

New revelations demonstrate role of right-wing lawyers, judges in anti-Clinton coup

Martin McLaughlin
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Press reports over the past week have revealed that a network of right-wing lawyers played an important role in the campaign to destabilize the Clinton administration, first through the Paula Jones lawsuit, and then through the investigation by Independent Counsel Kenneth Starr, which has now culminated in the formal launching of an impeachment inquiry by the Republican Congress.

These ultra-conservative lawyers have political connections throughout the federal judiciary, reaching into its highest levels, among the Appeals Court judges and Supreme Court justices who have made key decisions on the Jones lawsuit and the Starr investigation. This political milieu includes Chief Justice William Rehnquist, who will serve as presiding judge if Clinton is impeached and brought before the US Senate for trial.

The first report on the right-wing legal network appeared in the Long Island newspaper *Newsday* October 4, based on some of the 5,000 pages of documents released by the House Judiciary Committee two days earlier. Follow-up articles have since appeared in the *New York Times*, the *Los Angeles Times* and the *Washington Post*, among others.

Those involved include:

- * Richard Porter, a former White House aide to George Bush and Dan Quayle, who did opposition research for the Republican campaign in 1992, and now works at Kirkland & Ellis, the huge Chicago law firm where Kenneth Starr was until recently a partner. Concerned over the appearances if a Starr law partner were openly supporting Paula Jones, Porter served as a behind-the-scenes intermediary, getting other lawyers to help in the Jones suit while he preserved a degree of separation from the case.

- * Jerome Marcus, a Philadelphia lawyer and former law school classmate of Porter's, whom Porter contacted to assist the lawyers for Paula Jones. Marcus helped write the briefs which were filed with the US Supreme Court before its May 1997 decision that Clinton would have to face the civil lawsuit while still in office.

- * George T. Conway III of New York, another friend of Porter's who worked with Marcus on the Supreme Court briefs.

- * Ann Coulter, a Washington lawyer, right-wing activist and frequent guest on television talk shows, who assisted in the Jones lawsuit and wrote a recently published book arguing for the impeachment of Bill Clinton.

All four lawyers were members of the Federalist Society, an association of right-wing lawyers, numbering about 5,000, which also includes among its members Kenneth Starr. All four had been active in providing legal assistance for Paula Jones--as was Kenneth Starr, who was approached in the spring of 1994 to write a friend of the court brief on behalf of the Jones lawsuit. Starr cut short his involvement when he was named independent counsel.

According to the attorneys who took the Jones case to the Supreme Court, Gilbert Davis and Joseph Cammarata, two other prominent members of the Federalist Society were also contacted to provide assistance. These were Robert Bork, the former Appeals Court judge whose nomination to the US Supreme Court was defeated in the Senate in

1987, and Theodore Olson, a former Reagan Justice Department lawyer, close friend of Starr and counsel to *American Spectator*, the magazine which sparked the Paula Jones lawsuit with its 'Troopergate' article on Clinton's sexual affairs in Arkansas.

The role of Lucianne Goldberg

While this network of lawyers came together in support of the Jones lawsuit, it was later instrumental in combining the Jones suit and the Starr investigation. Here the key role was played by Lucianne Goldberg, the friend and literary agent for Linda Tripp. Goldberg is a longtime right-wing Republican activist who worked as a dirty trickster for Richard Nixon in the 1972 presidential campaign, infiltrating the entourage of Democrat George McGovern and serving as a political spy.

Goldberg first put Tripp in contact with the attorneys for Paula Jones--some two months earlier than has previously been reported, in mid-November 1997. She gave Tripp's unlisted number to David Pyke, one of Jones's lawyers, and Tripp provided information about Clinton's affair with Monica Lewinsky and revealed that she had tape recordings of her telephone conversations with Lewinsky.

Pyke and Tripp had several discussions, and Pyke agreed not to subpoena the tapes--which he knew were obtained illegally--provided that Tripp gave a detailed account of the Clinton-Lewinsky affair which could be used in the lawsuit. During this period Jones's lawyers sought and were granted by a federal judge the right to question Clinton under oath about past affairs, a key step in setting him up for perjury or obstruction of justice charges. They also issued a subpoena for Monica Lewinsky's testimony and for any gifts which Clinton might have given her, providing a list of such gifts, which indicated they already had considerable knowledge of the affair.

In early January Goldberg intervened to steer Tripp in the direction of Independent Counsel Kenneth Starr. She told Tripp that her attorney, Kirby Behre, was a 'Clintonite,' friendly with Clinton's attorney Robert Bennett, and offered to find her a new lawyer. She first contacted Richard Porter. The request was passed on via Marcus and Conway to Ann Coulter, who supplied the name of Washington attorney James Moody, also a member of the right-wing Federalist Society. Tripp later testified that Moody turned her tapes of Monica Lewinsky over to Coulter for copying.

