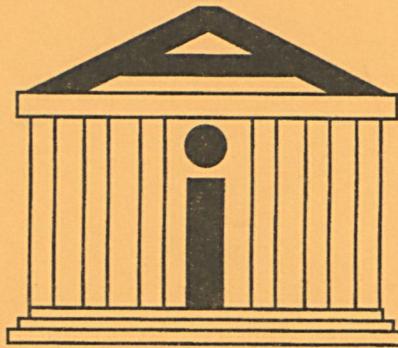


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# I Yield One Minute... : An Analysis of the Final Speeches from the House Impeachment Hearings

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**Abstract:** Hearings held in the United States House of Representatives in December 1998 on the articles of impeachment of President Clinton presented an unusual opportunity to observe real-time argumentation. In this paper, I survey and discuss the various sorts of arguments made in the short, typically only one minute long, speeches given during the final hour of debate.

## 1. Introduction

On December 18 and 19, 1998 the United States House of Representatives held hearings on the impeachment of President Clinton. In them, debate was heard on four articles of impeachment presented to the House from its Committee on the Judiciary, as House Resolution 611 (HR611).

The debate centered on whether the President's actions and alleged perjury in the Paula Jones deposition, the Ken Starr grand jury inquiry, and in written interrogatories for the Judiciary Committee, were impeachable offenses under the standard of "treason, bribery, or other high crimes and misdemeanors" given in the United States Constitution, Article II, Section 4.

Members of the House were allocated time in which to offer remarks on the articles of impeachment before votes were taken. The time allotted to each side was strictly controlled and rationed out. For instance, of the 42 speeches made in the last hour of debate, 31 were under 1 minute. Given the intensity of feelings, the importance of the vote, and the strictly limited time for argument, these speeches by House members provided a unique opportunity to observe real-time argument.

In this paper, I summarize the arguments made in the 42 speeches given during the last hour of debate. I was interested to see what sort of argument schemas were used, what role precedents and hypotheticals played, and whether there were any broad patterns of argument.

I also wondered whether House members would be able to exert argumentative discipline in the face of severe time constraints and the need to be compelling, whether they would be able to say anything new on a subject that had been the focus of endless scrutiny for nearly a year, and whether they would escape the well-grooved runnels of partisan argument.

In fact, I was surprised at what I found. These short argumentative statements presented a microcosm of argument. They ran the gamut from purely emotional to highly disciplined rhetoric. There were arguments in the tradition of appellate argument, as well as that of the biblical parable. Some arguments were packed with content, others were virtually content-free.

In deciding which arguments to examine, I constrained myself to those that I had heard live. Of those, I confined myself to those from the last hour of debate, which was held on Saturday morning, since I felt that these would be the best crafted and most cogent. I used the verbatim transcripts published in Vol. 144, No. 155 of *The Congressional Record*. In using *The Congressional Record*, I concentrated on what House members actually said on the House floor, although I did venture into some of their "extended remarks" that had been included in the official record. (Members often have material read into the record that never actually was said on the floor.) I took the speeches as I found them: in the order they were presented and without any effort to balance my sample according to party, position, geography, etc.

The arguments on Saturday morning concerned two issues: (1) the four impeachment articles themselves (HR611); and (2) the debate on "germaneness" of the Motion to Recommit HR611 to the Committee on the Judiciary offered by Rep. Boucher before the impeachment articles were voted upon. Overall, the arguments about impeachment were quite varied in style and content, and those about germaneness were exceedingly focused and

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highly similar to appellate argument [Rissland, 1999]. In this article, I focus on the speeches regarding HR611.

The arguments made on HR611 do bear similarity with other forms of argument, such as appellate oral argument, and trial argument. The first contains a mixture of precedents, doctrine, rationales underlying the doctrine, and recitation of facts in support of these. The second relies more on a discussion of facts— which were proven and which not, what they do and do not show— and outright emotional appeals directed at the jury.

There are some points to keep in mind. First, although they were impassioned and some expertly crafted, one must wonder who they were aimed at. By the time this hearing was in progress, although there were some representatives who were on the fence and theoretically could have been swayed, almost all already knew how they and their colleagues would vote. Second, given the history of extreme partisanship on the impeachment matter— nearly all votes in the Judiciary Committee cleaved along party lines— there was a question of mootness: the outcome, if it followed the established pattern of partisanship, was foregone. Of course, there were four individual articles of impeachment before the house, and the support for these was not uniform, and, in fact, two were passed and two were defeated. Third, much of what goes on in a televised proceedings can be said to be for the benefit of the home audience. The speeches might not turn any minds in the House chamber but they could certainly affect voters in the home district and across the nation. Fourth, and probably most important, this was a political event. Even though much of the talk is about legalities, impeachment is largely a political happening to be decided in a political forum. It is a strange and entirely unique constitutional triple point that juxtaposes and mixes the roles of the executive, judicial, and congressional branches. Although given the trappings of a legal proceeding, the usual components— a judge, standard rules of evidence, a jurisdiction with appropriate precedents, etc.— are largely missing.

Thus, questions about the audience, mootness, partisanship, and politics make these arguments different from those from other contexts such as a trial, appellate or the Supreme Court. Nonetheless they are high-paced, dramatic, and important arguments.

