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The Impeachment of the President of the USA – Part II

By Sam Vaknin

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AC : "Before I do, allow me just to repeat. To me, there is no moral difference between one lie and another. All lies are loathsome and lead, in the long run, to hell whatever the good intentions, which paved the way there. As far as I am concerned, President Clinton is a condemned man on these grounds only. But the lies one chooses and the victims he chooses to expose to his misbehaviour – reflect his personality, his inner world, what type of human being he is. It is the only allowance I make. All lies are prohibited as all murders are. But there are murders most foul and there are lies most abominable and obnoxious. What are we to learn about the President from his choice of arms and adversaries ? That he is a paranoid, a narcissist, lacks empathy, immature, unable to postpone his satisfactions, to plan ahead, to foresee the outcomes of his actions. He has a sense of special, unwarranted entitlement, he judges his environment and the world, at large, erroneously. In short : he is dangerously wrong for the job that he has acquired through deception."

DC : "Through elections ..."

AC : "Nay, through deception brought about by elections. He lied to the American people about who he is and what he stands for. He did not frankly expose or discuss his weaknesses and limitations. He sold his voters on an invented, imaginary image, the product of spin-doctors and opinion polls, which had no common denominator with reality. This is gross deception."

DC : "But now that the American people know everything - they still prefer him over others, approve of his performance and applaud his professional achievements..."

AC : "This is the power of incumbency. It was the same with Nixon until one month before his resignation. Or, do you sanction his actions as well ?"

DC : "Frankly, I will compare President Clinton to President Andrew Johnson rather than to President Nixon. The shattering discovery about Nixon was that he was an uncommon criminal. The shattering discovery about Clinton is that he is human. Congress chastises him not for having done what he did - in this he has many illustrious precedents. No, he is accused of being indiscreet, of failing to hide the

The Impeachment of the President of the USA – Part II

truth, to evade the facts. He is reproached for his lack of efficiency at concealment. He is criticized, therefore, both for being evasive and for not being sufficiently protective of his secrets. It is hard to win such a case, I tell you. It is also hypocritical in the extreme."

AC : "Do you agree that the President of the United States is party to a contract with the American People ?"

DC : "Absolutely."

AC : "Would you say that he is enjoined by this contract to uphold the dignity of his office ?"

DC ; "I think that most people would agree to this."

AC : "And do you agree with me that fornicating in the White House would tend to diminish rather than uphold this dignity - and, therefore, constitute a violation of this contract ? That it shows utter disregard and disrespect to the institutions of this country and to their standing ?"

DC : "I assume that you mean to say fornication in general, not only in the White House. To answer you, I must analyse this complex issue into its components. First, I assume that you agree with me that sex between consenting adults is almost always legally allowed and, depending on the circumstances and the culture, it is, usually, morally acceptable. The President's relationship with Miss Lewinsky did not involve sexual harassment or coercion and, therefore, was sex between consenting adults. Legally, there could be nothing against it. The problem, therefore, is cast in moral terms. Would you care to define it ?"

AC : "The President has engaged in sexual acts - some highly unusual –with a woman much younger than he, in a building belonging to the American public and put at his disposal solely for the performance of his duties. Moreover, his acts constituted adultery, which is a morally reprehensible act. He acted secretly and tried to conceal the facts using expressly illegal and immoral means - namely by lying."

DC : "I took the pains of noting down everything you said. You said that the President has engaged in sexual acts and there can be no dispute between us that this does not constitute a problem. You said that some of them were highly unusual. This is a value judgement, so dependent on period and culture, that it is rendered meaningless by its derivative nature. What to one is repulsive is to the other a delightful stimulus. Of course, this applies only to consenting adults and when life itself is not jeopardized. Then you mentioned the age disparity between the President and his liaison. This is sheer bigotry. I am inclined to think that this statement is motivated more by envy than by moral judgement ..."

AC : "I beg to differ ! His advantages in both position and age do raise the spectre of exploitation, even of abuse ! He took advantage of her, capitalized on her lack of experience and innocence, used her as a sex slave, an object, there just to fulfil his desires and realize his fantasies."

