

106TH CONGRESS  
1ST SESSION

# S. RES. 16

To provide for issuance of a summons and for related procedures concerning the articles of impeachment against William Jefferson Clinton, President of the United States.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 8, 1999

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to

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# RESOLUTION

To provide for issuance of a summons and for related procedures concerning the articles of impeachment against William Jefferson Clinton, President of the United States.

1       *Resolved*, That the summons be issued in the usual  
2 form provided that the President may have until 12:00  
3 noon on Monday, January 11, 1999, to file his answer  
4 with the Secretary of the Senate, and the House of Rep-  
5 resentatives have until 12:00 noon on Wednesday, Janu-  
6 ary 13, 1999, to file its replication with the Secretary of  
7 the Senate, together with the record which will consist of  
8 those publicly available materials that have been submit-

1 ted to or produced by the House Judiciary Committee, in-  
2 cluding transcripts of public hearings or mark-ups and  
3 any materials printed by the House of Representatives or  
4 the House Judiciary Committee pursuant to House Reso-  
5 lutions 525 and 581. Such record will be admitted into  
6 evidence, printed, and made available to Senators. If the  
7 House of Representatives wishes to file a trial brief it shall  
8 be filed by 5:00 p.m. on Monday, January 11, 1999.

9       The President and the House of Representatives shall  
10 have until 5:00 p.m. on Monday, January 11, 1999, to  
11 file any motions permitted under the rules of impeachment  
12 except for motions to subpoena witnesses or to present any  
13 evidence not in the record. Responses to any such motions  
14 shall be filed no later than 10:00 a.m. on Wednesday, Jan-  
15 uary 13, 1999. The President may file a trial brief at or  
16 before that time. The House of Representatives may file  
17 a rebuttal brief no later than 10:00 a.m. on Thursday,  
18 January 14, 1999.

19       Arguments on such motions shall begin at 1:00 p.m.  
20 on Wednesday, January 13, 1999, and each side may de-  
21 termine the number of persons to make its presentation,  
22 following which the Senate shall deliberate and vote on  
23 any such motions. Following the disposition of these mo-  
24 tions, or if no motions occur then at 1:00 p.m. on Thurs-  
25 day, January 14, 1999, the House of Representatives shall

1 make it's presentation in support of the articles of im-  
2 peachment for a period of time not to exceed 24 hours.  
3 Each side may determine the number of persons to make  
4 it's presentation. The presentation shall be limited to ar-  
5 gument from the record. Following the House of Rep-  
6 resentatives presentation, the President shall make his  
7 presentation for a period not to exceed 24 hours as out-  
8 lined in the paragraph above with reference to the House  
9 of Representatives presentation.

10       Upon the conclusion of the President's presentation,  
11 Senators may question the parties for a period of time  
12 not to exceed 16 hours.

13       After the conclusion of questioning by the Senate, it  
14 shall be in order to consider and debate a motion to dis-  
15 miss as outlined by the impeachment rules. Following de-  
16 bate it shall be in order to make a motion to subpoena  
17 witnesses and/or to present any evidence not in the record,  
18 with debate time on that motion limited to 6 hours, to  
19 be equally divided between the two parties. Following de-  
20 bate and any deliberation as provided in the impeachment  
21 rules, the Senate will proceed to vote on the motion to  
22 dismiss, and if defeated, an immediate vote on the motion  
23 to subpoena witnesses and/or to present any evidence not  
24 in the record, all without intervening action, motion,  
25 amendment or debate.

1        If the Senate agrees to allow either the House of Rep-  
2    resentatives or the President to call witnesses, the wit-  
3    nesses shall first be deposed and the Senate shall decide  
4    after deposition which witnesses shall testify, pursuant to  
5    the impeachment rules. Further, the time for depositions  
6    shall be agreed to by both leaders. No testimony shall be  
7    admissible in the Senate unless the parties have had an  
8    opportunity to depose such witnesses.

9        If the Senate fails to dismiss the case, the parties  
10   will proceed to present evidence. At the conclusion of the  
11   deliberations by the Senate, the Senate shall proceed to  
12   vote on each article of impeachment.

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106TH CONGRESS  
1ST SESSION

# S. RES. 30

Relative to the procedures concerning the articles of impeachment against  
William Jefferson Clinton.

