

Editorial

Specter's vote shows reality, vitality of our democracy

It wasn't guilty, nor was it not guilty.

"Not proved" was Pennsylvania Senator Arlen Specter's reply to both impeachment charges against U.S. President William Jefferson Clinton.

Thank you for that Arlen.

For once, someone both acknowledged what the Senate trial was clearly proving and what anyone who has heard of newsprint or MSNBC knows was true: Clinton was guilty, but this case wasn't going to get him out of office.

Seen by many as a defection from yet another partisan decision, Specter's vote was more. It was, possibly for the first time in the whole proceeding, a fresh breath of common sense. Finally, someone took off their tinted lenses long enough to see the futility of burning Clinton. Specter put a new kind of spin on the whole trial — reality.

Even with the "high crimes" debate put aside, the chances of Slick Willie having this stick to him were about as good as the Chicago Bulls winning the NBA championship this year. But we suffered through it anyway.

Now, finally, we can get back to the country's business — the very same business of those who abhor the fact that Clinton remains in office as well as those that feel vindicated by a not guilty verdict.

Not that Specter's vote made the final difference, far from it. At least someone dropped the political horse pucks long enough to say something relatively thoughtful.

In retrospect, his vote proved that this country's democracy is bigger than any single person — president, Senator, House manager or independent prosecutor.

Sometimes it's frustrating watching this whole incredibly inefficient but representative system of government we love. Sometimes it's a thing of beauty. This trial was *not* the Mona Lisa.

Now, the trial hardly seems necessary. But it wasn't a total waste. Clinton will go down in history forever linked with impeachment, Monica Lewinsky, Ken Starr and new and curious uses for cigars. His legacy is as stained as the blue dress.

Meanwhile, two-thirds of the country got their wish, a not-guilty verdict from the Senate. Isn't amazing how the will of the majority runs this country?

When it's all said and done this democracy will still work, even with a sex-craved, lying president at the helm.

Common sense should tell you that. If not, Specter will.

It's come to this

As a form of apology/explanation for the delay of the spring semester's first edition, we are again putting out the call for warm bodies.

No one, it seems, has time to do much -- ourselves included. As we hand off our editor titles with this issue, anyone with some spare time and words would be welcomed by the new staff. Help is always appreciated.

From us to those of you who bothered to read this column the last three semesters, thank you.

To those taking over, good luck.

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Impeachment wasn't much of a trial

By Laurie Asseo
Of The Associated Press

WASHINGTON — That was one strange trial. No live witnesses. A presiding officer who could be overruled at any time. And jurors who were announcing their verdicts while the trial was still going on.

President Clinton's impeachment trial omitted many of the protections guaranteed to defendants in ordinary criminal trials. But the Senate also gave the defense a big boost by denying House prosecutors a chance to put on a full case.

Sen. Arlen Specter, R-Pa., called it a "sham trial" because of the lack of live witnesses or full investigation of the evidence.

However, the Constitution's framers allowed this kind of trial when they handed the responsibility to the Senate as a political process rather than a criminal proceeding. And they built in a high threshold for removing a president — 67 of the 100 senators must convict. In Clinton's case, the final tally fell well short.

"We shouldn't hang our heads because it was messy," said Charles Geyh, an Indiana University law professor. "It was meant to be inefficient. That was part of the genius of the framers" to ensure impeachment would not be used often.

"There's no comparison between this and anything else that's ever happened," said former Rep. John Bryant, D-Texas, who led the prosecution in then-federal judge Alcee Hastings' 1989 impeachment trial. That case was conducted as a "real trial," Bryant said.

During Clinton's trial:

— Senators swore to "do impartial justice," but unlike normal jurors they weren't screened for bias and were free to express their opinions in public. They also were allowed to interpret the law themselves; ordinary trial jurors are instructed to follow the law as explained by the judge.

— Procedures were not worked out in advance, but were negotiated during the trial.

— Very little evidence was presented. Senators heard many days of arguments by prosecutors and defense lawyers but viewed only excerpts of videotaped sworn statements by Monica Lewinsky and two Clinton confidants. Some people were not called at all, including presidential secretary Betty Currie, even though they were involved in key events at issue in the trial.

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— Charles Geyh, Indiana University

— Chief Justice William H. Rehnquist had little authority as presiding officer, serving largely as a traffic cop to keep the proceedings moving. If senators had disagreed with any of his rulings, they could have voted to overturn them. In the end, they did not.

— There were no specific rules of evidence and no legal standards governing the charges against Clinton. His lawyers argued the allegations were vague and would have been thrown out in a criminal court.

The impeachment process "differs markedly from the criminal justice system, and thank heaven it does," Miami defense lawyer Neal Sonnett said. "The criminal justice system would be teetering on its foundations if criminal cases were brought and decided in this way."

Criminal courts aim to ensure a truly impartial jury "rather than one that swears to impartiality, then races to the TV cameras," Northwestern University law professor Steven Lubet said. But he added, "This is a good way to handle impeachment because impeachment is a political question."

Indiana's Geyh, who also directs the American Judicature Society's center for judicial independence, said the Senate should work on revising its impeachment trial procedures so any future trial would be "less of a free-for-all."

Several legal experts said Independent Counsel Kenneth Starr's investigation that led to the House impeachment vote also demonstrated to Americans the power of federal prosecutors.

Starr was criticized for many actions, such as allowing his agents to question Ms. Lewinsky without her lawyer present and forcing her mother to testify against her before a federal grand jury.

But Georgetown University law professor Louis Michael Seidman noted: "A lot of the abuses that people have attacked Ken Starr for are standard operating procedure on the part of prosecutors. Prosecutors have tremendous power to disrupt people's lives."

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