

**Additional Views of Bill McCollum, Chairman
Subcommittee on Crime, Committee on the Judiciary
Regarding the Articles of Impeachment of President Clinton
December 15, 1998**

Introduction

I have carefully reviewed the entire record regarding the allegations of criminal wrongdoing by President Clinton. And it is with a heavy heart that I have concluded that the evidence establishes clearly and convincingly that President Clinton is an oath breaker and a law breaker and should be impeached.

On January 20, 1993, William Jefferson Clinton raised his right hand, placed his left hand on the Bible, and solemnly swore an oath before Congress, the American people, a watching world, and Almighty God to "faithfully execute the Office of President of the United States, and...to the best of [his] ability, preserve, protect and defend the Constitution of the United States." That oath obligated the President to faithfully discharge his duties as the chief law enforcement officer of the land and commander-in-chief of the armed forces. Again, on January 17, 1998, before a United States District Court judge in a federal civil rights suit, and on August 17, 1998, before a federal grand jury, President Clinton took an oath to "tell the truth, the whole truth, and nothing but the truth, so help me God." Far from keeping his solemn oaths, President Clinton actively sought to thwart the due administration of justice by repeatedly committing the felony crimes of perjury, witness tampering, and obstruction of justice. He has also repeatedly lied to the American people and to the United States Congress. President William Jefferson Clinton should be impeached.

Analysis

There are three principle considerations in determining whether President Clinton should be impeached: Did he commit any of the crimes for which he stands accused? If so, are such crimes impeachable offenses under the U.S. Constitution? And if they are impeachable, is there any reason why the U.S. House of Representatives, in its discretion, should not impeach him, and what might be the consequences of such inaction?

When considered objectively apart from the hype, the evidence examined by the House Judiciary Committee overwhelmingly establishes that President Clinton committed not one, but numerous serious felony crimes. There is little doubt that a prosecutor could bring the case to trial, and a strong likelihood that the jury would convict President Clinton for several, if not all, the charged crimes.

Encouraging Ms. Lewinsky's false affidavit and relying on it

Long before Ms. Lewinsky was subpoenaed in the Jones v. Clinton case, President Clinton and Ms. Lewinsky reached an understanding that they would deny any relationship between them. Ms. Lewinsky learned from the President that her name was on the Jones v. Clinton witness list. She asked him what to do if she was subpoenaed, and the President suggested she could submit an affidavit that might keep her from having to testify. Ms. Lewinsky testified that she understood President Clinton's suggestion to mean she might be able to execute an affidavit that would avoid her having to disclose the true nature of their relationship. While saying the President never told her to lie in the affidavit, Ms. Lewinsky took his suggestion to file an affidavit, in conjunction with their previous agreement to deny the relationship, and the absence of any suggestion from him that she tell the truth in the affidavit, to mean that he expected her to deny the relationship in the affidavit. Indeed, in the very same conversation in which President Clinton suggested she file an affidavit if subpoenaed, he reminded her of the cover stories they had previously fabricated and encouraged her to continue using them.

Ms. Lewinsky carried out the plan and filed a false affidavit, in which she denied the relationship with President Clinton, in the Jones v. Clinton case. During the President's civil deposition President Clinton's attorney, Robert Bennett, stated that the President was fully aware of the contents of Ms. Lewinsky's affidavit. Whether or not the President explicitly asked her to file the false affidavit, he clearly encouraged her to, planning to rely on it in his civil deposition, and then doing so. As such, President Clinton committed the crime of obstructing justice.

Concealing evidence

When Ms. Lewinsky was served with a subpoena to testify in the Jones v. Clinton case, she was also served with a subpoena to produce every gift given to her by President Clinton. Nine days later (on December 28, 1997) she met with the President and expressed concern about the gifts being subpoenaed and particularly about the hat pin named in the subpoena – the first gift he had ever given her. The President asked her if she had told anyone about the hat pin and she said no. Ms. Lewinsky testified that she asked President Clinton if she should put the gifts away outside her house or possibly give them to somebody like Betty Currie. She testified that his response was noncommittal.

