is irrelevant is, it was not presented as a separate ground for impeachment by the independent counsel. It was identified—the fact of the conflicted testimony was identified, but it was not urged as a separate ground, despite the very, very energetic investigation of Mr. Starr. We have heard a lot in this case about "dogs that won't hunt." In my mind, this is like a Sherlock

Holmes story about the dog that didn't bark. If the independent counsel didn't raise it, that is significant. Finally, it has nothing whatsoever to do with the President, by anybody's contention.

Mr. Chief Justice, I would like to raise a question now, which arose in the final stage of the Vernon Jordan deposition. Mr. Manager HUTCHINSON had taken the deposition. I had asked a couple of questions in response. After I had concluded, Mr. Jordan made a statement defending his own integrity to which Mr. Manager HUTCHINSON objected. I propose—since the issue has arisen of his integrity and since Mr. Jordan is an honorable man and has had a distinguished career—that I be allowed to play the approximately 2-minute segment of his own statement about his integrity.

The CHIEF JUSTICE. Do the managers object?

Mr. Manager HUTCHINSON. Mr. Chief Justice, it is my understanding that that is not a part of the Senate record, and therefore it would not be appropriate to be played under the rules of the Senate.

The CHIEF JUSTICE. But is it a part of the deposition of him that was taken?

Mr. Manager HUTCHINSON. It is not a part of the deposition that was entered into the Senate record under the Senate rules.

The CHIEF JUSTICE. Well, the Parliamentarian advises me that Division I of the motion on Thursday, which was approved, would prevent the playing of that. So the Chair will rule that that is not acceptable.

Mr. LEAHY addressed the Chair.

The CHIEF JUSTICE. The Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. I was one of the Senators at that deposition. I think it would be extremely interesting to hear it. It was taken at the deposition. I ask unanimous consent that it—

Mr. NICKLES. Regular order.

The CHIEF JUSTICE. The Senator from Vermont may appeal the decision of the Chair, which is that it not be played, ask consent for—

Mr. LEAHY. I'm asking unanimous consent, under the circumstances and because it is so short, that the deposition—and it would clarify that part of the deposition Mr. Jordan took, which has been videotaped—be allowed to be shown here on the floor.

The CHIEF JUSTICE. Is there objection?

Mr. NICKLES. Objection.

The CHIEF JUSTICE. Objection is heard.

Counsel may proceed.

Mr. Counsel KENDALL. I would like to recognize my colleague. Well, I think that concludes our presentation.

Mr. Counsel RUFF. We yield back the remainder of our time, Mr. Chief Justice.

The CHIEF JUSTICE. Very well. The managers have 31 minutes remaining.

The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Thank you, Mr. Chief Justice. We will conclude our roughly half hour by responding to as many of the contentions and statements raised by counsel for the White House as we can. I first want to talk, I suppose, about the statement that we heard back a couple of weeks ago, which was repeated today by one of the White House counsels, that "the managers want to win too much."

This is not a game. This is not a game to anyone here. There are extraordinary consequences to what we are doing and what we have been doing and what your decision will be. The stakes are very high. We don't need to take a poll to do what we did. I am reminded of the testimony of the President and Dick Morris taking the poll to determine whether to tell the truth or not, and then after deciding the public would not forgive his perjury, he said, "We will just have to win." But that's not the attitude the House managers have in bringing this case here. The managers fully appreciate the seriousness and the consequences of this. We want to do the right thing. We are not here just to win. We want to help the Senate in this constitutional process do the constitutional thing—not only for the precedent of this Senate but for the precedent of future generations in terms of how the courts now and later will view obstruction of justice and perjury. We believe this is a constitutional effort and not a game.

The question about snippets, that we just put some snippets on the air today—we wanted to call live witnesses. We wanted Ms. Lewinsky to be here and let everybody examine her fully and completely. But we are working with a timeframe, and we brought up those points in her testimony and in Mr. Jordan's testimony and Mr. Blumenthal's testimony that we felt proved our case.

With regard to the issue that Ms. Seligman raised about filing a false affidavit, she ran that testimony many times. I thought we ran the President's earlier in these hearings several times, but I think she beat our record with that testimony. I appreciate that.

But what that is important for is not what Ms. Lewinsky felt was going on that night; but I think it perfectly illustrates what I told you the other day about her testimony. While she was truthful and while she gave us the testimony she had to give us to keep her immunity agreement, where there were some blanks to fill in, or where there was something that could be bent, she did so.

As they pointed out on the question of the linkage between filing an affidavit and this cover story, it was so obvious that they were connected that the OIC did not ask that question, "Did you think about this when you?"—and that. It was obvious. But he did not ask that question. She was right; the question was not asked. So when she, Ms. Lewinsky, had an opportunity in these hearings when I asked her, she said,

"Well, you know, I really didn't link the two together." Let's not throw away all of our common sense here.

She gets a phone call in the middle of the night with a message that you are on the witness list, and she says three things occurred: You are on the witness list, you can file an affidavit, and you can use a cover story. Why else would the President raise the issue of a cover story at 2:30 in the morning if he didn't intend for her to use that?

But keep in mind, too, it really doesn't matter how she appreciated this. It really matters what the President intended. And he intended to let her know that she was on the list, she could be subpoenaed, she could file an affidavit, and she could use the cover story.

And in fact she did use that cover story. She went to her lawyer, Mr. Carter, and told him that. And it was incorporated into the draft affidavit that she went to take papers to the President to sign, and in those cases she may have been alone. But they didn't like the specter of her being alone. So they struck that provision out of the final affidavit. But they did attempt to use it.

But keep in mind also that it is the President's intent. And his intent was to interfere with justice in the Paula Jones case and to have her give a false affidavit. And that is why he so suggested that.

On the gifts to people, is it really an issue? Is there really an issue here? There is some fabulous lawyering over here. But there is no issue here. Ms. Lewinsky testified that there was no doubt in her mind that Ms. Currie initiated the call. That is all there is to this issue. The fact that there were other calls in the day, the fact that one of the other calls may have been at 3:30, really are moot points. The issue is, if Betty Currie initiated that phone call, the only impetus for her to initiate that call had to come from the President. She was not in that conversation that morning. The President had to tell her, and apparently did so, because she made the call.

At the end of the examination of her testimony, or toward the end—it was shown several times—we asked her, "Did the President ever tell you anything about the gifts?" And she said, "Not that I remember." And then later on in the segment, you also saw she was asked the question again by me: "OK. Were you ever under any impression or the impression from the President that you should turn over all the gifts to the Jones lawyers?" And she said, "No." Then she goes on to say, "This gets a little tricky here, and it could be I heard the statements from agents, or somewhere along the line, or perhaps that it did sound familiar."

I would suggest to you what happened there is that Mr. Carter—it is clearly in the testimony and before all of us in the record—her own lawyer told her she had to turn over all the records. That is where she heard that.

But logic demands that you reject that view, because why would the President, whose intent was to conceal this whole affair, ever think of telling her that, "You have to turn over all those gifts"? If he did tell her that she had to turn over all of those gifts, why would she immediately go out that afternoon and reject that instruction, and just completely say, "Well, I am going to forget what he told me to do, I am going to call his secretary and have her come pick up these gifts and store them for me"?

That is just not logical. Common sense tells us that didn't happen that way, and Ms. Lewinsky was absolutely positive that there was no doubt that Betty Currie initiated the call, and that is that.

Job search: Very quickly, this is not a bribery case. This is not giving her a job, bribing her with a job to get her false testimony. It is not a bribery case. If it was, we wouldn't be arguing about the impeachability of obstruction of justice. It would be clear that bribery is mentioned in the Constitution. It is about attempting to corruptly persuade or influence the behavior of a witness. That is exactly what that is about.

I would also close very quickly by telling you in the beginning that I urged you to look at particularly obstruction of justice charges, the result-benefit analysis. And I do not ever hear anybody talking about that but me. So maybe I am off base here. But I ask you to consider each of these seven pillars of obstruction that Mr. HUTCHINSON raised, and look at the end results of those acts, and look at who benefited from those results. And what I believe you would have found and can still find is that each case resulted in impeding justice in the Paula Jones case in some way that favored the President. And the benefit naturally inured to the President.

I guess if you reject that result-benefit test, and if you accept each and every argument of these extremely fine defense counsel that the President wasn't behind any of this, then I guess you just have to reach the conclusion that the President was the luckiest man in the world, that people would commit crimes by filing false affidavits, by hiding evidence, by going out and possibly trashing the witnesses and giving false testimony in grand jury proceedings, and that—if that is the way you feel about it, so be it; we will abide by your judgment. But I suggest to you that the facts of this case are really not in contest. They have been argued very well by defense counsel for the White House.

I am about to exhaust my time. So I yield at this point to Mr. Manager HUTCHINSON to make some remarks.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice. This will be very brief, and then I will yield to Mr. GRAHAM.

Let's recall Ms. Monica Lewinsky to the stand for a brief moment. Let's go to the Park Hyatt Hotel, December 31, 1997, breakfast between Ms. Lewinsky and Mr. Jordan.

(Text of videotape presentation:)

A. Well, the—sort of the—I don't know what to call it, but the story that I gave to Mr. Jordan was that I was trying to sort of alert to him that, gee, maybe Linda Tripp might be saying these things about me having a relationship with the President, and right now, I'm explaining this to you. These aren't the words that I used or how I said it to him, and that, you know, maybe she had seen drafts of notes, trying to obviously give an excuse as to how Linda Tripp could possibly know about my relationship with the President without me having been the one to have told her. So that's what I said to him.

Q. And what was his response?

A. I think it was something like go home and make sure—oh, something about a—I think he asked me if they were notes from the President to me, and I said no. I know I've testified to this. I stand by that testimony, and I'm just recalling it, that I said no, they were draft notes or notes that I sent to the President, and then I believe he said something like, well, go home and make sure they're not there.

Q. And what did you do when you went home?

A. I went home and I searched through some of my papers, and—and the drafts of notes I found, I sort of—I got rid of some of the notes that day.

Q. So you threw them away?

A. Mm-hmm.

THE REPORTER: Is that a "yes"?

THE WITNESS: Yes. Sorry.

Thank you. This goes to the overall pattern of obstruction. It goes to credibility. I believe it is relevant in this case, and I yield to Mr. GRAHAM.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM.

Mr. Manager GRAHAM. Thank you, Mr. Chief Justice. How much time do I have?

The CHIEF JUSTICE. You have 18 minutes and some seconds.

Mr. Manager GRAHAM. I may yield back some of the seconds, I hope.

(Laughter.)

Point of agreement, rebuttal is to refocus, and the law allows that for the person or the party with the burden, and we do have the burden.

Point of agreement, White House counsel says there is much more that we need to know. There is much more we need know.

White House counsel said strongly, when these proceedings opened up, the President is not guilty of obstruction of justice, the President is not guilty of perjury. Refocus: No fair-minded person, in my opinion, could come to any other rational conclusion than that our President obstructed justice, that our President committed perjury in front of a grand jury.

You vote your conscience. I have told you to do so. And if we disagree at the end of the day, that is America at its best. I have never suggested there was any reasonable doubt that this President committed crimes. I will ask you at the conclusion of this case to remove him with a clear conscience. You

vote your conscience, and I know it will be clear.

Refocus: The gifts—simply put, if you believe the President of the United States in his grand jury testimony said: I told her, I said, look, the way these things work is when a person gets a subpoena, you have to give them whatever you have. That's the way—that's what the rule—that's what the law is.

If you believe that, we need to congratulate our President because he did, in fact, state the law correctly. He fulfilled his obligation as Chief Executive Officer of the land. He fulfilled his obligation as an honorable person by telling someone, who happened to be Ms. Lewinsky, You are doing a bad thing here even by suggesting we do something with these gifts. You need to turn them over because that is what the law says.

