The PRESIDENT pro tempore. Under the previous order, a quorum having been established, the Senate will resume its consideration of the articles of impeachment against Judge Alcee L. Hastings. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Henry K. Giugni, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, 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 Alcee L. Hastings, U.S. district judge for the southern district of Florida.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, the Senate deliberated yesterday for 7 hours on the matter of impeachment against Judge Alcee L. Hastings. We meet this morning to vote on the articles.

Before proceeding to the voting, I ask unanimous consent that Senators may be permitted, within 7 days from today, to have printed in the Record opinions or statements explaining their votes.

The PRESIDENT pro tempore. Hearing no objection, it is so ordered. The majority leader is recognized.

Mr. MITCHELL. In response to a question from Senator BINGAMAN to the parties in the final argument on yesterday, Representative BRYANT from the House and Mr. Anderson for Judge Hastings stated that neither would object to the recording of an acquittal on articles II through V, and VII through IX without the taking of a vote by the Members of the Senate on those articles, if the Senate votes to acquit on article I.

Senator BINGAMAN’s question and the parties’ response was based upon the position taken by the House in its post trial memorandum that it would be inconsistent to acquit Judge Hastings on article I and to convict him on these particular false statement articles.

To implement this agreement between the House and Judge Hastings, I ask unanimous consent that the majority leader be recognized if the Senate votes to acquit Judge Hastings on article I, for the purpose of proposing a unanimous-consent agreement on the recording of an acquittal on articles II through V, and VII through IX.

The PRESIDENT pro tempore. Without objection—

Mr. HEFLIN. I will reserve the right to object. I have some question in my mind as to whether or not Article IX would fall into that category. Article IX may be different, and I feel that there ought to be a vote on article IX in that regard.

Mr. MITCHELL. Do I take the Senator’s statement as objection to the unanimous-consent request?

Mr. HEFLIN. Well, yes, as in regards to article IX. The others, I think, fall into that category, but I do have some question on article IX.

If the leader wants to change it to a unanimous-consent in that regard?

Mr. MITCHELL. Mr. President, I am now inquiring of counsel for the two parties whether they object to my request for a unanimous-consent request, but modifying it in the manner suggested by Senator HEFLIN.

Mr. BRYANT. Mr. Manager BRYANT. There will be no objection on the part of the House to that.

Mr. MITCHELL. Mr. Anderson?

Mr. ANDERSON. No objection.

Mr. MITCHELL. Accordingly, Mr. President, I ask unanimous consent to the following proposal if the Senate votes to acquit Judge Hastings on article I for the purpose of prohibiting a unanimous-consent agreement on the recording of an acquittal on articles II through V and VII through IX.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. It is so ordered.

Mr. MITCHELL. Mr. President, on March 16, 1989, the unanimous-consent agreement was entered to provide that the voting records of any Senators excluded from voting on all questions during the impeachment trial of Judge Alcee Hastings not be calculated to include any roll call votes during the trial. The four Senators who have been excused from voting are the Senator from Indiana (Mr. Coats); the Senator from Vermont (Mr. Jeffords); the Senator from Mississippi (Mr. Lott); and the Senator from Florida (Mr. Mack).

Mr. DOLE. Mr. President, I want to establish, together with the majority leader, this is a unanimous-consent agreement on voting records; it is not a precedent for calculating voting records on any other occasion.

Mr. MITCHELL. Mr. President, the Republican leader is correct. As was stated on March 16, this agreement was entered for the protection of the individual Senators. Because these four Members were Members of the House of Representatives when the House deliberated on the Hastings impeachment, some might suggest that an appearance of prejudice exists. Their excuse from participation is intended to protect against such an appearance.

Because the unanimous-consent agreement serves for this singular purpose, there is no basis for using this agreement in the future for the protection of the voting records of individual Senators.

Mr. President, I would like to now repeat what I stated last evening and again this morning and remind all Senators that remain in their seats during voting on whatever number of votes occur, for three purposes.