## 2. The Last Hour of Speeches on the Articles of Impeachment

The House reconvened on Saturday morning, December 19, at 9:00 o'clock for conclusion of its debate of the impeachment articles. At that point, there was a total of one hour remaining for debate and it was to be equally divided between the gentleman from Illinois, Mr. Hyde (i.e., the Republicans), and the gentleman from Michigan, Mr. Conyers (i.e., the Democrats), who managed the debate. Each yielded the floor in small allotments of time— typically 1 minute— to compatriot representatives with the

words "I yield 1 minute to the gentleman/woman from <the state>." Mr. Hyde went first, and yielded 1 minute to Mr. Rogan. Then Mr. Conyers yielded 1 minute to Mr. Lee. And so it went, pretty much in an alternation of members from the two parties.

In general, the one-minute speeches are just lists of argumentative points, not supported by much other than the speakers' opinions. In the Toulmin sense, they are without warrants. These are the *Minute Waltzes* of political oratory. The 11 speeches longer than 1 minute tend to be more structured. They are more similar to the kinds of point-based arguments made in appellate cases and modeled by programs, such as HYPO [Ashley, 1990]. They often use cases and examples as supporting warrants [Branting & Porter, 1991] and as telling illustrations [Rissland, 1983; Rissland et al., 1984].

In what follows, I number the speech, note the representative, party and state, the amount of time yielded to him/her, and the page of the Congressional record on which the speech is printed. On occasion, a member is given "such time as s/he may consume"— denoted below as MC— these members usually just arose to announce their intended vote of *Yea* or *Nay* and to ask for permission to extend their remarks for the sake of the record; this was always granted. Extended remarks are addressed within brackets {}.

For each of the 42 speeches, I enumerate the main argumentative points made in the order given in the speech— indicated in **Helvetica**— followed by excerpts from the speech itself. A reverse arrow < signifies that what was said was said to rebut a point. A point— counterpoint structure is indicated with forward and back arrows. A point without an arrow is pro the point (i.e., the fi is implicit). Occasionally in these speeches, there are citations to specific authorities: cases, historical events, experts, etc. To make these citations easier to spot, I underline them.

[1] Mr. Rogan [R-California, 1 minute; H11968] — (1) **evidence**: "The evidence is overwhelming." (2) **The Children**: "I want my young daughters to know that... their father... counted it a privilege to risk political fortune in defense of the Constitution."

[2] Ms. Lee [D-California; 1 minute; H11968] — (1) **coup d'état**: "This march to impeachment is an attempt to undo and overthrow a duly elected President..." (2) **The People's business**: "This Republican party coup... is to turn back the clock on an agenda that puts people first..."

Parade of Examples: "... a woman's right to choose, a good public education, ... a living wage ... our environment ... preserves Social Security."

This next speech makes a traditional case-based argument by employing an analogy between the current case of Bill Clinton and the precedent of Richard Nixon. It then creates a generalized rule that covers both.

[3] **Mr. Graham [R-South Carolina; 1 minute; H11968]** — (1) **this is hard**: “this difficult process for all of us.” (2) **Nixon analogy**: “Twenty-five years ago a Democratic-controlled Judiciary Committee with a minority of Democrats supported articles of impeachment against Richard Nixon. Why? Nixon cheated. He cheated the electoral system by concealing efforts of a political break-in. ... Today Republicans with a small handful of Democrats will vote to impeach President Clinton. Why? Because we believe he committed crimes resulting in cheating our legal system.... Let it be said that any President who cheats our institutions shall be impeached.”

[4] **Mr. Kleczka [D-Wisconsin; 1 minute; H11969]** — (1) **reprehensible but not impeachable**: “Let me make it absolutely clear I do not in any way condone the President’s behavior. But the framers made it clear that the constitutional act of impeachment is not meant to punish a President for deplorable behavior, but to protect our Nation from acts which jeopardize our democratic system.” (2) **hold accountable (censure)**: “I do believe that the President should be held accountable for his actions and support an alternative... censure resolution...” (3) **do not rise to level of impeachable offense**: “Our Founding Fathers designed impeachment specifically to protect the Nation from grave harm from a Chief executive... I do not believe the President’s actions meet this test.”

[5] **Mr. Barr [R-Georgia; 1 minute; H11969]** — (1) **rule of law**: “[I]t is very simple. Accountability comes not from opinions... not even votes. It comes from those three great pillars of our society that are the basis for the rule of law. It is our law,

the Criminal Code of the United States of America, ...  
record of evidence... the Constitution of the United States....

Today our votes and our consciences must be based on these three great pillars of the rule of law: the law itself, the evidence and the Constitution.”

[6] **Ms. Millender-McDonald [D-California; 1 minute; H11969]** — (1) **partisan process**: “Wrong day, wrong way.... I urge members to step outside the passion of their convictions and think about our obligation to the Constitution, to our constituents and the American people...” (2) **do not rise to level of impeachable offense**: “[T]hese charges do not rise to the level of an impeachable offense.” (3) **censure**: “However... by censure to live up to the Framers’ vision and close a sad chapter.” (4) **The People will judge**: “[T]he American people and history will judge us”. (5) **this is sad**: “What a sad day in the history of America.”

In the next speech, made around 9:40, Mr. Livingston, the Speaker-elect, made his dramatic resignation in the face of being ‘buted’ for his own scandals. He makes the analogy between his own case and that of the President to argue for

Clinton’s resignation. This analogy will be invoked many times in the speeches that follow.

[7] **Mr. Livingston [R-Louisiana; 2 minutes; H11969]** — (1) “I very much regret the enmity... I am proud to serve in this institution... But we are all pawns on the chessboard and we are playing our parts in a drama that is neither fiction nor unimportant. ... ” (2) **perjury**: “So there are differences in process; what about substance?”

(←) “The minority has maintained that the President has not perjured himself and that even if he did, such perjury was not intended within the term high crimes and misdemeanors. ... Surely no President has been impeached for perjury...”

