

New stage in White House crisis

Starr subpoenas Clinton in Lewinsky investigation

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28 July 1998

A series of new legal and political shocks has stunned the White House and called into question the continued survival of the Clinton administration. The events of the past four days mark a new and possibly final stage in the political warfare in Washington.

On Friday came the reports that Independent Counsel Kenneth Starr has subpoenaed President Clinton to appear before the Monica Lewinsky grand jury. The subpoena was accompanied by a new barrage of politically motivated media attacks on the White House and renewed threats of impeachment by congressional Republicans.

Then on Monday Lewinsky ended six months of silence and began talking with Starr's office. The all-day discussion reportedly took place at an undisclosed location outside of Washington. It satisfied one of the requirements imposed by Starr before considering an offer of immunity to the former White House intern: a face-to-face meeting at which he could gauge her value as a witness against Clinton.

On the same day, a three-judge panel of the US Court of Appeals ordered Clinton's closest aide, deputy White House counsel Bruce Lindsey, to comply with a subpoena from Starr to appear before the Lewinsky grand jury. The judges rejected White House arguments that Clinton's conversations with Lindsey were protected by attorney-client privilege, on the grounds that Lindsey is a government lawyer, not Clinton's personal attorney.

The subpoena of Clinton is the first time that a sitting president has been ordered to testify in a criminal case. Clinton has been compelled to give sworn testimony on one other occasion--the deposition taken in January in the sexual harassment lawsuit by Paula Jones. He has testified on several other occasions during the nearly five years of Whitewater-related inquiries, but always by giving videotaped depositions, and always as part of a voluntary

agreement, not on the basis of a subpoena.

Starr's subpoena is not simply a legal maneuver, but rather a political broadside aimed at compelling the White House to choose among alternatives which are all fraught with legal and political dangers.

When and if Clinton testifies before the grand jury, any conflict between his current statements and his deposition in the Paula Jones case will be held up as proof of perjury. The subpoena thus confirms again the significance of the sexual harassment suit, which was backed by extreme right groups as a weapon against the White House. Nearly four months after a federal judge threw out Jones's charges as legally groundless, Starr has made Clinton's response to the suit the central thrust of his 'investigation.'

The other alternatives discussed by the media carry even greater risks of a political character. These include defying the subpoena on the grounds that it is unconstitutional, or asserting the Fifth Amendment privilege against testifying against oneself. Senate Judiciary Committee Chairman Orrin Hatch declared that defying a subpoena would be grounds for impeachment. Other political opponents of the White House expressed the hope that either action would lead to the collapse of Clinton's standing in opinion polls, followed by impeachment or forced resignation.

No historical precedents

The issuance of the subpoena, which by some accounts Clinton must answer as early as today, is an unprecedented expansion of the powers of the independent counsel. Neither in Watergate nor in Iran-Contra did the special prosecutors--who were investigating real crimes, not the private sexual conduct of the president--compel sworn testimony from the occupant

of the White House.

Nixon was not forced to testify in Watergate despite being at the center of a campaign to subvert the 1972 elections, carry out illegal spying on political opponents and suppress opposition to the Vietnam War. Independent Counsel Archibald Cox, and his successor Leon Jaworski, subpoenaed only the tape recordings of conversations in the Oval Office.

In the investigation of the Iran-Contra affair, Independent Counsel Lawrence Walsh did not subpoena Ronald Reagan although he had admitted personally authorizing the secret arms transfers to Iran and the establishment of a paramilitary supply operation for the Nicaraguan contras, in defiance of a congressional ban. Walsh took Reagan's testimony by submitting written questions to the White House, which were answered by Reagan's lawyers. Vice President Bush gave deposition testimony, but was not subpoenaed and did not appear before the grand jury.

Even in the face of extraconstitutional actions and threats to democratic rights, the Watergate and Iran-Contra investigators adhered to the traditional doctrine of separation of powers--between the executive, legislative and judicial branches--which was interpreted to mean that no court could compel a president to testify personally.

It was on the basis of separation of powers that the Supreme Court last month struck down the line-item veto law, passed by an overwhelming majority by Congress, because it gave the president a power over legislation that was in conflict with the constitutional provision which requires the president either to sign a bill or veto it as a whole.

Yet Starr's break with this precedent has gone virtually without comment. On the contrary, the uncontradicted consensus of the media pundits was that any challenge to Starr's subpoena on constitutional grounds would be legally futile and politically disastrous, and that the White House was facing the most severe crisis since the Lewinsky allegations first surfaced in January.

White House in disarray

Clinton's abject surrender in the face of this latest attack is the most striking aspect of the Washington political crisis. His spokesmen pledged full cooperation with Starr's demand for grand jury testimony, with negotiations limited to the circumstances in which Clinton would give evidence. One White House aide rejected any fight

against the subpoena, saying, 'the president is not willing to initiate a constitutional battle over this.'

There are significant issues of democratic rights at stake in Starr's investigation. This is not an effort to expose government corruption, but a right-wing-motivated political coup, using the powers of an unelected prosecutor to overturn the results of the 1992 and 1996 elections. The methods of the investigation testify to its reactionary character: seeking to induce witnesses to lie; jailing those who do not cooperate; challenging lawyer-client privilege and other principles of legal due process.

What the Starr-Clinton conflict demonstrates above all is the extraordinarily attenuated basis of official politics in the United States. The entire struggle is being played out for a tiny audience, perhaps a few thousand all told: the Washington political establishment, the corporate-controlled media and other ruling class 'opinion makers.' What they decide will determine Clinton's fate.

Clinton is incapable of challenging this process because he is himself its creature, anointed by big money as the leading candidate for the Democratic presidential nomination in 1992, catering to the corporate agenda throughout his nearly six years in office. Neither in the White House nor elsewhere in the Democratic Party leadership or in leading liberal circles is there any interest in the defense of democratic principles.

As a result, despite repeated exposures of his right-wing ties, despite overwhelming popular hostility to his politically motivated investigation, the independent counsel has emerged immensely strengthened, moving to administer the legal coup de grace to the White House. Clinton's extraordinary passivity is the greatest thing Starr has going for him.

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