

the executive branch of government, and to suggest his removal entails a constitutional crisis and a disruption of our whole political system.

We have all been slapped in the face by not only the President's action, but also the Starr inquisition, and we have been so busy holding our cheeks that we have not even examined the evidence and made a deliberative assessment of it. I myself have educated myself about the severity of the Articles of Impeachment, and I want to share with my colleagues and the American people some of the thoughts that I have learned.

As we all know, the Congress has been down this road only twice before in American history, and we need to wake up right now as to the severity of today's issue and what it means to the Republic and this Congress's place in U.S. history.

I asked Larry Tribe, perhaps our Nation's most renowned constitutional scholar, to describe the upcoming vote to begin, just to begin, an impeachment inquiry; and his answer, my colleagues, captures everything that I want to say today.

Professor Tribe likened a vote simply to begin the impeachment proceeding to that of breaking the glass of a fire alarm, that would trigger a mad rush and a state of emergency. He said once the glass is broken and the alarm goes off, we cannot put the pieces back together. Such an action will make it almost impossible to restore a sense of stability and order in this country. Impeachment proceedings are just like pulling a fire alarm in a crowded room; you better think before you pull, lest many people or this Nation get hurt in the process.

To be sure, if we are going to go down the road to impeachment, it must be taken with a keen sense of understanding and purpose. Otherwise, we will be blind to the consequences of our actions. And we must begin with what constitutes the ground for an impeachable offense.

Is this what Ken Starr says it is? Is this what TRENT LOTT says it is? Is this what the gentleman from Illinois (HENRY HYDE) or I should say the gentleman from Georgia (NEWT GINGRICH) says it is? Or should it be the definition of the entire Congress before we begin an inquiry into impeachment?

I like the fact that, in fact, the gentleman from Illinois (Mr. HYDE) has said that we should have hearings on what constitutes grounds for impeachment. That seems to be the right course to take. Yet it seems the gentleman from Illinois (Mr. HYDE) and the gentleman from Georgia (Mr. GINGRICH) intend to proceed with an impeachment inquiry before such hearings on the working definition of what impeachment really is could even take place.

Do they want to make it up as they go along? It sure sounds as though they do. In my opinion, to make up a definition or to proceed with an inquisition

before we have had the time to understand what truly constitutes impeachment and we have a frame of reference to judge our actions against when we continue with an inquiry, constitutes sounding the fire alarm before we know there is even a fire, and it flies in the face of the due process set forth by our Constitution, which says that we need to know what to prosecute before we know whether a crime has been committed.

The reason the majority wants to vote on an impeachment inquiry next Monday, before they know what impeachment really is, is because they would never vote to initiate an inquiry once they really know what they are talking about. And once we know what is truly impeachable, then we need to ask one more question.

REQUEST FOR ADDITIONAL TIME

The SPEAKER pro tempore (Mr. EWING). The time of the gentleman from Rhode Island (Mr. KENNEDY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to proceed for an additional 3 minutes.

The SPEAKER pro tempore. The time is limited to 5 minutes. The Member will close.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Member should avoid reference to personal conduct of the President and reference to statements of members of the other body.

Mr. KENNEDY of Rhode Island. In conclusion, once we know what impeachable offense is, then we need to ask another question. Is it the kind of offense in which the President's remaining in office is far worse for this country than what will happen to this country if we remove a President from office? We need wisdom to prevail over politics.

The SPEAKER pro tempore. The time of the gentleman from Rhode Island (Mr. KENNEDY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to proceed for an additional 2 minutes.

The SPEAKER pro tempore. The Chair cannot entertain the request for any additional time. The gentleman's time has expired.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

(Mr. FOSSELLA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

(Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mrs. CAPPS) is recognized for 5 minutes.

(Mrs. CAPPS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. TALENT) is recognized for 5 minutes.

(Mr. TALENT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MILITARY ACTION AGAINST YUGOSLAVIA REQUIRES AUTHORITY FROM CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SKAGGS) is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, yesterday we heard news of horrible massacres of ethnic Albanians by Serbian forces in Kosovo: women, children, the elderly all shot in cold blood. The same reports say that these massacres may now spur NATO to take military action.

As terrible as these events are, I want to remind my colleagues that under our Constitution, Congress has the responsibility to decide whether

America goes to war, even a limited war. It may well be that if this body voted on military action against Yugoslavia, we would support it overwhelmingly.

But there is no doubt in my mind that attacks by U.S. forces, whether under NATO or not, against a sovereign nation, even if it is Milosevic's Yugoslavia, constitute an act of war. Actions NATO may decide to take with absolutely no congressional involvement could lead to an expensive, perhaps lengthy involvement which, most importantly, puts American lives at risk.