DC : "Then there is no meaning to the word consent, nor to the legal age of consent. The line must be

drawn somewhere. The President did not make explicit promises and then did not own up to them. Expectations and anticipation can develop in total vacuum, in a manner unsubstantiated, not supported by any observable behaviour. It is an open question who was using who in this lurid tale - at least, who was hoping to use who. The President, naturally, had much more to offer to Miss Lewinsky than she could conceivably have offered to him. Qui bono is a useful guide in reality as well as in mystery books."

AC : "This is again the same Presidential pattern of deceit, half truths and plain lies. The President may not have promised anything explicitly - but he sure did implicitly, otherwise why would Miss Lewinsky have availed herself sexually ? Even if we adopt your more benevolent version of events and assume that Miss Lewinsky approached this avowed and professional womanizer with the intention of taking advantage of him - clearly, a deal must have been struck. "

DC : "Yes, but we don't know its nature and its parameters. It is therefore useless to talk about this empty, hypothetical entity. You also said that he committed these acts of lust in a building belonging to the American public and put at his disposal solely for the performance of his duties. This is half-true, of course. This is also the home of the President, his castle. He has to endure a lot in order to occupy this

mansion and the separation between private and public life is only on paper. Presidents have no private lives but only public ones. Why should we reproach them for mixing the public with the private ? This is a double standard : when it suits our predatory instincts, our hypocrisy and our search for a scapegoat - we disallow the private life of a President. When these same low drives can be satisfied by making this distinction - we trumpet it. We must make up our minds : either Presidents are not allowed to have private lives and then they should be perfectly allowed to engage in all manner of normally private behaviour in public and on public property (and even at the public's expense). Or the distinction is relevant - in which case we should adopt the "European model" and not pry into the lives of our Presidents, not expose them, and not demand their public flagellation for very private sins."

AC : "This is a gross misrepresentation of the process that led to the current sorry state of affairs. The President got himself embroiled in numerous other legal difficulties long before the Monika Lewinsky story erupted. The special prosecutor was appointed to investigate Whitewater and other matters long before the President's sexual shenanigans hit the courts. The President lied under oath in connection with a private, civil lawsuit brought against him by Paula Jones. It is all the President's doing. Decapitating the messenger - the special prosecutor - is an old and defunct Roman habit."

DC : "Then you proceeded to accuse the President of adultery. Technically, there can be no disagreement. The President's actions - however sexual acts are defined - constitute unequivocal adultery. But the legal and operational definitions of adultery are divorced from the emotional and moral discourse of the same phenomenon. We must not forget that you stated that the adulterous acts committed by the President have adversely affected the dignity of his office and this is what seems to have bothered you..."

AC : "Absolutely misrepresented. I do have a problem with adultery in general and I wholeheartedly disagree with it ..."

The Impeachment of the President of the USA – Part II

DC : "I apologize. So, let us accord these two rather different questions - the separate treatment that they deserve. First, surely you agree with me that there can be no dignity where there is no truth, for you said so yourself. A marital relationship that fails abysmally to provide the parties with sexual or emotional gratification and is maintained in the teeth of such failure - is a lie. It is a lie because it gives observers false information regarding the state of things. What is better - to continue a marriage of appearances and mutual hell - or to find emotional and sexual fulfilment elsewhere? When the pursuit of happiness is coupled with the refusal to pretend, to pose, in other words, to lie, isn't this commendable ? President Clinton admitted to marital problems and there seems to be an incompatibility, which reaches to the roots of this bond between himself and his wife. Sometimes marriages start as one thing - passion, perhaps or self delusion - and end up as another : mutual acceptance, a warm habit, companionship. Many marriages withstand marital infidelity precisely because they are not conventional, or ideal marriages. By forgoing sex, a partnership is sometimes strengthened and a true, disinterested friendship is formed. I say that by insisting on being true to himself, by refusing to accept social norms of hypocrisy, conventions of make-belief and camouflage, by exposing the lacunas in his marriage, by, thus, redefining it and by pursuing his own sexual and emotional happiness - the President has acted honestly. He did not compromise the dignity of his office."

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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."

The Impeachment of the President of the USA – Part II

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 ..."

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