

IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

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 articles 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 Judge Hastings 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 propounding 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 then inquire of counsel for the two parties whether they object to my restating the 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 that the majority leader be recognized if the Senate votes to acquit Judge Hastings on article I for the purpose of propounding a unanimous-consent agreement on the recording of an acquittal on articles II through V and VII and VIII.

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

Mr. MITCHELL. Mr. President, on March 16, 1989, a unanimous-consent agreement was entered to provide that the voting records of any Senators excused from voting on all questions during the impeachment trial of Judge Alcee Hastings not be calculated to include any rollcall 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 Senate, not for the protection of 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 prejudgment exists. Their excuse from participation is intended to protect against such an appearance.

Because the unanimous-consent agreement serves for this singular purpose and this purpose alone, 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 request that all Senators 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 walk around the well 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 anyway 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 first article.

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:

ARTICLE I

From some time in the first of 1981 and continuing through October 9, 1981, Judge Hastings and William Borders, then a Washington, D.C. attorney, engaged in a corrupt conspiracy to obtain \$150,000 from defendants in *United States v. Romano*, a case tried before Judge Hastings, in return for the imposition of sentences which would not require incarceration of the defendants.

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

The PRESIDENT pro tempore. The Chair will read, for the benefit of everyone present in the Chamber and in the galleries, paragraph 6 of rule XIX of the standing rules of the Senate which states as follows:

Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

The Chair would deeply appreciate the cooperation of everyone in the Chamber and in the gallery in maintenance of order.

VOTE ON ARTICLE I

The PRESIDENT pro tempore. The Chair reminds the Senate that each Senator, when his or her name is called, will stand in his or her place and vote guilty or not guilty. The question is on the first article.

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

The legislative clerk called the roll.

Mr. SIMPSON. I announced that the Senator from California [Mr. WILSON] is necessarily absent.

The PRESIDENT pro tempore. Are there any other Senators wishing to vote?

The result was announced—guilty 69, not guilty 26, as follows:

[Rollcall Vote No. 254]

(Subject: Article I—Court of Impeachment—Judge Alcee L. Hastings)

GUILTY—69

Baucus	Fowler	McCain
Bentsen	Garn	McClure
Bond	Glenn	McConnell
Boren	Gore	Mitchell
Boschwitz	Gorton	Murkowski
Breaux	Gramm	Nickles
Bryan	Grassley	Nunn
Bumpers	Hatfield	Pell
Burns	Heinz	Pressler
Byrd	Helms	Reid
Chafee	Hollings	Riegle
Cochran	Humphrey	Robb
Cohen	Inouye	Rockefeller
Conrad	Johnston	Roth
Danforth	Kassebaum	Rudman
Daschle	Kasten	Sarbanes
DeConcini	Kennedy	Simon
Dixon	Kerrey	Simpson
Dole	Kerry	Stevens
Domenici	Kohl	Symms
Durenberger	Lautenberg	Thurmond
Exon	Lugar	Wallop
Ford	Matsunaga	Warner

NOT GUILTY—26

Adams	Graham	Moynihan
Armstrong	Harkin	Packwood
Biden	Hatch	Pryor
Bingaman	Heflin	Sanford
Bradley	Leahy	Sasser
Burdick	Levin	Shelby
Cranston	Lieberman	Specter
D'Amato	Metzenbaum	Wirth
Dodd	Mikulski	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	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:

ARTICLE II

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 and William Borders, of Washington, D.C., never made any agreement to solicit a bribe from defendants in *United States v. Romano*, a case tried before Judge Hastings.

