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.

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

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 form provided that the President may have until 12:00 noon on Monday, January 11, 1999, to file his answer with the Secretary of the Senate, and the House of Representatives have until 12:00 noon on Wednesday, January 13, 1999, to file its replication with the Secretary of the Senate, together with the record which will consist of those publicly available materials that have been submit-
ted to or produced by the House Judiciary Committee, in-
cluding transcripts of public hearings or mark-ups and
any materials printed by the House of Representatives or
the House Judiciary Committee pursuant to House Reso-
lutions 525 and 581. Such record will be admitted into
evidence, printed, and made available to Senators. If the
House of Representatives wishes to file a trial brief it shall
be filed by 5:00 p.m. on Monday, January 11, 1999.

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

Arguments on such motions shall begin at 1:00 p.m.
on Wednesday, January 13, 1999, and each side may de-
determine the number of persons to make its presentation,
following which the Senate shall deliberate and vote on
any such motions. Following the disposition of these mo-
tions, or if no motions occur then at 1:00 p.m. on Thurs-
day, January 14, 1999, the House of Representatives shall
make it's presentation in support of the articles of impeachement for a period of time not to exceed 24 hours. Each side may determine the number of persons to make it's presentation. The presentation shall be limited to argument from the record. Following the House of Representatives presentation, the President shall make his presentation for a period not to exceed 24 hours as outlined in the paragraph above with reference to the House of Representatives presentation.

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

After the conclusion of questioning by the Senate, it shall be in order to consider and debate a motion to dismiss as outlined by the impeachment rules. Following debate it shall be in order to make a motion to subpoena witnesses and/or to present any evidence not in the record, with debate time on that motion limited to 6 hours, to be equally divided between the two parties. Following debate and any deliberation as provided in the impeachment rules, the Senate will proceed to vote on the motion to dismiss, and if defeated, an immediate vote on the motion to subpoena witnesses and/or to present any evidence not in the record, all without intervening action, motion, amendment or debate.
If the Senate agrees to allow either the House of Rep-resentatives or the President to call witnesses, the wit-nesses shall first be deposed and the Senate shall decide after deposition which witnesses shall testify, pursuant to the impeachment rules. Further, the time for depositions shall be agreed to by both leaders. No testimony shall be admissible in the Senate unless the parties have had an opportunity to depose such witnesses.

If the Senate fails to dismiss the case, the parties will proceed to present evidence. At the conclusion of the deliberations by the Senate, the Senate shall proceed to vote on each article of impeachment.
106TH CONGRESS
1ST SESSION

S. RES. 30

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

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1999

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

RESOLUTION

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

1  Resolved,

2 TITLE I—PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON

3  Sec. 101. That the deposition time for all witnesses be determined by the Senate Majority Leader and Minority Leader, as outlined in Senate Resolution 16, One Hundred Sixth Congress, First Session, and title II of this resolution and that all Senators have an opportunity to re-
view all deposition material, which shall be made available at the earliest possible time.

SEC. 102. When the Senate reconvenes on the day after completion of the depositions, and the review period, it shall be in order for both the House Managers and the President’s counsel to move to resolve any objections made during any deposition. After resolution of any such motions, it shall be in order for the House Managers and/ or White House counsel to make a motion or motions to admit the depositions or portions thereof into evidence, whether transcribed or on videotape provided further for a presentation employing all or portions of such tape, and it shall then be in order for the two Leaders jointly, only to make motions for additional discovery because of new relevant evidence discovered during the depositions. Motions may also then be made for orders governing the presentation of evidence and/or the testifying of witnesses before the Senate.

SEC. 103. If no such motions are made, or following the completion of any procedures authorized as a result of the votes on any motions, the White House shall have up to 24 hours to make any motions dealing with testimony or evidence that the White House counsel deems appropriate, as described previously.
SEC. 104. If no such motions are made, or no witnesses are called to testify in the Senate, the Senate shall proceed to final arguments as provided in the impeachment rules waiving the two person rule contained in Rule XXII of the Rules of Procedure and Practice in the Senate. When Sitting on Impeachment Trials for not to exceed six hours, to be equally divided. If motions are agreed to regarding new evidence or calling of new witnesses, this resolution is suspended.