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IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1999

Mr. LOTT submitted the following resolution; which was considered, amended,  
and agreed to

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## RESOLUTION

Relative to the procedures concerning the articles of  
impeachment against William Jefferson Clinton.

1 *Resolved,*

2 TITLE I—PROCEDURES CONCERNING THE AR-  
3 TICLES OF IMPEACHMENT AGAINST WIL-  
4 LIAM JEFFERSON CLINTON

5 SEC. 101. That the deposition time for all witnesses  
6 be determined by the Senate Majority Leader and Minor-  
7 ity Leader, as outlined in Senate Resolution 16, One Hun-  
8 dred Sixth Congress, First Session, and title II of this res-  
9 olution and that all Senators have an opportunity to re-

1 view all deposition material, which shall be made available  
2 at the earliest possible time.

3       SEC. 102. When the Senate reconvenes on the day  
4 after completion of the depositions, and the review period,  
5 it shall be in order for both the House Managers and the  
6 President's counsel to move to resolve any objections made  
7 during any deposition. After resolution of any such mo-  
8 tions, it shall be in order for the House Managers and/  
9 or White House counsel to make a motion or motions to  
10 admit the depositions or portions thereof into evidence,  
11 whether transcribed or on videotape provided further for  
12 a presentation employing all or portions of such tape, and  
13 it shall then be in order for the two Leaders jointly, only  
14 to make motions for additional discovery because of new  
15 relevant evidence discovered during the depositions. Mo-  
16 tions may also then be made for orders governing the pres-  
17 entation of evidence and/or the testifying of witnesses be-  
18 fore the Senate.

19       SEC. 103. If no such motions are made, or following  
20 the completion of any procedures authorized as a result  
21 of the votes on any motions, the White House shall have  
22 up to 24 hours to make any motions dealing with testi-  
23 mony or evidence that the White House counsel deems ap-  
24 propriate, as described previously.

1        SEC. 104. If no such motions are made, or no wit-  
2 nesses are called to testify in the Senate, the Senate shall  
3 proceed to final arguments as provided in the impeach-  
4 ment rules waiving the two person rule contained in Rule  
5 XXII of the Rules of Procedure and Practice in the Senate  
6 When Sitting on Impeachment Trials for not to exceed  
7 six hours, to be equally divided. If motions are agreed to  
8 regarding new evidence or calling of new witnesses, this  
9 resolution is suspended.

10        SEC. 105. At the conclusion of the final arguments  
11 the parties shall proceed in accordance with the rules of  
12 impeachment: *Provided however*, That no motion with re-  
13 spect to reopening the record in the case shall be in order,  
14 and: *Provided further*, That it shall be in order for a Sen-  
15 ator to offer a motion to suspend the rules to allow for  
16 open final deliberations with no amendments or motions  
17 to that motion in order; and the Senate shall proceed to  
18 vote on the motion to suspend the rules to provide for open  
19 Senate deliberations.

20        SEC. 106. Following that vote, and if no motions have  
21 been agreed to as provided in sections 102 and 103, and  
22 no motions are agreed to following the arguments, then  
23 the vote will occur on the articles of impeachment no later  
24 than 12:00 noon on Friday, February 12, 1999, if all mo-  
25 tions are disposed of and final deliberations are completed.

1 TITLE II—TO AUTHORIZE ISSUANCE OF SUB-  
2 POENAS TO TAKE DEPOSITIONS IN THE  
3 TRIAL OF THE ARTICLES OF IMPEACH-  
4 MENT AGAINST WILLIAM JEFFERSON CLIN-  
5 TON, PRESIDENT OF THE UNITED STATES

6 SEC. 201. That, pursuant to Rules V and VI of the  
7 Rules of Procedure and Practice in the Senate When Sit-  
8 ting on Impeachment Trials, and Senate Resolution 16,  
9 One Hundred Sixth Congress, First Session, the Chief  
10 Justice of the United States, through the Secretary of the  
11 Senate, shall issue subpoenas for the taking of testimony  
12 on oral deposition to the following witnesses: Sidney  
13 Blumenthal, Monica S. Lewinsky, and Vernon E. Jordan,  
14 Jr.

15 SEC. 202. The Sergeant at Arms is authorized to uti-  
16 lize the services of the Deputy Sergeant at Arms or any  
17 other employee of the United States Senate in serving the  
18 subpoenas authorized to be issued by this resolution.