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

VOTE ON ARTICLE II

The PRESIDENT pro tempore. The question is on the second article 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 result was announced—guilty 68, not guilty 27, as follows:

[Rollcall Vote No. 255]

(Subject: Article II—Court of Impeachment—Judge Alcee L. Hastings)

GUILTY—68

Baucus	Fowler	McCain
Bentsen	Garn	McClure
Bond	Glenn	McConnell
Boren	Gore	Mitchell
Boschwitz	Gorton	Murkowski
Breaux	Gramm	Nickles
Bryan	Grassley	Nunn
Bumpers	Hatfield	Pell
Burns	Heinz	Pressler
Byrd	Helms	Reid
Chafee	Hollings	Riegle
Cochran	Humphrey	Robb
Cohen	Inouye	Rockefeller
Conrad	Johnston	Roth
Danforth	Kassebaum	Rudman
Daschle	Kasten	Sarbanes
DeConcini	Kennedy	Simon
Dixon	Kerrey	Simpson
Dole	Kerry	Symms
Domenici	Kohl	Thurmond
Durenberger	Lautenberg	Wallop
Exon	Lugar	Warner
Ford	Matsunaga	

NOT GUILTY—27

Adams	Graham	Moynihan
Armstrong	Harkin	Packwood
Biden	Hatch	Pryor
Bingaman	Heflin	Sanford
Bradley	Leahy	Sasser
Burdick	Levin	Shelby
Cranston	Lieberman	Specter
D'Amato	Metzenbaum	Stevens
Dodd	Mikulski	Wirth

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The PRESIDENT pro tempore. On this vote, there are 68 yeas, and 27 nays.

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

The PRESIDENT pro tempore. The clerk will state the third article. The assistant legislative clerk read as follows:

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 a term in the Federal penitentiary to probation in return for a bribe from those defendants.

Wherefore, 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 69, not guilty 26, as follows:

[Rollcall Vote No. 256]

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

GUILTY—69

Baucus	Fowler	McCain
Bentsen	Garn	McClure
Bond	Glenn	McConnell
Boren	Gore	Mitchell
Boschwitz	Gorton	Murkowski
Breaux	Gramm	Nickles
Bryan	Grassley	Nunn
Bumpers	Hatfield	Pell
Burns	Heinz	Pressler
Byrd	Helms	Reid
Chafee	Hollings	Riegle
Cochran	Humphrey	Robb
Cohen	Inouye	Rockefeller
Conrad	Johnston	Roth
Danforth	Kassebaum	Rudman
Daschle	Kasten	Sarbanes
DeConcini	Kennedy	Simon
Dixon	Kerrey	Simpson
Dole	Kerry	Stevens
Domenici	Kohl	Symms
Durenberger	Lautenberg	Thurmond
Exon	Lugar	Wallop
Ford	Matsunaga	Warner

NOT GUILTY—26

Adams	Graham	Moynihan
Armstrong	Harkin	Packwood
Biden	Hatch	Pryor
Bingaman	Heflin	Sanford
Bradley	Leahy	Sasser
Burdick	Levin	Shelby
Cranston	Lieberman	Specter
D'Amato	Metzenbaum	Wirth
Dodd	Mikulski	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The PRESIDENT pro tempore. Upon this article of impeachment, 69 Senators have voted guilty; 26 Senators have voted not guilty.

Two-thirds of the Members present having voted guilty, the Senate ad-

judges that the respondent, Alcee L. Hastings, is guilty as charged in this article.

ARTICLE IV

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

The legislative clerk read as follows:

ARTICLE IV

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., in connection with a payment on a bribe, to enter an order returning a substantial amount of property to the defendants in *United States v. Romano*, a case tried before Judge Hastings. Judge Hastings had previously ordered that property forfeited.

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

The PRESIDENT pro tempore. The question on article IV is: 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. 257]

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

GUILTY—67

Baucus	Fowler	McClure
Bentsen	Garn	McConnell
Bond	Glenn	Mitchell
Boren	Gore	Murkowski
Boschwitz	Gramm	Nickles
Breaux	Grassley	Nunn
Bryan	Hatfield	Pressler
Bumpers	Heinz	Reid
Burns	Helms	Riegle
Byrd	Hollings	Robb
Chafee	Humphrey	Rockefeller
Cochran	Inouye	Roth
Cohen	Johnston	Rudman
Conrad	Kassebaum	Sarbanes
Danforth	Kasten	Simon
Daschle	Kennedy	Simpson
DeConcini	Kerrey	Stevens
Dixon	Kerry	Symms
Dole	Kohl	Thurmond
Domenici	Lautenberg	Wallop
Durenberger	Lugar	Warner
Exon	Matsunaga	
Ford	McCain	

