PRESENTATION
OF
MR. MANAGER GRAHAM

January 16, 1999

JUDGE HARRY CLAIBORNE

CONVICTED and REMOVED FROM OFFICE by the Senate (90-7 - Article II) for

FILING A FALSE INCOME TAX RETURN UNDER PENALTIES OF PERJURY

House Manager Hamilton Fish, Ranking Member of the Judiciary Committee:

"Judge Claiborne's actions raise fundamental questions about public confidence in, and the public's perception of, the Federal court system. They serve to undermine the confidence of the American people in our judicial system. . . . Judge Claiborne is more than a mere embarrassment. He is a disgrace – an affront – to the judicial office and the judicial branch he was appointed to serve."

Senator Charles Mathias, Jr., Chairman of the Claiborne Impeachment Trial Committee:

"It is my opinion . . . that the impeachment power is not as narrow as Judge Claiborne suggests. There is neither historical nor logical reason to believe that the Framers of the Constitution sought to prohibit the House from impeaching . . . an officer of the United States who had committed treason or bribery or any other high crime or misdemeanor which is a serious offense against the government of the United States and which indicates that the official is unfit to exercise public responsibilities, but which is an offense which is technically unrelated to the officer's particular job responsibilities."

House Manager Kastenmeier in the Claiborne Impeachment Trial:

"Impeachable conduct does not have to occur in the course of the performance of an officer's official duties. Evidence of misconduct, misbehavior, high crimes, and misdemeanors can be justified upon one's private dealings as well as one's exercise of public office. That, of course, is the situation in this case."

House Manager Kastenmeier in the Claiborne Impeachment Trial:

"It would be absurd to conclude that a judge who had committed murder, mayhem, rape, or perhaps espionage in his private life, could not be removed from office by the U.S. Senate."

Then Senator Albert Gore, Jr., in voting to convict Judge Claiborne and remove him from office:

"The conclusion is inescapable that Claiborne filed false income tax returns and that he did so willfully rather than negligently. . . . Given the circumstances, it is incumbent upon the Senate to fulfill its constitutional responsibility and strip this man of his title. An individual who has knowingly falsified tax returns has no business receiving a salary derived from the tax dollars of honest citizens. More importantly, an individual guilty of such reprehensible conduct ought not be permitted to exercise the awesome powers which the Constitution entrusts to the Federal Judiciary."

JUDGE WALTER NIXON

CONVICTED and REMOVED FROM OFFICE by the Senate (89-8 - Article I) for

PERJURY BEFORE A GRAND JURY

EXHIBIT
Graham
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House of Representatives Report in the Judge Nixon Impeachment:

"It is difficult to imagine an act more subversive to the legal process than lying from the witness stand. A judge who violates his testimonial oath and misleads a grand jury is clearly unfit to remain on the bench. If a judge's truthfulness cannot be guaranteed, if he sets less than the highest standard for candor, how can ordinary citizens who appear in court be expected to abide by their testimonial oath?"

EXHIBIT
Graham
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Then House Judiciary Committee Member Charles Schumer during the Judge Nixon proceedings:

"This is a case where some of the charges were dropped and the only conviction was for perjury. Perjury, of course, is a very difficult, difficult thing to decide; but as we looked and examined all of the records and in fact found many things that were not in the record it became very clear to us that this impeachment was meritorious. My colleagues, in conclusion, impeachment is a grave issue. In this case it is deserved."

EXHIBIT
Graham
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JUDGE ALCEE HASTINGS

CONVICTED and REMOVED FROM OFFICE by the Senate (70-25 - Article IX) for

PERJURY IN A CRIMINAL TRIAL

House of Representatives Pretrial Statement in the Judge Hastings Impeachment Trial:

"Few actions are more subversive of the legal process than lying on the stand. A judge who has sought to mislead persons engaged in any aspect of the legal process is unfit to remain on the bench."