If you believe that, that is the only time he really embraced the law in this case, as I can see. Everything about him, in the way he behaved, was 180 degrees out from that statement. That is the most self-serving statement that flies in the face of every action he took for months. The truth is that a reasonable person should conclude that when Ms. Lewinsky approached him about what to do with the gifts, he said, "I'll have to think about that." And you know what, ladies and gentlemen, he thought about it. And do you know what he did after he thought about it? "Betty, go get those gifts." And they wound up under the bed of the President's secretary. And the people are wondering what the heck happened here? What the heck happened here is you have a man trying to hide his crimes.

Affidavit—where I come from, you call somebody at 2:30 in the morning, you are up to no good.

(Laughter.)

That will be borne out, if you listen to the testimony and use your common sense. He was up to no good. He told her, "My heart is breaking because you are on this witness list and maybe here's a way to get out of it." That is the God's truth. That is what he did and that is wrong and that is a crime.

The rule of law, what does it mean? It means that process and procedure wins out over politics and personality. That means that subpoenas have to be honored by the great and the small. That means when subpoenas come, you can't, as the President, try to defeat them because you are nobody special in the eyes of the law—except that you are the guardian of the law. If you are special, you are special in a more ominous way, not a lesser way.

When you file an affidavit in a court of law, nobody, because of their position in society, has the right to cheat and to get somebody to lie for them, even as the President. That means we are not a nation of men or kings, we are a nation of laws. And that is what this case has always been about to me.

This affidavit was false for a reason—because the President and Ms.

Lewinsky wanted it to be false. The job search? "Mission accomplished," says it all. "Mission accomplished."

It went from being no big deal to the biggest deal in the world with a telephone bill—I don't know what the telephone bill was to get this job, but it was huge. "Mission accomplished."

All these are crimes. All these are things that average Americans should not be allowed to do. But I am going to tell you something. At this point in time what is going on is that he is trying to conceal a relationship about the workplace that would be embarrassing and that would be illegal and that would help Ms. Jones and would hurt him. And it is not just about his private life. But you can say this about the President, he was trying to get her a job and he was trying to just get her to file a false affidavit so this would go away. And he was trying to hide the gifts. And that is bad but that is not nearly as bad as what was to come.

Let me tell you what was to come, ladies and gentlemen. After the deposition, when it was clear that Ms. Lewinsky may have been talking, or somebody knew something they weren't supposed to know, the alarm bells went off and concealing the relationship changed to redefining the relationship. That is why he should not be our President. The redefining of the relationship began very quickly after that deposition. It started with the President's secretary, and it goes like this: The President, on two occasions, under the guise of refreshing his memory, makes the following statements to his secretary, "You are always there when she was there, right? We were never really alone? You could see and hear everything? Monica came on to me and I never touched her, right? She wanted to have sex with me and I couldn't do that."

If you believe that is about refreshing your memory, you are not being reasonable. That is about coaching a witness. But here is where it gets to be nasty. Here is where it gets to be mean: "Monica came on to me and I never touched her, right? She wanted to have sex with me and I couldn't do that." He didn't say it once, he said it twice, just to make sure Ms. Currie would get the point.

Now that Ms. Lewinsky may be a problem, let me tell you how the discussion goes. It is not from concealing; now it is redefining.

Conversation with Mr. Morris, after they did the poll about what to do here, and "We just have to win." The President had a followup conversation with Mr. Morris during the evening of January 22, 1998, the day after the story broke, when Mr. Morris was considering holding a press conference to blast Ms. Lewinsky out of the water, the President told Mr. Morris to be careful, to be careful. According to Mr. Morris, the President warned him not to be too hard on Ms. Lewinsky because "there is some slight chance that she may not be cooperating with Mr.

Starr and we don't want to alienate her by anything we are going to put out." In other words, don't blast her now, she may not be a problem to us.

During this period of time, it went from concealing to redefining. When he knew he had to win, what did he do? He went to his secretary and he made her a sexual predator and him an innocent victim, and he did it twice. But did he do it to anybody else? Did he redefine his relationship to anybody else?

I now would like to have a clip from Mr. Blumenthal, please.

(Text of videotape presentation:)

Q. You have a conversation with the President on the same day the article comes out, and the conversation includes a discussion about the relationship between him and Ms. Lewinsky, is that correct?

A. Yes.

Next tape:

Q. Now, you stated, I think very honestly, and I appreciate that, you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A. I think that's the import of his whole story.

Ladies and gentlemen, that is the import of his whole story. That story was told on the day this broke in the press, and it goes on. That story is very detailed. It makes him the victim of a sexual predator called Ms. Lewinsky. He had to rebuff her. He threatened her—she threatened him, excuse me. And it goes on and on and on. And I have always wondered, how did that story make it to the grand jury and how did it make it into the press? We know how it made it to the grand jury, because Mr. Blumenthal told it and the President told him and they claimed executive privilege and the President never straightened it out. Your President redefined this relationship, and your President let that lie be passed to a grand jury. Your President obstructed justice in a mean way.

Next statement.

(Text of videotape presentation:)

MR. McDANIEL: Page 49?

MR. GRAHAM: Yes, sir.

MR. McDANIEL: Thank you.

BY MR. GRAHAM:

Q That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A I do.

Next statement.

(Text of videotape presentation:)

Q. Okay. Do you have any idea how White House sources are associated with statements such as "She's known as 'Elvira,'" "She's obsessed with the President," "She's known as a flirt," "She's the product of a troubled home, divorced parents," "She's known as 'The Stalker'"? Do you have any idea how that got in the press?

MR. BREUER: I'm going to object. The document speaks for itself, but it's not clear that the terms that Mr. Lindsey has used are necessarily—any or all of them—are from a White House source. I object to the form and the characterization of the question.

MR. GRAHAM: The ones that I have indicated are associated with the White House as being the source of those statements and—

SENATOR SPECTER: Senator Edwards and I think that question is appropriate and the objection is overruled.

THE WITNESS: I have no idea how anything came to be attributed to a White House source.

Everybody wants this over so bad you can taste it, including me, but don't let's leave a taste behind that history cannot stand. It was shouted in this Chamber, "For God's sakes, vote."

Let me quietly, if I can, for God's sakes, get to the truth. For God's sakes, figure out what kind of person we have here in the White House. For God's sakes, spend some time to fulfill your constitutional duty so that we can get it right, not just for our political moment but for the future of this Nation.

When the President redefined this relationship, he did so by telling a lie. He told a lie to a key White House aide, who repeated that lie to a Federal grand jury, and in our system, ladies and gentlemen, that is a crime. That lie made it into the public domain. That lie was mean. That lie would have the effect of running this young lady over. You think what you want to think, too, about Ms. Tripp, and I agree she is not going to be in the hall of fame of friends, but let me tell you, the best advice she gave that young lady was to keep that blue dress.

The final thing is that our President, in my opinion, and for you to judge, in August of last year, after being begged not to by many Members of this body and prominent Americans, appeared before a Federal grand jury to answer for the conduct in this case, his conduct. We have alleged that with forewarning and knowledge on his part, that instead of clearing it up and making America a better place, instead of fulfilling his role as the chief law enforcement officer of the land to do honor to the law, instead of taking this burden off all Americans' backs, he told a story that defies common sense, that he played a butchery game with the English language that "is" maybe is not is, and "alone" is not alone, and he told John Podesta, "My relationship with Ms. Lewinsky was not sexual, including oral sex."

He went on and told an elaborate farce to a Federal grand jury that they just didn't ask the right question and really the sexual relationship did include one thing but not another. And he says he never lied to his aide and he says he never lied to the grand jury. Well, God knows he lied to somebody, and he lied to that grand jury, and this whole story is a fraud and a farce. The last people in the United States to straighten it out is the U.S. Senate. God bless you in your endeavors.

Mrs. BOXER addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from California.

Mrs. BOXER. In light of the negative comments made against Mr. Jordan by Manager HUTCHINSON and Manager GRAHAM, I ask once again unanimous consent that in fairness—



Mr. GREGG. Regular order.

Mr. LOTT. Regular order.

The CHIEF JUSTICE. Regular order of business has been called for.

Mrs. BOXER. I ask unanimous consent that, in fairness, Mr. Jordan's 2-minute testimony regarding his own integrity be shown to the Senate at this time.

The CHIEF JUSTICE. Is there objection?

Mr. GREGG. I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT. Mr. Chief Justice, has all time been used or yielded back?

The CHIEF JUSTICE. All time has been used or yielded back.

#### NOTICE OF INTENT TO SUSPEND THE RULES

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS LOTT, DASCHLE, HUTCHISON, HARKIN, COLLINS, SPECTER, WELLSTONE, AND LEAHY

In accordance with Rule V of the Standing Rules of the Senate, I (for myself, Mr. Daschle, Ms. Hutchison, Mr. Harkin, Mr. Wellstone, Ms. Collins, Mr. Specter, and Mr. Leahy) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to any deliberations by Senators on the articles of impeachment during the trial of President William Jefferson Clinton.

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: "unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and "to be had without debate".

#### ORDER OF PROCEDURE

Mr. LOTT. That concludes the presentations for today. The Senate will reconvene as a Court of Impeachment on Monday at 1 p.m. At that time, the managers and White House counsel will proceed to closing arguments for not to exceed 3 hours each and further business will resume after that.

ADJOURNMENT UNTIL 1 P.M., MONDAY,  
FEBRUARY 8, 1999

Mr. LOTT. I ask unanimous consent that the Court of Impeachment stand adjourned under the previous order.

There being no objection, at 5:06 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Monday, February 8, 1999, at 1 p.m.

#### LEGISLATIVE SESSION

Mr. LOTT. Mr. President, further, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The majority leader.

Mr. LOTT. Mr. President, I believe we have some routine business to conclude.

#### REPORT CONCERNING THE ONGOING EFFORTS TO ACHIEVE SUSTAINABLE PEACE IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 4

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on February 5, 1999, during the adjournment of the Senate received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

#### To the Congress of the United States:

Pursuant to section 7 of Public Law 105-174, I am providing this report to inform the Congress of ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina (BiH). This is the first semiannual report that evaluates progress in BiH against the ten benchmarks ("aims") outlined in my certification to the Congress of March 3, 1998. NATO adopted these benchmarks on May 28, 1998, as part of its approval of the Stabilization Force (SFOR) military operations plan (OPLAN 10407). The Steering Board of the Peace Implementation Council (PIC) subsequently adopted corresponding benchmarks in its Luxembourg Declaration of June 9, 1998.

NATO, the Office of the High Representative (OHR) and my Administration have coordinated closely in evaluating progress on Dayton implementation based on these benchmarks. There is general agreement that there has been considerable progress in the past year. The basic institutions of the state, both political and economic, have been established. Key laws regarding foreign investment, privatization, and property are now in place. Freedom of movement across the country has substantially improved. Fundamental reform of the media is underway. Elections have demonstrated a continuing trend towards growing pluralism. Nevertheless, there is still much to be done, in particular on interethnic tolerance and reconciliation, the development of effective common institutions with powers clearly delineated from those of the Entities, and an open and pluralistic political life. The growth of organized crime also represents a serious threat.

With specific reference to SFOR, the Secretaries of State and Defense, in meetings in December 1998 with their NATO counterparts, agreed that SFOR continues to play an essential role in the maintenance of peace and stability and the provision of a secure environment in BiH, thus contributing significantly to progress in rebuilding BiH as a single, democratic, and multiethnic state. At the same time, NATO agreed that we do not intend to maintain SFOR's presence at current levels indefinitely, and in fact agreed on initial reductions, which I will describe later in this report. Below is a benchmark-

by-benchmark evaluation of the state-of-play in BiH based on analysis of input from multiple sources.

