



# CONGRESSMAN JIM SENSENBRENNER NEWS FROM CONGRESS

NUMBER 148 -- JANUARY 1999

## TIME TO GET RID OF THE INDEPENDENT COUNSEL LAW

One of the first jobs the Judiciary Committee must do in the 106th Congress is to decide the fate of the independent counsel law, which will expire on June 30, 1999. This law, while well-intended, should be allowed to die.

Originally passed in 1978 as a check on the "imperial" presidency, it developed a life of its own. Supporters in 1978 claimed that no special prosecutor appointed solely by the Attorney General could do a thorough and impartial job of investigating wrongdoing by a president or other executive branch official, thus the need for the board-appointed independent counsel. Yet, Watergate special prosecutor Leon Jaworski was able to get to the bottom of that mess before the 1978 law was enacted.

Ironically, President Clinton was a forceful advocate for re-authorizing the independent counsel law which led to the open-ended Starr inquiry. The old law expired in 1992 after an extension was vetoed by President George Bush. In 1994, Clinton, Attorney General Janet Reno, and congressional Democrats, who were then in the majority, resurrected the law. Mr. Starr was the first counsel named under the revived law.

During Judiciary Committee consideration in 1993 re-authorizing the independent counsel law, I joined my colleagues in supporting amendments which would have terminated the counsel's activities after a fixed term, such as the two year proposal, and placed him under budget constraints just like every other prosecutor's office. Those proposed amendments were shot down, and I voted against the bill both in the Judiciary Committee and on the floor. ■

## *Coming up in the 106th Congress...*

- In the 106th Congress, I will work for continuation of the 105th Congress' plans to extend and preserve the long-term solvency of Social Security for future generations by maintaining a balanced budget, paying down the national debt, and eliminating wasteful government spending. Other proposals to protect the Social Security system include privatizing and setting aside budget surplus dollars specifically to boost the Social Security Trust Fund. The American people also have the right to keep more of their hard-earned money, so the surplus should also be used to ensure that needed tax cuts will not take a bite out of Social Security.
- The 106th Congress will also pursue a continuation of the education reform programs begun in the 105th. We will work to ensure that more money goes directly to the classrooms where it is most needed and best utilized. I will also continue my support of school vouchers, education savings accounts (ESAs), and block grants as the 106th Congress re-authorizes the Elementary and Secondary Education Act to provide funds for elementary and high schools.
- I am hopeful the 106th Congress will enact further tax cuts. Operating with a narrow majority will make enacting broad-based tax cuts unlikely. I will work in a bipartisan fashion to promote targeted tax cuts such as elimination of the marriage penalty, accelerating the phase-in of the 100 percent health insurance deduction for the self-employed, including farmers, and estate tax reform.
- As the newly re-elected Chairman of the House Science Committee, I intend to continue the Committee's successful oversight activities into the International Space Station and the global climate change issue. The Committee will also re-authorize federal scientific research and development programs and review the government preparedness for the year 2000 computer problem. ■

## REMINDER...



## OFFICE HOURS AND TOWNHALL MEETINGS

*see schedule:  
pages 3 & 4*

Congressman Sensenbrenner and other members of the House Judiciary Committee hear testimony during December's impeachment hearings. Shown seated below portraits of Watergate era Judiciary Committee Chairman Peter Rodino (left) and current Chairman Henry Hyde (right) are: **(top row)** Judiciary Committee staffers, Rep. George Gekas (PA), Rep. Bill McCollum (FL) (partially obscured), Rep. Jim Sensenbrenner (WI), Chairman Henry Hyde (IL), Ranking Minority Member John Conyers (MI); **(middle row)** Rep. Christopher Cannon (UT), Rep. Steve Chabot (OH), Rep. Ed Bryant (TN), Rep. Steve Buyer (IN); **(bottom row)** Rep. Mary Bono (CA) (facing away).

## PRESIDENT CLINTON IMPEACHED

On December 19, 1998, the House of Representatives impeached President Clinton for "perjurious, false and misleading" statements to a federal criminal grand jury and obstruction of justice. This was only the second time in our nation's history that the House impeached a President, the first being President Andrew Johnson in 1868.

The House vote followed months of investigation culminating in a September 9, 1998, report by Independent Counsel Kenneth Starr and a 10 week review and hearing process by the House Judiciary Committee, on which I serve as the ranking Republican member behind Chairman Henry Hyde (R-IL).

