106TH CONGRESS
1ST SESSION

S. RES. 30

Relative to the procedures concerning the articles of impeachment against William Jefferson Clinton.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1999

Mr. LOTT submitted the following resolution; which was considered, amended, and agreed to

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RESOLUTION

Relative to the procedures concerning the articles of impeachment against William Jefferson Clinton.

Resolved,

TITLE I—PROCEDURES CONCERNING THE ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON

SEC. 101. That the deposition time for all witnesses be determined by the Senate Majority Leader and Minority Leader, as outlined in Senate Resolution 16, One Hundred Sixth Congress, First Session, and title II of this resolution and that all Senators have an opportunity to re-

1 view all deposition material, which shall be made available
2 at the earliest possible time.

3 SEC. 102. When the Senate reconvenes on the day
4 after completion of the depositions, and the review period,
5 it shall be in order for both the House Managers and the
6 President's counsel to move to resolve any objections made
7 during any deposition. After resolution of any such mo-
8 tions, it shall be in order for the House Managers and/
9 or White House counsel to make a motion or motions to
10 admit the depositions or portions thereof into evidence,
11 whether transcribed or on videotape provided further for
12 a presentation employing all or portions of such tape, and
13 it shall then be in order for the two Leaders jointly, only
14 to make motions for additional discovery because of new
15 relevant evidence discovered during the depositions. Mo-
16 tions may also then be made for orders governing the pres-
17 entation of evidence and/or the testifying of witnesses be-
18 fore the Senate.

19 SEC. 103. If no such motions are made, or following
20 the completion of any procedures authorized as a result
21 of the votes on any motions, the White House shall have
22 up to 24 hours to make any motions dealing with testi-
23 mony or evidence that the White House counsel deems ap-
24 propriate, as described previously.

1 SEC. 104. If no such motions are made, or no wit-
2 nesses are called to testify in the Senate, the Senate shall
3 proceed to final arguments as provided in the impeach-
4 ment rules waiving the two person rule contained in Rule
5 XXII of the Rules of Procedure and Practice in the Senate
6 When Sitting on Impeachment Trials for not to exceed
7 six hours, to be equally divided. If motions are agreed to
8 regarding new evidence or calling of new witnesses, this
9 resolution is suspended.

10 SEC. 105. At the conclusion of the final arguments
11 the parties shall proceed in accordance with the rules of
12 impeachment: *Provided however,* That no motion with re-
13 spect to reopening the record in the case shall be in order,
14 and: *Provided further,* That it shall be in order for a Sen-
15 ator to offer a motion to suspend the rules to allow for
16 open final deliberations with no amendments or motions
17 to that motion in order; and the Senate shall proceed to
18 vote on the motion to suspend the rules to provide for open
19 Senate deliberations.

20 SEC. 106. Following that vote, and if no motions have
21 been agreed to as provided in sections 102 and 103, and
22 no motions are agreed to following the arguments, then
23 the vote will occur on the articles of impeachment no later
24 than 12:00 noon on Friday, February 12, 1999, if all mo-
25 tions are disposed of and final deliberations are completed.

1 TITLE II—TO AUTHORIZE ISSUANCE OF SUB-
2 POENAS TO TAKE DEPOSITIONS IN THE
3 TRIAL OF THE ARTICLES OF IMPEACH-
4 MENT AGAINST WILLIAM JEFFERSON CLIN-
5 TON, PRESIDENT OF THE UNITED STATES
6 SEC. 201. That, pursuant to Rules V and VI of the
7 Rules of Procedure and Practice in the Senate When Sit-
8 ting on Impeachment Trials, and Senate Resolution 16,
9 One Hundred Sixth Congress, First Session, the Chief
10 Justice of the United States, through the Secretary of the
11 Senate, shall issue subpoenas for the taking of testimony
12 on oral deposition to the following witnesses: Sidney
13 Blumenthal, Monica S. Lewinsky, and Vernon E. Jordan,
14 Jr.
15 SEC. 202. The Sergeant at Arms is authorized to uti-
16 lize the services of the Deputy Sergeant at Arms or any
17 other employee of the United States Senate in serving the
18 subpoenas authorized to be issued by this resolution.
19 SEC. 203. Depositions authorized by this resolution
20 shall be taken before, and presided over by, on behalf of
21 the Senate, two Senators appointed by the Majority Lead-
22 er and the Democratic Leader, acting jointly, one of whom
23 shall administer to witnesses the oath prescribed by Rule
24 XXV of the Rules of Procedure and Practice in the Senate
25 When Sitting on Impeachment Trials. Acting jointly, the

