

The Impeachment of the President of the USA - Part I

By Sam Vaknin

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In the hallways of the Smithsonian, two moralists are debating the impeachment of the President of the United States of America, Mr. William Jefferson Clinton. One is clearly Anti-Clinton (AC) the other, a Democrat (DC), is not so much for him as he is for the rational and pragmatic application of moral principles.

AC (expectedly): “The President should be impeached”.

DC (no less expectedly) ; “But, surely, even you are not trying to imply that he has committed high crimes and misdemeanours, as the Constitution demands as grounds for the impeachment of a sitting President !”

AC : “But I do. Perjury is such a high crime because it undermines the very fabric of trust between fellow citizens and between the citizen and the system of justice, the courts.”

DC : “A person is innocent until proven guilty. No sound proof of perjurious conduct on behalf of the President has been provided as yet. Perjurious statements have to be deliberate and material. Even if the President deliberately lied under oath – his lies were not material to a case, which was later dismissed on the grounds of a lack of legal merit. Legal hairsplitting and jousting are an integral part of the defence in most court cases, civil and criminal. It is a legitimate – and legal – component of any legal battle, especially one involving interpretations, ambiguous terminology and the substantiation of intentions. The President should not be denied the procedural and substantive rights available to all the other citizens of his country. Nor should he be subjected to a pre-judgment of his presumed guilt.”

AC : “This, precisely, is why an impeachment trial by the Senate is called for. It is only there that the President can credibly and rigorously establish his innocence. All I am saying is that IF the President is found by the Senate to have committed perjury – he should be impeached. Wherever legal hairsplitting and jousting is permissible as a legal tactic – it should and will be made available to the President. As to the pre-judgment by the Press – I agree with you, there is no place for it but, then, in this the President has been treated no differently than others. The pertinent fact is that perjury is a high misdemeanour, in the least, that is, an impeachable offence.”

DC : “It was clearly not the intention of the Fathers of our Constitution to include perjury in the list of impeachable offences. Treason is more like it. Moreover, to say that the

President will receive a fair trial from the hands of his peers in the Senate – is to lie. The Senate and its committees is a political body, heavily tilted, currently, against the President. No justice can be had where politics rears its ugly head. Bias and prejudice will rule this mock trial.”

AC : “Man is a political animal, said the Greek philosophers of antiquity. Where can you find an assembly of people free of politics ? What is this discourse that we are having if not a political one ? Is not the Supreme Court of the land a politically appointed entity ? The Senate is no better and no worse, it is but a mirror, a reflection of the combined will of the people. Moreover, in pursuing the procedures of impeachment – the Senate will have proved its non-political mettle in this case. The nation, in all opinion polls, wants this matter dropped. If it is not – it is a proof of foresight and civil courage, of leadership and refusal to succumb to passing fads.”

DC : “And what about my first argument – that perjury, even once proven, was not considered by the authors of the Constitution to have been an impeachable offence ?”

AC : “The rules of the land – even the Constitution – are nothing but an agreement between those who subscribe to it and for as long as they do. It is a social contract, a pact. Men – even the authors of the Constitution - being mortal, relegated the right to amend it and to interpret it to future generations. The Constitution is a vessel, each generation fills it as it sees fit. It is up to us to say what current meaning this document harbours. We are not to be constrained by the original intentions of the authors. These intentions are meaningless as circumstances change. It is what we read into the Constitution that forms its specific contents. With changing mores and values and with the passage of events – each generation generates its own version of this otherwise immortal set of principles.”

DC : “I find it hard to accept that there is no limit to this creative deconstruction. Surely it is limited by common sense, confined to logic, subordinate to universal human principles. One can stretch the meanings of words only thus far. It takes a lot of legal hairsplitting to bring perjury – not proven yet – under one roof with treason.”

AC : “Let us ignore the legal issues and leave them to their professionals. Let us talk about what really bothers us all, including you, I hope and trust. This President has lied. He may have lied under oath, but he definitely lied on television and in the spacious rooms of the White House. He lied to his family, to his aides, to the nation, to Congress ...”

DC : “For what purpose do you enumerate them ?”

AC : “Because it is one thing to lie to your family and another thing to lie to Congress. A lie told to the nation, is of a different magnitude altogether. To lie to your closest aides and soi disant confidantes – again is a separate matter ...”

DC : “So you agree that there are lies and there are lies ? That lying is not a monolithic offence ? That some lies are worse than others, some are permissible, some even ethically mandatory ?”

AC : “No, I do not. To lie is to do a morally objectionable thing, no matter what the circumstances. It is better to shut up. Why didn't the President invoke the Fifth Amendment, the right not to incriminate himself by his own lips ?”

