

**Remarks by U.S. Representative Bob Barr (GA-7)**  
**House Judiciary Committee Debate on Articles of Impeachment**  
**December 11, 1998**

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It is morning in America; literally . . . and figuratively. Children all across this land are sitting down to their classes, after having been led in the Pledge of Allegiance to our flag by dedicated teachers in classrooms large and small. Adorning the walls of those classrooms are pictures of great American heroes, like George Washington.

George Washington. Why George Washington?

When asked to name the single most important gift America had given the world, Daniel Webster replied, "the integrity of George Washington."

The integrity of George Washington.

How many of us wondered, as a child, holding a shiny new quarter in our hand, why the profile of George Washington adorns more coin and paper money than any other national figure. Integrity.

However, as we stand today on the threshold of a new millennium, dazed by scandal and riddled with doubt, we are forced to confront the reality that, in the words of Mark Helprin, writing in the July 2nd 1998 *Wall Street Journal*, in an essay lamenting the decline of statesmanship, "we have only what we have."

When I look out at this audience, I see America. I see Americans young and old, black and white, probably natural-born and naturalized, and just as probably rich and poor. I see citizens, and likely hopeful citizens, all drawn to America by something that makes generation after generation of boys and girls *want* to grow up in America; something that makes citizens of other lands yearn desperately to come to our shores and become our fellow citizens.

What is it that sets us apart; that draws people to America and keep them here?

Anyone who lives in another country, and visits America, quickly learns there is indeed something extraordinarily special about this place; this land; this country. As American citizens, we feel a glow of pride whenever we return home after traveling abroad.

While there are many things that make our nation unique, in the final analysis,

everything that is special and unique about our country is built on -- and protected by -- one foundational principle: *The rule of law*.

Unfortunately, like many of the phrases in our national debate, the phrase “rule of law” has been so oft repeated we risk losing our grasp on exactly what we mean when we say it. What, then, do we mean when we talk about *the rule of law*?

The rule of law finds its highest and best embodiment in the absolute, unshakeable right each of us has to walk into a courtroom and demand the righting of a wrong. It doesn't matter what color your skin is, what God you pray to, how large your bank account is, or what office you may hold. If you are an American citizen, no one can stand between you and your access to justice. President John F. Kennedy put it this way:

“Americans are free to disagree with the law but not to disobey it. For a government of laws and not of men, no man, however prominent and powerful, and no mob, however, unruly or boisterous, is entitled to defy a court of law. If this country should ever reach the point where any man or group of men, by force or threat of force, could long defy the commands of our courts and our Constitution, then no law would stand free from doubt, no judge would be sure of his writ and no citizen would be safe from his neighbors.”

*This* is the fundamental American right President Clinton tried to deny a fellow citizen; one Paula Jones. It could just as easily have been anyone here in this room today, in the audience or on the Committee. It could have been your husband, wife, child, or neighbor. It just happened to be Paula Jones.

Whether one agrees with Paula Jones's case or not, is irrelevant. What is *very* relevant is that, when she tried to exercise her indisputable right to take her case to court -- a right the Supreme Court voted 9 to 0 to allow her to exercise -- the highest official in our nation tried to take that right away from her. The same public official who, as a governor, had tapped her on the shoulder and had her escorted, under the watchful eye of police troopers, to a hotel room and crassly demanded personal services of her. Later, when Paula Jones tried to walk into a courtroom, that governor, now the President of the United States, slammed the door in her face. And it very nearly remained locked shut.

In a society based on equal justice under law, such an egregious wrong cannot be ignored. We in the Congress, on *this* Committee, absolutely cannot ignore it.

Even more troubling is evidence that this Administration has used its power to do

exactly the same thing to other critics. Need we remind America of the 900-plus FBI files brazenly, and illegally, misused by the White House? And, in the case of Linda Tripp, a top Pentagon official goes yet unpunished for violating her rights under the Privacy Act in an effort to smear her. As Chief Investigative Counsel Schippers and Representative Graham have pointed out, media accounts indicate the White House was directing the same machinery against Monica Lewinsky before they were confronted by irrefutable physical evidence of the veracity of her story.

Anyone not possessing an infinite capacity for self-delusion knows -- whether they're willing to say it or not -- that the President perjured himself on multiple occasions, and committed other acts of obstruction of justice. It is also glaringly evident he enlisted others, from cabinet officials to political operatives, in this endeavor, and that it continued into this very room.

While reverence for parallels with the Nixon impeachment is seductive but inappropriate, there are points worth noting. In the Nixon case, for example, lying to Congress and to the American people in just such a manner provoked a separate article of impeachment.

Is the danger of such an attack on our constitutional processes any less dangerous today?

Sadly, I believe the case we are discussing today is but a small manifestation of William Jefferson Clinton's utter and complete disregard for the rule of law. Throughout his presidency, his administration has been so successful at thwarting investigations and obstructing the work of Congress and the courts, that it may be decades before history reveals the vastness of his abuse of power; or the extent of the damage it has wrought.

Whether the conduct in question is soliciting money from foreign sources, engaging in a scheme to violate campaign spending limits, smearing political enemies, or abusing the federal law enforcement apparatus, the underlying principles they portray are the same:

The law is irrelevant. The Constitution is of little moment. Basic standards of decency are of no concern. We are above the law.

President Clinton subscribes to the same theory Richard Nixon articulated in a 1977 interview with David Frost. Nixon said, "When the President does it, that means it is not illegal." That was dead wrong then, and it is dead wrong today . . . wrong, that is, unless one subscribes to the principle that the President is not only above the law, but that he *is* the law.

