PRESENTATION
OF
MR. MANAGER CANADY

January 16, 1999

1. Restricting the impeachment process to crimes involving the abuse of Presidential power is contrary to common sense.

2. The fundamental object of the impeachment process is to maintain the supremacy of law against the misconduct of public officials.

3. Perjury and obstruction of justice are akin to bribery in their purpose and effect.

4. The removal power is designed to preserve, protect, and strengthen our Constitution by setting a standard of conduct for public officers.

5. The Senate should not establish a lower standard of integrity for the President than the standard it has already established for federal judges.

6. The Senate should not allow a President who has violated his constitutional duty and oath of office, and made himself a notorious example of lawlessness to remain in office.

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"It is incumbent upon the Senate to fulfill its constitutional responsibility and strip this man of his title. An individual who has knowingly falsified tax returns has no business receiving a salary derived from the tax dollars of honest citizens."

– Senator Albert Gore, Jr.

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"A large-scale tax cheat is not a viable chief magistrate."

–Professor Charles Black, Jr.

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Common sense indicates that official misconduct has indeed occurred whenever a President breaches any of the duties of his office.

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Edmund Burke described the impeachment process as

“. . . a grave and important proceeding essential to the establishment of the national character for justice and equity.”

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". . . [T]he greatest services rendered by this procedure to the cause of constitutional government have been, firstly, the establishment of the doctrine of ministerial responsibility to the law, secondly, its application to all ministers of the crown, and thirdly and consequently the *maintenance of the supremacy of the law over all.*"

– William S. Holdsworth

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"No point is of more importance than that the right of impeachment should be continued. Shall any man be above Justice? Above all shall that man be above it, who can commit the most extensive injustice?"

-- George Mason

EXHIBIT
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"No man has an authority to injure another with impunity. No man is better than his fellow-citizens, nor can pretend to any superiority over the meanest man in the country. *If the President does a single act, by which the people are prejudiced, he is punishable himself* . . . . If he commits any misdemeanor in office, he is impeachable . . ."

- James Iredell

EXHIBIT
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"The subjects of its jurisdiction are those offenses which proceed from the *misconduct of public men*, or in other words from the *abuse or violation of some public trust.* They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to *injuries done immediately to the society itself*."

-- Alexander Hamilton

"[T]here is no crime more extensively pernicious to Society" than "perjury."

"[P]erjury discolors and poisons the Streams of Justice, and by substituting Falsehood for Truth, saps the Foundations of personal and public Rights . . . . [I]f oaths should cease to be held sacred, our dearest and most valuable Rights would become insecure."

– Justice John Jay

EXHIBIT
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"The emphasis has been on the significant effects of the conduct — *undermining the integrity of office, disregard of constitutional duties and oath of office*, arrogation of power, abuse of the governmental process, *adverse impact on the system of government*."

– Report on "Constitutional Grounds for Presidential Impeachment" (1974)

"... *[A]cts which undermine the integrity of government* are appropriate grounds whether or not they happen to constitute offenses under the general criminal law. In our view, the *essential nexus to damaging the integrity of government* may be found in acts which constitute *corruption in*, or flagrant abuse of the powers of, *official position*. It may also be found in acts which ... *undermine that degree of public confidence in the probity of executive and judicial officers that is essential to the effectiveness of government in a free society*."

– Association of the Bar of the City of New York, "The Law of Presidential Impeachment" (1974)

EXHIBIT
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The removal power is a positive grant of authority to the Senate to preserve, protect and strengthen our constitutional system against the misconduct of federal officials.

EXHIBIT
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The crucial issue before the Senate is what standard will be set for the conduct of the President of the United States.

"The genius of impeachment lay in the fact that it could punish the man without punishing the office. For, in the Presidency as elsewhere, power was ambiguous: the power to do good meant also the power to do harm, the power to serve the republic also the power to demean and defile it."

-- Arthur M. Schlesinger, Jr.
The Imperial Presidency

"Where else, than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel *confidence enough in its own situation*, to preserve unawed and uninfluenced the necessary impartiality between an *individual* accused, and the *representatives of the people, his accusers*."

-- Alexander Hamilton

"The President, Vice President and all civil officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

-- U.S. Constitution,
Article II, Section 4

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"[N]o lawyer or statesman would . . . [support] so absolute a despotism of opinion and practice, which might make that a crime at one time, or in one person, which would be deemed innocent at another time, or in another person."

-- Justice Joseph Story

EXHIBIT
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"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizens. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example."

– Justice Louis Brandeis

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Justice *delayed* is justice *denied.*

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The constitutional provision for impeachment

"compels the chief magistrate, as well as the humblest citizen, to bend to the majesty of the laws."

– Justice Joseph Story