NOT GUILTY—28

Adams	Graham	Packwood
Armstrong	Harkin	Pell
Biden	Hatch	Pryor
Bingaman	Heflin	Sanford
Bradley	Leahy	Sasser
Burdick	Levin	Shelby
Cranston	Lieberman	Specter
D'Amato	Metzenbaum	Wirth
Dodd	Mikulski	
Gorton	Moynihan	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The PRESIDENT pro tempore. Upon this article of impeachment, 67 Senators have voted guilty; 28 Senators have voted not guilty.

Two-thirds of the Senators present having voted guilty, the Senate adjudges the respondent, Alcee L. Hastings, guilty as charged in the fourth article.

ARTICLE V

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

The bill clerk read as follows:

ARTICLE V

From January 18, 1989, 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' appearance at the Fontainebleau Hotel in Miami Beach, Florida, on September 16, 1981, was not part of a plan to demonstrate his participation in a bribery scheme with William Borders of Washington, D.C., concerning *United States v. Romano*, a case tried before Judge Hastings, and that Judge Hastings expected to meet Mr. Borders at that place and on that occasion.

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

VOTE ON ARTICLE V

The PRESIDENT pro tempore. The question is on the fifth article of impeachment. 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. Have all Senators voted?

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

[Rollcall Vote No. 258]

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

GUILTY—67

Baucus	Domenici	Kassebaum
Bentsen	Durenberger	Kasten
Bond	Exon	Kennedy
Boren	Ford	Kerrey
Boschwitz	Fowler	Kerry
Breaux	Garn	Kohl
Bryan	Glenn	Lautenberg
Bumpers	Gore	Lugar
Burns	Gorton	Matsunaga
Byrd	Gramm	McCain
Chafee	Grassley	McClure
Cochran	Hatfield	McConnell
Cohen	Heinz	Mitchell
Danforth	Helms	Murkowski
Daschle	Hollings	Nickles
DeConcini	Humphrey	Nunn
Dixon	Inouye	Pressler
Dole	Johnston	Reid

Riegle
Robb
Rockefeller
Roth
Rudman

Sarbanes
Simon
Simpson
Stevens
Symms

Thurmond
Wallop
Warner

Nickles
Fell
Pressler
Reid
Robb

Rockefeller
Roth
Sarbanes
Simon
Simpson

Stevens
Symms
Thurmond
Wallop
Warner

NOT GUILTY—28

Adams
Armstrong
Biden
Bingaman
Bradley
Burdick
Conrad
Cranston
D'Amato
Dodd

Graham
Harkin
Hatch
Heflin
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Moynihan

Adams
Armstrong
Biden
Bingaman
Bond
Boschwitz
Bradley
Bumpers
Burdick
Cohen
Conrad
Cranston
D'Amato
Dixon
Dodd
Domenici

NOT GUILTY—47

Durenberger
Gore
Gorton
Graham
Harkin
Hatch
Heflin
Heinz
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain

McConnell
Metzenbaum
Mikulski
Moynihan
Murkowski
Nunn
Packwood
Pryor
Riegle
Rudman
Sanford
Sasser
Shelby
Specter
Wirth

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats
Jeffords

Lott
Mack

Wilson

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.

ARTICLE VI

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

The legislative clerk read as follows:

ARTICLE VI

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 his oath make a false statement which was intended to mislead the trier of fact.

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

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

VOTE ON ARTICLE VI

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)

GUILTY—48

Baucus
Bentsen
Boren
Breaux
Bryan
Burns
Byrd
Chafee
Cochran
Danforth
Daschle

DeConcini
Dole
Exon
Ford
Fowler
Garn
Glenn
Gramm
Grassley
Hatfield
Helms

Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kerry
Lugar
Matsunaga
McClure
Mitchell

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats
Jeffords

Lott
Mack

Wilson

The PRESIDENT pro tempore. On this article of impeachment, 48 Senators have voted guilty; 47 Senators have voted not guilty. Less than two-thirds of the Members present having voted guilty, the Senate judges that the respondent, Alcee L. Hastings, is not guilty as charged in this article.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, under rule XXIII, if the person impeached shall be convicted upon any article by the votes of two-thirds of the Members present, the Senate may proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing judgment.