(→) “[B]ut at least three Federal judges have been impeached and convicted...”

- “Perjury is a felony”.
- “116 people are serving time in Federal prison as we speak”
- “The average citizen knows that he or she must not lie under oath.”

Example: Ms. Christine Simms of Rockville, Maryland

“A President is an ordinary citizen... with no higher or lower expectations [in the oath] than the average citizen, just like Ms. Simms.”

(3) **resign (Livingston’s example)**: “But to the President I would say: Sir you have done great damage to this Nation... You, sir, may resign your post. ... [S]o I must set the example that I hope President Clinton will follow.... God bless America”

[8] **Mr. Serrano [D-New York; 1 minute; H11970]** — (1) **coup d’état**: “The Republican right wing in this country doesn’t like it when we say coup d’état, so I’ll make it easier for them, golpe de estado... Spanish for overthrowing the government.” (2) **out to get him**: “From day one they wanted to get rid of Bill Clinton... they have been blinded by hate.” (3) **The People will judge**: “I grew up in the public housing projects of the South Bronx. I can tell a bunch of bullies when I see them. The bullies get theirs, and these Member are going [to] get theirs, too. The people will rise up...”

[9] **Mrs. Roukema [R-New Jersey; 1 minute; H11971]** — (1) **this is sad**: “[A]nd now more than ever [I] insist, that, These are the times that try men’s souls.’... December 17, 1776, Thomas Paine.” (2) (←) **out to get him**: “I bear no personal animosity towards the President.” (3) **perjury**: “[T]he articles of impeachment are not about sex.” {Extended remarks: “[They] are about perjury.”}

[10] **Mr. Cummings [D-Maryland; 1 minute; H11971]** — (1) “There is a songwriter who wrote a song that says, give me a higher love.” (2) **private, not public**: “[T]he Framers of the Constitution did not entrust this House with the power to impeach the President of the United States as a court of personal morality. Impeachment was supposed to be a constitutional shield, not a moral or political sword.”

(3) **The People's business**: "Serious crimes have been committed that this Congress needs to address."

Parade of Examples:

- "Every morning children across the Nation go to school and sit in overcrowded classrooms and deteriorating and crumbling facilities and Congress turns a blind eye. That is a serious crime."
- "Every afternoon people find themselves lacking access to affordable health care... People are suffering, and even dying, even as we debate today. That is a serious crime."
- "Every evening people sit... wondering how they will afford a college education for their children, whether they need or even if they will be able to get a second job. That is a serious offense".

{Extended remarks quote the *Book of Psalms*.}

The next speech makes an analogy between what might be called "mendacious" incapacity and medical incapacity to argue for removal under the Twenty-fifth Amendment.

[11] **Mr. Campbell [R-California; 1 minute; H11971]** — (1) **resign (Livingston's example)**: "If we cannot trust our leaders, they cannot govern. The gentleman from Louisiana has led by example." (2) **to tell the truth (incapacitation-analogy)**: "Our Constitution was amended in 1967 to allow removal for incapacitation... Today we deal with incapacitation of a different kind: a person, who by his conduct under oath in a Federal criminal grand jury, demonstrated that he would not tell the truth... He has incapacitated himself from being President. The voters... elected Al Gore to be president if Bill Clinton were incapacitated. That day has arrived."

[12] **Mr. Blumenthal [D-Oregon; 1 minute; H11971]** — (1) **partisan process**: "[G]one is any pretext of fairness or nonpartisanship. ... this flawed, tragic symbol of the continued unraveling of our political process." {Extended remarks are very well written: 1. Refers to "five stages of grief from denial to bargaining... ultimately, acceptance." 2. President should be punished, in fact, he already has been. 3. Not Congress' role to adopt a new "dangerous" standard for impeachment. 4. Experts say not-official duty implies not impeachable. Cited: Nixon's tax fraud case.}

[13] **Mrs. Johnson [R-Connecticut; 1 minute; H11972]** — (1) **to tell the truth**: "[T]here are very few values and legal obligations that are fundamental... [T]o tell the truth under oath is such a fundamental responsibility. Our Nation can survive a transition better than it can survive the erosion of our fundamental values."

In the next speech, we are given the back-and-forth not of legal points but of personal reckoning. It is interesting to note how forceful the tautology sounds in the first 'point'.

[14] **Mr. Shays [R-Connecticut; 3 minutes; H11972]** — (1):

(→) "[I]n November, I concluded that impeachable offenses were not proven and that the proven offenses were not impeachable."

(←) "But the President's continued failure to come to grips with his actions... and the strong and powerful opinion of so many of my constituents... caused me to rethink my position."

(→) "Yesterday morning, before I visited with the President, I concluded my original position was the correct one for me."

(2) **matter of conscience**: "I truly believe that every Member of Congress is voting his or her conscience. ... I cast my vote with no criticism of those who think differently."

[15] **Mrs. Wilson [R-New Mexico; 1 minute; H11972]** — (1) "[T]his is not about falling into line. It is about honor."

The next speech illustrates its main point with a string of references about the inquiry of the independent counsel. It concludes with a two-handed juxtaposition of the current situation with a set of examples— *a Parade of Wonderfuls*, so to speak.

[16] **Mr. Fattah [D-Pennsylvania; 1 minute; H11972]** — (1) **out to get him**: "They ["my friends in the majority"] could be almost accused of being the gang that could not shoot straight. ... This effort to get Bill Clinton,"

Parade of examples: "first it was Whitewater, then it was campaign finance, FBI files, Travelgate. ... for having an affair and not telling the truth about it?"

