

Starr report increasingly discredited

Editorial Board
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It is a widely noted irony that the same right-wing Republicans and Christian fundamentalists who have demanded censorship of the Internet and other media over alleged pornography are responsible for the most widespread dissemination in history of a pornographic document. By one count, Starr's report mentioned the word 'sex' 548 times and the word Whitewater--the ostensible reason for the appointment of the independent counsel--exactly twice. Starr served as the pornographer-in-chief, reportedly insisting on the inclusion of more than 100 pages of graphic descriptions of sexual encounters between Clinton and Lewinsky, despite protests from members of his own staff that he was going too far.

As a legal document the Starr report has received scathing reviews from prosecutors, defense attorneys and other legal experts. Among other issues, experts quoted in the press have pointed out that to prove perjury requires more than one opposing witness (i.e., Lewinsky); that Starr's report was not approved by the grand jury--it essentially represents only his own opinion of the evidence; and that much of the testimony cited would be inadmissible in a court. Defense attorney Alan Dershowitz attacked 'the multiple hearsay, the uncross-examined opinions, the uncorroborated inferences, the rampant speculation' of the document.

The *Chicago Tribune* reported, 'Many prosecutors see Independent Counsel Kenneth Starr's report as part indictment, part political diatribe, using explicit descriptions of sexual acts to paper over shaky allegations,' adding that some of Starr's charges were so overreaching that they had provoked 'consternation' among legal professionals.

The analysis of the Starr report by the *Los Angeles Times* compared it to McCarthyism: 'Its goal is almost too transparent: not only to lay out the relevant facts in a legal dispute but to present reams of unsavory detail

that will embarrass Clinton and undermine his public support.... Reading Starr's report, one can easily imagine J. Edgar Hoover smiling down on the remorseless deployment of the cutting detail, the serpentine innuendo and the captured whisper.'

The legal correspondent for the *New York Times* wrote, 'Even lawyers not particularly friendly toward Mr. Clinton might dispute Mr. Starr's assertion that the President's invocation of various legal privileges to shield aides from having to testify was itself an impeachable offense.'

Even the *Wall Street Journal*, whose editorial pages are hysterical in their denunciations of Clinton, admitted in its news coverage that Starr's report was on shaky legal foundations: 'Some former prosecutors and legal scholars say a few of the 11 possible grounds for impeachment filed by the independent counsel strain credulity. Others seem based in part on inferential or suppositional reasoning that doesn't amount to proof beyond reasonable doubt. Some rest upon debatable interpretations of evidence and testimony, or on witnesses whose credibility can be challenged.'

Given the public reaction and the criticism of legal professionals, the question that should be raised is why the Starr report did not lead to widespread demands for the resignation of Starr rather than Clinton.

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