The Rules Committee report accompanying the most recent changes in this rule, in 1986 stated:

Since, under the prevailing view a two-thirds vote to convict on any article operates as an automatic removal from office, the Senate may not wish to vote the other articles.

Accordingly, Mr. President, after reviewing the matter and discussing it with Senate counsel and the distinguished Republican leader, and the House counsel, it is my judgment that the Senate need not vote on every one of the articles of impeachment.

I have reviewed the articles, and I believe it appropriate that we continue voting through article IX, and that we also vote on articles XVI and XVII.

I, therefore, ask unanimous consent that the Senate not vote on articles X through XV inclusive of the articles of impeachment.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none. It is so ordered.

Mr. MITCHELL. Articles X through XV inclusive; not voting on those. We will continue voting through article IX and then to articles XVI and XVII, to conclude voting.

I thank my colleagues.

Mr. LEVIN. Mr. President, reserving the right to object, and I will not

object, I had intended to vote guilty on article XV.

Mr. MITCHELL. I thank the Senator.

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

ARTICLE VII

The PRESIDENT pro tempore. The Clerk will read the seventh article of impeachment.

The bill clerk read as follows:

ARTICLE VII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United 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 his oath, made a false statement which was intended to mislead the trier of fact.

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

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

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

The result was announced—guilty 69, not guilty 26, as follows:

[Rollcall Vote No. 260]

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

GUILTY—69

Baucus
Bentsen
Bond
Boren
Boschwitz
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
Danforth
Daschle
DeConcini
Dixon
Dole

Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Gramm
Grassley
Hatfield
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Kassebaum

Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Lugar
Matsunaga
McCain
McClure
McConnell
Mitchell
Murkowski
Nickles
Nunn
Pell
Pressler
Reid
Riegle

Bond	Sarbanes	Symms
Rockefeller	Simon	Thurmond
Bond	Simpson	Wallop
Rudman	Stevens	Warner

NOT GUILTY—26

Adams	Graham	Moynihan
Armstrong	Harkin	Packwood
Biden	Hatch	Pryor
Bingaman	Hefflin	Sanford
Bradley	Leahy	Sasser
Burdick	Levin	Shelby
Cranston	Lieberman	Specter
D'Amato	Metzenbaum	Wirth
Dodd	Mikulski	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The **PRESIDENT pro tempore**. On this question, there are 69 guilty, 26 not guilty. Two-thirds of the Senators present having voted guilty, the verdict is guilty on article VII.

ARTICLE VIII

The **PRESIDENT pro tempore**. The clerk will read article VIII.

The assistant legislative clerk read as follows:

ARTICLE VIII

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 his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' October 5, 1981, telephone conversation with William Borders, of Washington, DC, was in fact about writing letters to solicit assistance for Hemphill Pride of Columbia, South Carolina, when in fact it was a coded conversation in furtherance of a conspiracy with Mr. Borders to solicit a bribe from defendants in *United States v. Romano*, a case tried before Judge Hastings.

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

VOTE ON ARTICLE VIII

The **PRESIDENT pro tempore**. The question is on the eighth article. 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**. Have all Senators in the Chamber voted?