"This is something that is... a nonsensical issue. On one hand we have"

Parade of Wonderfuls: "16 million new jobs, a balanced budget, better education... a President committed to protecting the environment and preserving Social Security."

"On the other hand we have a party determined to do nothing other than to attack and investigate and now to finally impeach Bill Clinton. We deserve better."

[17] **Mrs. Fowler [R-Florida; 1 minute; H11972]** — (1) **evidence**: "[T]he evidence is overwhelming." (2) **to tell the truth**: "... ingrained in every American from an early age."

While the next speech is only one sentence long, the extended remarks were packed with content.

[18] **Ms. Stabenow [D-Michigan; MC; H11973]** — (1) "As an American who cares deeply about our Constitution, I rise in opposition." {Extended remarks: 1. "while immoral not treasonous." 2. "There are at least four instances of Congressional censure involving Presidents: Presidents Jackson (1834), Tyler (1842), Polk (1848) and Buchanan (1860)."}

[19] Mr. Underwood [D-Guam; 1 minute; H11973] —  
(1) **matter of conscience:** “[W]e have been told that this is a matter of conscience... Yes, this is a vote for one’s conscience, but only if one’s conscience is exactly that of the Republican Majority.”

[20] Mr. Watts [R-Oklahoma; 3 minutes; H11973] —  
(1) **this is hard:** “there is no joy sometimes in upholding the law.” (2) **The Children:** “But we know it must be done, because if we do not point at lawlessness, our children cannot see it. ... I did it for our children.... Ask the children. The kid who lies does not last.” (3) (←) **The People’s business:** “Let’s get on with the business of the nation... What business is more important than teaching our children right from wrong?” (4) (←) **The People’s will:** “Some say polls are against this.... Polls measure changing feelings, not steadfast principle. Polls would have rejected the Ten Commandments.” (5) (←) **end the madness:** “Some say we must draw this to a close. I say we must draw a line between right and wrong...with the big thick, lead of a Number 2 pencil... so every kid in America can see it.”

The next speech by Mr. Conyers, who was managing the floor debate for the Democrats, was a series of counter arguments in the form of “they say... but...” rebuttals, which use the records of the Independent Counsel and the Judiciary Committee as support. The speech mirrors the structure of the impeachment resolution.

[21] Mr. Conyers [D-Michigan; 45 minutes; H11974] —

- (1) (←)(←) **do not rise to level of impeachable offense:** “[T]hey say these articles show high crimes. The record of historians who wrote the committee say they are low crimes and do not justify the drastic remedy of impeachment.”
- (2) **Re: Art I:** (←) **evidence:** “They say... perjury in the grand jury, but the actual record is that he did not deny... but ignored is the panel of experienced prosecutors who testified that no reasonable prosecutor in the land would have brought a perjury case arising out of these facts.”
- (3) **Re: Art II:** (←) **evidence:** “They say the President’s testimony denied the plaintiff, Paula Jones, of her day in court. Not so. The record shows that a federal judge ruled three times that Monica Lewinsky’s allegations were not relevant.”
- (4) **Re: Art III:** (←) **evidence:** “They say the President obstructed justice... The record is that Ms Lewinsky stated over and over again that the President never asked her to lie. The record shows... the record shows... the record shows...”
- (5) **Re: Art IV:** (←) **evidence:** “The President, they say abused his power by failing to answer the 81 questions.

But the record shows the President answered the 81 questions completely, but the alleged abuse of power lies in the fact that the majority disagrees with the answers. The majority has simply tried to dress up its perjury allegations in the clothes of Watergate’s abuse of power language.”

- (6) (←) **rule of law:** “They say the President must be impeached to uphold the rule of law, but we say the President cannot be impeached without denigrating the standard of impeachable offenses.”

The next speech contained a lot of personal histrionics. It relied on the examples of Livingston and former Speaker of the House Newt Gingrich.

[22] Mr. DeLay [R-Texas; 3 minutes; H11974] —

(1) **this is sad:** “I have been very depressed about this whole proceeding.” (2) (←) **reprehensible but not impeachable:** “The President’s defenders have said that the President is morally reprehensible, that he is reckless, that he has violated the trust of the American people, lessened their esteem for the office... but that it does not rise to the level of impeachment. What the defenders want to do is lower the standards by which we hold this President... and for our society.” (3) **(resign) Livingston’s example** “Newt Gingrich put the country, his caucus, his House above himself... Bob Livingston put his family, his friends, his House and his country above any ambitions that he may have.”

The next speech uses a comparison of Clinton’s situation with Livingston’s but along what might be called the “dimension of sadness.” It cites the past case of Sen. Joseph McCarthy in the 1950s. It was one of the many in which the speaker invoked the Almighty.

[23] Mr. Nadler [D-New York; 15 minutes; H11975] —

(1) **this is sad:** “I am even more depressed today than yesterday.” (2) (←) **resign (Livingston’s example):** “I believe the resignation of the gentleman from Louisiana (Mr. Livingston) while offered in good faith, was wrong. It is surrender to... sexual McCarthyism.... God forbid that he should resign.” (2) **private, not public:** “But the impeachment of the President is even worse. Because... we are losing track of the distinction between sins and crimes. We are lowering the standard of impeachment.” (3) (←) **evidence:** “The allegations are far from proven.”

[24] Mr. Cox [R-California; 3 minutes; H11975] —

(1): (←) **censure:** “The censure resolution states he has violated his oath of office, damaged and dishonored the presidency, engaged in reprehensible conduct... This debate, therefore, is not about whether the President has abused his office. He has. And Democrats and Republicans acknowledge it.” (2) **regarding war:** “Some have said we should not deal with this question while our troops are in the Gulf... Every single man and woman in that operation is held to a higher standard than their Commander in

Chief... Let us raise the standard of our American leader to the level of his troops."

