The
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A Condensed Curriculum of Constitutional Study



Clauses Discussed:
- Article I, Section 3, Clauses 4 - 7

Concept Discussed:
- Senate

Article I, Section 3, Clause 3 of the Constitution outlines the minimum qualifications necessary for a person to become a Senator.

The qualifications listed there are similar (but are more stringent) to those found in Section 2, Clause 2 for Representatives (Senators must be five years *older* and two years *longer* a Citizen than Representatives).

Article I, Section 3, Clause 4 directs that:

> "The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided."

The Constitution discusses three different *presiding officers* of the Senate. The *primary* presiding officer of the Senate is the Vice President of the United States.

In Clause 5 of the same Section and Article, the Constitution creates an *acting* President of the Senate when the Vice President of the United States is absent. The *secondary* presiding officer of the Senate is the President *pro tempore* (Latin for *temporary*).

The third presiding officer is the Chief Justice of the United States, though only during an impeachment trial of the President of the United States (see Art. I:3:6).

Though the Constitution does not directly envision such, the Senate provides for an "acting temporary" fourth delegate, since the Vice President seldom functions in his capacity as President of the Senate (other than in counting electoral votes — see Art. II:1:3 and the 12th Amendment).

Article I, Section 3, Clause 5 states:

> "The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States."

The Senators are empowered to choose their officers other than the President of the Senate. The primary Senate officers include the Secretary of the Senate, the Sergeant at Arms, and the Chaplain.

Article I, Section 3, Clause 6 reads:

> "The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present."

The House of Representatives, under Article I, Section 2, Clause 5, has the sole power of Impeachment. *Impeachment* is the power and process to accuse and charge executive or judicial officers of misconduct to begin the process to remove them from office.

The House, in presenting their *Impeachment*, serves an equivalent function to a Grand Jury issuing its *indictment* or *presentment*. The House *Managers* serve as Prosecutors for the trial held by the Senate.

Article I, Section 3, Clause 7 discusses judgment in cases of impeachment. It states:

> "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

Senate convictions in cases of impeachment are limited to removal from office and exclusion from holding future offices (though such persons are liable to future punishment upon conviction in a judicial trial).

Examination of a recent impeachment trial provides better understanding of such authority while providing additional insight which will later prove beneficial.

Though four Articles of Impeachment were initially leveled in the House of Representatives against William Jefferson Clinton, 42nd President of the United States. After lengthy discussion, two Articles were ultimately preferred two Articles against President Clinton.

Even though President Clinton was Impeached by the House, it was necessary to convict him in the Senate before he could be removed from Office.

On January 7, 1999, the House Managers were received into the Senate to exhibit the Articles of Impeachment preferred by the said House against President Clinton.

Chief Justice of the United States, William H. Rehnquist, presided in the Senate according to the mandate in Article I, Section 3, Clause 6.

On February 12, 1999, on the First Article of Impeachment, the Senate voted 45 *for* impeachment, 55 votes *against*. The vote for Article II was 50 Senators *for* impeachment, 50 votes *against*; failing the necessary 2/3rds majority, Clinton was not found guilty on either count.

While the simple mechanics of impeachment process are important to understand, the intricacies of President Clinton's case can provide readers with insight into government-by-deception.

President Clinton, through his team of 11 attorneys, answered the Articles of Impeachment with the following admissions (as recorded in *The Congressional Record* — Senate [106th Congress, 1st Session], January 14, 1999, pg. S61):

> "The President was truthful when he testified before the grand jury that he did not engage in sexual relations with Ms. Lewinsky *as he understood that term to be defined by the Jones lawyers during their questioning of him in that deposition...*"
>
> "The President stated to the grand jury that he did not attempt to be helpful to or assist the lawyers in the *Jones* deposition in their quest for information about his relationship with Ms. Lewinsky..."

Clinton himself, admitted (also on pg. S61):

> "When I was alone with Ms. Lewinsky on certain occasions in early 1996 and once in early 1997, I engaged in conduct that was wrong. These encounters …did involve inappropriate intimate contact..."

Clinton's attorneys also admitted (pp S62-S63) that:

> "The President denies that he obstructed justice when he mislead his aides about the nature of his relationship with Ms. Lewinsky…The President acknowledges that in the days following the January 21, 1998 Washington Post article, he misled his family, his friends and staff, and the Nation to conceal the nature of his relationship with Ms. Lewinsky..."

The House Managers gave their impression of the President's activities (pg. S69):

> "The President proceeded to equivocate and engage in legalistic fencing…The entire testimony was calculated to mislead and deceive the grand jury and to obstruct its process, and eventually to deceive the American people..."

Clinton, himself, again admitted (pg. S70):

> "My goal in this deposition was to be truthful, but not particularly helpful…I was determined to walk through the mind field of this deposition without violating the law, and I believe I did..."

The House Managers commented further (at pg. S71):

> (When) "The President…did answer, he engaged in legalistic hair-splitting in an obvious attempt to skirt the whole truth and to deceive and obstruct the due proceedings of the Committee."

President Clinton (on the same page) stated what can be not only a summation of *his* activities, but of *government-by-deception* in general:

> "So I said things that were true. They may have been misleading…"

One must realize that, even with these overt admissions by the President of the United States, he was **not** convicted.

By Clinton's admissions and the Senate's inaction, one **must** conclude that it is possible to *mislead* and *deceive* **in a legal fashion**.

President Clinton, for purposes of base self-gratification, exposed for all the world to see, the *modus operandi* of the entire United States Government operating in excess of the United States Constitution.

The method used to circumvent the Constitution works best when people are generally ignorant of the actual mechanisms used to bypass it.

The main point to focus on is the *mechanism* President Clinton used, with all his ability, to *deceive* people *in a legal manner* (or least not in an *illegal* manner) when he was caught with his pants down.

Clinton's tactics of misleading people can be viewed as a primer of the condition of American politics in the 20th century. As such, they can provide a reality check for those desiring to get to the bottom of the actual *corruption of justice* during the entire 20th century.

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