

UC SANTA BARBARA

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## **ABUSE OF CONSTITUTION LEAVES FUTURE PRESIDENTS VULNERABLE, ACCORDING TO UC SANTA BARBARA POLITICAL SCIENTIST**

The trivialization of the impeachment clause

The attempted impeachment of President Bill Clinton in 1998 was a transparent partisan drive to remove a twice-elected president from office by shaming him into voluntary resignation, according to Peter Merkl, a professor emeritus of political scientist at the University of California, Santa Barbara.

"This is not a defense of Clinton but an indictment of the methods used by his enemies," writes Merkl in a new book, "A Coup Attempt in Washington?

A European Mirror on the 1998-1999 Constitutional Crisis" (St. Martin's Press/Palgrave 2001).

After a series of unsuccessful investigations, Whitewater, Travelgate, Troopergate, Fostergate, Filegate, the conspirators (old Arkansas enemies, ultraconservative lawyers and media captains, and the Republican leaders in Congress) "just had to get lucky and find Monica Lewinsky," Merkl says.

In 1998, Special Whitewater Investigator Kenneth Starr and the U.S. House of Representatives distributed his Starr Report via the Internet to the whole world, "carefully timed to trigger a massive public reaction against Clinton in the fall congressional elections."

"The American people, however, at the polls and in public opinion surveys continued to support Clinton's work in office against this cabal with unwavering consistency.

"European journalists in Washington and other observers from democratic countries not only viewed the graphic details in the Starr Report as pornography, but were equally shocked by the violations of American due process of law and the Constitution accompanying the impeachment efforts," Merkl writes.

In the book, Merkl takes a fresh look at the underlying constitutional questions. Presidential impeachment for insufficient cause, he concludes, will turn our presidential system into a British-style parliamentary government in which the lower house can at any time throw out the executive.

Merkl quotes and explains the European media coverage of the events leading to Clinton's impeachment. His account of the partisan "coup attempts" begins with cries for the president's impeachment in 1993 (for Whitewater and Troopergate) and follows Starr's unauthorized search for a sex scandal long before 1998. In that year, finally, American journalists and pundits cooperated with Clinton's enemies in stirring up a media frenzy with daily, unchecked news stories and speculations, often copied from each other or leaked by Starr's office. Most European observers had learned to view political sex scandals with skepticism before, though none of this magnitude and degree of partisan manipulation.

Europeans were particularly shocked to see the very people who invoked the Constitution and the rule of law in justification of their partisan vendetta show so little respect for either, Merkl says.

"They were not impressed by such legal tricks as were embodied in the formal charges of obstruction of justice and of (entrapped) perjury in a civil trial. They were also more than amused by the spectacle of prominent philanderers in Congress going after Clinton for alleged philandering, or by the sea of Republican and media lies employed to punish Clinton for his alleged lies," he adds.

Merkel contends that important parts of the media, press, television, and talk radio also "bought into the partisan witch hunt and fictitious moral crusade" of the great anti-Clinton conspiracy and now, under the excuse of "Clinton fatigue" would rather not talk about it any more. He also believes that the impeachment drive had a detrimental impact upon America's image in the world, American leadership, our system of democracy, and the Constitution itself.

"The conspirators' abuse of the constitutional impeachment clause now leaves any future president, Democrat or Republican -- including George W. Bush -- for the foreseeable future exposed to impeachment by a hostile House of Representatives for any trivial cause."

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