[25] **Mr. Mehan [D-Massachusetts; 1 minute; H11975]** — (1) **partisan process**: "[M]y God what kind of country are we becoming?... An Independent Counsel spends 4/2 years investigating a President and send a one-sided report to the Committee on the Judiciary, and the Republic members of that committee put their stamp of approval on it in very, very partisan hearings. ... One party should not have the power to impeach... Both parties have to participate."

The next one-minute speech begins with a long *Parade of Wonderfuls* to illustrate the current bounty of the American scene but uses it against the President. Such a recitation usually is used in support of him as, for instance, in Mr. Fattah's speech [16] above. Mr. Armev analogizes not telling the truth with a spreading cancer, and illustrates its horrors with a *Parade of Horribles*. He gets a lot said in his official 1 minute of allotted time.

[26] **Mr. Armev [R-Texas; 1 minute; H11975]** — (1) **rule of law**: "[N]o nation has been so blessed as America in the 1990s..."

*Parade of Wonderfuls*: "Each day we invent wonderful new things... Our scientists are uncovering the wonder of God's creation... The social problems that have caused so much pain and worry are diminishing. Crime is dropping. Welfare dependency has plummeted. Unwed teenage pregnancy rates are finally dropping. Religious belief and attention to decent moral values are on the rise... Even abroad America is respected... We have triumphed over the vile tyrannies. ... We have never been safer. Our brave armed forces... are still unquestionably second to none..."

"How did this great Nation of the 1990s come to be? It all happened... because freedom works. But freedom depends... upon something, the rule of law... [W]e are here to defend the rule of law."

(2) **evidence**: "According to the evidence presented by our fine Committee of the Judiciary, the President... failed [to tell the truth]." (3) **rule of law & The Children**: "[A] nation of laws cannot be ruled by a person who breaks the law. ... That would weaken the rule of law and leave our children and grandchildren a very poor legacy." (4) (←) **private, not public**: "The President's defenders say it is wrong to pursue our duty here because the President's transgressions... which, incidentally they do not dispute, indeed, they even condemn, they say were personal, private behavior. But..."

*Examples-negative*: "perjury before a grand jury is not personal and it is not private. Obstruction of justice is not personal and it is not private. Abuse of power... is not personal and it is not private."

(5) **to tell the truth (cancer analogy)**: "We cannot allow the President to abuse his trust and great authorities of his office. Not telling the truth about some transgressions will spawn bigger transgressions, and they will spread like a

cancer across America's character. ... If we fail to do our duty... then we will be responsible for the cancer... It will create a sickness in the everyday lives of all Americans. How will it appear?"

*Parade of Horribles*: "In contracts not honored; in a mother who loses custody of her children in a divorce court because the father lied under oath; in a business... ; in a college where a grade is given for money; in our armed forces... ; in a family where the children cannot tell the difference between a truth and a lie."

(6) **resign (Livingston's example)**: "[T]he gentleman from Louisiana gave us today an example."

The next short speech makes the interesting move of copping the opponent's point and using it to advantage. Mr. Shumer delimits the boundary of the concept of impeachable offense by giving first a negative and then a positive example.

[27] **Mr. Shumer [D-New York; 1 minute; H11976]** — (1) **rule of law**: "The argument made by the gentleman from Texas (Mr. Armev), the best argument that the majority has made thus far, focused on upholding the rule of law. But a hallmark of the rule of law is proportionality of punishment."

*Example-negative*: "If the President were caught... speeding at a hundred miles an hour... But we certainly would not use the political equivalent of capital punishment, impeachment, to discipline that President."

*Example-positive*: "On the other hand, if the President accepted a bribe... he should be impeached."

(2) **hold accountable (censure)**: "Lying under oath about an extramarital relationship requires significant punishment, such as censure."

The next speech, given 5 minutes, appears structured on its surface. It starts out with saying "Mr. Speaker, there are three principal questions... First, did the President commit the felony crime with which he has been charged? Secondly, are they impeachable offenses? And, third, should we impeach him?" However, it then meanders through a recitation of the facts, like an undisciplined closing trial statement. It compares perjury and bribery, one of the causes for impeachment enumerated in the Constitution (Art II. Sec 4).

[28] **Mr. McCollum [R-Florida; 5 minutes; H11976]** — (1) **evidence**: (2) **perjury**: "Perjury rises to the same level as bribery."

[29] **Mr. John [D-Louisiana; 45 seconds; H11977]** — (1) **this is sad**; (2) **end the madness**: "Vote your conscience:... But let us move on."

[30] **Mr. Edwards [D-Texas; 1 minute; H11977]** — (1) **end the madness**: "When will this mindless cannibalism end?" (2) **rule of law**: "I would suggest only when we recognize these things will the rule of law and

equal justice under the law prevail in this the people's House."

[31] Mr. Doggett [D-Texas; 1 minute; H11977] — (1) **this is sad**: "How tragic it is that we gather this week with so much talent and so much creative energy and so many problems that the American people face and are averted to such unworthy purpose."

Next follows a series of speeches just long enough— "such time as he may consume" (MC)— to allow the speaker to rise in opposition or support of HR611 and ask for extension of remarks, usually containing citations to authorities and past cases.