The first is to facilitate the handling of this matter in the most fair and appropriate manner for all concerned. That is and should be our overriding objective.

The second is to maintain the decorum of the Senate while these grave proceedings are underway.

And the third is to accommodate the interests of Senators themselves.

We will have possibly as many as 17 votes, possibly less, depending upon the outcome of the first vote. I ask that Senators remain in their seats during all of the votes to permit the calling of the roll just once on each vote so that it can be done in an orderly, proper manner and the shortest time possible will be required to elapse. That will not be possible if Senators, as they do from time to time, get up and wander off and go out to the cloakrooms and engage in other conversation during these proceedings. These are serious proceedings. They affect not only Judge Hastings, but they also affect the Senate and our system of Government. So far, the Senate has treated this matter with the significance which it deserves, and I urge upon my colleagues, having come this far in that fashion, let us complete the process in a proper manner.

The Chair will shortly instruct the Members of the Senate on the question to be put and the manner of response. I thank all Senators for their attention and courtesy until now and for what I know will be their continued attention and courtesy for Judge Hastings, to the House managers and to this entire matter.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Mr. President, the Constitution requires that two-thirds of the Senators be present for impeachment.

The PRESIDENT pro tempore. That is correct.

Mr. BIDEN. In light of the fact four Senators may be present but not voting, does that affect in any way the requisite number of votes required for impeachment?

The PRESIDENT pro tempore. Four Senators have been excused and they will, therefore, not be counted.

Mr. BIDEN. I thank the Chair.

The PRESIDENT pro tempore. The clerk will read the final request that the Chair.

Mr. NICKLES. Mr. President, parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.
Mr. NICKLES. In response to the question of the Senator from Delaware, if we have four Senators who are not voting, so they will not be counted, what is the number, if two-thirds is required? Is that number 67? Is that number 65?

The PRESIDENT pro tempore. Two-thirds of those present and voting.

Mr. NICKLES. So the number would be 67?

The PRESIDENT pro tempore. No. That would be a constitutional majority. That would be two-thirds of the Senators duly chosen and sworn.

Mr. NICKLES. Two-thirds of the Senators voting.

The PRESIDENT pro tempore. Two-thirds of the Senators who are present and voting.

ARTICLE I

The PRESIDENT pro tempore. The clerk will read the first article of impeachment.

The assistant legislative clerk read as follows:

(Rollcall Vote No. 254) (Subject: Article I—Court of Impeachment—Judge Alcee L. Hastings)

GUILITY—69

Baucus Fowler McCain
Bond Glenn McConnell
Boren Gore Mitchell
Boschwitz Grossman Mirkowski
Braun Gramm Nickles
Bryan Grassley Nunn
Bumpers Hatfield Pell
Byrd Burns Premler
Byrd Helms Reid
Chafee Helms Riegle
Coehran Humphrey Robb
Cohen Inouye Rockefeller
Conrants Johnson Roth
Daschle Kasten Sarbanes
DeConcini Kennedy Simon
Diindle Kerey Simpson
Dole Kerry Stevens
Domenici Kohl Symms
Durbin Lautenberg Thurmond
Eisenhower Lucan Wallop
Ford Methos Warner

NOT GUILTY—26

Adams Graham Moynihan
Armstrong Harkin Packwood
Biden Hastert Pryor
Bingaman Heflin Sanford
Bradley Lieby Sasser
Burke Levin Shelby
Cranganon Lieberman Specter
D'Amato Metzenbaum Wirth
Dodd Mikulski

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Costs Lott Wilson
Jeffords Mack

The PRESIDENT pro tempore. On this article of impeachment, 69 Senators have voted guilty, 26 Senators have voted not guilty. Two-thirds of the Senators present and voting having voted guilty, the verdict on article I is guilty.

ARTICLE II

The PRESIDENT pro tempore. The Chair now asks the clerk to read the second article.