1. Military Stability. Aim: Maintain Dayton cease-fire. Considerable progress has been made toward military stabilization in BiH. Entity Armed Forces (EAFs) are in compliance with Dayton, and there have been no incidents affecting the cease-fire. EAFs remain substantially divided along ethnic lines. Integration of the Federation Army does not reach down to corps-level units and below. However, progress has been made through the Train and Equip Program to integrate the Ministry of Defense and to provide the Federation with a credible deterrent capability. Although it is unlikely to meet its target of full integration by August 1999, the Federation Ministry of Defense has begun staff planning for integration. The Bosnian Serb Army (VRS) continues its relationship with the Federal Republic of Yugoslavia (FRY) Army. Similarly, the Bosnian Croat element of the Federation Army maintains ties with Croatia. In both cases, however, limited resources impinge on what either Croatia or the FRY can provide financially or materially; the overall trend in support is downward. In some areas, the VRS continues to have certain qualitative and quantitative advantages over the Federation Army, but the Train and Equip Program has helped narrow the gap in some key areas. The arms control regimes established under Articles II (confidence and security-building measures) and IV (arms reduction and limitations) of Annex 1-B of the Dayton Peace Accords are functioning. In October 1997, BiH and the other parties were recognized as being in compliance with the limitations on five major types of armaments (battle tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters) set forth in the Article IV agreement, which were derived from the Annex 1B 5:2:2 ratios for the FRY, Republic of Croatia, and BiH respectively. The parties have since maintained armament levels consistent with the limitations and are expected to do so in the future. A draft mandate for an Article V agreement (regional stability) has been approved; negotiations are due to begin in early 1999. Military stability remains dependent on SFOR as a deterrent force.

2. Public Security and Law Enforcement. Aim: A restructured and democratic police force in both entities. There has been considerable progress to date on police reform due to sustained joint efforts of the International Police Task Force (IPTF), Office of the High Representative (OHR), and SFOR, which have overcome a number of significant political obstacles. So far, approximately 85 percent of the police in the Federation have received IPTF-approved training, as have approximately 35 percent of the police in the Republika Srpska (RS). All sides continue to lag in the hiring of minority

officers and, as the IPTF implements its plans to address this problem, tensions will increase in the short-term. SFOR often must support the IPTF in the face of crime, public disorder, and rogue police. Monoethnic police forces have often failed to facilitate minority returns. In these types of scenarios, SFOR's use of the Multinational Specialized Unit (MSU) has been a force multiplier, requiring fewer, but specially trained troops. At this point, SFOR's essential contribution to maintaining a secure environment, to include backing up IPTF in support of nascent civilian police forces, remains critical to continued progress.

3. **Judicial Reform.** Aim: An effective judicial reform program. Several key steps forward were taken in 1998, such as the signing of an MOU on Inter-Entity Legal Assistance on May 20, 1998, and establishment of an Inter-Entity Legal Commission on June 4, 1998. The Federation Parliament in July adopted a new criminal code. Nevertheless, the judicial system still requires significant reform. Judges are still influenced by politics, and the system is financially strapped and remains ethnically biased. Execution of judgments, in particular eviction of persons who illegally occupy dwellings, is especially problematic. The progress made in the area of commercial law is encouraging for economic development prospects.

4. **Illegal Institutions, Organized Crime, and Corruption.** Aim: The dissolution of illegal pre-Dayton institutions. Corruption remains a major challenge to building democratic institutions of government. Structures for independent monitoring of government financial transactions are still not in place. Shadow institutions still need to be eliminated. The burden of creating institutions to combat fraud and organized crime falls mostly to the international community and in particular to the IPTF. SFOR contributes to the secure environment necessary for the success of other international efforts to counter these illegal activities.

5. **Media Reform.** Aim: Regulated, democratic, and independent media. Approximately 80 percent television coverage has been achieved in BiH through the international community's support for the Open Broadcasting Network (OBN), which is the first (and so far only) neutral source of news in BiH. Several television and radio networks have been restructured and are led by new management boards. Most are in compliance with Dayton except for some regional broadcasts. The Independent Media Commission assumed responsibility for media monitoring from the OSCE on October 31, 1998. Progress has been significant, but BiH still has far to go to approach international standards. SFOR's past actions in this area are a key deterrent against illegal use of media assets to undermine Dayton implementation.

6. **Elections and Democratic Governance.** Aim: National democratic institutions and practices. With the exception of the election of a nationalist to the RS presidency, the September 1998

national elections continued the long-term trend away from reliance on ethnically based parties. The two major Serb nationalist parties lost further ground and, once again, will be unable to lead the RS government. Croat and Bosniak nationalist parties retained control, but saw margins eroded significantly. In this regard, SFOR's continued presence will facilitate conduct of the municipal elections scheduled for late 1999 but, as has been the case with every election since Dayton, the trend of increasingly turning over responsibility for elections to the Bosnians themselves will continue.

7. **Economic Development.** Aim: Free-market reforms. While the process of economic recovery and transformation will take many years, some essential groundwork has been laid. Privatization legislation and enterprise laws have been passed, and banking legislation has been partially passed. Fiscal revenues from taxes and customs have increased significantly. Nevertheless, the fiscal and revenue system is in its infancy. Implementation of privatization legislation is slow and the banking sector is under-funded, but there are signs of development in GDP. There has been a marked increase in freedom of movement, further enhanced by the uniform license plate law. SFOR's continued contribution to a secure environment and facilitating freedom of movement is vital as economic reforms begin to take hold.

8. **Displaced Person and Refugee (DPRE) Returns.** Aim: A functioning phased and orderly minority return process. While there have been some significant breakthroughs on DPRE returns to minority areas, such as Jajce, Stolac, Kotor Varos, Prijedor, Mostar, and Travnik, the overall numbers have been low. In some areas where minority DPREs have returned, interethnic tensions rose quickly. Some nationalist political parties continue to obstruct the return of minority DPREs to the areas they control. Poor living conditions in some areas present little incentive for DPREs to return. The Entities are using DPREs to resettle regions (opstinas) that are of strategic interest to each ethnic faction. SFOR's contribution to a secure environment remains vital to OHR efforts to facilitate minority returns.

9. **Brcko.** Aim: A multiethnic administration, DPRE returns, and secure environment. Freedom of movement in Brcko has improved dramatically. Citizens of BiH are increasingly confident in using their right to travel freely throughout the municipality and the region. Police and judicial elements have been installed, but the goal of multiethnicity in these elements still has not been realized. About 1,000 Federation families have returned to the parts of Brcko on the RS side of the Inter-Entity Boundary Line, but few Serb displaced persons have left Brcko to return to their pre-war homes. SFOR support will be a critical deterrent to the outbreak of violence during the period surrounding the Arbitrator's decision on Brcko's status anticipated for early in 1999.

10. **Persons Indicted for War Crimes (PIFWCs).** Aim: Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) leading to the transfer of PIFWCs to The Hague for trial. Thanks to action by the Congress, the Secretary of State now has the ability to offer rewards of up to \$5 million for information leading to the arrest or conviction of PIFWCs. Of the 81 people indicted publicly by the Tribunal, only 29—36 percent—are still at large. The two highest-profile indictees, Karadzic and Mladic, are among them. Bosniaks are cooperating with the ICTY, but the failure of the RS to support the ICTY is a major obstacle to progress. Bosnian Croats have cooperated with respect to the surrender of all but two public indictees, but have not cooperated fully with respect to the Tribunal's orders that they turn over documents needed for the fair trial of a number of indictees. SFOR continues to provide crucial support in the apprehension of PIFWCs and for ICTY exhumations.

In my report to the Congress dated July 28, 1998, I emphasized the important role that realistic target dates, combined with concerted use of incentives, leverage, and pressure on all parties, should play in maintaining the sense of urgency necessary to move steadily toward an enduring peace.

The December 1998 Peace Implementation Council Declaration and its annex (attached) offer target dates for accomplishment of specific tasks by authorities in BiH. The PIC decisions formed the background against which NATO Defense Ministers reviewed the future of SFOR in their December 17 meeting. Failure by Bosnian authorities to act within the prescribed timeframes would be the point of departure for more forceful action by the OHR and other elements of the international community. Priorities for 1999 will include: accelerating the transition to a sustainable market economy; increasing the momentum on the return of refugees and displaced persons, particularly to minority areas; providing a secure environment through the rule of law, including significant progress on judicial reform and further establishment of multiethnic police; developing and reinforcing the central institutions, including adoption of a permanent election law, and the development of greater confidence and cooperation among the Entity defense establishments with the goal of their eventual unification; and pressing ahead with media reform and education issues.

In accordance with the NATO Defense Ministers' guidance in June 1998, NATO is conducting a series of comprehensive reviews at no more than 6-month intervals. The first of these reviews was completed on November 16, 1998, and recently endorsed by the North Atlantic Council (NAC) Foreign and Defense Ministers. In reviewing the size and shape of SFOR against the

benchmarks described above, the United States and its Allies concluded that at present, there be no changes in SFOR's mission. NATO recommended, however, that steps begin immediately to streamline SFOR. The NAC Foreign and Defense Ministers endorsed this recommendation on December 8, 1998, and December 17, 1998, respectively. The Defense Ministers also endorsed a report from the NATO Military Authorities (NMAs) authorizing further adjustments in SFOR force levels—in response to the evolving security situation and support requirements—to be completed by the end of March 1999. While the specifics of these adjustments are still being worked, they could amount to reductions of as much as 10 percent from the 6,900 U.S. troops currently in SFOR. The 6,900 troop level already represents a 20 percent reduction from the 8,500 U.S. troops deployed in June 1998 and is 66 percent less than peak U.S. deployment of 20,000 troops in 1996.

The NATO Defense Ministers on December 17, 1998, further instructed NMAs to examine options for possible longer-term and more substantial adjustments to the future size and structure of SFOR. Their report is due in early 1999 and will give the United States and its Allies the necessary information on which to base decisions on SFOR's future. We will address this issue in the NAC again at that time. Decisions on future reductions will be taken in the light of progress on implementation of the Peace Agreement. Any and all reductions of U.S. forces in the short or long term will be made in accordance with my Administration's policy that such reductions will not jeopardize the safety of U.S. armed forces serving in BiH.

My Administration values the Congress' substantial support for Dayton implementation. I look forward to continuing to work with the Congress in pursuit of U.S. foreign policy goals in Bosnia and Herzegovina.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 4, 1999.

#### REPORT ON THE DISTRICT OF COLUMBIA COURTS' FISCAL YEAR BUDGET REQUEST—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 5

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on February 5, 1999 during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

*To the Congress of the United States:*

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Courts' FY 2000 Budget request.

The District of Columbia Courts have submitted a FY 2000 Budget request for

\$131.6 million for its operating expenditures and \$17.4 million for courthouse renovation and improvements. My FY 2000 Budget includes recommended funding levels of \$128.4 million for operations and \$9.0 million for capital improvements for the District Courts. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 2000 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, February 5, 1999.

