100TH CONGRESS
2D SESSION

H. RES. 499

IN THE SENATE OF THE UNITED STATES

AUGUST 9, 1988
Received

RESOLUTION

Impeaching Alcee L. Hastings, Judge of the United States District Court for the Southern District of Florida, of High Crimes and Misdemeanors.

1 *Resolved,* That Alcee L. Hastings, a judge of the United
2 States District Court for the Southern District of Florida, be
3 impeached for high crimes and misdemeanors and that the
4 following articles of impeachment be exhibited to the Senate:
5 Articles of impeachment exhibited by the House of Rep-
6 resentatives of the United States of America in the name of
7 itself and all of the people of the United States of America,
8 against Alcee L. Hastings, a judge of the United States Dis-
9 trict Court for the Southern District of Florida, in mainte-
10 nance and support of its impeachment against him for high
11 crimes and misdemeanors.

1 ARTICLE I

2 From some time in the first half of 1981 and continuing
3 through October 9, 1981, Judge Hastings and William Bor-
4 ders, then a Washington, D.C. attorney, engaged in a cor-
5 rupt conspiracy to obtain $150,000 from defendants in
6 United States v. Romano, a case tried before Judge Hast-
7 ings, in return for the imposition of sentences which would
8 not require incarceration of the defendants.

9 Wherefore, Judge Alcee L. Hastings is guilty of an im-
10 peachable offense warranting removal from office.

11 ARTICLE II

12 From January 18, 1983, until February 4, 1983, Judge
13 Hastings was a defendant in a criminal case in the United
14 States District Court for the Southern District of Florida. In
15 the course of the trial of that case, Judge Hastings, while
16 under oath to tell the truth, the whole truth, and nothing but
17 the truth, did knowingly and contrary to that oath make a
18 false statement which was intended to mislead the trier of
19 fact.

20 The false statement was, in substance, that Judge Hast-
21 ings and William Borders, of Washington, D.C., never made
22 any agreement to solicit a bribe from defendants in United
23 States v. Romano, a case tried before Judge Hastings.

24 Wherefore, Judge Alcee L. Hastings is guilty of an im-
25 peachable offense warranting removal from office.

1 ARTICLE III

2 From January 18, 1983, until February 4, 1983, Judge
3 Hastings was a defendant in a criminal case in the United
4 States District Court for the Southern District of Florida. In
5 the course of the trial of that case, Judge Hastings while
6 under oath to tell the truth, the whole truth, and nothing but
7 the truth, did knowingly and contrary to that oath make a
8 false statement which was intended to mislead the trier of
9 fact.

10 The false statement was, in substance, that Judge Hast-
11 ings never agreed with William Borders, of Washington,
12 D.C., to modify the sentences of defendants in United States
13 v. Romano, a case tried before Judge Hastings, from a term
14 in the Federal penitentiary to probation in return for a bribe
15 from those defendants.

16 Wherefore, Judge Alcee L. Hastings is guilty of an im-
17 peachable offense warranting removal from office.

18 ARTICLE IV

19 From January 18, 1983, until February 4, 1983, Judge
20 Hastings was a defendant in a criminal case in the United
21 States District Court for the Southern District of Florida. In
22 the course of the trial of that case, Judge Hastings, while
23 under oath to tell the truth, the whole truth, and nothing but
24 the truth, did knowingly and contrary to that oath make a

1 false statement which was intended to mislead the trier of
2 fact.

3 The false statement was, in substance, that Judge Hast-
4 ings never agreed with William Borders, of Washington,
5 D.C., in connection with a payment on a bribe, to enter an
6 order returning a substantial amount of property to the de-
7 fendants in United States v. Romano, a case tried before
8 Judge Hastings. Judge Hastings had previously ordered that
9 property forfeited.

10 Wherefore, Judge Alcee L. Hastings is guilty of an im-
11 peachable offense warranting removal from office.

12 ARTICLE V

13 From January 18, 1983, until February 4, 1983, Judge
14 Hastings was a defendant in a criminal case in the United
15 States District Court for the Southern District of Florida. In
16 the course of the trial of that case, Judge Hastings, while
17 under oath to tell the truth, the whole truth, and nothing but
18 the truth, did knowingly and contrary to that oath make a
19 false statement which was intended to mislead the trier of
20 fact.

21 The false statement was, in substance, that Judge Hast-
22 ings' appearance at the Fontainebleau Hotel in Miami Beach,
23 Florida, on September 16, 1981, was not part of a plan to
24 demonstrate his participation in a bribery scheme with Wil-
25 liam Borders of Washington, D.C., concerning United States

1 v. Romano, a case tried before Judge Hastings, and that
2 Judge Hastings expected to meet Mr. Borders at that place
3 and on that occasion.

4 Wherefore, Judge Alcee L. Hastings is guilty of an im-
5 peachable offense warranting removal from office.

6 ARTICLE VI

7 From January 18, 1983, until February 4, 1983, Judge
8 Hastings was a defendant in a criminal case in the United
9 States District Court for the Southern District of Florida. In
10 the course of the trial of that case, Judge Hastings, while
11 under oath to tell the truth, the whole truth, and nothing but
12 the truth, did knowingly and contrary to his oath make a
13 false statement which was intended to mislead the trier of
14 fact.