With his conduct and his arrogance, William Jefferson Clinton has thrown a gauntlet at the feet of the Congress of the United States of America. Today, it lies at the base of this dais. It remains to be seen whether we will pick it up.

Throughout our history, there have been times when the principle of equal justice under law was widely questioned, even in this century. It happened when some Americans tried to deny other Americans access to justice based on their skin color. It happened when Japanese-Americans were imprisoned in barbed-wire stockades based on misguided fears. It happened in Watergate when a President abused his power in an effort to thwart political enemies.

At each of these critical junctures, great Americans rose to the occasion. Their words filled courtrooms, newspapers, and congressional hearing rooms like the one we sit in today. Sometimes, justice was delayed, and it took time to right wrongs. However, in each of these instances, good finally prevailed over evil; the rule of law survived; and we pulled back from the slippery political slope that ends in tyranny. And, in each of these cases, America was guided by the law and the Constitution, not by polls or focus groups.

As children, all of us believed certain things with all our hearts. We knew there was a difference between good . . . and evil. We knew it was wrong to lie. And, equally important, that if we were caught, we would be punished. We *knew* that honesty and fairness were as much a part of why we respected our parents, pastors and teachers, as we assuredly knew they were a part of why we pledged allegiance to our flag.

What happened to these simple things we all knew in our hearts just a few short years ago? Why do so many adults now find it so hard to call a lie a lie, when as parents, teachers and employers, we have no such hesitancy? Why do so many now resist the search for the truth and accountability?

In the short time I've served in Congress, I've learned that this place, this city, has an incredible power to complicate the simple.

This staggering ability to muddle simple issues is perhaps best illustrated by the fact that much of the President's defense has hinged on defining common words in ways that shock most Americans, who think they have a rather firm grasp on the meaning of words such as *lie, alone, is, perjury* . . .

But, of course, to the President's defenders, words, history, and the records thereof are nothing more than leaves on a sidewalk in the fall; irrelevant items to be swept blithely

out of the way whenever one wants to walk from point A to point B.

Those of us who are privileged to sit on this Committee have witnessed a seemingly endless stream of professional *complicators*, at work even inside these four walls. A veritable army of lawyers and scholars paraded in and out of this room, stopping only long enough to pompously lecture us on how our actions will be judged by history. They've delivered interpretations of the Constitution, history, the facts, and of the law that are so tortured as to make one wince.

However, there are two things that no witness appearing before our committee has succeeded in doing.

First, not a single witness has disputed the evidence submitted by Judge Starr. We've heard differing *views* of the evidence, but no real rebuttal. This evidence -- as outlined by the Articles of Impeachment we will now consider -- proves conclusively the President perjured himself, obstructed justice, tampered with witnesses and evidence, and abused power.

Secondly, no witness has been able to rewrite our Constitution. The impeachment clause remains at once steadfast and elastic in its applicability; up to each Congress according to the evidence detailing each abuse of power in each era, to interpret. This is precisely as our Founding Fathers designed it, because they did not know how future Presidents might abuse their offices. These Founding Fathers were great and insightful men; they knew that there would certainly be instances of abuse, and they gave us a process through which we could and must rid out system of that abuse.

And, despite their best efforts, despite repeated slight of hand, no professor or lawyer has been able to create authority that does not exist in our Constitution. Search as they might -- and they searched mightily -- none has found alternatives to impeachment. Censure, rebuke, and other novel "punishments" are all extra-constitutional, probably unconstitutional, and definitely meaningless. Discussions of these "punishments" may make for interesting -- perhaps fascinating -- conversation, joined in quite eagerly by the President himself, for he knows better than his defenders, that none would have any meaning in fact or in history.

It is equally pointless to argue that the President should not be impeached because he would be subject to criminal prosecution once he leaves office. It is a virtual certainty no prosecutor would prosecute a President that Congress had failed to impeach. Furthermore, given the President's conduct throughout this process, we cannot preclude the possibility he would be shameless enough to pardon himself before leaving office.

Where does all this leave us? What *do* we have? Do “we have only what we have,” as Mark Helprin lamented? Are we locked into a strange, parallel universe in which *up* is down, *is* becomes *was*, and *being alone* is a physical impossibility. Are we indeed living in an alien world in which laws and documents have no meaning? A society in which our willingness to uphold constitutional standards of accountability is strangely paralyzed?

We know for one thing, however, that a prosecutable felon sits in the White House as we meet today. However, thankfully we know, too, that today, as children all over this great land stand and pledge allegiance to the same flag beneath which we sit, our Constitution is still alive; perhaps not alive and *well*, but alive. We have within us the power to rescue it. To breath new life back into it. We also know in our hearts that, whether we support or oppose the President on policy issues, we cannot allow this situation that we today consider, to stand. The only way to provide future generations with a precedent that will protect them from Presidents who would abuse their power, is to preserve the doctrine that a President cannot commit felonies that would land an average American in prison and expect to remain in office.

As Jerome Zeifman, chief counsel of the House Judiciary Committee at the time of the Nixon impeachment inquiry a quarter century ago, has said, perjury *is* impeachable, and perjury *has* occurred. He fought for principle then, as we must now. For his sake; for the Constitution’s sake; for our children’s sake; and for the sake of every citizen of other lands who yearns for American citizenship, let us stand up, strongly and proudly, and tell the world that, at least today, in at least *this* House of Representatives, there are Americans who do indeed believe in the Law, Accountability, and our Constitution. Vote Articles of Impeachment.