#### 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-1437. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Cable Television Service Pleading and Complaint Rules" (Docket 98-54) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1438. A communication from the General Counsel of the Consumer Products Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Child-Resistant Packaging of Minoxidil" (RIN3041-AB72) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1439. A communication from the General Counsel of the Consumer Products Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption of Sucraid From Special Packaging Requirements Under the Poison Prevention Packaging Act" (RIN3041-AB73) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1440. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod and Pollock in the Gulf of Alaska" (I.D. 012099B) received on January 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1441. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Summer Flounder Commercial Quota Transfer from North Carolina to Virginia" (I.D. 010699B) received on January 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1442. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inshore-Offshore Allocations of Pollock and Pacific Cod Total Allowable Catch; Inshore-Offshore Allocation of 1999 Interim Groundfish Specifications" (I.D. 090898D) received on January 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1443. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; List of Fisheries and Gear, and Notification Guidelines" (I.D. 022498F) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1444. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Season and Area Apportionment of Atka Mackerel Total Allowable Catch" (I.D. 092998A) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1445. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska" (I.D. 011199A) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1446. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Exemption From Motor Vehicle Safety Standards; Bumper Standard" (NHTSA-99-4993) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1447. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0700 and 0100 Series Airplanes" (Docket 98-NM-276-AD) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1448. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes" (Docket 98-NM-140-AD) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1449. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Belle Plaine, IA" (Docket 98-ACE-51) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Maquoketa, IA" (Docket 98-ACE-50) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1451. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Antonio, TX" (Docket 98-ASW-54) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1452. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Monroe, LA" (Docket 98-ASW-55) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1453. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA" (Docket 98-AWP-34) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1454. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airways and Jet Routes; TX" (Docket 98-ASW-30) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1455. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes" (Docket 98-NM-265-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1456. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS332C.L and L1 Helicopters" (Docket 97-SW-41-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1457. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes" (Docket 99-NM-10-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1458. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus HS-7 Sailplanes" (Docket 98-CE-52-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1459. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emission Standards for Turbine Engine Powered Airplanes" (Docket FAA-1999-5018) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1460. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Flight Rules in the Vicinity of Grand Canyon National Park" (Docket 28537) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1461. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109C and A109K2 Helicopters" (Docket 97-SW-55-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1462. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L1011-385-1 Series Airplanes" (Docket 98-NM-241-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1463. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0100 Series

Airplanes" (Docket 98-NM-250-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1464. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 96-NM-103-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1465. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes" (Docket 98-NM-67-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1466. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100 and -200 Series Airplanes" (Docket 96-NM-264-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1467. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes" (Docket 96-NM-263-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1468. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-200, -200C, -300, and -400 Series Airplanes" (Docket 98-NM-291-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1469. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company (RHC) Model R22 Helicopters" (Docket 98-SW-79-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1470. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters" (Docket 98-SW-37-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1471. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes" (Docket 98-CE-83-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1472. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of the Cincinnati/Northern Kentucky International Class C Airspace Area; KY" (Docket 93-AWA-5) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1473. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace and Class E Airspace; Binghamton, NY" (Docket 98-AEA-44) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1474. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29429) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1475. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Laurel, DE" (Docket 98-AEA-43) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1476. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Legal Description of Jet Route J-522 in the Vicinity of Rochester, NY" (Docket 98-AEA-14) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1477. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Concordia, KS" (Docket 98-ACE-46) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1478. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grinnell, IA" (Docket 98-ACE-47) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1479. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Liberal, KS" (Docket 98-ACE-60) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1480. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Garden City, KS" (Docket 98-ACE-59) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1481. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Restricted Areas 6302C, D and E; Fort Hood, TX" (Docket 98-ASW-47) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1482. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Golden Triangle Regional Airport, MS" (Docket 98-ASO-27) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1483. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rockland, ME" (Docket 98-ANE-95) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1484. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Perryville, MO" (Docket 99-ACE-1) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1485. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grand Island, NE" (Docket 99-ACE-2) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1486. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Riverton, WY" (Docket 99-ANM-15) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1487. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monroe, MI" (Docket 99-AGL-55) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1488. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Norwalk, OH" (Docket 99-AGL-58) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1489. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fostoria, OH" (Docket 99-AGL-57) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1490. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sandusky, OH" (Docket 99-AGL-59) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1491. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bellevue, OH" (Docket 99-AGL-60) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1492. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models B300 and B300C Airplanes" (Docket 97-CE-16-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1493. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes" (Docket 98-NM-348-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1494. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Federal Aviation Regulation No. 36, Development of Major Repair Data" (Docket FAA-1998-4654) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1495. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A-1 and 205B Helicopters" (Docket 98-SW-

21-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1496. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B-1 Helicopters" (Docket 98-SW-28-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1497. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters" (Docket 98-SW-20-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes" (Docket 98-CE-78-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model 2000 Airplanes" (Docket 98-CE-34-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1500. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Migratory Bird Conservation Commission for fiscal year 1998; to the Committee on Environment and Public Works.

EC-1501. A communication from the Assistant Secretary for Economic Development, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Economic Development Administration Regulations; Revised to Implement Public Law 105-393" (RIN0610-AA56) received on January 26, 1999; to the Committee on Environment and Public Works.

EC-1502. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the State of Florida's Construction Permitting Program" (FRL6229-9) received on January 29, 1999; to the Committee on Environment and Public Works.

EC-1503. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding general requirements for the storage and transfer of volatile organic compounds (FRL6216-6) received on January 27, 1999; to the Committee on Environment and Public Works.

EC-1504. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Cryolite Tolerance Revocations" (FRL6058-7) received on January 27, 1999; to the Committee on Environment and Public Works.

EC-1505. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL6219-2) received on January 27, 1999; to the Committee on Environment and Public Works.

EC-1506. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting" (FRL6227-5) received on January 26, 1999; to the Committee on Environment and Public Works.

EC-1507. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Whole Effluent Toxicity: Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule, Technical Corrections" (FRL6227-4) received on January 26, 1999; to the Committee on Environment and Public Works.

EC-1508. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementation Plan—PM<sub>2.5</sub> Monitoring Program" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1509. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Radon Emissions from Phosphogypsum Stacks" (FRL6229-4) received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1510. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Plans; Georgia: Approval of Revisions to Georgia State Implementation Plan; Vehicle Inspection/Maintenance Program" (FRL6227-7) received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1511. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Waivers for PM<sub>10</sub> Sampling Frequency" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Review of National Ambient Air Quality Standards for Particulate Matter" (FRL5913-4) received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance for Network Design and Optimum Site Exposure for PM<sub>2.5</sub> and PM<sub>10</sub>" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1514. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PM<sub>2.5</sub> Site Types and Sampling Frequency During CY-99" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1515. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Guidance on

Data Handling Conventions for the 8-Hour National Ambient Air Standards for Ozone" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1516. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Collection and Reporting of PM10 Data" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1517. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Air Quality Policy on Wildland and Prescribed Fires" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1518. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1519. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance on Mitigation of Impacts to Small Business While Implementing Air Quality Standards and Regulations" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1520. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance for Implementing the 1-Hour Ozone and Pre-existing PM10 NAAQS" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1521. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Implementation of New Source Review Requirements for PM2.5" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1522. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Other than Pollock by Catcher/Processors Identified in Section 208(e) (1)-(20) of the American Fisheries Act in the Bering Sea and Aleutian Islands" (I.D. 012199C) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1523. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. 012799A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1524. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Develop-

ment Quota Program" (I.D. 072898A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1525. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Observer and Inseason Management Requirements for Pollock Catcher/Processors" (I.D. 010699A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1526. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Swordfish Fishery; Management of Driftnet Gear" (I.D. 011598A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1527. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea" (I.D. 012599B) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1528. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Revisions to the NASA FAR Supplement" received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1529. A communication from the Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Administration; Premium Pay" (RIN3206-AG47) received on February 2, 1999; to the Committee on Governmental Affairs.

EC-1530. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report on appeals submitted to the Board for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1531. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1532. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1533. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated January 27, 1999; to the Committee on Governmental Affairs.

EC-1534. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1535. A communication from the Chief Counsel of the Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting, pursuant to law, the Commission's annual report under the Government In the Sunshine Act for 1998; to the Committee on Governmental Affairs.

EC-1536. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, the Authority's General Purpose Financial Statements and Independent Auditor's Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-517, "Anti-Drunk Driving Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-512, "Fiscal Year 1999 Budget Support Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-497, "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1540. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-496, "Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998"; to the Committee on Governmental Affairs.

EC-1541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-518, "Regulation Enacting the Police Manual for the District of Columbia Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-548, "Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-538, "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-542, "Public School Nurse Assignment Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1545. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-543, "Regional Airports Authority Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1546. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-547, "Mental Health Services Client Enterprise Establishment Act of 1998"; to the Committee on Governmental Affairs.

EC-1547. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-534, "Washington Convention Center Authority Second Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1548. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report



on D.C. Act 12-535, "Executive Service Residency Requirement Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1549. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-536, "Insurance Demutualization Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1550. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-537, "School Proximity Traffic Calming Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC-1551. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-531, "Day Care Policy Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1552. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-532, "Cooperative Association Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1553. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-519, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC-1554. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-530, "Child Development Facilities Regulation Act of 1998"; to the Committee on Governmental Affairs.

EC-1555. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12-533, "Comprehensive Plan Land Use Antenna Exemption Temporary Amendment Act of 1998; to the Committee on Governmental Affairs.

EC-1556. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Determination of Threatened Status for the Sacramento Splittail" (RIN1018-AC26) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1557. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1558. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding approval of the Air Quality Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut portion of the New York-N. New Jersey-Long Island Area (FRL6225-1) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1559. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Catch-up" (FRL6225-4) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1560. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Iowa, Kansas and Nebraska" (FRL6223-9) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1561. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; 15 Percent Rate-of-Progress and Contingency Plans" (FRL6225-2) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1562. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities; New York" (FRL6231-7) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1563. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Removal of the Approval of the Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut Portion of the New York-N. New Jersey-Long Island Area" (FRL6224-8) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1564. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills" (FRL6231-8) received on February 4, 1999; to the Committee on Environment and Public Works.

EC-1565. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District" (FRL6226-5) received on February 2, 1999; to the Committee on Environment and Public Works.

EC-1566. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; North Coast Unified Air Quality Management District and Northern Sonoma County Air Pollution Control District" (FRL6229-5) received on February 2, 1999; to the Committee on Environment and Public Works.

EC-1567. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Amador County Air Pollution Control District and Northern Sonoma County Air Pollution Control District" (FRL6229-7) received on February 2, 1999; to the Committee on Environment and Public Works.

EC-1568. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Pro-

mulgation of Implementation Plans; Minnesota" (FRL6230-3) received on February 2, 1999; to the Committee on Environment and Public Works.

EC-1569. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems" (FRL6230-8) received on February 2, 1999; to the Committee on Environment and Public Works.

EC-1570. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Comprehensive Assessment and Use of the OASIS as Part of the Conditions of Participation for Home Health Agencies" (RIN0938-AJ11) received on February 2, 1999; to the Committee on Finance.

EC-1571. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Reporting Outcome and Assessment Information Set (OASIS) Data as Part of the Conditions of Participation for Home Health Agencies" (RIN0938-AJ10) received on February 2, 1999; to the Committee on Finance.

EC-1572. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on additional disclosure requirements for Medicare providers and suppliers required under Section 4313 or the Balanced Budget Act of 1997; to the Committee on Finance.

EC-1573. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Proc. 99-15) received on February 1, 1999; to the Committee on Finance.

EC-1574. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Last-in, First-out Inventories" (Rev. Rul. 99-9) received on February 1, 1999; to the Committee on Finance.

EC-1575. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rulings and Determination Letters" (Rev. Rul. 99-16) received on February 1, 1999; to the Committee on Finance.

EC-1576. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Residence of Trusts and Estates" (RIN1545-AU74) received on February 1, 1999; to the Committee on Finance.

EC-1577. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuation Coverage Requirements Applicable to Group Health Plans" (RIN1545-AI93) received on February 1, 1999; to the Committee on Finance.

EC-1578. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the volume of Small Red Seedless Grapefruit" (Docket FV-98-905-4 FIR) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1579. A communication from the Administrator of the Agricultural Marketing



Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Beef Promotion and Research; Reapportionment" (No. LS-98-002) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1580. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Modification to Handler Membership on the California Olive Committee" (Docket FV99-932-2 IFR) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1581. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Standards for Animal Food and Food Additives in Standardized Animal Food" (Docket 95N-0313) received on February 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-1582. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-1583. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the Foundation's annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-1584. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Temporary Protected Status: Amendments to the Requirements for Employment Authorization Fee, and Other Technical Amendments" (RIN115-AF37) received on February 2, 1999; to the Committee on the Judiciary.