The legislative clerk read as follows:

(Rollcall Vote No. 255) (Subject: Article II—Court of Impeachment—Judge Alcee L. Hastings)

GUILITY—58

Baucus Fowler McCain
Boren Glenn McConnell
Boren Gore Mitchell
Boschwitz Gramm Mirkowski
Braun Grassley Nunn
Bumpers Hatfield Pell
Byrd Helms Reid
Chafee Hollings Riegle
Coehran Humphrey Robb
Cohen Inouye Rockefeller
Conrants Johnson Roth
Daschle Kasten Sarbanes
DeConcini Kennedy Simon
Dixon Kerey Simpson
Dole Kerry Stevens
Domenici Kohl Symms
Durbin Lautenberg Thurmond
Eisenhower Lucan Wallop
Ford Methos Warner

NOT GUILTY—27

Adams Graham Moynihan
Armstrong Harkin Packwood
Biden Hastert Pryor
Bingaman Heflin Sanford
Bradley Lieby Sasser
Burke Levin Shelby
Cranganon Lieberman Specter
D'Amato Metzenbaum Stevens
Dodd Mikulski

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Costs Lott Wilson
Jeffords Mack

The PRESIDENT pro tempore. On this vote, there are 68 yea, and 27 nay.

Two-thirds of the Senators present and voting, having voted guilty, the verdict on the second article is guilty.

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Judge Hastings and his counsel be permitted to be excused for the remainder of the votes, if they so desire.

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

Mr. HASTINGS. Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair thanks Judge Hastings and his party.

ARTICLE III

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

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

Therefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

VOTE ON ARTICLE III

The PRESIDENT pro tempore. The question is on the third article of impeachment. The rollcall is automatic. Senators, how say you? Is the respondent Alcee L. Hastings guilty or not guilty? The clerk will call the roll.

The legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. Wilson] is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—guilty 49, not guilty 28, as follows:

[Rollcall Vote No. 256]

(Senate) Article III—Court of Impeachment—Judge Alcee L. Hastings

GUILTY—49

Baucus
Benton
Boren
Boschwitz
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cothran
Cochran
Conrad
Danforth
Dasho
DeConcini
Dixon
Dole
Domenici
Durenberger
Econ
Ford
Ford
GILLY—69

NOT GUILTY—28

Adams
Armstrong
Biden
Bingaman
Brady
Burkle
Cranston
D’Amato
Dodd
Glenn
Graham
Harken
Heflin
Leahy
Levin
Lieberman
Moynihan
Moynihan

OBSCURED, NOT VOTING, OR EXCUSED FROM VOTING—5

Costs
Jeffords
Lott
Wilson

The PRESIDENT pro tempore. Upon this article of impeachment, 67 Senators have voted guilty; 26 Senators have voted not guilty. Therefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

VOTE ON ARTICLE IV

The PRESIDENT pro tempore. The clerk will now read the fourth article of impeachment.

The legislative clerk reads as follows:

[Rollcall Vote No. 257]

(Senate) Article IV—Court of Impeachment—Judge Alcee L. Hastings

GUILTY—67

Baucus
Bennet
Biden
Bumpers
Burns
Byrd
Chafee
Chambliss
Cochran
Conrad
Danforth
Dasho
DeConcini
Dixon
Dole
Domenici
Durenberger
Econ
Ford
GILLY—69

NOT GUILTY—28

Adams
Armstrong
Biden
Bingaman
Brady
Burkle
Cranston
D’Amato
Dodd
Gorton
Graham
Harken
Heflin
Leahy
Levin
Lieberman
Moynihan

OBSCURED, NOT VOTING, OR EXCUSED FROM VOTING—5

Costs
Jeffords
Lott
Wilson

The PRESIDENT pro tempore. Upon this article of impeachment, 67 Senators have voted guilty; 26 Senators have voted not guilty. Therefore, Judge Alcee L. Hastings is guilty as charged in this article.

VOTE ON ARTICLE V

The PRESIDENT pro tempore. The question is on the fourth article of impeachment. The rollcall is automatic. Senators, how say you? Is the respondent Alcee L. Hastings guilty or not guilty? The clerk will call the roll.

The legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. Wilson] is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—guilty 67, not guilty 28, as follows:

[Rollcall Vote No. 258]

(Senate) Article V—Court of Impeachment—Judge Alcee L. Hastings

GUILTY—67

Baucus
Bennet
Biden
Bumpers
Burns
Byrd
Chafee
Cochran
Conrad
Danforth
Dasho
DeConcini
Dixon
Dole
Domenici
Durenberger
Econ
Ford
GILLY—69

NOT GUILTY—28

Adams
Armstrong
Biden
Bingaman
Brady
Burkle
Cranston
D’Amato
Dodd
Gorton
Graham
Harken
Heflin
Leahy
Levin
Lieberman
Moynihan

OBSCURED, NOT VOTING, OR EXCUSED FROM VOTING—5

Costs
Jeffords
Lott
Wilson

The PRESIDENT pro tempore. Upon this article of impeachment, 67 Senators have voted guilty; 26 Senators have voted not guilty. Therefore, Judge Alcee L. Hastings is guilty as charged in the fourth article.

VOTE ON ARTICLE V

The PRESIDENT pro tempore. The question is on the fifth article of impeachment. The rollcall is automatic. Senators, how say you? Is the respondent Alcee L. Hastings guilty or not guilty? The clerk will call the roll.

The legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. Wilson] is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—guilty 67, not guilty 28, as follows:

[Rollcall Vote No. 259]

(Senate) Article V—Court of Impeachment—Judge Alcee L. Hastings

GUILTY—67

Baucus
Bennet
Biden
Bumpers
Burns
Byrd
Chafee
Cochran
Conrad
Danforth
Dasho
DeConcini
Dixon
Dole
Domenici
Durenberger
Econ
Ford
GILLY—69

NOT GUILTY—28

Adams
Armstrong
Biden
Bingaman
Brady
Burkle
Cranston
D’Amato
Dodd
Gorton
Graham
Harken
Heflin
Leahy
Levin
Lieberman
Moynihan

OBSCURED, NOT VOTING, OR EXCUSED FROM VOTING—5

Costs
Jeffords
Lott
Wilson

The PRESIDENT pro tempore. Upon this article of impeachment, 67 Senators have voted guilty; 26 Senators have voted not guilty. Therefore, Judge Alcee L. Hastings is guilty as charged in the fifth article of impeachment.
The PRESIDENT pro tempore. On this question, 67 Senators have voted guilty, 28 Senators have voted not guilty. Two-thirds of the Members present having voted guilty the verdict on article V is guilty.

The PRESIDENT pro tempore. The clerk will read the sixth article of impeachment.

The legislature clerk reads as follows:

The PRESIDENT pro tempore. The question is on the sixth article of impeachment. Senators, how say you? Is the respondent, Alcee L. Hastings, guilty or not guilty? The clerk will call the roll.

The bill clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

The PRESIDENT pro tempore. Are there other Senators wishing to vote? The result was announced—guilty 48, not guilty 47, as follows:

[Rollcall Vote No. 259]

Subject: Article VI—Court of Impeachment—Judge Alcee L. Hastings

VOTE ON ARTICLE VI

The PRESIDENT pro tempore. The question is on article VI of impeachment. Senators, how say you? Is the respondent, Alcee L. Hastings, guilty or not guilty? The clerk will call the roll.

The assistant legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote? The result was announced—guilty 49, not guilty 26, as follows:

[Rolecall Vote No. 260]

Subject: Article VII—Court of Impeachment—Judge Alcee L. Hastings

VOTE ON ARTICLE VII

The PRESIDENT pro tempore. The question is on article VII. Senators, how say you? Is the respondent, Alcee L. Hastings, guilty or not guilty? The clerk will call the roll.

The assistant legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

The Treasury pro tempore. Are there any other Senators in the Chamber who desire to vote? The result was announced—guilty 49, not guilty 26, as follows:

[Rolecall Vote No. 261]

Subject: Article VIII—Court of Impeachment—Judge Alcee L. Hastings

VOTE ON ARTICLE VIII

The PRESIDENT pro tempore. The question is on article VIII. Senators, how say you? Is the respondent, Alcee L. Hastings, guilty or not guilty? The clerk will call the roll.