DC : “Because as much information is contained in abstaining to do something as in doing it and because if he did so, he would have provoked riotous rumours. Rumours are always worse than the truth. Rumours are always worse than the most defiled lie. It is better to lie than to provoke rumours.”

AC : “Unless your lies are so clearly lies that you provoke rumours regarding what is true, thus inflicting a double blow upon the public peace that you were mandated to and undertook to preserve ...”

DC : “Again, you make distinctions between types of lies – this time, by their efficacy. I am not sure this is progress. Let me give you examples of the three cases : where one would do morally well to tell the truth, where one would achieve morally commendable outcomes only by lying and the case where lying is as morally permissible as telling the truth. Imagine a young sick adult. Her life is at peril but can be saved if she were to agree to consume a certain medicine. This medicament, however, will render her sterile. Surely, she must be told the truth. It should be entirely her decision how to continue his life : in person or through her progeny. Now, imagine that this young woman, having suffered greatly already, informed her doctor that should she learn that her condition is terminal and that she needs to consume medicines with grave side effects in order to prolong it or even to save it altogether – she is determined to take her life and has already procured the means to do so. Surely, it is mandatory to lie to this young woman in order to save her life. Imagine now the third situation : that she also made a statement that having a child is her only, predominant, all pervasive, wish in life. Faced with two conflicting statements, some may choose to reveal the truth to her – others, to withhold it, and with the same amount of moral justification.”

AC : “And what are we to learn from this ?”

DC : “That the moral life is a chain of dilemmas, almost none of which is solvable. The President may have lied in order to preserve his family, to protect his only child, to shield his aides from embarrassing legal scrutiny, even to protect his nation from what he perceived to have been the destructive zeal of the special prosecutor. Some of his lies should be considered at least common, if not morally permissible.”

AC : “This is a slippery slope. There is no end to this moral relativism. It is a tautology. You say that in some cases there are morally permissible reasons to lie. When I ask you how come - you say to me that people lie only when they have good reasons to lie. But this the crux of your mistake : good reasons are not always sufficient, morally permissible, or even necessary reasons. Put more plainly : no one lies without a reason. Does the fact that a liar has a reason to lie – absolve him ?”

DC : “Depends what is the reason. This is what I tried to establish in my little sad example above. To lie about a sexual liaison – even under oath – may be morally permissible if the intention is to shield other meaningful individuals from harm, or in order to buttress the conditions, which will allow one to fulfil one's side of a contract. The

President has a contract with the American people, sealed in two elections. He has to perform. It is his duty no less than he has a duty to tell the truth. Conflict arises only when two equally powerful principles clash. The very fact that there is a controversy in the public demonstrates the moral ambiguity of this situation. The dysfunction of the American presidency has already cost trillions of dollars in a collapsing global economy. Who knows how many people died and will die in the pursuit of the high principle of vincit omnia veritas (the truth always prevails) ? If I could prove to you that one person – just one person - committed suicide as a result of the financial turmoil engendered by the Clinton affair, would you still stick to your lofty ideals ?”

AC : “You inadvertently, I am sure, broached the heart of this matter. The President is in breach of his contracts. Not one contract – but many. As all of us do – he has a contract with other fellow beings, he is a signatory to a Social Treaty. One of the articles of this treaty calls to respect the Law by not lying under oath. Another calls for striving to maintain a generally truthful conduct towards the other signatories. The President has a contract with his wife, which he clearly violated, by committing adultery. Professing to be a believing man, he is also in breach of his contract with his God as set forth in the Holy Scriptures. But the President has another, very powerful and highly specific contract with the American people. It is this contract that has been violated savagely and expressly by the President.”

DC : “The American people does not seem to think so, but, prey, continue ...”

(continued)

Sam Vaknin is the author of Malignant Self Love - Narcissism Revisited and After the Rain - How the West Lost the East. He is a columnist for Central Europe Review, United Press International (UPI) and eBookWeb and the editor of mental health and Central East Europe categories in The Open Directory, Suite101 and searcheurope.com. Visit Sam's Web site at <http://samvak.tripod.com>

A Website Link That Should Be On All Websites

By T.D. Roberts

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This grassroots impeachment effort has launched a massive public education campaign through placement of the people's call to impeach in major media outlets around the country.

This is a grassroots campaign that needs your help. The VoteToImpeach ad has appeared in full page ads in the New York Times, San Francisco Chronicle, the Boston Globe, as well as in other U.S. newspapers, with the help of people all around the country.

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