15 The false statement was, in substance, that Judge Hast-
16 ings did not expect William Borders, of Washington, D.C., to
17 appear at Judge Hastings' room in the Sheraton Hotel in
18 Washington, D.C., on September 12, 1981.

19 Wherefore, Judge Alcee L. Hastings is guilty of an im-
20 peachable offense warranting removal from office.

21 ARTICLE VII

22 From January 18, 1983, until February 4, 1983, Judge
23 Hastings was a defendant in a criminal case in the United
24 States District Court for the Southern District of Florida. In
25 the course of the trial of that case, Judge Hastings, while

1 under oath to tell the truth, the whole truth, and nothing but
2 the truth, did knowingly and contrary to his oath, make a
3 false statement which was intended to mislead the trier of
4 fact.

5 The false statement concerned Judge Hastings' motive
6 for instructing a law clerk, Jeffrey Miller, to prepare an order
7 on October 5, 1981, in United States v. Romano, a case tried
8 before Judge Hastings, returning a substantial portion of
9 property previously ordered forfeited by Judge Hastings.
10 Judge Hastings stated in substance that he so instructed Mr.
11 Miller primarily because Judge Hastings was concerned that
12 the order would not be completed before Mr. Miller's sched-
13 uled departure, when in fact the instruction on October 5,
14 1981, to prepare such order was in furtherance of a bribery
15 scheme concerning that case.

16 Wherefore, Judge Alcee L. Hastings is guilty of an im-
17 peachable offense warranting removal from office.

18 ARTICLE VIII

19 From January 18, 1983, until February 4, 1983, Judge
20 Hastings was a defendant in a criminal case in the United
21 States District Court for the Southern District of Florida. In
22 the course of the trial of that case, Judge Hastings, while
23 under oath to tell the truth, the whole truth, and nothing but
24 the truth, did knowingly and contrary to his oath make a

1 false statement which was intended to mislead the trier of
2 fact.

3 The false statement was, in substance, that Judge Hast-
4 ings' October 5, 1981, telephone conversation with William
5 Borders, of Washington, D.C., was in fact about writing let-
6 ters to solicit assistance for Hemphill Pride of Columbia,
7 South Carolina, when in fact it was a coded conversation in
8 furtherance of a conspiracy with Mr. Borders to solicit a bribe
9 from defendants in United States v. Romano, a case tried
10 before Judge Hastings.

11 Wherefore, Judge Alcee L. Hastings is guilty of an im-
12 peachable offense warranting removal from office.

13 ARTICLE IX

14 From January 18, 1983, until February 4, 1983, Judge
15 Hastings was a defendant in a criminal case in the United
16 States District Court for the Southern District of Florida. In
17 the course of the trial of that case, Judge Hastings, while
18 under oath to tell the truth, the whole truth, and nothing but
19 the truth, did knowingly and contrary to his oath make a
20 false statement which was intended to mislead the trier of
21 fact.

22 The false statement was, in substance, that three docu-
23 ments that purported to be drafts of letters to assist Hemphill
24 Pride, of Columbia, South Carolina, had been written by
25 Judge Hastings on October 5, 1981, and were the letters

1 referred to by Judge Hastings in his October 5, 1981, tele-
2 phone conversation with William Borders, of Washington,
3 D.C.

4 Wherefore, Judge Alcee L. Hastings is guilty of an im-
5 peachable offense warranting removal from office.

6 ARTICLE X

7 From January 18, 1983, until February 4, 1983, Judge
8 Hastings was a defendant in a criminal case in the United
9 States District Court for the Southern District of Florida. In
10 the course of the trial of that case, Judge Hastings, while
11 under oath to tell the truth, the whole truth, and nothing but
12 the truth, did knowingly and contrary to that oath make a
13 false statement which was intended to mislead the trier of
14 fact.

15 The false statement was, in substance, that on May 5,
16 1981, Judge Hastings talked to Hemphill Pride by placing
17 a telephone call to 803–758–8825 in Columbia, South
18 Carolina.

19 Wherefore, Judge Alcee L. Hastings is guilty of an im-
20 peachable offense warranting removal from office.

21 ARTICLE XI

22 From January 18, 1983, until February 4, 1983, Judge
23 Hastings was a defendant in a criminal case in the United
24 States District Court for the Southern District of Florida. In
25 the course of the trial of that case, Judge Hastings, while

1 under oath to tell the truth, the whole truth, and nothing but
2 the truth, did knowingly and contrary to that oath make a
3 false statement which was intended to mislead the trier of
4 fact.

5 The false statement was, in substance, that on August
6 2, 1981, Judge Hastings talked to Hemphill Pride by plac-
7 ing a telephone call to 803–782–9387 in Columbia, South
8 Carolina.