EC-1585. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the current Future Years Defense Program; to the Committee on Armed Services.

EC-1586. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Commerce Control List: Changes in Missile Technology Controls" (RIN0694-AB75) received on February 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-1587. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report on the proposed allocation of funds within the levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; to the Committee on Foreign Relations.

EC-1588. A communication from the President of the United States, transmitting, pursuant to law, a report on Presidential Determination 98-36 exempting the United States Air Force's operating location near Groom Lake, Nevada from any hazardous or solid waste laws that might require the disclosure of classified information; to the Committee on Environment and Public Works.

EC-1589. A communication from the Administrator of the General Services Administration, transmitting, a report on a construction prospectus for a stand-alone daycare center for the Social Security Administration's Woodlawn, MD campus; to the Committee on Environment and Public Works.

EC-1590. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Reauthorization of Aviation Insurance Act"; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN):  
S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:  
S. 384. A bill to authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items; to the Committee on Armed Services.

By Mr. ENZI:  
S. 385. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GORTON (for himself, Mr. KERREY, Mr. JEFFORDS, Mr. HOLLINGS, Mr. THURMOND, Mr. HARKIN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. JOHNSON, and Mr. WYDEN):

S. 386. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 6. A concurrent resolution authorizing flags located in the Senate portion of the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate; considered and agreed to.

## MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN):

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

### AIRLINE PASSENGER FAIRNESS ACT

• Mr. WYDEN. Mr. President, I am pleased to join with Senator MCCAIN, the Chairman of the Senate Commerce

Committee, and Senators BRYAN and SNOWE in introducing today the Airline Passenger Fairness Act of 1999. The purpose of our legislation is to assure that consumer protections don't end when a passenger pulls into the airport parking lot. Travelers ought to enjoy the same kinds of rights in the air as they do on the ground. But as airline profits have soared in recent years, passenger rights have been left at the gate.

We are well aware that legislation cannot resolve every problem air travelers may encounter. Our bill does not impose a federal mandate for fluffier pillows or a Constitutional right to a bigger bag of peanuts, just the right to basic information and the ability for consumers to make decisions for themselves.

The Department of Transportation's (DoT) Air Travel Consumer Reports just issued its final tally of consumer complaints for 1998. Consumer complaints about air travel jumped from a total of 7,667 in 1997 to 9,606 last year, an increase of more than 25%. In just three months last year, one airline alone denied boarding to 55,767 passengers. The 10 largest U.S. carriers combined denied boarding to more than 250,300 passengers from July-September 1998. One industry expert estimates that sometimes as many as 130-150% of the seats on a flight are sold. Clearly, all is not well.

The price of an airline ticket is one of the great mysteries of modern life. A ticket costs one price when purchased over the phone and another if purchased online, one if purchased in the morning and another three hours later. It practically defies the law of physics.

With this bill, we are putting the airlines on notice that business as usual is no longer acceptable for American air travelers. No longer can a passenger be bumped, canceled or overbooked with impunity.

Under this bill, consumers will be able to get full information about all the fares on all the flights. Airlines will no longer be able to withhold basic information on air fares, creating confusion and preventing consumers from comparison shopping. It will also make sure that when a consumer pays for a ticket, they can use all or part of it for whatever reason they choose. Airlines will have to inform a ticketed passenger when a flight is overbooked, as well as when the problem is when a flight is canceled, delayed, or diverted.

The legislation will work by building on current rules and regulations. Today, the Department of Transportation can investigate "anti-competitive, unfair or deceptive practices" by an airline. If the Department finds that an airline has engaged in such practices, DoT can issue civil penalties or take other actions to assure compliance. Our legislation will empower consumers to seek DoT action against carriers that fail to respect the common sense consumer protections spelled out in the bill.

To date, DoT has tended to look at this authority primarily on an industry-wide basis, or whether one airline has engaged in an unfair practice against another. Our bill brings this attention down to the consumers' level. It gives the Department the authority to investigate and punish violations of passenger rights. Under our proposal, airlines will no longer be able to deny consumers basic information without paying a price.

This bill will also put market forces to work to bring prices down. Today, a traveler cannot get much basic information. Poor information makes for poor decisions; poor decisions prevent the market from operating smoothly and set the stage for higher prices. Just last year, according to one national media report, there were more than a dozen fare hikes, and in late January, the media reported the major U.S. carriers raised leisure fares four percent and business fares two percent. Informed consumers engaging in real comparison shopping will put pressure on the airlines to make fares as low as possible.

There's been a lot of talk lately about "air rage." In my view there is no excuse for violent or abusive behavior by anyone. But when people are treated like so many pieces of cargo, it's not surprising that some of them will lash out. One pilot at a major U.S. air carrier said recently: "What's happening is the industry's own fault. We've got to treat passengers with respect. We've made air travel a very unpleasant experience."

It's time to make sure air travel works better for everyone. It can if air travelers have the same basic protections as other consumers. The corner grocer cannot sell a customer a product at one price and then sell the next customer in line the same product at a higher price. The neighborhood movie house cannot cancel a show just because only a few people show up. The Airline Passenger Fairness Act will bring similar consumer protections to air travel and ensure that air travelers have the information they need to make informed decisions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 383

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Passenger Fairness Act".

#### SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The number of airline passengers on United States carriers is expected to grow from about 600 million per year today to about 1 billion by the year 2008.

(2) Since 1978 the number of certified large air carriers has decreased from 30 to 10. In 1998, 6 of the United States' largest air carriers sought to enter into arrangements that

would result in 3 large networks comprising approximately 70 percent of the domestic market.

(3) Only ⅓ of all communities in the United States that had scheduled air service in 1978 still have it today, and ½ of those remaining are served by smaller airlines feeding hub airports.

(4) The Department of Transportation's Domestic Airline Fares Consumer Report for the 3rd Quarter of 1997 listed 75 major city pairs where fares increased by 30 percent or more year-over-year, while total traffic in these city pairs decreased by 863,500 passengers, or more than 20 percent.

(5) A 1998 Department of Transportation study found that large United States air carriers charge twice as much at their large hub airports where there is no low fare competition as they charge at a hub airport where a low fare competitor is present. The General Accounting Office found that fares range from 12 percent to 71 percent higher at hubs dominated by one carrier or a consortium.

(6) Complaints filed with the Department of Transportation about airline travel have increased by more than 25 percent over the previous year, and complaints against large United States air carriers have increased from 6,394 in 1997 to 7,994 in 1998.

(7) The 1997 National Civil Aviation Review Commission reported that recent data indicate the problem of delay in flights is getting worse, and that the number of daily aircraft delays of 15 minutes or longer was nearly 20 percent higher in 1996 than in 1995.

(8) The 1997 National Civil Aviation Review Commission forecast that United States domestic and international passenger enplanements are expected to increase 52 percent between 1996 and 2006, and the Federal Aviation Administration forecasts annual growth in revenue passenger miles will average 4.2 percent.

(9) A 1998 Department of Transportation study found that the large United States air carriers charge about 60 percent more to passengers traveling to or from small communities than they charge to passengers traveling between large communities.

(10) The Congress has directed the Secretary of Transportation to prohibit unfair and deceptive practices in the airline industry.

#### SEC. 3. FAIR PRACTICES FOR AIRLINE PASSENGERS.

Section 41712 of title 49, United States Code, is amended—

(1) by striking "On the initiative" and inserting "(a) DUTY OF THE SECRETARY.—On the initiative"; and

(2) by adding at the end thereof the following:

"(b) SPECIFIC PRACTICES.—For purposes of subsection (a), the terms 'unfair or deceptive practice' and 'unfair method of competition' include, in the case of a certificated air carrier, an air carrier's failure—

"(1) to inform a ticketed passenger, upon request, whether the flight on which the passenger is ticketed is oversold;

"(2) to permit a passenger holding a confirmed reserved space on a flight to use portions of that passenger's ticket for travel, rather than the entire ticket, regardless of the reason any other portion of the ticket is not used;

"(3) to deliver a passenger's checked baggage within 24 hours after arrival of the flight on which the passenger travelled and on which the passenger checked the baggage, except for reasonable delays in delivery of such baggage;

"(4) to provide a consumer full access to all fares for that air carrier, regardless of the technology the consumer uses to access the fares if such information is requested by that consumer;

"(5) to provide notice to each passenger holding a confirmed reserved space on a flight with reasonable prior notice when a scheduled flight will be delayed for any reason (other than reasons of national security);

"(6) to inform passengers accurately and truthfully of the reason for the delay, cancellation, or diversion of a flight;

"(7) to refund the full purchase price of an unused ticket if the passenger requests a refund within 48 hours after the ticket is purchased;

"(8) to disclose to consumers information that would enable them to make informed decisions about the comparative value of frequent flyer programs among airlines, including—

"(A) the number of seats redeemable on each flight; and

"(B) the percentage of successful and failed redemptions on each airline and on each flight.

"(c) REPORT.—The Secretary shall include information about violations of subsection (a) by certificated air carriers in the Department of Transportation's monthly Air Travel Consumer Report.

"(d) CONFIRMED RESERVED SPACE.—The term 'confirmed reserved space' shall mean a space on a specific date and on a specific flight and class of service of a carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket or in any other manner provided by the carrier, as being reserved for the accommodation of the passenger."•

• Mr. MCCAIN. Mr. President, I rise today along with my colleagues, Senator WYDEN, Senator SNOWE, and Senator BRYAN, to introduce the Airline Passenger Fairness Act.

People who travel by air are the airlines' customers. As such, they expect and deserve the same fair treatment that consumers in other areas have come to rely on. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their travel plans. It also seeks to encourage airlines to provide better customer service by outlining some minimum standards.

Mr. President, I would like to take this opportunity to comment on some of the specific provisions in the bill. The Airline Passenger Fairness Act will enable an airline passenger to:

find out whether the flight on which that passenger is booked has been oversold;

use whatever portions of a ticket he or she chooses to use to get to his or her destination;

receive his or her checked baggage within 24 hours of a flight's arrival, unless additional delays are reasonable;

find out from an airline all of the fares that the airline offers, regardless of the method used to access fares;

receive prior notice when a scheduled flight will be delayed, if reasonable;

receive accurate information about the reasons why a passenger's flight has been delayed, canceled, or diverted to another airport;

obtain a full refund of the purchase price of a ticket if the passenger requests it within 48 hours of purchase; and

receive accurate information about an airline's frequent flyer program, including the number of seats that can be

redeemed on each flight, and the percentage of successful and failed frequent flyer redemptions on each flight.

The Department of Transportation already holds the authority to investigate airlines that have been charged with exercising "unfair and deceptive practices," and "unfair methods of competition." Our bill simply specifies that if passengers are denied any of the items of fair treatment that I just listed, that denial constitutes an unfair or deceptive practice on the part of the airline, or an unfair method of competition.

Mr. President, as I said earlier, this legislation is about helping consumers make informed choices among their air travel options. A key component of this bill is a publication requirement. Consumers will be able to review the Department of Transportation's monthly Air Travel Consumer Report to find out what airlines are denying passengers the fair treatment outlined in the bill, and on how many occasions.

Air travel is on the rise. As airport congestion, delays, and fares increase, so have the complaints among airline passengers. The Air Passenger Fairness Act seeks to respond to these complaints in a constructive manner by giving passengers better information on which to judge the service levels offered by the airlines. We expect to hold hearings soon on this bill in the Commerce Committee, and we welcome any input on the initiative.●

By Mr. McCAIN:

S. 384. A bill to authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items.

#### BUY AMERICA RESTRICTIONS LEGISLATION

● Mr. McCAIN. Mr. President, I rise today to introduce legislation that would authorize the Secretary of Defense to waive "Buy America" restrictions on all items procured for the Department of Defense.