There are legitimate policy questions Congress should ask about the kind of military involvement NATO is contemplating. Would air strikes do any good? Against what kind of targets? If air strikes do not make Milosevic stop, are we willing to send in ground forces in a shooting war into the mountains of Kosovo?

We may be over the Vietnam syndrome, but that conflict, in which I served, should remind us of one critical lesson for any military involvement: that we should secure the Nation's understanding and support before major military action is taken. That is what military officers learned from Vietnam, and that support is best assured when Congress debates and votes.

The framers of the Constitution vested the war power in Congress for very good reason: Both as a check against precipitous action by a President and as a way to be sure that the American people, through their elected representatives, have been consulted before the Nation goes to war.

The framers placed the war power in Congress because they saw it as an essential part of our democracy, reflecting the fact that it is the people's lives and funds that are put at risk. They expressly rejected the idea that this kind of power should be entrusted to a single individual, the President.

Some people object that the Constitution is inconvenient in this respect, that there is something wrong with taking the relatively small amount of time that would be needed to secure Congress' approval. The situation in Kosovo has been worsening for months. The President has had plenty of time to seek authorization from Congress for military action, and he still has time to do so.

Our participation in NATO does not supersede Congress' role in deciding about war. In fact, Congress conditioned U.S. participation in NATO on the requirement that it retain its constitutional prerogatives. This point was underscored by then Secretary of State Dean Acheson at the time the North Atlantic Treaty was ratified, who said,

The treaty does not mean that the United States would automatically be at war, even if one of the other signatory nations were the victim of an armed attack. Under our Constitution, the Congress alone has the power to declare war.

Congress' war power is one of its most important and most basic responsibilities. The American people have a right to expect Congress to do its job. As my colleague, the gentleman from California (Mr. CAMPBELL), mentioned a few minutes ago, he and I have drafted a letter to our colleagues urging signature on a letter to the President of the United States that the President respect that exclusive power in Congress and have the authority of Congress before military action may be taken against Yugoslavia.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mrs. CAPPS) is recognized for 5 minutes.

(Mrs. CAPPS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE HIGH COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Rhode Island.

BAD CONDUCT IS NOT GROUNDS FOR IMPEACHMENT

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank the gentleman for yielding.

Mr. Speaker, I apologize that I was cut off but those are the Rules of the House and that is the nature of the floor proceedings, but I did want to conclude with my remarks because I cannot emphasize enough to the people in this Chamber, my colleagues watching on TV and the American people at large, that this is no light matter that we have been talking about.

We seem to be taking such a cavalier attitude to this, and I know that obviously a lot has to do with the politics of this season. I dare say, though, what we are embarking on truly goes to the nature of our whole form of government.

I just had the opportunity last week, as a member of the Committee on National Security, to go to New York to listen to the President's speech on global terrorism, and I met many diplomats who have a working relationship with our allies, democracies around the world, in Europe and the former Soviet bloc countries, and all of them are so perplexed about what is going on here in this country.

My friend who deals with them on a day-to-day basis told me that his judgment of why they are so perplexed is because they have not been at the democracy game as long as we have. They have been under tyranny, the tyranny of fascism and Communism, within their own lifetimes, and they know that the miracle of this system of government is not to be messed with. That is why they feel so strongly about what we are doing in this country is so wrong for the future of our constitutional form of government.

As I was saying, in my opinion, what we are doing now by putting the cart before the horse, so to speak, by saying that we are going to have a preliminary inquiry before we know what the definition of impeachment is, to me violates the fundamental process of due process, where you know what the crime is before you begin to prosecute it.

The reason the majority wants to vote on an impeachment inquiry before they know what impeachment really is is because they could never vote to initiate such an inquiry once they really knew what they were talking about. Once they knew what was really impeachable, then we would have to ask one more question: Is the impeachable offense, such as perjury, is the impeachable offense the kind of offense in which the President's remaining in office is worse for this country than the excruciating process of impeachment that it will take to remove the President from office?

We need wisdom to prevail over politics. We must see past the passions of this moment and look to the true nature of this offense, which in my opinion is better judged by God and family than by the Congress and the media.

What we have here is a reckless, embarrassing, personal act. It was wrong. The President was human in trying to hide it, and that was wrong, too. None of this, however, shows that the President was on a course that was dangerous to the public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The Chair would admonish the Member not to refer to the personal conduct of the President and to address those outside the chamber.

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Mr. KENNEDY of Rhode Island. Mr. Speaker, that was not dangerous to the future of this republic. It did not justify throwing this democracy into a constitutional tailspin, and it will not justify it. Gifts, testimony, executive privilege, all these things, do these justify paralyzing our constitutional form of government?

People say this is about a certain offense, perjury, and we should not let anyone off the hook. But during the Watergate scandal, President Nixon perjured himself in his tax returns, and this was dismissed, this was dismissed, as not an impeachable offense. And what about when Caspar Weinberger