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VIEWPOINTS

House Should Consider Censure Option

By Eric M. Freedman.

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MANY MEMBERS of the House will be reading Kenneth Starr's report on President Bill Clinton with one word on their minds: impeachment.

They should add another: censure.

It may be, of course, the charges will seem so damning that the members will decide that, if the charges are true, the president is no longer a fit steward of the power temporarily delegated to him by the people and that he must be removed from office.

Historically, however, the House has been extremely reluctant even to arm the nuclear bomb of impeachment - doing so only when conviction in the Senate seemed a virtual certainty, as was the case with regard to Presidents Richard Nixon and Andrew Johnson.

On the other hand, in considering the conduct of President John Tyler in 1842, the House concluded that, even though he had committed impeachable offenses, it would not invoke the process because the Senate was unlikely to concur.

Put another way, the House has traditionally, and quite properly, been unwilling to take any action to deprive a popularly elected president of his mandate unless there was a very strong political consensus in favor of that course.

For a variety of reasons - including doubts about the extent to which the allegations against Clinton involve abuses of the power of his office, as opposed to personal misconduct - such a consensus may be difficult to muster in the current situation.

Yet something must be done, something that both permits expression of the overwhelming public sentiment that the president has behaved wrongfully and also results in some form of closure. Censure may be that something.

Although commonly invoked against members of the House

(including Newt Gingrich (R-Ga.) soon after he became House speaker), the imposition of such a sanction against a president would be unprecedented. But the idea is not new. In 1974, Trent Lott (R-Miss.), then a member of the House Judiciary Committee, signed a motion to censure (rather than impeach) Nixon. Of course, that effort failed, since the country believed that Nixon's subversion of democratic institutions made him unworthy to hold office any longer.

In contrast, the general public view today appears to be that Clinton's performance as a public official has been satisfactory, while his conduct of his personal affairs has been thoroughly reprehensible. Expressing that view through a congressional censure vote would have several advantages.

It would properly separate the Clinton and Nixon cases, which are universally agreed to be very different, for the guidance of future generations.

There would probably be overwhelming support from legislators of both parties. Hence, congressional hearings could be focused on a specific, reasonable and generally nonpartisan goal: documenting the president's conduct and explaining why it warranted political discipline. From every viewpoint, this would be preferable to a scorched-earth, mudslinging brawl between the parties.

Perhaps most important, as the president's spokesman hinted on Thursday, it is fairly likely that the president himself would publicly and formally accept censure as warranted, just as he has already accepted the rebukes of senators of his own party.

The course that Rep. Barney Frank (D-Mass.) followed in 1990 provides a model. Speaking on the House floor just before receiving a formal reprimand from his colleagues for financial misconduct, he admitted his misdeeds, agreed that they were worthy of condemnation, apologized for the pain he had caused and explained the steps he had taken to make sure they would not recur. The vote occurred, and - since something meaningful had plainly happened - the incident was closed. Any congressman raising the matter again would have looked mean-spirited indeed.

Censure of Clinton, if approached in the same spirit on both sides, would likely yield similar results. While formally recording the country's disapprobation of his conduct, it would presumably bring the Monica Lewinsky chapter of his presidency to its close, enable him and the public to re-focus attention on his political program and end the nagging diminution of his ability to conduct foreign policy.

Since these outcomes are precisely those that the citizenry seems to desire, the House should not launch itself down the

impeachment path without giving at least serious consideration to the idea that censure may be a punishment more appropriate to Clinton's misdeeds.