[32] Mr. Goode [D-Virginia; MC; H11977] — "I will vote "yes" on impeachment." {Extended remarks: Evidence implies he lied. Lying implies impeachment. QED}

[33] Mr. Matsui [D-California; MC; H11977] — {The extended remarks are very tightly structured: 1. reprehensible but not impeachable. 2. The evidence is inadmissible hearsay. 3. US government is not parliamentary. 4. Standard of high crimes and misdemeanors has not been met. 5. Private, not public acts. 6. James Madison's notion of a "maladministration" standard.}

[34] Mr. Peterson [D-Minnesota; MC; H11978] — "I oppose all four articles." {Extended remarks: 1. Bipartisan impeachment is necessary; 2. Unfair process (Cf, Watergate Judiciary Comm.); 3. Do not rise to level of impeachable offense; 4. No useful purpose since Senate will not convict.}

[35] Mr. Dixon [D-California; MC; H11979] — "I rise to oppose..." {Extended remarks: 1. reprehensible but not impeachable; 2. con Nixon Watergate analogy: "scope of offenses is not comparable, nor are actions of Judiciary Committee."}

The next speech by the minority whip is impassioned but bounces around its points. It uses some strong language, like "hijack" and "kangaroo court," and juxtaposes the (hallowed) memories of Daniel Webster, Henry Clay, and Abraham Lincoln against the (distasteful) likes of Ken Starr, Monica Lewinsky, and Linda Tripp.

[36] Mr. Bonior [D-Michigan; 35 minutes; H11979] — (1) **this is sad**: "[T]his is surreal. ... like the plot of a cheap paperback novel." (2) **The People's will**: "It is a vote to nullify the most sacrosanct institution in any democracy: the ballot box.... hijack an election. ... [T]he people are angry... frustrated... outraged... bewildered" (3) **reprehensible but not impeachable**; (4) **end the madness**; (5) **The People's business**: "The American people... want us to move forward for"

Examples: "better health care, for stronger schools, for retirement security for every American in this country."

(5) **coup d'état & regarding war**: "Six days before Christmas our troops are in battle, and a lame duck Congress is rushing to overthrow the Commander in Chief."

(6) **partisan process**: "We have heard a lot of talk around here about the rule of law, but these partisan proceedings have made a mockery of our constitutional process. Across the Nation they have been announced as, and let me quote: a dreadful farce of partisan posturing, a soiling of the Constitution; a circus; a kangaroo court; an attempted coup."

[37] Ms. Danner [D-Missouri; MC; H11980] — {Extended remarks cite many counter-examples to HR611: Nixon's Watergate, Nixon's tax fraud, Presidents Jackson, Tyler, Buchanan, writings of Alexander Hamilton [*Federalist Paper No. 65*], George Mason.}

[38] Mr. Sandlin [D-Texas; MC; H11980] — {Extended remarks read in the entire record of the Fourth Panel of Witnesses that came before the Committee of the Judiciary on Dec. 9, 1998. It included testimony from four former prosecutors Richard David, Edward Dennis, William. Weld, Ronald Noble. Quoted from *The Washington Post*.}

[39] Mr. Barrett [D-Wisconsin; 3 minutes; H12002] — (1) **this is sad**: "We are consuming ourselves." (2) **reprehensible but not impeachable**; (3) **censure**: "I offer the olive branch"; (4) **The Children**: "[F]or the sake of our children, please let us work together." (5) People will be afraid to enter public office.

[40] Mr. Delahunt [D-Massachusetts; 1 minute, H12003] — (1) **this is sad**; (2) **People's will**: "The American people have made it clear that their desire is for us to censure and move on to the Nation's business." (3) **censure**: "They say censure is unconstitutional but most historians disagree with them."

Examples-negative: "The founder of their party, Abraham Lincoln, supported a censure of President Polk. Congress actually did censure President Andrew Jackson."

(4) (←) **matter of conscience**: "They have told us over and over again this is a vote of conscience. But what about the consciences of the Democratic Members?"

The next speech was one of the most dramatic of the entire debate. (Another was that of Mr. Jackson (D-Illinois) on Friday afternoon that argued that the problems of post-Civil War Reconstruction were the reason for Andrew Johnson's impeachment and are those underlying Clinton's.) Mr. Lewis offered a personal story much like a biblical parallel that made the analogy between his family in a raging storm and the American family today.

[41] Mr. Lewis [D-Georgia; 1 minute; H12003] — (1) **this is sad**: "This morning I wanted to cry, but the tears would not come."

(2) **parable of the storm:** "When I was growing up in rural Alabama during the 40s and the 50s as a young child, near a shotgun house where my aunt lived one afternoon an unbelievable storm occurred."

"The wind started blowing. The rain fell on the tin top roof of this house. Lightning started flashing. The thunder started rolling. My aunt asked us all to come into this house and hold hands. ... The wind may blow, the thunder may roll, the lightning may flash, but we must never leave the American home. We must stay together as a family: one house, one family; the American House, the American family."

[42] Mr. Hyde [R-Illinois, 55 minutes; H12003] —

(1) **this is sad:** "I think of a character in one of Tolstoy's novels who feels so crushed." (2) (←)**private, not public:** "That is a confusion between private acts of infidelity and public acts."

Examples: Infidelity, adultery.

(3) **rule of law:** "The rule of law, 'a phrase we have heard, along with fairness' and reprehensible,' more often than, is in real danger today if we cheapen the oath, because justice depends on the oath." (4) (←)**censure:** "There is a doctrine of separation of powers. We cannot punish the President." (5) **evidence:** "Look, we had 60,000 pages of testimony from the grand jury, from depositions, from statement under oath." (6) (←)**end this madness:** "Lame duck? The cry was, get this over with, get this behind us." (7) **rule of law:** "Now, equal protection of the law, that is what worries me..." (8) **matter of conscience:** "I ask Members to follow their conscience and they will serve the country."