When the Starr report reached Congress, I said that if the evidence showed that the President committed an impeachable offense, I would vote for his impeachment. On the other hand, if the evidence showed that he did not, I would vote against the articles of impeachment. It was the responsibility of every representative in the House to weigh the evidence under the guidance of the Constitution, the laws, and the dictates of his or her own conscience in deciding how to vote on this most serious matter.

Judiciary Committee members spent weeks going over 60,000 pages of sworn testimony and other documents. The evidence clearly shows that actions taken by the President aided in the defeat of Paula Jones' federal civil rights lawsuit. Most of the Representatives who were undecided and, in the end, voted for impeachment did so after seeing the extensive evidence of perjury and obstruction of justice in the Jones case.

Paula Jones' lawsuit stemmed from actions allegedly

*continued on page 3...*

## WHY NOT CENSURE ?

Although censure seems attractive, it is of doubtful constitutionality and sets a bad precedent, which could result in serious consequences in the future.

Minority Democrats proposed Congress censure the President for his misbehavior. The Judiciary Committee version required Senate approval and a presidential signature "accepting" the rebuke. By the time censure was proposed in the House, it did not require Senate action nor presidential acceptance and did not directly censure President Clinton, but only stated he "deserves censure". For these reasons, I oppose censure.

The last president censured by Congress was Andrew Jackson in 1834, for directing his Secretary of the Treasury to withdraw government deposits in the Bank of the United States. Jackson rejected the censure stating that it violated the doctrine of separation of powers and weakened the presidency to the benefit of Congress. President Jackson challenged Congress to follow the Constitution and impeach him if they thought his actions wrong. His supporters won a majority in the Senate in the next election and "expunged" the record of his censure. Therefore, precedent exists by which a subsequent Congress could revoke a censure of the President at any time in the future.

The framers of the Constitution divided the executive, legislative, and judicial functions of government and created an elaborate system of "checks and balances" to prevent one person or branch of government from becoming too powerful. That system has protected the liberties of the American people for 210 years and should not be eroded because our country faces a temporary crisis caused by the misconduct of one President.

Should Congress establish the precedent of a censure,  
*continued on page 4...*

**Clinton from page 2...**

taken by the President when he was Governor of Arkansas. Paula Jones, who was a state employee in Governor Clinton's administration, sued him claiming she was harassed at work, denied raises, and eventually forced to quit her job after refusing his sexual advances. The Supreme Court decided by a nine to zero vote that she had the right to pursue her suit and gather evidence in support of her claims.

While gathering evidence, Ms. Jones' lawyers demanded the President give a sworn deposition, a right given all parties to lawsuits. They also notified the President's lawyers that Monica Lewinsky would be called as a witness. That is when what had been a private, consensual, but immoral, affair became a public wrong.

The Judiciary Committee found several instances of perjury during President Clinton's January deposition, as well as several steps taken to obstruct justice. When the news media exposed the affair, he went on television to deny it, and he had his cabinet and staff unwittingly repeat those false denials to both the public and the grand jury. The President continued to lie to the grand jury in August and to the Judiciary Committee's 81 questions submitted in November as part of its impeachment inquiry.

What started as a private wrong became a public offense when the President violated his oath, "to tell the truth, the whole truth, and nothing but the truth," during judicial proceedings. Our courts require truthful testimony in order to administer impartial justice. That is why perjury is a serious

crime, carrying higher penalties in the federal criminal code than even bribery.

"Equal Justice Under Law" is carved into the façade of the Supreme Court building. That means that everyone stands before the law equally, whether rich or poor, president or pauper. No one, not even presidents, should be permitted to lie under oath so that justice cannot be served.

The saddest part of this entire chapter of our history is that if the President had told the truth from the start, both at his depositions and in his TV interviews, the Starr investigation would not have extended to his personal life and Monica Lewinsky, and there likely would have been neither a grand jury appearance nor an impeachment. However, he ignored the lessons of history only a quarter century earlier. Had President Nixon told the truth at the beginning of Watergate and accepted responsibility for his actions, he would have been remembered for his successful foreign policy rather than for his disgrace as the only American President to resign from office.

