

An issue of principles, not politics

By Henry Hyde

I thank professor Alan Wolfe for suggesting on this page Feb. 16 that I may still have some service left to render the country. His thoughtful column also provides me an opportunity to state plainly what my colleagues of the House and I thought ourselves to be doing these past several months.

The House managers of the impeachment proceedings against President Clinton accept, without qualification, that the Senate's verdict is final. The impeachment proceedings are now over. House members who voted articles of impeachment will accord the president the respect due his office. As for cooperation with the administration on legislation, that will, of course, depend on the policies the administration proposes. But let it be clearly stated: The impeachment proceedings are over and we will seriously seek issues about which we can cooperate.

Let it also be stated, and just as clearly, that the grave constitutional questions posed by the president's behavior remain with us—precisely because of the result in the Senate.

The impeachment of President Clinton was not a political struggle, as professor Wolfe suggests, but a historic constitutional test. A bedrock principle of democracy, first formulated by our Anglo-Saxon legal tradition in the Magna Carta, was at stake: the principle that no person is above the law. Birth, wealth and social position do not put someone above the law. Neither does public office. That, and nothing less than that, is what was at stake here. This was not a political struggle between Republicans and Democrats, conservatives and liberals, the World War II generation and the Baby Boom generation. This was a constitutional test of whether the United States government remains a government of laws, not of men.

That the gravity of this test was not recognized by some of my colleagues in the Congress is a cause for serious and ongoing concern.

That no member of the Cabinet felt obliged in conscience to resign after the president had lied to them is a cause for concern.

That many members of the Senate were unfamiliar with the facts of the case despite months of hearings in the House and extensive media coverage is a cause for concern.

That not a single Senate Democrat, in a group of 45 strong, independent-minded individuals, was prepared to say publicly, at the trial's outset, that this was a matter of the gravest constitutional import and that he or she would step back from partisanship, look at the facts with an unbiased eye and then render a judgment solely on those facts irrespective of party considerations is a cause for concern.

That no Democratic senator saw fit to challenge the false charge of partisanship when it was raised by other Democratic senators against the House managers is a cause for concern.

That the Senate Democrats treated this as a party-line vote is a matter of concern.

During the House Judiciary Committee hearings that I chaired, one Democratic censure resolution proposed to condemn the president for having "egregiously failed" to abide by his constitutional oath, for having "violated the trust of the American people" and for having "dishonored the office which they entrusted to him."

I can imagine Senate Democrats sharing those convictions but believing that such presidential failures should not result in the first removal of a president from office by impeachment, trial and conviction. What I cannot understand, frankly, is why not a single Senate Democrat, including those who condemned the president in language even harsher than their House colleagues proposed, called upon the president to resign.

The members of the House who voted to impeach a president for actions many members of his own party concede were felonious have nothing to apologize for. We did our duty.

If you choose to define this debate as just a squabble over "lying about sex," then I would agree, impeachment might be overkill. But we understood this to be about lying under oath to a federal grand jury and obstructing justice by one bound to faithfully execute the laws—matters the independent counsel law placed squarely in our Judiciary Committee's jurisdiction. We sought a constitutional remedy to what seemed to us a grave constitutional issue.

Historians will judge how well we marshaled the evidence and argued the case. History also will judge the partisanship that led far too many senators to treat this as simply a political matter, much like any other vote.

Let it also be said that we recognize and respect those of our colleagues, Democrats and Republicans, who conscientiously hold a different view from our own. One can certainly be honorable and responsible and disagree with us, but our commitment to the principles we defended, because they are principles, will endure.

It never occurred to me, as leader of the House managers, to think of this as a question in which there are winners and losers, as those terms are usually understood in politics. At issue was the Constitution and the rule of law. The Constitution and the rule of law would win, or they would lose.

The president has won his acquittal. It remains to be seen whether the Constitution and the rule of law have lost in the process.

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