SEC. 105. At the conclusion of the final arguments the parties shall proceed in accordance with the rules of impeachment: Provided however, That no motion with respect to reopening the record in the case shall be in order, and: Provided further, That it shall be in order for a Senator to offer a motion to suspend the rules to allow for open final deliberations with no amendments or motions to that motion in order; and the Senate shall proceed to vote on the motion to suspend the rules to provide for open Senate deliberations.

SEC. 106. Following that vote, and if no motions have been agreed to as provided in sections 102 and 103, and no motions are agreed to following the arguments, then the vote will occur on the articles of impeachment no later than 12:00 noon on Friday, February 12, 1999, if all motions are disposed of and final deliberations are completed.
TITLE II—TO AUTHORIZE ISSUANCE OF SUBPOENAS TO TAKE DEPOSITIONS IN THE
TRIAL OF THE ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

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

SEC. 202. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or any other employee of the United States Senate in serving the subpoenas authorized to be issued by this resolution.

SEC. 203. Depositions authorized by this resolution shall be taken before, and presided over by, on behalf of the Senate, two Senators appointed by the Majority Leader and the Democratic Leader, acting jointly, one of whom shall administer to witnesses the oath prescribed by Rule XXV of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials. Acting jointly, the
presiding officers shall have authority to rule, as an initial
matter, upon any question arising out of the deposition.
All objections to a question shall be noted by the presiding
officers upon the record of the deposition but the examina-
tion shall proceed, and the witness shall answer such ques-
tion. A witness may refuse to answer a question only when
necessary to preserve a legally-recognized privilege, or con-
stitutional right, and must identify such privilege cited if
refusing to answer a question.

Sec. 204. Examination of witnesses at depositions
shall be conducted by the Managers on the part of the
House or their counsel, and by counsel for the President.
Witnesses shall be examined by no more than two persons
each on behalf of the Managers and counsel for the Presi-
dent. Witnesses may be accompanied by counsel. The
scope of the examination by the Managers and counsel for
both parties shall be limited to the subject matters re-
flected in the Senate record. The party taking a deposition
shall present to the other party, at least 18 hours in ad-
advance of the deposition, copies of all exhibits which the
deposing party intends to enter into the deposition. No
exhibits outside of the Senate record shall be employed,
except for articles and materials in the press, including
electronic media. Any party may interrogate any witness
as if that witness were declared adverse.
SEC. 205. The depositions shall be videotaped and a
transcript of the proceedings shall be made. The deposi-
tions shall be conducted in private. No person shall be ad-
mitted to any deposition except for the following: The wit-
ness, counsel for the witness, the Managers on the part
of the House, counsel for the Managers, counsel for the
President, and the presiding officers; further, such per-
sons whose presence is required to make and preserve a
record of the proceedings in videotaped and transcript
forms, and Senate staff members whose presence is re-
quired to assist the presiding officers in presiding over the
depositions, or for other purposes, as determined by the
Majority Leader and the Democratic Leader. All present
must maintain the confidentiality of the proceedings.
SEC. 206. The presiding officers at the depositions
shall file the videotaped and transcribed records of the
depositions with the Secretary of the Senate, who shall
maintain them as confidential proceedings of the Senate.
The Sergeant at Arms is authorized to make available for
review at secure locations, any of the videotaped or tran-
scribed deposition records to Members of the Senate, one
designated staff member per Senator, and the Chief Jus-
tice. The Senate may direct the Secretary of the Senate
to distribute such materials, and to use whichever means
of dissemination, including printing as Senate documents,
printing in the Congressional Record, photo- and video-
duplication, and electronic dissemination, he determines to
be appropriate to accomplish any distribution of the
videotaped or transcribed deposition records that he is di-
rected to make pursuant to this section.

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

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

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