I have spoken of this issue before in this Chamber and the potential impact of our "Buy America" policy on bilateral trade relations with our allies. From a philosophical point of view, I oppose this type of protectionist trade policy, not only because I believe free trade is an important means of improving relations among all nations and a key to major U.S. economic growth, but also because I believe we must reform these practices in order to make our limited defense dollars go further so as to reverse the downward trend in our military readiness.

Mr. President, this is a simple and straightforward bill that promotes U.S. products, not by imposing restrictive barriers on open competition and free trade, but by reinforcing sound and beneficial economic principles.

This bill gives the Secretary of Defense the authority to waive restrictions on the procurement of all items with respect to a foreign country if the Secretary of Defense determines they would impede cooperative programs en-

tered into between a foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined that such practices would impede the reciprocal procurement of items in that foreign country, and that foreign country does not discriminate against items produced in the U.S. to a greater degree than the U.S. discriminates against items produced in that country.

For example, the Secretary of Defense may waive "Buy America" restrictions for contracts and subcontracts for items because of unreasonable delays or costs to the U.S. government in equipping servicemembers with U.S. products; insufficient quantity or unsatisfactory quality of U.S. products; and absence of competition in the U.S., resulting in a monopoly or a sole source contract, and thus, a higher price for the Department of Defense and ultimately the taxpayer.

Let me be clear, I am not against U.S. procurement of American products. The United States, without a doubt, produces the very best products in the world. In fact, a recent Department of State study reported that U.S. defense companies sold more weapons and defense products and claimed a larger share of the world market than was previously realized. This new study shows U.S. exports of defense products increased to nearly \$25 billion in 1996, comprising nearly 60 percent of global exports. This number continues to rise steadily.

From a practical standpoint, adherence to "Buy America" restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from longstanding international trading partners. While I fully understand the arguments made by some that the "Buy America" restrictions help maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products that are widely available from many U.S. companies (e.g., pumps produced by at least 25 U.S. companies). I believe that competition and open markets among our allies on a reciprocal basis would provide the best equipment at the best prices for taxpayers and U.S. and allied militaries alike.

In recent meetings, the Ambassadors and other senior representatives of the United Kingdom, Sweden, Netherlands, Australia and Israel have apprised me of similar situations in their countries. In every meeting, they tell me how difficult it is becoming to persuade their governments to buy American defense products, because of our protectionist policies and the growing "Buy European" sentiment.

Mr. President, we have heard over the last four months of the dire situation of our military forces. We have heard testimony of decreasing readiness, modernization programs that are decades behind schedule, and quality of

life deficiencies that are so great we cannot retain, much less recruit, the personnel we need. As a result, there has been a recent groundswell of support in Congress for the Armed Forces, including a number of pay and retirement initiatives and the promise of a significant increase in defense spending.

All of these proposals are excellent starting points to help re-forge our military, but we must not forget that much of them will be in vain if the Department of Defense is obligated to maintain wasteful, protectionist trade policies. When we actually look for the dollars to pay for these initiatives, it would be unconscionable not to examine the potential for savings from modifying the "Buy America" program. Secretary Cohen and the Joint Chiefs of Staff have stated repeatedly that they want more flexibility to reform the military's archaic acquisition practices. We cannot sit idly by and throw money at the problem, without considering this partial solution regarding "Buy America."

Mr. President, the Congress can continue to protect U.S. industry from foreign competition for selfish, special interest reasons, or we can loosen these restrictions to provide the necessary funds to ensure our military can fight and win future wars. Every dollar we spend on archaic procurement policies, like "Buy America," is a dollar we cannot spend on training our troops, keeping personnel quality of life at an appropriate level, maintaining force structure, replacing old weapons systems, and advancing our military technology.

Mr. President, it is my sincere hope that this legislation will end once and for all the anti-competitive, anti-free trade practices that encumber our government, the military, and U.S. industry. I urge my colleagues to join me in support of this critical bill.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 384

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORITY TO WAIVE DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

##### **"§2410n. Authority to waive domestic source and content requirements**

"(a) AUTHORITY.—Subject to subsection (c), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

"(1) outside the United States or its possessions; or

"(2) in the United States or its possessions from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

“(b) COVERED REQUIREMENTS.—For purposes of this section:

“(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

“(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

“(c) LIMITATION.—The Secretary may waive a domestic source requirement or domestic content requirement under subsection (a) only if the Secretary determines that one or more of the conditions set forth in section 2534(d) of this title apply with respect to the procurement of the items concerned.

“(d) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding the adding at the end following new item:

“2410n. Authority to waive domestic source or content requirements.”.●

By Mr. ENZI:

S. 385. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SAFETY ADVANCEMENT FOR EMPLOYEES (SAFE) ACT

● Mr. ENZI. Mr. President, I rise to introduce the Safety Advancement for Employees (SAFE) Act of 1999.

Today, as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. The fact is that these accidents are occurring not because employers are heartless when it comes to worker safety. On the contrary, even the Department of Labor estimates that 95 percent of employers are striving to create safe workplaces. Nevertheless, America's employers are routinely left to their own devices to comply with thousands of pages of regulations without agency assistance and face steep fines for non-compliance despite their good-faith efforts.

The Clinton Administration has responded to this problem by pledging a “reinvented government” that partners with employers in the effort to improve occupational safety and health. I agree with the strong statements made by Vice President Gore that “OSHA doesn't work well enough,” and that OSHA should “hire third parties, such as private inspection companies” to perform inspections. In fact, Vice President Gore's conclusions are at the heart of the OSHA modernization effort that I worked on last Congress. The SAFE Act that I am introducing today em-

bodies a true partnership approach by encouraging employers to voluntarily hire third party consultants to audit their workplaces for compliance with OSHA and safety in general. Those consultants must be qualified by OSHA as legitimate safety consultants. They will work with employers on an ongoing basis to ensure that the employer is in compliance with OSHA regulations. Once the employer is in compliance, the consultant will issue him a certificate of compliance.

Under the SAFE Act, OSHA retains full power to inspect employers who have received such a certificate, full power to find violations of OSHA's regulations and full power to order such employers to abate the violations. The bill also provides that good-faith employers who go to the time and expense of hiring a safety consultant and getting in compliance with OSHA are exempt from civil fines for one year. In other words, the SAFE Act strikes a new and healthier balance for America's workers.

The SAFE Act's third party consultation provision codifies the Vice President's approach. It will result in tens of thousands of employers, perhaps more, getting expert safety consultations. It will allow OSHA to target its enforcement resources where they are most needed, and unlike other OSHA reform bills, it preserves OSHA's power to inspect any workplace and order abatement as it sees fit.

During the 105th Congress, the SAFE Act garnered more support than any OSHA modernization measure in years and successfully passed the Senate Labor and Human Resources Committee within a few months of introduction. I hope to build on that success by strengthening the consultation aspect of the bill in the 106th Congress. One of the most important changes to the SAFE Act in this regard is that the voluntary, third party consultation provision now requires employers to work with trained safety and health consultants to develop work site-specific safety and health programs before they receive a Certificate of Compliance. I have borrowed both the idea for this provision and the language directly from one of OSHA's successful consultation programs, the Safety and Health Achievement Recognition Program, or SHARP. SHARP is a consultation-based program available to businesses who want to work with an OSHA consultant and develop a safety and health program in return for one year free from inspections. The key to this program's success is that it is voluntary, it helps employers achieve compliance by working with a trained safety consultant, and it contains incentives to encourage employers to seek solutions to safety and health hazards.

The outstanding results of the SHARP program will be amplified by its inclusion in the SAFE Act. Due to the limited resources that OSHA dedicates to consultation, very few employ-

ers are able to take advantage of the SHARP program. However, under the SAFE Act, the safety benefits of the program will be available to every employer on a voluntary basis.

An important and additional benefit of including OSHA's voluntary, consultation-based SHARP program in the SAFE Act is that it strikes a compromise. For the last several months, OSHA has been moving forward in promulgating a mandatory safety and health program rule applicable to all employers regardless of size or type. The rule is not only mandatory but it is also a “performance-based” rule, the elements of which are almost completely subjective in nature. For example, the rule requires a program “appropriate” to conditions in the workplace, an employer to evaluate the effectiveness of the program “as often as necessary” to ensure program effectiveness, and “where appropriate,” to initiate corrective action.

Employers are justifiably concerned because the rule offers no definition of these terms to help them in their compliance efforts. They are also concerned because there is no objectivity to the rule. OSHA is answering these concerns by promising that their inspectors will be fair in their application of the rule and flexible in their interpretations. That does not satisfy employers who have safety and health programs in place or are working to develop such programs in a way that meets with OSHA's approval without the threat of fines.

The SAFE Act combines the need to promote a safety and health program standard that is sanctioned by OSHA with the need of the employer to know specifically how to achieve regulatory compliance. By keeping the SAFE Act consultation-based, employers will have full access to personalized compliance assistance. Neither will there be a threat of subjective enforcement under the SAFE Act because good-faith employers cannot be penalized for good-faith compliance efforts. The SAFE Act is the workable alternative to encourage and implement safety and health programs that work to improve conditions for America's workers.

Another important change to the SAFE Act is that the bill has been streamlined to strengthen the consultation theme by removing provisions that do not relate to consultation. The importance of such streamlining is two-fold. First, by highlighting consultation, the SAFE Act is able to maintain a one-theme message that consultations work and that their availability should be expanded to more employers. Second, by removing other, non-consultation-based programs from the bill will allow for concentrated development of several specific, freestanding OSHA modernization bills in the future.

As I introduce the new SAFE Act today, I am hopeful that we can again begin meaningful discussions about what is involved in achieving safer

workplaces. I am hopeful that we can take even greater steps away from the adversarial approach to worker safety that virtually everyone agrees is without benefit or substantive result. And I am hopeful that we can actually pass the SAFE Act to achieve greater worker safety and health. The SAFE Act's proactive approach to achieving safer workplaces is revolutionary because it empowers both OSHA and the employer. By passing the SAFE Act, OSHA's own consultation programs will be extended to all employers who truly seek safety and health solutions. The result will mean vastly improved safety for America's work sites.●

#### ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 377

At the request of Mr. ENZI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 377, a bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes.

#### SENATE CONCURRENT RESOLUTION 6—AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES, LEGISLATIVE CLERK OF THE U.S. SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 6

*Resolved by the Senate (the House of Representatives concurring).* That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

#### ADDITIONAL STATEMENTS

##### TOWARD A BIPARTISAN SPIRIT

● Mr. HOLLINGS. Mr. President, I believe it would be helpful for all of us to consider the example of bipartisan cooperation and collegiality set by many of our predecessors. Jack Valenti, a former advisor to President Lyndon Johnson and a man many of us know personally, nicely captured that spirit in a recent editorial, published in the Los Angeles Times, urging a return to "political civility."

There was a time, Mr. President, when leaders of both parties, men like President Johnson and Everett Dirksen, knew the importance of maintaining cordial relations and cooperating to further the national interest. As Jack Valenti puts it, "they knew that compromise was not an ignoble word."

In today's atmosphere, I fear that cooperating on anything for the good of the country will prove extremely difficult. In this trying time, we all should consider Jack Valenti's words, as well as the spirit of the bygone era he invokes.

At this time, Mr. President, I ask that Mr. Valenti's editorial be printed in the CONGRESSIONAL RECORD.

The editorial follows:

[From the Los Angeles Times, Jan. 29, 1999]

TWO OLD POLS KNEW THE ART OF A BARGAIN

(By Jack Valenti)

Controversy rages in Washington. But there is one fact in which agreement is universal: Between a majority of the people's representatives and the people's president, there is a continuing antagonism that makes civil communication almost impossible.

