“As one of the authors of the original Independent Counsel Act, I never dreamed that a special provision requiring him to use his awesome powers to investigate accusations about a president’s private (and legal) sexual conduct, Starr is manufacturing the circumstances in which criminal conduct may occur...”

Moreover the investigation and prosecution of Mr. Starr using methods that due process has undermined the credibility of the fact-finding process itself. The President of the United States should be as protected by the Bill of Rights as any person, or else faith and confidence in our law will be seriously damaged.

Upon assuming office, President Clinton took an oath, as provided by the Constitution, that he would faithfully execute the Office of President and that he would preserve, protect, and defend the Constitution.

Since the president is elected by all the people to a four-year term of office, the framers made it very difficult for him to be removed from office. According to Article II, Section 4, if the president is removed from office, he may not be removed from office upon impeachment and conviction for “treason, bribery, or other high crimes and misdemeanors” had a very clear meaning for the framers. It meant a serious abuse of the president’s official power or a serious breach of the president’s discharge of the official duties of office. Those duties are set forth in Article II, Sections 2 and 3 of the Constitution. The framers were acutely aware that abuse of the impeachment process by Congress would upset the balance of power between the three branches of American government if any president could be toppled at will by the other two.

The Supreme Court determined in the Paula Jones case that a distinction must be drawn between incidents involving the president in his capacity as a private citizen and those occurring in the course of the exercise of his constitutional duties. Everything connected with Monica Lewinsky and Paula Jones involves the president as a private individual and had nothing whatsoever to do with the presidential office. As President Theodore Roosevelt cogently observed, “in the United States, no person can be above the law but no person can be below the law, either.” The president must therefore be judged according to constitutional principles and the rule of law, nothing else.

There has been no suggestion that anything the independent counsel is investigating involves the president’s constitutional duties. Unless the independent counsel has substantial evidence that President Clinton has violated his constitutional duties. Mr. Starr has no basis whatsoever for making a report to Congress suggesting that impeachment be contemplated. Any suggestion that the president could be impeached for conduct occurring as a private individual or because some members of Congress might dislike his character or image and consider him “unfit for office” is clearly contrary to the intent of the framers and the explicit language of the Constitution.

We must resist as vigorously and effectively as possible any effort by the independent counsel to rewrite the Constitution to serve his personal ends. The ultimate sacrifice made by millions of men and women to preserve the integrity of the Constitution for more than 200 years requires nothing less.

There has been a tabloidization of the whole range of the American press and tele-