In his testimony before the federal grand jury the President said that he told Ms. Lewinsky that if the lawyers for Ms. Jones asked for gifts she would have to give them what she had. She testified that President Clinton never said anything to give her that impression. On the contrary, she was left with the opposite impression: that she was supposed to deny their existence and do whatever was necessary to conceal them. Ms. Lewinsky testified that later that same day Mrs. Currie called her on a cell phone about picking up "something" from her and then came by Ms. Lewinsky's place, saying that the President told her (Mrs. Currie) that Ms. Lewinsky wanted her (Mrs. Currie) to keep to some things for her (Ms. Lewinsky). Ms. Lewinsky boxed up most of the gifts and gave them to Mrs. Currie, who took them home and stored them beneath her bed.

Mrs. Currie testified that Ms. Lewinsky, not Mrs. Currie, placed the call and raised the

subject of the gifts, but when confronted with the contrary statement of Ms. Lewinsky, Mrs. Currie changed her testimony and said she didn't remember who made the call but that Ms. Lewinsky's memory may be better than her own. Telephone records show Mrs. Currie made a cell phone call to Ms. Lewinsky on the afternoon in question. Furthermore, it would have been completely out of character for Mrs. Currie to have taken the action without the President's direction or approval inasmuch as she always checked with him before she did anything involving Ms. Lewinsky. And finally, if the President had truly suggested to Ms. Lewinsky that she produce the gifts to Ms. Jones' attorneys she would not have turned right around and called Mrs. Currie to give the gifts to her. The evidence clearly and convincingly leads to the conclusion that Ms. Lewinsky told the truth about the gifts and that the President orchestrated their concealment, or, at a minimum, participated in a scheme to conceal them. As such, President Clinton committed the crime of obstruction of justice.

Perjury in a civil case before the federal judge

On January 17, 1998, President Clinton gave sworn testimony by deposition before Judge Wright in the Jones v. Clinton case. When he did so he committed perjury repeatedly by testifying that: he had not had sexual relations, a sexual affair, or a sexual relationship with Ms. Lewinsky; he could not recall being alone with her, when he had been alone with her on numerous occasions when they had engaged in sexual activities; and he could not recall giving her any gifts, when he had given her numerous gifts and they were the subject of great concern during several conversations with her in the month preceding his deposition. A fair and objective review of the evidence necessarily leads to the conclusion that the President knowingly and willfully lied about material matters numerous times under oath in the deposition. It requires creative and tortured technical arguments about the definition of perjury – arguments without legal merit – to come to any conclusion other than that President Clinton repeatedly committed the crime of perjury in his deposition in the Jones v. Clinton case.

Witness tampering

During President Clinton's deposition in the Jones v. Clinton case, the President used the cover stories involving Betty Currie that he and Ms. Lewinsky had fabricated. Within hours of the deposition, he called Mrs. Currie and asked her to come to the White House on the following day, a Sunday (January 18, 1998). He told her of the deposition and then made a series of statements regarding his relationship with Ms. Lewinsky. He stated, in succession: "You were always there when she was there, right? We were never really alone"; "you could see and hear everything"; "Monica came on to me, and I never touched her, right?" and "she wanted to have sex with me, and I can't do that." Mrs. Currie said she felt that President Clinton wanted her to agree with his statements and made these remarks to see her reaction. She testified that she indicated to the President her agreement, although she knew the President and Lewinsky had been alone. A couple of days later the President again met with her and, according to Mrs. Currie, went over precisely the same points. All of these statements volunteered by the President to Mrs. Currie were consistent with the testimony given in his deposition, but were false. And the

President knew they were false.