9 Wherefore, Judge Alcee L. Hastings is guilty of an im-
10 peachable offense warranting removal from office.

11 ARTICLE XII

12 From January 18, 1983, until February 4, 1983, Judge
13 Hastings was a defendant in a criminal case in the United
14 States District Court for the Southern District of Florida. In
15 the course of the trial of that case, Judge Hastings, while
16 under oath to tell the truth, the whole truth, and nothing but
17 the truth, did knowingly and contrary to that oath make a
18 false statement which was intended to mislead the trier of
19 fact.

20 The false statement was, in substance, that on
21 September 2, 1981, Judge Hastings talked to Hemphill
22 Pride by placing a telephone call to 803–758–8825 in Co-
23 lumbia, South Carolina.

24 Wherefore, Judge Alcee L. Hastings is guilty of an im-
25 peachable offense warranting removal from office.

1 ARTICLE XIII

2 From January 18, 1983, until February 4, 1983, Judge
3 Hastings was a defendant in a criminal case in the United
4 States District Court for the Southern District of Florida. In
5 the course of the trial of that case, Judge Hastings, while
6 under oath to tell the truth, the whole truth, and nothing but
7 the truth, did knowingly and contrary to that oath make a
8 false statement which was intended to mislead the trier of
9 fact.

10 The false statement was, in substance, that 803–777–
11 7716 was a telephone number at a place where Hemphill
12 Pride could be contacted in July 1981.

13 Wherefore, Judge Alcee L. Hastings is guilty of an im-
14 peachable offense warranting removal from office.

15 ARTICLE XIV

16 From January 18, 1983, until February 4, 1983, Judge
17 Hastings was a defendant in a criminal case in the United
18 States District Court for the Southern District of Florida. In
19 the course of the trial of that case, Judge Hastings, while
20 under oath to tell the truth, the whole truth, and nothing but
21 the truth, did knowingly and contrary to that oath make a
22 false statement which was intended to mislead the trier of
23 fact.

24 The false statement was, in substance, that on the after-
25 noon of October 9, 1981, Judge Hastings called his mother

1 and Patricia Williams from his hotel room at the L'Enfant
2 Plaza Hotel in Washington, D.C.
3 Wherefore, Judge Alcee L. Hastings is guilty of an im-
4 peachable offense warranting removal from office.

5 ARTICLE XV

6 From January 18, 1983, until February 4, 1983, Judge
7 Hastings was a defendant in a criminal case in the United
8 States District Court for the Southern District of Florida. In
9 the course of the trial of that case, Judge Hastings, while
10 under oath to tell the truth, the whole truth, and nothing but
11 the truth, did knowingly and contrary to that oath make a
12 false statement which was intended to mislead the trier of
13 fact concerning his motives for taking a plane on October 9,
14 1981, from Baltimore-Washington International Airport
15 rather than from Washington National Airport.
16 Wherefore, Judge Alcee L. Hastings is guilty of an im-
17 peachable offense warranting removal from office.

18 ARTICLE XVI

19 From July 15, 1985, to September 15, 1985, Judge
20 Hastings was the supervising judge of a wiretap instituted
21 under chapter 119 of title 18, United States Code (added by
22 title III of the Omnibus Crime Control and Safe Streets Act
23 of 1968). The wiretap was part of certain investigations then
24 being conducted by law enforcement agents of the United
25 States.

1 As supervising judge, Judge Hastings learned highly
2 confidential information obtained through the wiretap. The
3 documents disclosing this information, presented to Judge
4 Hastings as the supervising judge, were Judge Hastings' sole
5 source of the highly confidential information.

6 On September 6, 1985, Judge Hastings revealed highly
7 confidential information that he learned as the supervising
8 judge of the wiretap, as follows: On the morning of Septem-
9 ber 6, 1985, Judge Hastings told Stephen Clark, the Mayor
10 of Dade County, Florida, to stay away from Kevin "Waxy"
11 Gordon, who was "hot" and was using the Mayor's name in
12 Hialeah, Florida.

13 As a result of this improper disclosure, certain investi-
14 gations then being conducted by law enforcement agents of
15 the United States were thwarted and ultimately terminated.

16 Wherefore, Judge Alcee L. Hastings is guilty of an im-
17 peachable offense warranting removal from office.

18 ARTICLE XVII

19 Judge Hastings, who as a Federal judge is required to
20 enforce and obey the Constitution and laws of the United
21 States, to uphold the integrity of the judiciary, to avoid im-
22 propriety and the appearance of impropriety, and to perform
23 the duties of his office impartially, did, through—

24 (1) a corrupt relationship with William Borders of
25 Washington, D.C.;

1 (2) repeated false testimony under oath at Judge
2 Hastings' criminal trial;
3 (3) fabrication of false documents which were sub-
4 mitted as evidence at his criminal trial; and
5 (4) improper disclosure of confidential information
6 acquired by him as supervisory judge of a wiretap;
7 undermine confidence in the integrity and impartiality of the
8 judiciary and betray the trust of the people of the United
9 States, thereby bringing disrepute on the Federal courts and
10 the administration of justice by the Federal courts.
11 Wherefore, Judge Alcee L. Hastings is guilty of an im-
12 peachable offense warranting removal from office.

JIM WRIGHT,
Speaker of the House of Representatives.

Attest: DONNALD K. ANDERSON,
Clerk.