But "what if"? What if, frequently, President Clinton put his feet up on the coffee table on the second floor of the mansion with either the speaker of the House (or the majority leader of the Senate) lounging before him, chatting about where the nation ought to be heading. Not that either would change course or declare defeat. But the easy give and take of an informal conversation, some pieces of worthy programs might find daylight.

Looking back is usually not very fruitful, but I remember when it was different than it is now. When I was special assistant to President Johnson, he charged me with "handling" key members of the Senate and the House, which meant they could call me direct with grievances, needs, requests. I was authorized to use my best judgment in responding.

I bore personal witness to long-ago discourses wherein President Johnson and the minority leader of the Senate, Everett Dirksen of Illinois, would sip a drink, field some little joke that poked fun at each other and do the nation's business. Dirksen, the Republican leader, would call me around noon in that voice dipped in cream and laded out in large velvet spoons, deep, sonorous tones to soothe even the most obsessively discontented. "Jack, would you tell the boss I would like to see him today. Possible?" Without hesitation, "Absolutely, senator. You want to come by around 6 o'clock for a drink with him?"

At 3 o'clock that afternoon, Dirksen would rise on the Senate floor and flail LBJ with a rhetorical whip, comparing him unfavorably to Caligula. Three hours later, the two would

gather in the West Hall in the living quarters of the president, with me as observer.

"Dammit, Everett, the way you treated me today made me feel like a cut dog. You ought to be ashamed of yourself," the president would say with a mocking grin. "Well, Mr. President," came The Voice, trying in vain to suppress a chuckle. "I have vowed to speak the truth so I had no choice in the matter." Much laughter. They both knew who they were and why they were leaders. They were two warriors who had fought a hundred battles against each other. They knew the game, how it was played, no quarter given, no quarter asked in the public arena. But when the day was done, they sat around the campfire, as it were, to recount the details of the fight over a flagon of fine refreshment. They both knew that each needed the other, and the country needed them both. If they fumed and fussed, determined to wound and kill the other, no ultimate good would come of it. The land they served would be agitated and stunted by stalemate. They both understood the meaning of "duty" to the nation, and they knew that compromise was not an ignoble word.

The president would say, "Now, Everett, I need three Republican votes on my civil rights bill, and, dammit, you can get them." Dirksen would ponder that somberly, and then pull a sheaf of papers out of his inside pocket. "I have here, Mr. President, some potential nominees to the FCC, the ITC, the SEC" and so on through the catalog of acronyms wherein the nation's regulatory labors get done.

LBJ would sigh, and say, "Jack, take down the names and see if Mr. Hoover (J. Edgar) will certify them." Dirksen would smile broadly, sip his drink. LBJ would do the same. After more intimate joshing between them, Dirksen would depart. There was no mention of a deal. There was no formal commitment. But each knew the pact was struck. Each would redeem the unspoken pledges given. And there was no leakage to the press. Moreover, the warriors' code was intact. Neither gloated in a supposed triumph over the other.

By whatever mutations the gods of politics brew, there has to be a return to political civility, whose end result is to the nation's benefit. Neither LBJ nor Sen. Dirksen lost their honor or abandoned their crusades when they talked. Nor did they lose their bearings. For they knew such damage would diminish them both, and most of all the country, whose people they had by solemn oath sworn to serve, would be the loser. They did their duty.●

#### TRIBUTE TO THE STUDENTS OF MILFORD HIGH SCHOOL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize students from Milford High School in Milford, New Hampshire for their outstanding performance in the "We the People \* \* \* The Citizen and the Constitution" program.

On May 1-3, 1999, more than 1200 students from across the United States will be in Washington, D.C., to compete in the national finals of the "We the People \* \* \* The Citizen and the Constitution" program. I am proud to announce that the class from Milford High School will represent the state of New Hampshire in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of

the fundamental principles and values of our constitutional democracy.

The "We the People \* \* \* The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentation by high school students before a panel of adult judges. The students testify as constitutional experts before a "congressional committee," that is, the panel of judges representing various regions of the country and a variety of appropriate professional fields. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the "We the People \* \* \* The Citizen and the Constitution" program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The student team from Milford High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. As a former history teacher, I recognize the importance and value of this unique educational experience. I wish the students and their teacher, Mr. David Alcox, the best of luck at the "We the People \* \* \* The Citizen and the Constitution" national finals. I look forward to greeting them when they visit Capitol Hill, and I am honored to represent them in the United States Senate.●

#### ST. PAUL'S EPISCOPAL CHURCH OF LANSING 150TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to St. Paul's Episcopal Church of Lansing, Michigan, and its members who are currently celebrating its 150th Anniversary. The congregation can be proud of the founding members' faith and devotion which brought about the organization of this church in 1849.

Members of St. Paul's Church met in Michigan's Capitol building for a decade until the continued growth of the congregation required that a separate building be constructed. Further growth necessitated the completion of a newer church in 1873, and again in 1914. As our country begins to rediscover the importance of family and personal values, the building of faith by St. Paul's Episcopal Church is of great significance to us all.

I extend my warmest regards and best wishes to all of the members of St.

Paul's congregation as they celebrate this great achievement.●

#### SUPPORT OF MOTION TO DISMISS ARTICLES OF IMPEACHMENT

● Mr. DODD. Mr. President, last week the Senate, sitting as a court of impeachment, voted on Senator BYRD's motion to dismiss the articles of impeachment brought by the Managers from the House of Representatives. I voted in support of this motion, and would like to briefly state my position on this important question.

While the motion failed, it received the support of forty-four senators—eleven more votes than needed to acquit the President of the charges made by the Articles. Therefore, this vote demonstrates to a near certainty that there are insufficient votes to support the Managers' position that the President should be convicted.

This result comes as a surprise to no one—including most if not all of those who support the President's removal. These Articles should never have been presented to the Senate. The President's actions were undoubtedly reprehensible. They deserve condemnation and may warrant prosecution after he leaves office. But they do not warrant removal—a sanction unprecedented in our nation's history, and one that the Framers of our Constitution envisioned would be used in only the rarest of circumstances to protect the country.

The case presented by the Managers is fatally deficient in three respects:

First, the facts presented, even if viewed in the light most favorable to the Managers' case, do not allege conduct that meets the high standard laid out by the framers for the impeachment, conviction, and removal from office of a president.

Second, the articles as drafted are vague and contain multiple allegations—denying the President the fairness and due process that is the right of every American citizen, and depriving senators of the clarity that is essential to discharging their responsibility as triers of fact.

Third, the Managers have failed to present facts that meet their heavy burden of proving the allegations contained in the Articles.

Let me address these points in turn.

The conduct alleged by the Managers to be worthy of conviction arises out of a private, civil lawsuit and a private, consensual, yet improper relationship between the President and Ms. Monica Lewinsky. It is the President's conduct in that lawsuit and in that relationship that are the basis of the charges at issue here. No charges arise from his official conduct as President.

(It is worth noting that, with regard to the Jones matter, the Supreme Court itself considered the conduct alleged therein to be private. The Court ruled that, while the President may delay or avoid until leaving office lawsuits based on his official conduct, he may claim no such immunity in an ac-

tion based on private conduct unrelated to official duties.)

The Managers claim that what is at issue is not the President's private actions but his actions in connection with efforts to prevent his relationship with Ms. Lewinsky from becoming known to his family and others. These actions, the Managers argue—including his testimony in the grand jury and his statements to staff and others—are official in nature. However, these actions clearly arise out of the President's efforts to keep secret a personal relationship which he admitted to be wrong. Under no reasonable analysis can they be understood to relate to the President's official duties.

It follows, then, that the President's actions certainly do not rise to the level of "treason, bribery or other high crimes and misdemeanors" set forth by the Framers as the standard for removing a president from office. As Alexander Hamilton explained, impeachment is to be reserved as "a remedy for great injuries done to the society itself". The impeachment process is intended to protect the nation from official wrongdoing, not punish a president for personal misconduct.

It is not in my view reasonable to conclude that the President's actions—while by his own admission wrong and offensive—pose a danger to the institutions of our society. The President's past behavior did not—and his continuation in office does not—pose a threat to the stability of those institutions.

Indeed, I submit that convicting and removing the President based on these actions, not the actions themselves, would have a destabilizing effect on our institutions of government. Were this scenario to come to pass, then henceforth any president would have to worry that he or she could be removed on a partisan basis for essentially personal conduct. That standard would weaken the presidency. In the words of Madison, it would in effect make the president's term equivalent to "a tenure during pleasure of the Senate", and upset the careful system of checks and balances established by the Framers to govern relations between the legislative and executive branches.

The Articles also deserve to be dismissed because of the fatally flawed manner in which they are drafted. Those flaws are of two separate kinds.

First, the Articles fail to allege wrongdoing with the kind of specificity required to allow the President—or indeed, any person—to defend himself, and to allow the Senate to fully understand and judge the charges made against him. White House counsel described the articles as an "empty vessel", a "moving target" where neither the President nor the Senate knows with precision what has been alleged. Senators were presented with videotaped testimony of former federal prosecutors who stated that standard prosecutorial practice requires that allegations of perjury and obstruction



must be stated with particularity and specificity. The allegations here have not been so stated. That lack of specificity is manifestly unfair to the President. And it is detrimental to the Senate's ability to discharge its responsibility as the trier of fact in this case.

The second fatal structural flaw in the Articles is that the Managers have aggregated multiple allegations of wrongdoing into single Articles. Article I allows the President to be impeached for "one or more" of four enumerated, unspecified categories of alleged misconduct. Similarly, in Article II he is alleged to have obstructed justice in "one or more" of seven ways. This smorgasbord approach to the allegations creates the deeply troubling prospect that the President could be convicted and removed without two-thirds of the Senate agreeing on what precisely he did wrong. For this reason, too, dismissal is appropriate.

Dismissal is, finally, appropriate because the facts undergirding the managers' case do not prove the criminal wrongdoing the managers allege. Manager MCCOLLUM told the Senate that it must first find criminal wrongdoing and then determine whether to remove the President from office. While it is left to each Senator to determine the standard of proof he or she will use to judge the evidence, manager MCCOLLUM's own analysis suggests that that standard should be beyond a reasonable doubt. After all, that is the standard used in all other criminal cases; why should the President be subjected to any lower standard than that to which all citizens are entitled? Indeed, he should not—not only because he deserves no less fairness than other citizens, but also because this high standard of proof is appropriate to the gravity of the sanction the Senate is being asked to impose.

In my view, the Managers have failed to prove criminal culpability on the part of the President beyond a reasonable doubt. The record is replete with exculpatory, contradictory, and ambiguous facts.

Consider, for example, these:

(1) Ms. Lewinsky—who was questioned some 22 times by investigators, prosecutors, and grand jurors (not to mention twice by the Managers themselves)—said under oath that neither the President nor anyone else ever asked her to lie.

(2) She also said—again, under oath—that no one ever promised her a job for her silence.

(3) Further, she stated without contradiction that the President did not suggest that she return the gifts given her by the President to him or anyone else on his behalf.

(4) Betty Currie, the President's secretary—who was questioned some nine times—likewise testified that the President did not suggest that the gifts to Ms. Lewinsky be returned.

(5) She also said that she never felt pressure to agree with the President when he spoke with her following the

Jones deposition, and, indeed, felt free to disagree with his recollection.

(6) Lastly, the Managers argued that a December 11, 1997 ruling by the judge in the Jones case, permitting the calling of witnesses regarding the President's conduct, triggered intensive efforts that very day by the President and Vernon Jordan to help Ms. Lewinsky find a job. We now know that the facts contradict that account of the Managers. A meeting on that date between Mr. Jordan and Ms. Lewinsky was scheduled three days earlier. It was held several hours before the judge's ruling. And at the time of that ruling, Mr. Jordan was on an airplane bound for Holland.