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

[Rollcall Vote No. 261]

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

GUILTY—68

Baucus	Bumpers	Danforth
Bentsen	Burns	Daschle
Bond	Byrd	DeConcini
Boren	Chafee	Dixon
Boschwitz	Cochran	Dole
Breaux	Cohen	Domenici
Bryan	Conrad	Exon

Ford	Kasten	Pressler
Fowler	Kennedy	Reid
Garn	Kerrey	Riegle
Glenn	Kerry	Robb
Gore	Kohl	Rockefeller
Gorton	Lautenberg	Roth
Gramm	Lugar	Rudman
Grassley	Matsunaga	Sarbanes
Hatfield	McCain	Simon
Heinz	McClure	Simpson
Helms	McConnell	Stevens
Hollings	Mitchell	Symms
Humphrey	Murkowski	Thurmond
Inouye	Nickles	Wallop
Johnston	Nunn	Warner
Kassebaum	Pell	

NOT GUILTY—27

Adams	Durenberger	Mikulski
Armstrong	Graham	Moynihan
Biden	Harkin	Packwood
Bingaman	Hatch	Pryor
Bradley	Hefflin	Sanford
Burdick	Leahy	Sasser
Cranston	Levin	Shelby
D'Amato	Lieberman	Specter
Dodd	Metzenbaum	Wirth

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The **PRESIDENT pro tempore**. On this question, there are 68 guilty, 27 not guilty. Two-thirds of the number present having voted guilty, the Senate adjudges that the respondent Alcee L. Hastings is guilty as charged on this article.

ARTICLE IX

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, the whole truth, and nothing but the truth, did 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 Hemphill 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.

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

VOTE ON ARTICLE IX

The **PRESIDENT pro tempore**. On article IX, 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 **PRESIDING OFFICER**. Have all Senators in the Chamber voted?

The result was announced—guilty 70, not guilty 25, as follows:

[Rollcall Vote No. 262]

(Subject: Article IX—Court of Impeachment—Judge Alcee L. Hastings)

GUILTY—70

Baucus	Glenn	McClure
Bentsen	Gore	McConnell
Bond	Gorton	Mitchell
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Breaux	Hatfield	Nunn
Bryan	Heinz	Pell
Bumpers	Helms	Pressler
Burns	Hollings	Reid
Byrd	Humphrey	Riegle
Chafee	Inouye	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Conrad	Kasten	Rudman
Danforth	Kennedy	Sarbanes
Daschle	Kerrey	Simon
DeConcini	Kerry	Simpson
Dixon	Kohl	Stevens
Dole	Lautenberg	Symms
Domenici	Leahy	Thurmond
Exon	Levin	Wallop
Ford	Lugar	Warner
Fowler	Matsunaga	
Garn	McCain	

NOT GUILTY—25

Adams	Durenberger	Packwood
Armstrong	Graham	Pryor
Biden	Harkin	Sanford
Bingaman	Hatch	Sasser
Bradley	Hefflin	Shelby
Burdick	Lieberman	Specter
Cranston	Metzenbaum	Wirth
D'Amato	Mikulski	
Dodd	Moynihan	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The **PRESIDENT pro tempore**. On the ninth article of impeachment, 70 Senators voted guilty, and 25 Senators voted not guilty.

Two-thirds of the Members having voted guilty, the verdict is guilty on article number IX.

ARTICLES OF IMPEACHMENT X THROUGH XV

The **PRESIDENT pro tempore**. Under the previous order, the Senate will not vote on articles X through XV inclusive.

ARTICLE XVI

The **PRESIDENT pro tempore**. The clerk will read article No. XVI.

The assistant legislative clerk read as follows:

ARTICLE XVI

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

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

On September 6, 1985, Judge Hastings revealed highly confidential information that he learned as the supervising judge of the wiretap, as follows: On the morning of September 6, 1985, Judge Hastings told Stephen Clark, the Mayor of Dade County, Florida,

to stay away from Kevin "Waxy" Gordon, who was "hot" and was using the Mayor's name in Hialeah, Florida.

As a result of this improper disclosure, certain investigations then being conducted by law enforcement agents of the United States were thwarted and ultimately terminated.

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

VOTE ON ARTICLE XVI

The PRESIDENT pro tempore. The question is on the 16th article of impeachment. 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 other Senators in the Chamber who desire to vote?