{Very long extended remarks included a damaging quote of the President, quoted here exactly as it appeared in *The Congressional Record*, on page H12017:

"The President himself, when he was a law professor in Arkansas, defined an impeachable offense in this way: I think that the definition should include any criminal acts plus a willful failure of the president to fulfill his duty to uphold and execute the laws of the United States. Another factor that I think constitutes an impeachable offense would be willful, reckless behavior in office \* \* ."

Just before 11:30, the Speaker of the House, pro tempore, announced "All time for debate has expired."

### 3. Discussion: Points and Schemas

#### 3.1 Argument Points

During the last hour of debate, many points were made in argument. Many of them, of course, had been made during Friday's full day of debate. The following is a categorization of these. For each, I offer a sentence that sums up its thrust, and give a count of how many Republicans and Democrats used it. (N.B., This does not count how many times within speeches it occurred.) The

reverse arrow ← is used to indicate that a point was rebutted.

The first group of points is categorized as "legal" since they deal with legal matters like evidence, rule of law, the Constitutional doctrine of impeachment, and the process of impeachment, including censure. The second group is labeled "personal" since it concerns individual speakers or the collective American People or their "children." The third group contains case-based points made almost entirely using traditional CBR analogies based on real or hypothetical cases.

#### I. Legal Points

##### A. Evidential Points: 15R, 3←D, 1D

1. **evidence:** 5R, 2←D  
(as in "The \_\_\_ is overwhelming.")
2. **rule of law:** 4R, 1←D, 1D  
(as in "To uphold \_\_\_ we must impeach.")
3. **to tell the truth:** 3R  
(as in "Everyone is obliged \_\_\_")
4. **perjury:** 3R  
(as in "This is about \_\_\_.")

##### B. Points re Impeachment Doctrine: 10D, 5←R

1. **reprehensible but not impeachable:** 3D, 2←R  
(as in "The President's conduct is \_\_\_.")
2. **does not rise to level of impeachable offense:** 3D  
(as in "The President's conduct \_\_\_.")
3. **private, not public:** 2D, 1←R  
(as in "This matter is about \_\_\_ behavior.")
4. **censure:** 2D, 2←R  
(as in "The right thing to do is \_\_\_.")

##### C. Points of Process: 14D, 2←R, 2R

1. **partisan process:** 4D  
(as in "This is a \_\_\_.")
2. **coup d'état:** 3D  
(as in "This is a \_\_\_.")
3. **out to get him:** 2D, 1←R  
(as in "You Republicans are \_\_\_.")
4. **regarding war:** 1D, 1R  
(as in "During war it is wrong to impeach.")
5. **hold accountable (censure):** 3D  
(as in "We must hold him accountable; censure is the right way.")
6. **end the madness:** 2D, 1R, 1←R  
(as in "We must \_\_\_ now.")

#### II. Personal Points

##### A. Self-oriented: 9D, 1←D, 7R

1. **boohoo**
  - 1a. **this is hard:** 2R  
(as in "\_\_\_ but do it we must")
  - 1b. **this is sad:** 3R, 8D  
(as in "\_\_\_ but do it we must")

2. **matter of conscience:** 2R, 1D, 1←D  
(as in "As a \_\_\_ we must impeach")

B. **Outwardly-oriented:** 7D, 1←R, 3R

1. **The Children:** 1D, 3R  
(as in "We must do it for \_\_\_.")

2. **The People:** 7D, 2←R

2a. **The People's will:** 2D, 1←R  
(as in "This ignores \_\_\_.")

2b. **The People's business:** 3D, 1←R  
(as in "This ignores \_\_\_")

2c. **The People will judge:** 2D  
(as in "\_\_\_ us/you.")

III. **Case-based Points**

A. **Case Analogies**

1. **(resign) Livingston's example :** 1←D, 4R  
(as in "\_\_\_ implies President should resign.")

2. **(impeach/resign) Nixon-cases:** 1R  
(as in "The President should be impeached or resign.")

B. **Hypothetical Analogies**

1. **cancer analogy:** 1R

2. **incapacitation analogy:** 1R

3. **storm parable:** 1D

From the above, one can see that some points are very partisan since they were used primarily in support of one side. For instance, the point **evidence** was used by 5 Republicans and rebutted by 2 Democrats. Most of the other points in the category **I.A** were made by Republicans, that is, for impeachment. On the other hand, most of the points in the second and third subcategories (**I.B**, **I.C**) were made by Democrats, that is, against impeachment. The numbers regarding usage in this category seem to comply with the old adage that if you have the facts, argue the facts; but if you don't, argue the law.'

The second category is mixed, although it is mostly the Republicans, who invoked **The Children**, and the Democrats, who invoked **The People**. Neither was above lamenting how difficult or awful this whole episode was. In the third category, it is the Republicans, not surprisingly, who invoked **Livingston's example**. Analogies with **Nixon** were made surprisingly little. Also, the incapacitation analogy of Mr. Campbell [11] was surprisingly not used in any subsequent speeches.

### 3.2 Argument Schemas

Many traditional argument schemas—rebutting a point, giving examples, and citing authorities—were used in these speeches. The following is an inventory of them.