In addition, factual discrepancies between the President and Ms. Lewinsky—about when their relationship began, about the nature of the inappropriate contacts between them, about the number of those contacts, and about the number of inappropriate telephone calls between them—amount to differences in recollection that in no way can be considered criminal on the part of the President. More fundamentally, they cannot be considered material to this proceeding. Not even the Office of Independent Counsel considered these discrepancies relevant or material to the matter at hand. It cannot reasonably be argued, in any event, that the President should be removed from his office because of them.

For all of these reasons—the failure of the Managers to prove beyond a reasonable doubt that the President committed criminal wrongdoing, the structural flaws in the Articles themselves, and the failure of the allegations, even if proven, to warrant the unprecedented action of conviction and removal—these Articles should be dismissed. We have reviewed enough evidence, heard enough arguments, and asked enough questions to know with reasonable certainty that the flaws in the Managers' case cannot be remedied. We know enough to decide this matter now. The national interest is best served not by extending this proceeding needlessly, but by ending it.

I regret that the Senate has failed to do that. But I continue to believe that we must dispose of this matter as soon as possible so we can return to the other important business of the nation.●

#### OPPOSITION TO MANAGERS' MOTION FOR THE APPEARANCE OF WITNESSES

● Mr. DODD. Mr. President, last week the Senate, sitting as a court of impeachment, voted on a motion by the Managers for the appearance of witnesses and to admit evidence not in the trial record. I opposed this motion, and would like to briefly state my reasons for doing so.

While the motion carried, the fact that it was opposed by forty-four Senators demonstrates that a large number of our colleagues believe that the

record of this case is sufficient to allow Senators to decide on the articles of impeachment. Indeed, it is not merely sufficient, it is voluminous. As I will discuss more fully below, neither the Managers nor counsel for the President would in any way be harmed by a requirement that they rely on the record as presently constituted.

Let me concede at the outset that this motion is not an easy one to decide. There is an argument to be made for calling witnesses. Our colleagues who believe there ought to be witnesses are motivated by earnest reasons.

However, the issue for us is not whether there is a case for witnesses. It is this: do we need to hear from witnesses in order to fulfil our responsibility as triers of fact? The answer to that question, in my opinion, is no. We know enough to decide this case, and decide it now.

There may be legitimate reasons for calling witnesses. But the reasons for not calling them are compelling.

There are five reasons, in particular, that strongly argue against the motion.

First, the record is more than sufficient to allow the Senate to decide this case. We are all painfully familiar with the essential details of this matter. Like most Americans, we have been subjected to the blizzard of media attention paid to it from its very start just over a year ago.

This is not 1868, when only a handful of people could witness the last presidential impeachment. One hundred and thirty years later, we can receive an Independent Counsel's voluminous and graphic report over the Internet literally at the moment it is made available to the public. We can witness the proceedings of the House Judiciary Committee live on television. We can observe the televised impeachment proceedings in the House chamber as if we are there.

This trial is now in its fourth week. We have been provided with massive portions of a record that exceeds 67,000 pages in length. We have heard days of arguments. Ninety of us have asked some 105 questions to the House Republican Managers and to counsel for the President.

So I daresay that the facts of this case have been drilled into our consciousness—relentlessly, overwhelmingly, and, it seems endlessly.

I should add one more adverb: repeatedly. And that leads to the second reason for not calling witnesses: they have testified repeatedly and without contradiction on the key facts.

Again and again, the record shows the same questions asked of the same witnesses. Ms. Lewinsky has been questioned a total of twenty-three times, Ms. Currie nine times, Mr. Jordan six times, and Mr. Blumenthal five times. They were asked hundreds upon hundreds of questions—by some of the toughest, shrewdest legal minds in the country. Their testimony fills in excess of two thousand five hundred pages of the trial record.



What is the likelihood that prolonging this trial to hear from these and possibly other witnesses will bring new details to light that could change the outcome of this trial? Regarding at least one witness—Ms. Lewinsky—we know from her interview by the Managers two weekends ago: virtually nil.

A third reason to oppose this motion is that witness testimony will invite the introduction of salacious details onto the Floor of the United States Senate—details with which we are already painfully familiar, and details about which any differences between the President and Ms. Lewinsky are immaterial and irrelevant to the charges contained in the Articles presented by the House Republican Managers.

The Managers tell us that they have no interest in raising any such details. But sexual misconduct is at the core of this case. Manager BRYANT admitted as much when he said on the Floor that the issue in Article I is “perjury about sex”. The same could be said about Article II—the issue is obstruction about sex.

Every question about perjury or obstruction, then, necessarily invites testimony about the sexual details of this scandal. Given the massive size of the record, I do not think we need to risk allowing the Senate to become a forum for that kind of speech. It will not bring dignity to this proceeding or credit to this institution.

If we somehow think that we can summon witnesses to appear in this trial and at the same time guarantee that the Senate will not become a kind of burlesque stage for the airing of this case’s tawdry factual essence, let me remind my colleagues of the frenzied circus that formed immediately upon the news that Ms. Lewinsky had arrived in Washington, D.C. for questioning by the Managers. Once the door to witnesses is opened, the Senate will be hard-pressed to keep that atmosphere from spilling into this trial and this body.

The fourth reason why we should not call witnesses is that they will prolong this process needlessly and extensively. Senator WARNER made the point well several days ago: it is questionable whether the list of witnesses, and the time required to hear from them, could be strictly limited because to do so might deny the President his right to defend himself.

The point was echoed by one of the attorneys for the President. He stated that he and his associates would be committing “malpractice” if they failed to seek the most aggressive possible discovery process should that course be opened to them.

That discovery process may reasonably be expected to include subpoenas for documents, interviews with corroborating witnesses, depositions, examinations and cross-examinations. As any person familiar with litigation knows, such a process is not easily restricted in time and scope. It could

take weeks, or longer, to conclude. During that time, Senators would not necessarily be free from the burdens of serving as triers of fact in the court of impeachment. They could well be called upon to make any number of evidentiary rulings. They could be called upon to comment publicly on matters raised during depositions—including on salacious matters that deserve no comment. In short, this process could drag on and on.

Fifth, and finally, let me say that I remain unconvinced by the argument of the Managers that witnesses are so critical here. They have failed convincingly to explain why witnesses are so indispensable in this trial if they were so dispensable during the impeachment proceedings in the other body.

During those proceedings, Mr. Manager HYDE said that “the most relevant witnesses have already testified at length about the matters in issue. And in the interest of finishing our expeditious inquiry, we will not require most of them to come before us to repeat their testimony.” Regarding Monica Lewinsky and Linda Tripp, he added that they “have already testified under oath. We have their testimony. We don’t need to reinvent the wheel.”

Likewise, Mr. Manager GEKAS stated during the House hearings that “bringing in witnesses to rehash testimony that’s already concretely in the record would be a waste of time and serve no purpose at all.”

The fervor with which the Managers call for witnesses now is not only inconsistent with their refusal to call them earlier. It is also inconsistent with their underlying assertion that the facts in evidence already prove the President’s criminal culpability. If the Managers have any doubt about whether their evidence was sufficient to prove guilt and justify removal, then they had a responsibility to resolve those doubts in the House of Representatives—before they came to this body and had us take an oath to do impartial justice. They should never have put us through this trial.

In conclusion, and at the risk of stating the obvious, we should remember that we, the members of the Senate, are the triers of fact here. We are the ones who control how this trial is to be conducted. Each side deserves to be treated fairly. But neither side deserves an unlimited and open-ended right to put forth their arguments.

I have never known a lawyer arguing a losing case to say he or she couldn’t benefit from one more day in court. The proper response to a lengthy trial and a weak case is not more length and more case—it’s an end to the case.

Does anyone seriously believe that the outcome of this proceeding will be changed by allowing a parade of witnesses?

Does anyone seriously believe that they will shed new and meaningful light on the key areas of this dispute?

After our historic, bipartisan agreement to begin this trial, after weeks of

the trial itself, after the opportunity to read a massive factual record, after the opportunity to ask over 100 questions—after all this, I do not believe that witnesses are now needed to demonstrate the Senate’s commitment to conduct this trial in a fair and thorough manner. The dignity of this proceeding and the decorum of this institution are not likely to be enhanced—and could well be damaged—by taking such a step.

In my view, the Managers’ motion to call witnesses is the expression of an increasingly desperate desire to breathe life into a case that—as the vote on the motion to dismiss demonstrated—has failed to convince anywhere close to two-thirds of the Senate as to its merit. They are eager for something, anything, to rescue the sinking ship that their impeachment has become.

Their motion, furthermore, is an expression of the partisan process that they began in the House and now seek to perpetuate in the Senate. Having lost five seats in the November elections, Republican leaders in the other body, including the Managers, knew that their best chance to impeach the President was during the lame duck session of the 105th Congress. So they eschewed a bipartisan inquiry, decided not to call witnesses, and forbade members from considering a censure resolution in that chamber—all so they could force a vote on articles of impeachment before the start of the 106th Congress. Two of the articles considered failed. Two others passed, but only by exceedingly slim margins: the Article alleging obstruction of justice would have failed if just five Representatives had voted differently; the Article alleging perjury would have failed if just eleven Representatives had cast their vote against impeachment.

Having rushed to judgment in the House, the Managers now rush to delay judgment in the Senate. Why? I think the reason is obvious: because they know that their case is weak. From the moment the Articles were drafted in the House, they have attempted to obscure that inescapable fact.

Each side of this dispute has now had ample opportunity to present its case. The time has come to bring this matter to a close, and return to the other compelling issues that we were elected to address. While I regret that the majority party in the Senate has decided to move forward with the calling of witnesses and gathering of additional information, I remain hopeful that we can conclude this trial at the earliest possible opportunity.●

#### ADOPTION OF RULES OF PROCEDURE OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. GRAMM. Mr. President, the Committee on Banking, Housing, and Urban Affairs held its organizational meeting for the 106th Congress on Tuesday, January 19, 1999. At that

meeting, the full committee adopted rules of procedure for the committee for the 106th Congress.

In accordance with Rule XXVI of the Standing Rules of the Senate, I am submitting those rules, as adopted, for printing in the CONGRESSIONAL RECORD. I ask that they be printed in the RECORD.

The rules follow:

#### RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 28, 1997)

##### RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

##### RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and

Ranking Minority Member. This subsection shall apply only when the conditions of subsection (e)(1) have been met.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

##### RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the

Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

##### RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of

the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

#### RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

#### RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

#### RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

#### RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

#### EXTRACTS FROM THE STANDING RULES OF THE SENATE

##### RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

\* \* \* \* \*

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

##### COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary. •

#### RICKI BATES

Mr. LOTT. Mr. President, I do want to notify Senators that we have been notified that Scott Bates' wife, Ricki, is undergoing orthopedic surgery. That, to our knowledge, has not been completed, but our prayers are with her. We wish her a speedy recovery.

#### ORDER OF PROCEDURE

Mr. LOTT. Mr. President, the business we have to do is to have a reading of a House bill and to do a resolution in behalf of our friend, Scott Bates.

#### MEASURE READ FOR THE FIRST TIME—H.R. 99

Mr. LOTT. Mr. President, I understand that H.R. 99 has been received from the House, and I ask it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A. bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

Mr. LOTT. Mr. President, I ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

#### AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a Senate concurrent resolution which is at the desk, and I ask that the resolution be read in its entirety.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

A. concurrent resolution (S. Con. Res. 6) authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.

*Resolved by the Senate (the House of Representatives concurring).* That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

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

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

The concurrent resolution (S. Con. Res. 6) was agreed to.

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ADJOURNMENT UNTIL 1 P.M.,  
MONDAY, FEBRUARY 8, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in

adjournment until 1 p.m. on Monday, February 8.

There being no objection, the Senate, at 5:09 p.m., adjourned to reconvene as a Court of Impeachment on Monday, February 8, 1999, at 1 p.m.