

# Disproportionate punishment

by [James M. Wall](#) in the [December 23, 1998](#) issue

Proportionality is the key theological word for the impeachment process, a word far superior to the solemn evocations of "the law" intoned by the ideologically driven conservatives on the Judiciary Committee during their partisan indictment of President Clinton. Impeachment over a matter of personal behavior that everyone agrees was immoral, unwise, inappropriate and downright wrong is so far out of proportion to the Constitution's intention that the actions of the Republican majority can only be ascribed to a vindictive desire for disproportionate punishment.

Watching the Judiciary Committee hearings, I felt personally attacked by members who used absolutist certainties to undermine our system of government. They stayed on message by constantly repeating that the president "broke the law," but the proposed punishment of impeachment struck me as so terribly out of proportion to the alleged legal wrongdoing that I cast about for some passages of scripture that would address both my resentment and my sense of helplessness over the out-of-control process of impeachment.

I finally turned to the writings of those ancient and wise psalmists who did not refrain from giving very human expression to their anger and pain, and to their hostility against the constant threat of enemies who wanted to ensnare them. These fallible, human writers make angry demands for revenge against their enemies, but come to acknowledge, remorsefully, and at times reluctantly, that God's wisdom far transcends their limited understanding of why they suffer and why so much injustice remains abroad in the land. The psalmists invite us all to rail and rage at what we don't like and what we believe we don't deserve, but they also direct us to accept whatever answer God chooses to provide.

Sometimes those answers are not conclusive, but they are instructive. A passage from Psalm 35 in particular led me to identify with a psalmist who knew something about angry feelings directed at enemies who had lost all sense of proportion in their treatment of him.

When I stumble they gather in glee, gather around me; strangers I never even knew tear me apart incessantly. . . .

They have no greeting of peace to the peace-loving people of the land; they think up deceptive speeches.

Their mouths wide open to accuse me, they say, "Come on now, we saw you" (Ps. 35:15, 20-21, New Jerusalem Bible).

And what do the gaping accusers see in the Bill Clinton case? They see a man who did what he should not have done and who knows and feels that fact far more than any other soul living on this earth. Of course, matters of law are involved in Clinton's failing, most notably the possibility of perjury and lying under oath in the Paula Jones case and before the grand jury in the Monica Lewinsky matter. The president's responses to questions about his private life were evasive, lacking in forthrightness and linguistically tortured, but for an understandable reason. He knew he stood directly in the sights of a loaded legal gun held by his relentless pursuer, Kenneth Starr.

Whether the president lied under the oaths he was forced to take as part of Starr's crusade is a matter that Clinton may have to face in a federal court after he leaves office. But the Judiciary Committee's attempt to overturn two national elections is out of all proportion to the wrongs Clinton is accused of committing. Political ideologues, and moral ideologues on the Religious Right, have relentlessly battered the president over a matter which, had it been a case involving any other citizen, would never have become a legal issue. No fewer than five former U.S. attorneys general so testified before the Judiciary Committee.

Indeed, absent the fortuitous convergence of an illegal and deceitful taping of personal telephone conversations by Linda Tripp, and the suspiciously convenient connection between the Paula Jones case and Kenneth Starr's investigation, the impeachment process would have come to a screeching halt. Starr's four-year, \$50 million pursuit of Bill and Hillary Clinton had reached a dead end until he teamed up with Linda Tripp. Starr had found no reason to indict the Clintons in the original Whitewater investigation and nothing in any of the side jaunts he took into travelgate, filegate or campaign finance. He has found nothing in any sea into which he plunged like Captain Ahab in his pursuit of the white whale of sin.

The animus against Bill Clinton that drives Starr and his allies in the Congress was very clear in the final days leading up to the historic impeachment vote when they reached for "the law" as the legal means by which they would destroy him.

But this struggle has never been about "the law." This is a defining battle in a cultural war being waged against behavior that is alleged to be the product of the '60s-the decade that virtuecrats of all stripes mythologize as a time of free love, situation ethics and disdain for limit. In the eyes of such self-appointed guardians of "the law," Bill Clinton is the demonic embodiment of all that is wrong with America, and they will throw proportionality to the winds in their passion to see him crushed.

The writer of Psalm 35 knew all about absolutist enemies who see evil everywhere except when it is lodged in their own eyes. They are too busy "gathering in glee" and saying, "Come on now, we saw you."