



Written by [Charles Scaliger](#) on June 26, 2009

Gov. Mark Sanford and Fidelity

There was a time, it is true, when the John F. Kennedys and Lyndon Johnsons of the world could count on the discretion of their colleagues and the press, but no more. Philandering public officials in our wired, surveillance-happy age are about as likely to get away with their peccadilloes as convicts of yesteryear to escape from Alcatraz.

Public scrutiny of the personal lives of elected officials who wield significant power over the rest of us is not inappropriate. Trust and honesty being desirable (if elusive) traits in political leaders, the public is entitled to know if men and women elected to high office and bound to uphold their oaths of office can be trusted to honor marital oaths. Infidelity to the latter may well indicate infidelity to the former; a man who comes to view the restraints implied by marriage vows as confining may well regard constitutional restraints in a similar light.



To those of us who have never strayed, public adulterers may appear deserving of the pillory. But much of the outrage surrounding each new sex scandal tends to obscure a very important point: it is God who is primarily responsible for judging each of us, flawed and fallible beings all, as to our moral conduct (though criminal laws may be brought into play as well); whereas we are only fully competent as citizens to judge our leaders' fealty to their oaths of office.

Some years ago, while this author was a graduate student at an eastern university, former Reagan Administration figure (and lightning rod for the Iran-Contra scandal) Oliver North came to speak to the student body. This took place only a few days after the Monica Lewinsky scandal first broke and most of us (this author included) were seething with purely emotional outrage over the chutzpah of our president in this particular illicit affair. North made a very interesting prediction to the effect that the Clintons and their handlers wanted to get the press and the rest of America outraged over the sex scandal as a means of distracting from greater crimes, like the selling of American military technology to the Communist Chinese government in exchange for campaign funds.

At the time, I failed to appreciate fully what Oliver North, an experienced Washington insider, was trying to say. But as the Lewinsky Affair unfolded, each titillating new detail served only to distract from the Clinton administration's other alleged crimes. Articles of impeachment drawn up in the House included accusations of misconduct for in the Chinese connection, but none of these passed muster in the full House vote. In the end, Clinton was impeached only for alleged perjury and obstruction of justice — crimes allegedly committed, we hasten to add, in the context of an inquisitorial Independent Counsel whose office, dating from the post-Watergate days, was of dubious constitutionality to begin



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with. The Senate, as expected, failed to convict President Clinton on such a charge. The much more serious matters were brushed aside, and few people today wonder how it was that China, which had no capability to hit America with its limited arsenal of nuclear warheads in the early nineties, had built by the end of the decade a fleet of sophisticated nuclear-tipped ICBMs able to strike America's west coast.

While no apologetics are intended on behalf of Governor Mark Sanford or any other canoodling politicians, it is important that American citizens judge elected leaders first and foremost by their fidelity to their oath of office. President Obama appears by all accounts to be a loving and faithful father and husband, and would probably be a pleasant guest at a backyard barbecue. But in his conduct as an elected leader, he has displayed, if not contempt, then an utter lack of comprehension of the U.S. Constitution and the limits it places on the powers of the executive, legislative, and judicial branches of the federal government.

Nor is he alone. Obama, far from playing the revolutionary, is merely continuing the bipartisan trend of several generations, played out at both the state and federal levels, whereby constitutions have come to be regarded as quaint artifacts of a bygone day, to be heeded only when convenient. In this sense, the overwhelming majority of America's elected (and non-elected) political leadership at both the state and national levels, regardless of their commitment to their marriage vows, are oath breakers. In the author's home state, for example, the state constitution contains one of the most robust, uncompromising, unambiguous clauses protecting the right to keep and bear arms of any state constitution, yet numerous lawmakers in the legislature are chafing at the bit to pass further restrictions on that very right on top of those that previous legislatures have enacted over the years. On the national level, consider that the U.S. Constitution allocates zero federal authority over healthcare, yet politicians in both parties are wrangling not over the constitutionality but the cost of the proposed Obama plan, proposing less costly alternatives that are no more legitimate under the terms of their oath of office than Obama's \$1 trillion monstrosity.

America is suffering from an acute crisis of legitimacy at every level of government, but less because of our leaders' personal foibles and failings than from their congenital disdain for constitutional limits on their own powers, and the refusal (so far) of the American voting public to hold them more strictly accountable.

While it was once fashionable, from the days of Alexander Hamilton (the co-perpetrator of America's first sex scandal) until comparatively recently, to cover up the moral misconduct of elected leaders, the more recent expectation of full disclosure is on balance a healthy trend. The vigilance of the public and the media in such matters, especially since the Clinton years, can have a salutary effect on the body politic. What is needed now is comparable vigilance, even zealotry, for fidelity to constitutional oaths of office. If a few politicians were pilloried and disgraced for playing loose goosie with the U.S. Constitution — if "Constitution scandals," complete with tearful public confessions and indignant calls to resign, replaced "sex scandals" as the newsworthy order of the day — we might see a bit more fidelity to oaths of office and fewer violations of the public trust.



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