The assistant legislative clerk called the roll. Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON] is necessarily absent.

The Treasury pro tempore. Are there any other Senators in the Chamber who desire to vote? The result was announced—guilty 49, not guilty 26, as follows:

[Rolecall Vote No. 262]
The PRESIDENT pro tempore. The question now occurs on article IX, which the clerk will read.

The bill clerk read as follows:

ARTICLE IX

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

The false statement was, in substance, that three documents that purported to be drafts of letters to assist Hennphi Pride, of Columbia, South Carolina, had been written by Judge Hastings on October 5, 1981, and were the letters referred to by Judge Hastings in his October 5, 1981, telephone conversation with William Borders, of Washington, D.C. Therefore, Judge Alce L. Hastings is guilty of an impeachable offense warranting removal from office.

The result was announced—guilty 68, not guilty 27, as follows:

(Rollcall Vote No. 261)

(Subject: Article VIII—Court of Impeachment—Judge Alce L. Hastings)

GUILTY—68

Baucus Bellew Burnes Boren Boschwitz Breaux Bryan

NOT GUILTY—26

Barbares Simon Simonson Smithsonian Warner

GUILTY—76

Baucus Bellew Burnes Boren Boschwitz Breaux Bryan

NOT GUILTY—27

Baucus Bellew Burnes Boren Boschwitz Breaux Bryan

GUILTY—76

Baucus Bellew Burnes Boren Boschwitz Breaux Bryan

NOT GUILTY—25

Baucus Bellew Burnes Boren Boschwitz Breaux Bryan

GUILTY—76

Baucus Bellew Burnes Boren Boschwitz Breaux Bryan

Not guilty 27, as follows:

(Rollcall Vote No. 262)

(Subject: Article IX—Court of Impeachment—Judge Alce L. Hastings)
First, as of just a few moments ago, the distinguished President pro tempore of the Senate became the first Member of the Senate to have presided over the Senate floor 100 hours this year, thereby earning the Golden Gavel. I think he deserves a round of applause.

[Applause.]

Mr. MITCHELL. I think it is fair to say that rarely in the Senate's history has the majority leader felt more secure than when the President pro tempore is on the floor, than when this majority leader is standing here and President pro tempore is sitting there.

We are very grateful to the President pro tempore.

SCHEDULE

Mr. MITCHELL. I make the announcement that after this final vote on article XVII, there will be no further rollcall votes today. There will be no rollcall votes on Monday. The Senate will sit on the Eastern Airlines matter Monday, but there will be no votes on that day.

There will be votes on Tuesday, so Senators are urged to be present on Tuesday. It is possible now to predict when the votes will occur, but they are likely to occur in the morning, as there are a number of matters which will be taken up Tuesday, and we are going to have a very busy week from Tuesday through at least Friday next week.

I thank Senators for the cooperation they have demonstrated on this matter. I believe the Senate conducted itself admirably in the conduct of these proceedings, and I ask Senators to continue the decorum through this final vote.

I thank my colleagues, and I yield the floor, Mr. President.

ARTICLE XVII

The question occurs on the 17th and final article, which the clerk will read.

The legislative clerk read as follows:

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

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

(2) repeated false testimony under oath at Judge Hastings' criminal trial;

(3) fabrication of false documents which were submitted as evidence in his criminal trial; and

(4) improper disclosure of confidential information acquired by him as supervisory judge of a wiretap; undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the United States, thereby bringing disrepute on the Federal courts and the administration of justice by the Federal courts.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

VOTE ON ARTICLE XVII

The President pro tempore. On the 17th Article of Impeachment, Senators, How say you? Is the respondent, Alcee L. Hastings, guilty or not guilty? The clerk will call the roll.

Mr. CHAFFEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFFEE, Mr. President; a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CHAFFEE. To find guilty on this article, does one have to agree with each of the four allegations?