During both the Judiciary Committee and House debate, I said that all American parents try to teach their children to know the difference between right and wrong, to always tell the truth, to accept responsibility for their mistakes, and to face the consequences. While the President setting a bad example is not an impeachable offense, his inability to tell the truth under oath and his obstruction of a citizen's right to pursue a civil rights claim against him are different. That is a sad commentary. ■

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## **OFFICE HOURS**

### **Monday, January 18**

8:30 a.m. Burnett Town Hall  
9:15 a.m. Waupun City Hall  
10:00 a.m. Brownville Village Hall  
10:45 a.m. Kekoskee Village Hall  
11:30 a.m. Lomira Village Hall  
1:00 p.m. Theresa Village Hall  
1:45 p.m. Kewaskum Village Hall  
2:30 p.m. Addison Town Hall  
3:15 p.m. Iron Ridge Village Hall  
4:00 p.m. Rubicon Village Hall

### **Friday, January 22**

8:30 a.m. Neshotah Village Hall  
9:15 a.m. Merton Village Hall  
10:00 a.m. Pewaukee Village Hall  
10:45 a.m. Sussex Village Hall  
12:15 p.m. Butler Village Hall  
1:00 p.m. Lannon Village Hall

2:00 p.m. Slinger Village Hall  
2:45 p.m. Jackson Village Hall  
3:45 p.m. Newburg Village Hall

### **Monday, January 25**

8:30 a.m. Waterloo City Hall  
9:30 a.m. Johnson Creek Village Hall  
10:15 a.m. Helenville Firehall  
11:00 a.m. Sullivan Village Hall  
12:30 p.m. Wales Village Hall  
1:15 p.m. Dousman Village Hall  
2:00 p.m. Genesee Town Hall  
2:45 p.m. North Prairie Village Hall  
3:45 p.m. Palmyra Village Hall

### **Friday, January 29**

8:30 a.m. Howards Grove Village Hall  
9:15 a.m. Kohler Village Hall

10:00 a.m. Oostburg Village Hall  
10:45 a.m. Adell Senior Center  
11:30 a.m. Random Lake Library  
1:00 p.m. Cedar Grove Library  
1:45 p.m. Belgium Village Hall  
2:30 p.m. Fredonia Village Hall  
3:15 p.m. Saukville Village Hall

### **Monday, February 1**

8:30 a.m. Ixonia Town Hall  
9:15 a.m. Lebanon Town Hall  
10:00 a.m. Ashippun Town Hall  
10:45 a.m. Neosho Village Hall  
11:30 a.m. Hustisford Village Hall  
1:00 p.m. Clyman Village Hall  
1:45 p.m. Lowell Village Hall  
2:30 p.m. Reeseville Village Hall

# TOWN HALL MEETINGS

## Saturday, January 23

9:00 a.m. Sheboygan Mead Library  
1:00 p.m. Port Washington Police Department

## Sunday, January 24

12:00 p.m. Brookfield Municipal Building

## Saturday, January 30

9:00 a.m. Watertown Municipal Building  
1:00 p.m. Hartford City Hall

## Sunday, January 31

12:00 p.m. Fort Atkinson City Hall

## Saturday, February 20

9:00 a.m. West Bend City Hall  
1:00 p.m. Mayville Senior Center

## Sunday, February 21

12:00 p.m. Mequon Safety Building

## Saturday, February 27

9:00 a.m. Oconomowoc City Hall  
1:00 p.m. Beaver Dam City Hall

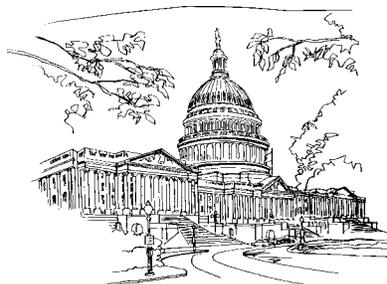
## Sunday, February 28

12:00 p.m. Pewaukee Town Hall

## *Censure from page 2*

it could be wielded as a political club by Congress against a president any time Congress chose to do so. The result would be a move toward a parliamentary system of government.

Finally, the constitution expressly prohibits "bills of attainder". The law is clear that any act of Congress designed to punish a named individual without judicial process is a bill of attainder. Thus, a fine, which President Clinton did not agree to, is clearly unconstitutional. A censure without a fine designed as punishment would likely be found unconstitutional as well, and a censure not intended to be a punishment is not worth the paper on which it is written. ■



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*Town Hall Meetings and Office Hours provide me the chance to hear your views on the issues before Congress or to help you with problems you may be experiencing in dealing with a federal agency. I look forward to seeing you at the next meeting nearest your home. Please contact my district office if you require special accommodations to attend.*

*Congressman*

**JIM  
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