

**STATEMENT OF GREGORY B. CRAIG
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HOUSE COMMITTEE ON THE JUDICIARY
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Mr. Chairman, Congressman Conyers, Members of the Committee:

My name is Greg Craig, and I am Special Counsel to the President. First let me say that it is an honor as well as an obligation to appear before this Committee in defense of the President.

The purpose of my appearance is to describe --briefly and in general terms --how we plan to proceed with the presentation of the President's defense over the next two days.

The time has finally come for the President to make his case and to give his side of the story. Over the next two days, we will present to this Committee, to the Congress and to the country as a whole, a powerful case -- based on the facts already in the record and on the law -- a powerful case against the impeachment of this President.

During our presentation today and tomorrow, we will show -- from our history and our heritage, from any fair reading of the Constitution and from any fair sounding of our countrymen and women -- that nothing in this case justifies this Congress overturning a national election and removing our President from office.

As we begin this undertaking, I make only one plea to you -- and I hope it is not a futile one coming this late in the process. Open your mind. Open your heart. And focus on the record. As you sit there listening to me at this moment, you may already be determined to vote to approve some articles of impeachment against this President. That is your right and your duty if you believe the facts and the law justify such a vote. But there is a lot of conventional wisdom about this case that is just plain wrong, and if you are in fact disposed to vote for impeachment -- in the name of a justice that is fair and blind and impartial -- please do so only on the basis of the real record and on the real testimony, not on the basis of what someone else tells you is in the record.

By the close of tomorrow, all the world will see one simple and undeniable fact: Whatever there is in the record that shows that what the President did was wrong and blameworthy, there is nothing in the record -- in either the law or the facts -- that would justify his impeachment and removal from office

In truth, I would not be fairly representing President Clinton if I did not convey to you his profound and powerful regret for what he has done. He has insisted and personally instructed his lawyers that no legalities or technicalities should be allowed to obscure the simple moral truth that his behavior in this matter was wrong. He misled his wife and family, his friends and

colleagues, and our Nation about the nature of his relationship with Ms. Lewinsky. The President wants everyone to know – the Committee, the Congress and the country – that he is genuinely sorry for the pain and the damage that he has caused, and for the wrongs he has committed.

But as an attorney I must caution this Committee to draw a sharp distinction between immoral conduct and illegal acts. Just as no fancy language can obscure the simple fact that what the President did was morally wrong, no amount of rhetoric can change the legal reality that there are no grounds for impeachment. As surely as we all know that what he did is sinful, we also know it is not impeachable.

Let me assure the members of this Committee, the members of the House of Representatives and the American public of one thing: In the course of our presentation today and tomorrow, we will address the factual and evidentiary issues directly. We will draw this Committee's attention to evidence that tends to clear the President with respect to each of the various charges – evidence that was left out of the Independent Counsel's Referral; evidence that has not been widely reported in the press; but evidence that reveals the weakness of the charges being brought against the President. And we are confident that, at the end of this presentation, you will agree that impeachment is neither right nor wise nor warranted.

When it comes to constitutional standards for impeachment as conceived by the Founding Fathers, we will show that the Constitution requires proof of official misconduct and abuse of high public office for the drastic remedy of impeachment to be appropriate.

When it comes to standards of proof that should apply to the evidence that is brought before this Committee, we will argue that this President should be considered innocent until proven guilty, and that he should be informed with particularity as to the facts and specifics of the misconduct that he is accused of – especially when it comes to the allegations of perjury.

On those allegations, we will show that neither the law of perjury nor the facts of this case could sustain a criminal prosecution, much less impeachment.

Mr. Chairman, I am willing to concede that in the Jones deposition, the President's testimony was evasive, incomplete, misleading – even maddening. But it was not perjury.

On the allegation of perjury before the grand jury -- which we all agree is the more serious offense -- please look at the real record, not the Referral's report of that record. Millions of Americans watched that testimony. They concluded, as I believe you too will find, that in fact the President admitted to an improper, inappropriate and intimate relationship with Ms. Lewinsky. He did not deny it -- he admitted it. Fair-minded Americans heard what the President said and knew what the President meant.

When it comes to allegations that the President – with Ms. Lewinsky, Ms. Currie and Mr. Jordan -- obstructed justice, we will show that the evidence presented in the Referral is misleading, incomplete and frequently inaccurate. We will show that the President did not obstruct justice with respect to the gifts, the job search or the affidavit, and we will show the

President did not seek wrongfully to influence Ms. Currie's testimony. Again, we will ask you to look at the real record, not the Referral's version of the record. The real record shows that the sworn testimony of Ms. Lewinsky, Ms. Currie and Mr. Jordan -- far from incriminating the President -- actually exonerates him. And yet their testimony, although crystal clear before the grand jury, is edited, modified, qualified, or ignored in the Referral.

When it comes to allegations that the President abused his office, we will show that the President's assertions of executive privilege were perfectly proper, and that the claims of attorney-client privilege were justified under the circumstances.

And when it comes to allegations that the President used the power of his office to mislead his aides, not, as one might think, for the purpose of protecting himself and his family, but allegedly to mislead the grand jury, we will show that false denials about an improper private relationship -- whether those denials are made in private or before the entire world -- do not constitute an abuse of office justifying impeachment.

Finally before introducing the distinguished members of this panel, let me just point out that in the course of this impeachment inquiry the Members of this Committee have learned nothing new either about the Lewinsky matter or about any other matter warranting consideration in these proceedings -- except that the President has finally if belatedly been cleared on the charges concerning Whitewater, the file matter and the travel office. There has been no new evidence, and there are no new charges. So I say to the Members of this Committee: If, back in September, when you received the Referral, or back in October when you voted to conduct this inquiry -- if back then you didn't think that the Referral justified impeaching President Clinton, there is no reason for you to think so today.

There can be no more solemn or awesome moment in the history of this Republic than when the Members of the House of Representatives contemplate returning an article of impeachment against a President of the United States. There can be no more soul-searching vote in the career of a Member of the House of Representatives than when he or she considers the impeachment of the President of the United States. These are weighty issues and great moments of conscience and consequence. Please do not let the passion of partisan politics -- on either side -- blind your eyes to the truth of the law, the evidence and above all the national interest.

The first panel of witnesses is composed of a distinguished public servant and a group of eminent scholars who will testify about the history of impeachment and of the constitutional standards that govern impeachment.

The second panel of witnesses will bring the wisdom of hard-won experience -- experience earned in this very room, serving on this very Committee under the leadership of that distinguished Chairman, Peter Rodino, whose portrait hangs on the wall before me -- they will bring that wisdom to bear on the vital issue of what is abuse of power by a President in 1974, compared with the allegations of abuse of power in 1998.

The third panel of witnesses will discuss how we should examine and evaluate the evidence before us --with respect to abuse of power, and the fact-gathering process.

And then tomorrow, we will hear the testimony of a fourth group of witnesses, experienced lawyers all, who will shed light on the prosecutorial standards for bringing criminal cases alleging perjury and obstruction of justice.

To close, Charles Ruff, Counsel to the President, will present the President's final defense to the Committee and respond to questions.

On behalf of the President, I thank the Committee for its time and attention.