Mr. FEINGOLD. Mr. Chief Justice, I renew my request, along with the junior Senator from Maine—the unanimous consent request that when the Senate proceeds to vote on the anticipated motion to dismiss, that the question be divided into a separate vote on article I of the articles of impeachment, and then a separate vote on article II of the articles of impeachment.

Mr. GRAMM. I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT. Mr. Chief Justice, now, if I could, I will outline the result of our efforts there. I thank Senator DASCHLE and my colleagues on his side of the aisle and this side of the aisle for trying to come up with a process that is fair and that would give us an opportunity today to debate this important issue. It is never easy to get 100 Senators to agree on a method to proceed, so I think this was a good accomplishment. I thank one and all.

I understand that now Senator BYRD will offer the motion to dismiss. For the information of all Members, once that motion is offered, there will then be 2 hours for debate. The House managers will be recognized to open the debate, and following that will be the White House arguments. Then the House managers will be recognized again for closing remarks. At that point, the consent agreement would apply.

I anticipate taking our first break at the conclusion of the first 2 hours of arguments by the managers and White House counsel, unless there is an urgent need to do so earlier. Then we will go forward with this agreement, which will require a vote on the Harkin motion to open the debate; the vote on the amendment to close debate on the motion to dismiss; and then the debate which would go on, the 10-minute rule notwithstanding, until the close of business today.

I yield the floor.

Mr. BYRD addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from West Virginia.

MOTION TO DISMISS

Mr. BYRD. Mr. Chief Justice, I send a motion in writing to the desk.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

The Senator from West Virginia, Mr. BYRD, moves that the impeachment proceedings against William Jefferson Clinton, President of the United States, be, and the same are, duly dismissed.

The CHIEF JUSTICE. Pursuant to Rule XXI of the Senate Rules on Impeachment, the managers on the part of the House of Representatives and the counsel for the President each have up to 1 hour to argue the motion.

The Chair recognizes the House managers.

Mr. Manager CANADY. Mr. Chief Justice, Members of the Senate, on behalf of the House of Representatives, I rise to speak in opposition to the motion to dismiss. During the hour allotted to the managers, I will offer a few introductory comments concerning why adoption of the motion would be inconsistent with constitutional standards and harmful to the institutions of our Government. Mr. HUTCHINSON, Mr. GRAHAM, and Mr. GEKAS will present arguments concerning the facts and the law, and then Mr. HYDE will close.

At the outset, I must urge you to consider the fact that this motion to dismiss is without precedent. The Senate has never—not once in the more than 200-year history of our Constitution—dismissed a proceeding against an official who remained in office after impeachment by the House of Representatives. I humbly urge you not to depart from the Senate's well-established practice of fully considering cases of impeachment and rendering a judgment of either conviction or acquittal.

In the midst of the great differences between the President's counsel and the House managers, there actually is at least a little common ground. Both sides agree that the impeachment and removal power is designed to protect the well-being of the institutions of our Government. But there is a critical difference that divides us, as is obvious from the argument that has gone before.

The managers have argued that this power—the power of impeachment and removal—is a positive power granted by the Constitution to maintain the integrity of Government, a power to preserve, protect, and strengthen our constitutional system against the misconduct of officials that would subvert, undermine, or weaken the institutions of our Government.

The President's lawyers, on the other hand, advance a much narrower view of the role of the impeachment power in protecting our institutions. Their case rests on the argument that it is a power to be used only in response to conduct threatening devastating harm to the system of Government—at least when it is used against a President.

But I submit to you that Alexander Hamilton did not contemplate that the impeachment process would be so restricted when he spoke of it as a ''method of national inquest into the conduct of public men.'' And James Iredell did not have such a narrow view in mind when he spoke of the accountability through impeachment of anyone who ''willfully abuses his trust.'' Iredell did not have such a limited view when he spoke of the impeachment of a President who, as he said, ''acted from some corrupt motive or other.''

Under the standards urged by the President's lawyers, the misdeeds of Richard Nixon would not be the threshold for impeachment and removal. What he did was corrupt. The legal rights of citizens were treated with contempt. President Nixon showed an egregious lack of respect for the law. But all these misdeeds did not threaten the sort of ruinous harm to the system of Government that the President's lawyers argue would be required to justify conviction and removal. After all, the core charges against President Nixon related to the coverup of a third-rate burglary.

Members of the Senate, as you consider the motion to dismiss, I ask you to pause and reflect on the consequences of the standard advocated by the President's lawyers. Consider the consequences for the system of justice of allowing the President's dangerous example of lawlessness to stand. Consider the consequences for the Presidency itself.

I respectfully submit to you that the standard advocated by President Clinton's lawyers will debase and degrade the institution of the Presidency. I know that is not the intention of the President's lawyers, but it is the necessary consequence of their position.

Only 42 men have held the office of President of the United States. Some of them have been ordinary men of limited talent. A handful of our Presidents have been great men. Most have been capable men who brought special skills to the office. No matter what our individual judgments may be concerning President Clinton, it is clear that he is one of the most intellectually gifted and politically skilled men to hold the office of President.

He was raised to this great eminence—the most powerful office in the greatest Nation in the history of the world—an unparalleled opportunity, honor and privilege. And in this position of eminence and honor, and in this position of trust, what did he do? He made a series of choices that has brought us to this day. He made the choice to violate the law—and he made that choice repeatedly. He knew what he was doing. He reflected on it. Perhaps he struggled with his conscience. But when the time came to decide, he deliberately and willfully chose to violate the laws of this land. He chose to turn his back on the very law he was sworn to uphold. He chose to turn his back on his solemn oath of office. He chose to turn his back on his constitutional duty.

As you deliberate on this motion, I ask you to consider what William Jefferson Clinton has done to the integrity of the great office he holds as a trust. I ask you to consider the harm he has caused, the indignity he has brought to the institution of the Presidency.

Some have asked of us, ''Where is the compassion and where is the spirit of forgiveness?'' Let me say that I, for one, believe in forgiveness. Without forgiveness, what hope would there be for any of us? But forgiveness requires repentance; it requires contrition. And so I must ask, where is the repentance? Where is the contrition?

It is true that the President has expressed regret for his personal misconduct. But he has never—he has never—accepted responsibility for breaking the law. He has never taken