General Information

Source: NBC News
Resource Type: Video News Feed [Gov't Hearings, Raw footage, etc.]
Creator: N/A
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Event Date: 01/19/1999
Copyright Date: 1999
Air/Publish Date: 01/19/1999
Clip Length 00:05:16

Description

Charles Ruff, White House Counsel for President Bill Clinton, says that only serious offenses warrant impeachment. As Ruff says, "Impeachment is not a remedy for private affairs."

Keywords

Impeachment, Trial, Senate, Charles Ruff, White House Counsel, President, Bill Clinton, Constitution, Article 2, Section 4, Scandal, Framers, Founding Fathers, Benjamin Franklin, James Morris, Gouverneur Morris, Constitutional Convention

Citation

https://archives.nbclearn.com/portal/site/k-12/browse/?cuecard=3097
CHARLES RUFF (White House Counsel):

Now the President may be removed from office only upon impeachment for and conviction of treason, bribery and other high crimes or misdemeanors. The offenses charged here, even if supported by the evidence, do not meet that lofty standard. A standard that the framers intentionally set at this extraordinarily high level, to ensure only the most serious offenses and in particular those that subverted our system of government would justify overturning a popular election.

Impeachment is not a remedy for private wrongs. It’s a method of removing someone whose continued presence in office would cause grave danger to the nation. Listen to the words of 10 Republican members of the 1974 Judiciary Committee, one of whom now sits in this body. After President Nixon’s resignation, in an effort to articulate a measured and a careful assessment of the issues they had confronted, they reviewed the historical origins of the impeachment clause and wrote, ‘it is our judgment based upon this Constitutional history, that the framers of the United States Constitution intended that the President should be removable by the legislative branch only for serious misconduct, dangerous to the system of government established by the Constitution. Absent the element of danger to the state, we believe the delegates to the Federal Convention of 1787, in providing that the President should serve for a fixed elective term, rather than during good behavior or popularity struck the balance in favor of stability in the Executive Branch.’

Now, where did this lesson in Constitutional history come from? It came directly from the words of the framers in 1787. Impeachment was no strange arcane concept to them. It was familiar to them as part of English Constitutional practice and was part of many state constitutions. It is therefore not surprising, that whether to make provision for impeachment of the President came the focus of contention, especially in the context of concern whether in our new republican form of government the legislator ought to be
entrusted with such a power. On this latter point, perhaps foretelling the notion that impeachment ought to be a matter of Constitutional last resort, Benjamin Franklin noted that it at least had the merit of being a peaceful alternative to revolution.

Of Gouveneur Morris, one of the principal moving forces behind the language that ultimately emerged from the convention, believed that provision for impeachment should be made, but that the offenses must be limited, and carefully defined. His concern was very clearly for the corrupt President, who may be ‘bribed by a greater interest to betray his trust,’ as he wrote, and no one would say that we ought to expose ourselves to the danger of seeing the first magistrate in foreign pay without being able to guard against it by displacing it.

Drafts, as they emerged from the convention, moved to one that authorized impeachment for treason, or bribery, or corruption, and then the more limited treason or bribery. Until the critical debate of September 8th, 1787, when pointing to the then current example of the impeachment of Warren Hastings, George Mason moved to add the word, maladministration to that definition. It was in the face of objections from James Madison and Morris however, that this term was too vague, and would be the equivalent to tenure during the pleasure of the Senate that Mason withdrew his proposal and the convention then adopted the language ‘other high crimes and misdemeanors against the state.’ As Morris put it, ‘an election every four years will prevent maladministration’.

There’s no question that the framers reviewed, or viewed, this language as responsive to Mason’s concerns… and to Morris’s concerns that impeachment be limited and well defined. To argue then, as the managers do that the phrase ‘other crimes and misdemeanors’ was really meant to encompass a wide range of offenses that one might find in a compendium of English criminal law simply flies in the face of the clear intent of the framers, who carefully chose their language, knew exactly what those words meant and knew exactly what risks they intended to protect against.