President Clinton claims that he was just trying to refresh his memory when he made these statements to Mrs. Currie. His assertion is highly implausible. For example, how could Mrs. Currie know whether the President and Ms. Lewinsky were ever alone, or whether she (Mrs. Currie) “could see and hear everything,” or whether Ms. Lewinsky “came on to [the President],” or that he “never touched her” or that “she wanted to have sex with [the President], and [he] can’t do that.” The only reasonable conclusion is that President Clinton was attempting to enlist her as a witness to back up his false testimony. In doing so President Clinton committed the crime of obstruction of justice and the crime of witness tampering. The fact that Mrs. Currie was not on the witness list in the Jones v. Clinton case is irrelevant. Under the law, all that is required is that the President had reason to believe that Mrs. Currie might be called to testify.

Grand jury perjury

And finally, President Clinton clearly committed perjury in his testimony before the federal grand jury. Ms. Lewinsky testified before the grand jury that the President engaged in sexual acts that were spelled out in the court’s definition in the Jones v. Clinton case. In his grand jury testimony the President specifically denied these activities. Lewinsky’s testimony is credible and the President’s is not. Numerous friends, family members and even medical professionals visited by Ms. Lewinsky testified and corroborated Ms. Lewinsky’s testimony in great detail. Ms. Lewinsky discussed these matters with these witnesses contemporaneously to the time when she engaged in the acts with the President. The evidence overwhelmingly establishes that President Clinton committed the crime of perjury while testifying before the grand jury.

Impeachable Offenses

Perjury, obstruction of justice, witness tampering and bribery of a witness are all equally grave crimes that undermine the integrity of the judicial system. When people lie under oath in testifying in a civil case or encourage others to do so or conceal evidence or get others to conceal evidence, they prevent at least one of the parties to the suit from receiving a just and fair decision by the court. It is worth noting that the crime of perjury is punished more severely in the federal courts than the crime of bribery. To suggest that perjury and obstruction of justice do not rise to the level of “treason, bribery and other high crimes and misdemeanors” as contemplated for impeachment by the founding fathers defies both common sense and the state of common law in England at the time the U.S. Constitution was written.

Having concluded that the President committed the impeachable offenses of perjury and obstruction of justice, the question must be asked, what would be the consequences of failing to impeach the President? Such inaction in a notorious case of criminal wrongdoing would send a terrible message to those who testify in civil cases and before grand juries in the future.

Studies show that perjury is occurring more frequently in our courts. Contrary to what

some have asserted there are numerous recent examples of federal prosecution of perjury in civil cases. Indeed, there are currently 115 people in federal prison today for perjury in civil cases. If the President is not impeached for these crimes a clear and harmful message will be sent across the country: That there is a double standard, with the President of the United States being exempted from the force of law in these matters, and that these crimes aren't as serious as was once assumed. It is also probable that the failure to impeach in such a notorious case involving so many perjurious statements would lead to more instances of perjury. Furthermore, failure to impeach would make it more difficult for future Congresses to impeach federal judges for perjury and like crimes. As such, failure to impeach would fundamentally undermine the integrity of our court system.

At the same time, there would be serious repercussions in the U.S. Armed Forces if the Commander-in-Chief were to be held to a dramatically lower standard than that applied to officers and enlisted personnel. The men and women in the military would routinely be removed from duty and discharged from service if they engaged in the non-criminal activities that the President engaged in with Ms. Lewinsky, and would face certain court martial if they committed like criminal conduct.

Conclusion

The Committee on the Judiciary has carefully examined voluminous evidence, including thousands of pages of sworn testimony, regarding the alleged criminal wrongdoing of President Clinton. The evidence clearly and convincingly establishes that the President, with premeditation, engaged in a pattern of illegal conduct over an extended period of time, so as to prevent a federal court and a federal grand jury from uncovering the truth about his relationship with Ms. Lewinsky. His repeated crimes include perjury, witness tampering and obstruction of justice. These felony crimes are impeachable offenses within the meaning of the U.S. Constitution. President Clinton should be impeached by the House of Representatives.