19 SEC. 203. Depositions authorized by this resolution  
20 shall be taken before, and presided over by, on behalf of  
21 the Senate, two Senators appointed by the Majority Lead-  
22 er and the Democratic Leader, acting jointly, one of whom  
23 shall administer to witnesses the oath prescribed by Rule  
24 XXV of the Rules of Procedure and Practice in the Senate  
25 When Sitting on Impeachment Trials. Acting jointly, the



1 presiding officers shall have authority to rule, as an initial  
2 matter, upon any question arising out of the deposition.  
3 All objections to a question shall be noted by the presiding  
4 officers upon the record of the deposition but the examina-  
5 tion shall proceed, and the witness shall answer such ques-  
6 tion. A witness may refuse to answer a question only when  
7 necessary to preserve a legally-recognized privilege, or con-  
8 stitutional right, and must identify such privilege cited if  
9 refusing to answer a question.

10       SEC. 204. Examination of witnesses at depositions  
11 shall be conducted by the Managers on the part of the  
12 House or their counsel, and by counsel for the President.  
13 Witnesses shall be examined by no more than two persons  
14 each on behalf of the Managers and counsel for the Presi-  
15 dent. Witnesses may be accompanied by counsel. The  
16 scope of the examination by the Managers and counsel for  
17 both parties shall be limited to the subject matters re-  
18 flected in the Senate record. The party taking a deposition  
19 shall present to the other party, at least 18 hours in ad-  
20 vance of the deposition, copies of all exhibits which the  
21 deposing party intends to enter into the deposition. No  
22 exhibits outside of the Senate record shall be employed,  
23 except for articles and materials in the press, including  
24 electronic media. Any party may interrogate any witness  
25 as if that witness were declared adverse.

1        SEC. 205. The depositions shall be videotaped and a  
2 transcript of the proceedings shall be made. The deposi-  
3 tions shall be conducted in private. No person shall be ad-  
4 mitted to any deposition except for the following: The wit-  
5 ness, counsel for the witness, the Managers on the part  
6 of the House, counsel for the Managers, counsel for the  
7 President, and the presiding officers; further, such per-  
8 sons whose presence is required to make and preserve a  
9 record of the proceedings in videotaped and transcript  
10 forms, and Senate staff members whose presence is re-  
11 quired to assist the presiding officers in presiding over the  
12 depositions, or for other purposes, as determined by the  
13 Majority Leader and the Democratic Leader. All present  
14 must maintain the confidentiality of the proceedings.

15        SEC. 206. The presiding officers at the depositions  
16 shall file the videotaped and transcribed records of the  
17 depositions with the Secretary of the Senate, who shall  
18 maintain them as confidential proceedings of the Senate.  
19 The Sergeant at Arms is authorized to make available for  
20 review at secure locations, any of the videotaped or tran-  
21 scribed deposition records to Members of the Senate, one  
22 designated staff member per Senator, and the Chief Jus-  
23 tice. The Senate may direct the Secretary of the Senate  
24 to distribute such materials, and to use whichever means  
25 of dissemination, including printing as Senate documents,

1 printing in the Congressional Record, photo- and video-  
2 duplication, and electronic dissemination, he determines to  
3 be appropriate to accomplish any distribution of the  
4 videotaped or transcribed deposition records that he is di-  
5 rected to make pursuant to this section.

6       SEC. 207. The depositions authorized by this resolu-  
7 tion shall be deemed to be proceedings before the Senate  
8 for purposes of Rule XXIX of the Standing Rules of the  
9 Senate, Senate Resolution 259, One Hundredth Congress,  
10 First Session, sections 191, 192, 194, 288b, 288d, 288f  
11 of title 2, United States Code, sections 6002, 6005 of title  
12 18, United States Code, and section 1365 of title 28,  
13 United States Code. The Secretary shall arrange for sten-  
14 ographic assistance, including videotaping, to record the  
15 depositions as provided in section 205. Such expenses as  
16 may be necessary shall be paid from the Appropriation Ac-  
17 count—Miscellaneous Items in the contingent fund of the  
18 Senate upon vouchers approved by the Secretary.

19       SEC. 208. The Majority and Minority Leaders, acting  
20 jointly, may make other provisions for the orderly and fair  
21 conduct of these depositions as they seem appropriate.

22       SEC. 209. The Secretary shall notify the Managers  
23 on the part of the House, and counsel for the President,  
24 of this resolution.

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