Many speeches used simple point-based schemas (category I). The one-minute speeches were primarily sequences of a few points or counter-points delivered in rapid-fire succession without much additional structure. The longer speeches exhibited more structure, for instance, as a series of rebuttals. However, highly structured schemas, like a

full-fledged 3-ply argument [Ashley, 1990], were not used, probably because they are hard to use in such short amounts of time. By comparison, the highly legalistic arguments about the "germaneness" of a motion to recommit HR611 to the Judiciary Committee did employ multi-ply schemas in speeches that appeared well-prepared [Rissland, 1999]; the House took an hour to debate this single point of order.

Many speeches employed examples. In particular, many used a *parade* of examples, that is, a set of related examples often given in manner similar to a string cite with no implicit ordering. Highly structured example schemas, such *slippery slope* or *reductio loop* [Skalak & Rissland, 1992] or other sequences based on incremental "deformations" [McCarty & Sridharan, 1981] or "dimensional" changes [Rissland, 1989], were not used, again probably because they take time to deliver.

#### I. Point-based schemas

##### A. One-point moves

1. **Pro (a point)**

2. **Con (a point)**

##### B. Multiple-point schemas

1. **Series of Pro-Con plies**

2. **Series of rebuttals**

3. **Series of pro-points**

#### II. Example-based schemas

##### A. Parades

1. **Parade of Horribles**

2. **Parade of Wonderfuls**

3. **(Plain) Parade of Examples**

##### B. Define by example

1. **Give negative example[s]**

2. **Give positive example[s]**

#### III. Cite Authority

##### A. cite cases and hypos

1. **Cases**

(Nixon Watergate case, Nixon tax fraud case, Andrew Johnson impeachment, censures of Polk, Jackson, Buchanan, Tyler, Adams, the contrite perjurer Ms. Simms)

2. **Hypos**

(e.g., speeding hypo, bribery hypo)

##### B. cite Statute

##### C. cite Constitution

##### D. cite Persons

1. **Framers/Founding Fathers**

(e.g., James Madison, Alexander Hamilton)

2. **Presidents**

(e.g., Abraham Lincoln, Andrew Johnson)

3. **Historical Figures**

(e.g., Thomas Paine)

4. **Congressional Figures**

(e.g., Gingrich, Wright, McCarthy)

#### 5. cite experts

(e.g., law professors, former prosecutors, historians)

#### 6. cite non-legal authorities

(e.g., Book of Psalms, Ten Commandments, *The Washington Post*, Tolstoy)

Many of the 11 longer speeches exhibited **Multiple-point** schemas, although two followed no apparent scheme. Two were in the form of a series of **pro-con plies**. One [21] was a series of **rebuttals** of points made by others. In general, rebuttals tended to begin with the words *They say*. Two were a series of pro-points. Four were a mixture of pro and con points.

Many speeches employed **Example-based** schemas. Similar (plain) **Parades of Examples** were used to illustrate the point that "The People's business is being ignored" in speeches by Ms. Lee [2] and Mr. Cummings [10], both Democrats. Mr. Armeý [26] "bolstered" [Rissland, 1985] his cancer analogy with a **Parade of Horribles** that included horrible examples like a divorced mother losing custody of her children. He used a **Parade of Wonderfals** to support his point that the rule of law dictates that Clinton should be impeached. Mr. Fattah [16] used the same parade for the opposite conclusion. The **Define by example** strategy was used several times. For instance, Mr. Shumer [27] used both a negative example (speeding) and a positive example (bribery) to delimit the concept of impeachable offense.

Many House members **cited authorities** to back up their conclusions. Many, from both sides of the aisle, invoked the Framers in general, or particular individuals, like James Madison or Alexander Hamilton and his *Federalist Paper No. 65*. Since citations take time to give, they often were found only in the extended remarks. Many citations were made to famous cases, like the Nixon tax fraud case, the Nixon Watergate case, the censure cases of Presidents Polk, Buchanan, Tyler. One notable exception was the case of Ms. Simms, the contrite perjurer, cited by Mr. Livingston [7] in his speech. The US Criminal Code was cited by Mr. Barr [5]. The Constitution, particularly Art II, Section 4, and its phrase "high crimes and misdemeanors" was cited many times, as was to be expected. Experts were also cited, sometimes extensively, for instance, by Mr. Sandlin [38], who included much of the testimony of the panel comprised of former US attorneys.

#### 4. Conclusions

Examination of the last hour of debate on the impeachment articles of President Clinton showed that many argument points were made and rebutted. In the short speeches, the overall structure was typically no more than a recitation of pro and con points, no doubt because of their brevity. However, the extended remarks often were highly structured and contained many citations.

The longer speeches showed more structure, although a few meandered and seemed to waste precious time. The most structured and coherent were those of Mr. Conyers [21] And Mr. Armeý [26]. Mr. Conyers's speech contained a series of rebuttals; 4 point-by-point rebuttals of the 4 articles of impeachment bracketed by rebuttals concerning impeachable offences and the rule of law. Mr. Armeý's was a mixture of 3 pro points, 1 rebuttal point, the cancer analogy, and the Livingston example.

I found speeches using analogies (e.g., the cancer analogy of Mr. Armeý [26]) particularly effective in the sense that they grabbed and held my attention, clearly made their points, and were memorable. The parable of the raging storm given by Mr. Lewis [4] was by far the most dramatic speech in the last hour.

This analysis shows that many traditional schemas, like 3-ply pro-con arguments, case analogy, exhibition of a parade of examples, developed in traditional arenas of legal reasoning are relevant in this more political and rhetorical one as well. Sometimes— as in the Parade of Wonderfals—they can be used with a new twist. Analysis also shows that when time is (too) short, structure is (greatly) reduced, and that with just a little more time, more complex structures are employed. This suggests that time limitation is an interesting constraint in argument.

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