The PRESIDENT pro tempore. This is for each Senator to determine in his own mind and in his own conscience and in accordance with his oath that he will do impartial justice under the Constitution and law.

It is the Chair's opinion, if the Senator in his own conscience and based on the facts as he understands them determines that on any one of the paragraphs listed that Judge Alcee L. Hastings has undermined confidence in the integrity and impartiality of the judiciary and betrayed the trust of the people of the United States, he should vote accordingly.

Mr. LEAHY, Mr. President, a further parliamentary inquiry.

The President pro tempore. The Senator from Vermont will state his parliamentary inquiry.

Mr. LEAHY. Is the Senator from Vermont correct in understanding what the distinguished Presiding Officer said earlier that, if a Senator felt that to vote guilty on this he would have to find on each and every one, he would be within his rights to set for himself as that the standard?

The President pro tempore. The Chair has not rendered any such opinion.

Mr. LEAHY. A further parliamentary inquiry.

The President pro tempore. The Senator will state it.

Mr. LEAHY. Mr. President, would a Senator be within in his or her rights to interpret this as saying that a guilty or not guilty verdict would have to be based on a finding on each one of the four items as either guilty or not guilty?

The President pro tempore. The Senator would be within his or her right to so find.

Mr. LEAHY. I thank the Chair.

The President pro tempore. The Clerk has read article XVII.

The question is, Senators, how say you? Is the respondent, Alcee L. Hastings, guilty or not guilty, the clerk will call the roll.

The assistant legislative clerk called the roll.
Mr. SIMPSON. I announce that the Senator from California (Mr. Wilson) is necessarily absent.

The PRESIDENT pro tempe. Have all Senators voted?

The result was announced—guilty 60, not guilty 35, as follows:

(Roll Call Vote No. 264)

(Subject: Article XVII—Court of Impeachment—Judge Alice L. Hastings)

GUilty—60

Baucus—Garn--Lugar
Bond—Gore—McCam
Boren—Gorton—McCure
Boehchem—Gramm—McConnell
Bumpers—Mintz—Murkowski
Burns—Hatfield--Nickles
Byrd—Rei—Nunn
Chafee—Holms—Imsay
Cochran—Imlay—Imsay
Coburn—Humphrey—Imsay
Conrad—Imsay—Imsay
Danforth—Johnston—Reid
DeConcini—Imsay—Rockefeller
Dole—Kennedy—Reid
Domenici—Kerry—Reid
Durenberger—Kerry—Reid
Box—Kohl—Reid
Ford—Imsay—Wallop
Powell—Imsay—Warner

NOT GUILTY—35

Adams—Dodd—Moynihan
Armstrong—Gore—Packwood
Bentsen—Graham—Pell
Biden—Harkin—Pryor
Bingaman—Hatch—Reid
Brady—Hinch—Sanford
Breuning—Leahy—Saxby
Bryan—Lieberman—Sheby
Burdett—Lott—Simon
Cranston—Metzenbaum—Specter
D’Amato—Mikulski—Wirth
Daschle—Wilson

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats—Lott—Wilson
Jeffords—Mack

The PRESIDENT pro tempe. On the 17th article, 60 Senators having voted guilty, 35 Senators having voted not guilty. Less than two-thirds of the Members present having voted guilty, the Senate adjudges that the respondent, Alice L. Hastings, is not guilty as charged in the article.

May there be order in the Senate? The Senate will be in order.

JUDGMENT

The PRESIDENT pro tempe. The Chair directs the judgment to be entered in accordance with the judgment of the Senate as follows:

The Senate, having tried Alice L. Hastings, U.S. district judge for the southern district of Florida, upon 17 articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senate present having found him guilty of the charges contained in articles I, II, III, IV, V, VII, VIII, and IX of the articles of impeachment. It is therefore, Ordered and adjudged, That the said Alice L. Hastings be, and is hereby, removed from office.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, I send an order to the desk and ask that it be stated.