The result was announced—guilty 0, not guilty 95, as follows:

[Rollcall Vote No. 263]

(Subject: Article XVI—Court of Impeachment—Judge Alcee L. Hastings)

GUILTY—0

NOT GUILTY—95

Adams	Fowler	McConnell
Armstrong	Garn	Metzenbaum
Baucus	Glenn	Mikulski
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Nickles
Boren	Grassley	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatch	Pell
Breaux	Hatfield	Pressler
Bryan	Heflin	Pryor
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Inouye	Roth
Cochran	Johnston	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerrey	Shelby
Danforth	Kerry	Simon
Daschle	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Lieberman	Thurmond
Domenici	Lugar	Wallop
Durenberger	Matsunaga	Warner
Exon	McCain	Wirth
Ford	McClure	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The PRESIDENT pro tempore. Have all Senators in the Chamber voted?

On this question, no Senators have voted guilty; 95 Senators have voted not guilty. The verdict on article number XVI is not guilty.

RECOGNITION OF MR. BYRD FOR PRESIDING FOR 100 HOURS

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I have two announcements to make.

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 that 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 proceed to 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 PRESIDENT pro tempore. The question occurs on the 17th and final article, which the clerk will read.

The legislative clerk read as follows:

ARTICLE XVII

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 impropriety 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 at 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. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CHAFEE. 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 that as 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 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 tempore. Have all Senators voted?

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

[Rollcall Vote No. 264]

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

GUILTY—60

Baucus	Garn	Lugar
Bond	Glenn	McCain
Boren	Gorton	McClure
Boschwitz	Gramm	McConnell
Bumpers	Grassley	Murkowski
Burns	Hatfield	Nickles
Byrd	Heinz	Nunn
Chafee	Helms	Pressler
Cochran	Hollings	Riegle
Cohen	Humphrey	Robb
Conrad	Inouye	Rockefeller
Danforth	Johnston	Roth
DeConcini	Kassebaum	Rudman
Dixon	Kasten	Sarbanes
Dole	Kennedy	Simpson
Domenici	Kerrey	Stevens
Durenberger	Kerry	Symms
Exon	Kohl	Thurmond
Ford	Lautenberg	Wallop
Fowler	Levin	Warner

NOT GUILTY—35

Adams	Dodd	Moynihan
Armstrong	Gore	Packwood
Bentsen	Graham	Pell
Biden	Harkin	Pryor
Bingaman	Hatch	Reid
Bradley	Heflin	Sanford
Breaux	Leahy	Sasser
Bryan	Lieberman	Shelby
Burdick	Matsunaga	Simon
Cranston	Metzenbaum	Specter
D'Amato	Mikulski	Wirth
Daschle	Mitchell	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—5

Coats	Lott	Wilson
Jeffords	Mack	

The PRESIDENT pro tempore. On the 17th article, 60 Senators having voted guilty, 35 Senators having voting not guilty. Less than two-thirds of the Members present having voted guilty, the Senate adjudges that the respondent, Alcee 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 tempore. The Chair directs the judgment to be entered in accordance with the judgment of the Senate as follows:

The Senate, having tried Alcee 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 Alcee 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 tempore. 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 When Sitting on Impeachment Trials, and also to the House of Representatives the judgment of the Senate in the case of Alcee L. Hastings, and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. 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 Alcee 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 tempore. The majority leader is recognized.

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

The PRESIDENT pro tempore. 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 tempore. 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 tempore. 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 tempore. 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 catches 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, people trapped in wreckage. The good news is that Californians are coping in a manner calculated to make us look at them anew.

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 take it out on them by saying they're ditsy. Their hedonism, their self-absorption, their trendiness—who gave us palimony and the cat-shrink?—make them the butt of endless gibes.

We laugh at them for "being in touch with their feelings," for putting braces on their teeth when they're 45 and for asking strangers what their sign is. Cartoonist Garry Trudeau summed it up in the strip where Boopsie, 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 ushers who told them to wait. We know the death toll at European soccer matches, where the panic-stricken trample the small and the weak and suffocate them.

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 stand 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 Hugo. Remember the looting in St. Croix and the suburbs of Charleston, S.C. A tactful 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.