

Judiciary Committee provides an opportunity for those nominated to answer questions about their past activities and involvement in and with the law. From these questionnaires, we are able to learn of a nominee's legal experience, find information about past statements and generally assess the fitness of the nominee for the federal bench.

On his questionnaire, Judge Porteous was asked whether any unfavorable information existed that could affect his nomination, and he answered that he did not know of any. I believe that Judge Porteous engaged in a pattern of behavior prior to, during and after his nomination to the federal district court that undermined the public's faith in him as a government official, and that this pattern of behavior rose to the level of an impeachable offense that met the standard of high crimes and misdemeanors. Having said that, I do not believe that future nominees should be subject to impeachment simply for a failure to answer a subjective, open-ended question on the Senate Judiciary Committee's questionnaire.

Judge Porteous abused the questionnaire process, misrepresented his background and misled the Senate in an egregious manner that was unique to this specific situation. However, I can imagine a scenario whereby a nominee could falsely affirm that no negative information affecting his nomination existed, yet I might not find that false answer to be an impeachable offense. I do not wish to see the nomination process become even more difficult for qualified men and women of good character, solely because of an onerous application process. Many of us have things in our backgrounds that we might miss when asked open ended questions, and the Senate should not hang the cloud of impeachment over every nominee's head because of such oversights alone—otherwise, we will find ourselves without any nominees.

As a Senator who is not a lawyer, I would like to thank my colleagues who took on the historic task of preparing and presenting this impeachment trial. Specifically, Senator CLAIRE MCCASKILL and Senator ORRIN HATCH who shared the role of chair of the Special Impeachment Trial Committee. I came away from this experience with a renewed respect for the Senate as an institution. When given the opportunity, Senators can work in a productive and civil manner, and I am sure that if he were able to see the dignity and respect with which the Senate treated this impeachment, Alexander Hamilton would be very proud.

Mr. COONS. Mr. President, as a result of today's vote on the four Articles of Impeachment against Judge G. Thomas Porteous, the Senate has fulfilled its constitutional duty to remove a threat to the public's trust and confidence in the Federal judiciary.

The conduct set forth in the first Article of Impeachment alone justifies the Senate's conviction of Judge

Porteous. By coercing his former law partners to participate in a kickback scheme while a state judge, by failing to properly disclose this corrupt relationship when warranted as a federal judge in a recusal hearing and by obtaining further improper cash payments from them while taking their case under advisement, Judge Porteous misdemeaned himself in a manner that is directly contrary to the essential public trust of his office. Federal judges cannot solicit improper gifts, and they certainly cannot lie to litigants who appear before them.

The conduct described in the remaining three Articles of Impeachment is, likewise, wholly repugnant to the office of a U.S. judge. Counsel for Judge Porteous argued that the Senate's unprecedented conviction on these counts would weaken the judiciary to political attacks. I do not dismiss these arguments lightly. With only 12 impeachment trials having been completed in our Nation's history, however, novelty of the particular offenses charged is no absolute defense. My votes to convict—whether for conduct on the State bench, as a private citizen, or before the Judiciary Committee—were compelled because they revealed corruption and duplicity that, if countenanced, would destroy the integrity of the federal judiciary. While counsel argued that the behavior charged in the final three articles did not concern Judge Porteous' conduct as a Federal judge, each article charged conduct that bore an essential nexus to his Federal service.

Judge Porteous set bail bonds for the purpose of maximizing the profits of the bail bonds company, rather than protecting the public safety and guaranteeing the defendant's presence at trial. He carried out this scheme to cultivate improper benefits from the bail bonds company, trading official judicial action for personal gain. This behavior was not an isolated lapse in judgment. It lasted for more than a year, stopping only when Judge Porteous was confirmed to be a Federal judge.

Judge Porteous also lied during his bankruptcy while serving as a Federal judge. His only defense was that such conduct was not related to his service as a judge and included only acts taken as a private citizen. A judge cannot repeatedly demean a Federal court by lying to it, as here, in an attempt to avoid embarrassment and to continue to amass more gambling debts.

Likewise, Judge Porteous' lies and deceptions during his confirmation process reflect a willingness to subvert the truth, under penalty of perjury, for personal gain. His claim that any mistakes were inadvertent is simply not credible. The evidence demonstrates that Judge Porteous actively concealed the corrupt bail bonds scheme from FBI investigators, and failed to disclose much more corrupt behavior.

Our Federal courts are an enduring symbol of our national commitment to

equal justice under the law. Judge Porteous' long history of corruption, deceit, and abuse of power renders him incompatible with that commitment. His removal strengthens our judiciary and confirms the integrity of those who remain a part of it.

## OMNIBUS APPROPRIATIONS

### MANILAQ ASSOCIATION

Mr. HARKIN. Mr. President, in Division H of the explanatory statement accompanying the fiscal year 2011 Consolidated Appropriations Act, under the authority of the Center for Mental Health Services at the Substance Abuse and Mental Health Services Administration, please add Senator BEGICH to the list of members requesting funds for the Maniilaq Association in Kotzebue, AK, to provide suicide prevention activities in northwest Alaska.

### DIVISION G

Ms. MIKULSKI. Mr. President, I rise to make a clarification regarding a project that is listed in the congressionally designated spending table to accompany Division G, the Interior, Environment and Related Agencies division of fiscal year 2011 omnibus appropriations bill. I understand that due to a clerical error, I was listed as a sponsor for the following water infrastructure project: "City of Baltimore for Penn Station pipe relocation." I would like the RECORD to reflect that I am not in fact a sponsor of this project.

Mrs. FEINSTEIN. Mr. President, as the chairman of the Subcommittee on the Interior, Environment and Related Agencies, I regret that such an error was made. I would like to reconfirm that my colleague, Senator MIKULSKI, should not be listed as a sponsor for this project.

## TRIBUTES TO RETIRING SENATORS

### BOB BENNETT

Mr. CONRAD. Mr. President, I want to take a moment to honor a friend and colleague, Senator BOB BENNETT, who will be moving on from the Senate after 18 years of service to the people of Utah.

BOB has had a long and impressive career. Out of college, he served for several years in the Utah National Guard and worked as a congressional liaison for the Department of Transportation. Turning next to the private sector, he worked for 20 years in public relations and later in the technology field. He put that experience to good use once elected to the Senate, using his high-tech know-how to chair the Senate Special Committee on the Year 2000 Technology Problem, serve on the Senate Republican High-Tech Task Force, and work on issues from broadband infrastructure development to cyber security.

Utah and North Dakota have many things in common. Both are largely