The PRESIDENT pro tempe. The clerk will report the order.

The legislative clerk read as follows:

Ordered, That the Secretary be directed to communicate to the Secretary of State, as provided by Rule XXIII of the Rules of Procedure and Practice in the Senate in sitting on Impeachment Trials, and also to the House of Representatives, a copy of the judgment of the Senate in the case of Alice L. Hastings, and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempe. Without objection, the order will be entered.

The majority leader is recognized.

ADJOURNMENT SINE DIE OF COURT OF IMPEACHMENT

Mr. MITCHELL. Mr. President. I move that the Senate, sitting as a court of impeachment for the articles against Alice L. Hastings, adjourn sine die.

The motion was agreed to; and, at 12:15 p.m., the Senate, sitting as a court of impeachment, adjourned sine die.

LEGISLATIVE SESSION

The PRESIDENT pro tempe. The majority leader is recognized.

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

The PRESIDENT pro tempe. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each, to last until the hour of 2 p.m.

The PRESIDENT pro tempe. Without objection, it is so ordered. Accordingly, there will now be a period for the transaction of morning business which will expire at 2 p.m. and each Senator is permitted to speak up to 5 minutes each.

Mr. CRANSTON addressed the Chair.

The PRESIDENT pro tempe. The Senator from California (Mr. CRANSTON).

CIVILIZATION BY THE BAY

Mr. CRANSTON. Mr. President, there have been a number of accolades about how Californians behaved in the stress and the chaos of Tuesday’s earthquake. I saw this first-hand when I flew to the bay area yesterday.

No one has better characterized the grace, courage, and altruism California demonstrated than Mary McGrory in yesterday’s Washington Post. Mary was, as the essence of what I believe is the evolving character of California. This is from Mary McGrory’s column, entitled “Civilization by the Bay,” which appeared in the Washington Post yesterday.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

(From the Washington Post, Oct. 19, 1989)

CIVILIZATION BY THE BAY

(By Mary McGrory)

The earthquake has brought good news and bad. The bad is fallen bridges, collapsed freeways, and a11 the people trapped in wreckage. The good news is that Californians are coping in a manner calculated to make us look at them enviously. We tend to laugh at our most populous, most beautiful state. We envy its inhabitants for their flowers, their sunshine, their long white beaches, and we laugh at them by saying they’re ditsy. Their hedonism, their self-absorption, their trendiness—who gave us pailmacy and the cat’s cradle?—make them the butt of endless gibes.

We laugh at them for “being in touch with their feelings,” for putting brakes on their teeth when they’re still white. We ask strangers what their sign is. Cartoonist Garry Trudeau summed it up in the strip where Boopie, his quintessential Southern Californian, is made a member of the state’s “self-esteem commission.”

We were wrong. They are giving us lessons in how to behave with style under impossible conditions.

From the first moment of the earthquake, with Candlestick Park poised for the third game of the local World Series, Californians showed that they understand the first law of life: Never make a bad situation worse.

The potential for mass death in the stadium was horrendous. Sixty-two thousand people kept their heads, listened to usher who told them to wait. We know the death toll at European soccer matches, where the panic is so intense that even the small and the weak and the supplicants.

San Francisco’s tradition as our most civilized city was upheld. According to sportswriters turned disaster-chroniclers, the ballplayers hurried out of the dugout onto the field and summoned their families to join them, while the fans in the stands prepared to file out. After the first shock, the shaken-up survivors, elated to be still there, applauded.

A standing ovation for an earthquake? Only in California. Catastrophe does not always bring out the best in people, as we know from Hurricane Andrew. Remember the looting in St. Croix and the suburbs of Charleston, S.C. A factual meteorologist from St. Croix said on National Public Radio that “while some people behaved very well, others individualized.”

Californians did not “individualize.” They were too busy pitching in. In a brilliant dispatch from the site of the collapse of the four-lane Oakland freeway, Amy Stevens reported in The Washington Post that nearby residents rushed out with bandages, sheets, ropes, first-aid kits and ladders.