1 presiding officers shall have authority to rule, as an initial
2 matter, upon any question arising out of the deposition.
3 All objections to a question shall be noted by the presiding
4 officers upon the record of the deposition but the examina-
5 tion shall proceed, and the witness shall answer such ques-
6 tion. A witness may refuse to answer a question only when
7 necessary to preserve a legally-recognized privilege, or con-
8 stitutional right, and must identify such privilege cited if
9 refusing to answer a question.

10 SEC. 204. Examination of witnesses at depositions
11 shall be conducted by the Managers on the part of the
12 House or their counsel, and by counsel for the President.
13 Witnesses shall be examined by no more than two persons
14 each on behalf of the Managers and counsel for the Presi-
15 dent. Witnesses may be accompanied by counsel. The
16 scope of the examination by the Managers and counsel for
17 both parties shall be limited to the subject matters re-
18 flected in the Senate record. The party taking a deposition
19 shall present to the other party, at least 18 hours in ad-
20 vance of the deposition, copies of all exhibits which the
21 deposing party intends to enter into the deposition. No
22 exhibits outside of the Senate record shall be employed,
23 except for articles and materials in the press, including
24 electronic media. Any party may interrogate any witness
25 as if that witness were declared adverse.

1 SEC. 205. The depositions shall be videotaped and a
2 transcript of the proceedings shall be made. The deposi-
3 tions shall be conducted in private. No person shall be ad-
4 mitted to any deposition except for the following: The wit-
5 ness, counsel for the witness, the Managers on the part
6 of the House, counsel for the Managers, counsel for the
7 President, and the presiding officers; further, such per-
8 sons whose presence is required to make and preserve a
9 record of the proceedings in videotaped and transcript
10 forms, and Senate staff members whose presence is re-
11 quired to assist the presiding officers in presiding over the
12 depositions, or for other purposes, as determined by the
13 Majority Leader and the Democratic Leader. All present
14 must maintain the confidentiality of the proceedings.
15 SEC. 206. The presiding officers at the depositions
16 shall file the videotaped and transcribed records of the
17 depositions with the Secretary of the Senate, who shall
18 maintain them as confidential proceedings of the Senate.
19 The Sergeant at Arms is authorized to make available for
20 review at secure locations, any of the videotaped or tran-
21 scribed deposition records to Members of the Senate, one
22 designated staff member per Senator, and the Chief Jus-
23 tice. The Senate may direct the Secretary of the Senate
24 to distribute such materials, and to use whichever means
25 of dissemination, including printing as Senate documents,

1 printing in the Congressional Record, photo- and video-
2 duplication, and electronic dissemination, he determines to
3 be appropriate to accomplish any distribution of the
4 videotaped or transcribed deposition records that he is di-
5 rected to make pursuant to this section.

6 SEC. 207. The depositions authorized by this resolu-
7 tion shall be deemed to be proceedings before the Senate
8 for purposes of Rule XXIX of the Standing Rules of the
9 Senate, Senate Resolution 259, One Hundredth Congress,
10 First Session, sections 191, 192, 194, 288b, 288d, 288f
11 of title 2, United States Code, sections 6002, 6005 of title
12 18, United States Code, and section 1365 of title 28,
13 United States Code. The Secretary shall arrange for sten-
14 ographic assistance, including videotaping, to record the
15 depositions as provided in section 205. Such expenses as
16 may be necessary shall be paid from the Appropriation Ac-
17 count—Miscellaneous Items in the contingent fund of the
18 Senate upon vouchers approved by the Secretary.

19 SEC. 208. The Majority and Minority Leaders, acting
20 jointly, may make other provisions for the orderly and fair
21 conduct of these depositions as they seem appropriate.

22 SEC. 209. The Secretary shall notify the Managers
23 on the part of the House, and counsel for the President,
24 of this resolution.

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