From Jones to Starr

On January 7, 1998, Goldberg called Porter again, seeking the name of some official at Starr's office whom Tripp could contact. The request was passed through the network again to Marcus, who called Paul Rosenzweig, a law school classmate and former Republican congressional staffer now working as an attorney at the Office of Independent Counsel. Starr's office was thus tipped off at least four days before the January 12

phone call which Tripp has claimed was her first contact with the special prosecutor.

In another significant report, the *Los Angeles Times* revealed October 11 that Starr's prosecutors treated Tripp differently from any other witness in his inquiry, not requiring her to remain silent about the evidence which she was providing. After luring Lewinsky to a meeting at the Ritz-Carlton Hotel January 16, where the former intern was detained by FBI agents and prosecutors, Tripp contacted the attorneys for Paula Jones and gave them further details of the Clinton-Lewinsky relationship.

Wesley Holmes, an attorney for Jones, and Tripp's attorney James Moody went to Tripp's home in Columbia, Maryland the evening Lewinsky was detained, and the night before Clinton was to give his deposition testimony in the Jones lawsuit. The next day Clinton was asked 95 detailed questions about his relations with Lewinsky, based entirely on information supplied by Tripp.

This detail provides further confirmation that the Jones lawsuit and the Starr investigation were deliberately coordinated to set a legal trap for Clinton which could then be used as the grounds for impeachment. The *Times* article declared, 'Those actions raise a central question: Did Starr help pave the way for Clinton to commit the alleged perjury that his prosecutors then proceeded to investigate.'

The Rehnquist-Nixon connection

The press reports on the right-wing legal network which worked behind the scenes against the Clinton White House stop short, however, on one of the most critical aspects of this affair. That is the role of the federal judiciary, staffed with similar right-wing lawyers appointed by Reagan and Bush, who have given the legal cover to this political provocation.

Any attempt to uncover the full dimensions of the dirty tricks operation against the Clinton White House involves an examination of key actions by the judiciary:

- The July 1994 decision of a three-judge federal panel to remove Robert Fiske as independent counsel and replace him with Kenneth Starr. The three-judge panel was headed by David Sentelle, a former aide to the extreme right North Carolina Senator Jesse Helms. Sentelle was seen lunching with Helms and the other Republican senator from North Carolina, Lauch Faircloth, the day he made the decision to fire Fiske.

- The US Supreme Court decision in May 1997 authorizing the Paula Jones suit to go forward while Clinton was in office. Disregarding previous precedents, a unanimous court declared that replying to a civil suit could not conceivably be 'disruptive' of the White House. This was followed by the lower court ruling requiring Clinton to give testimony under oath to Jones's attorneys about his past sexual relations.

- The series of Appeals Court and Supreme Court rulings last May and June rejecting, for the most part, assertions of privilege made by the White House, the executive branch, or Clinton personally, and compelling virtually every White House employee to testify against the president. In one particularly scathing opinion, Appeals Court Judge Laurence Silberman--a former Nixon and Reagan administration official and member of the Federalist Society--declared that Clinton was 'at war with the United States.'

Especially significant is the role of William Rehnquist, the Chief Justice of the Supreme Court. It was Rehnquist who selected Sentelle, over 11 more senior judges, to head the three-judge panel which appoints special prosecutors. It was Rehnquist who rejected several of Clinton's appeals on legal privileges this summer. And it is Rehnquist who will serve as the presiding judge if Clinton is impeached by the House of Representatives and put on trial before the US Senate.

Rehnquist is a right-wing Republican--first active in the Arizona campaigns of Barry Goldwater--who served as assistant attorney general in the Nixon administration at the height of Nixon's war against domestic

political opposition. Rehnquist was the Justice Department official who approved the notorious 'Huston plan,' drafted by White House aide Tom Huston, under which concentration camps were to be set up to incarcerate hundreds of thousands of opponents of the Vietnam War.

In 1971 he testified before a Senate committee in support of domestic spying against antiwar protesters by US Army Intelligence, arguing that it was legal under the president's authority to use the army to enforce laws and suppress rebellions. In 1972, when a lawsuit challenging this spying reached the Supreme Court, Rehnquist, by then an associate justice, refused to recuse himself and supplied the decisive vote in a 5-4 decision upholding the army.

After Rehnquist was nominated to the Supreme Court in October 1971 he refused to discuss his views on whether the civil rights of antiwar demonstrators should be respected. He told a Senate confirmation hearing that he could not reveal what advice he had given Nixon on this subject, on the grounds of 'attorney-client privilege'--a statement of considerable irony today, given his rulings this summer against Clinton.

Many of those involved in the Paula Jones and Monica Lewinsky cases share Rehnquist's background in the Nixon Justice Department, a highly politicized and extremely right-wing operation under John Mitchell, Nixon's campaign manager who was convicted and imprisoned in the Watergate scandal.

Robert Bork was solicitor-general, the number three man in the department, and fired Watergate prosecutor Archibald Cox in the infamous 1973 'Saturday night massacre,' after Attorney General Eliot Richardson and his deputy William Ruckelshaus refused to carry out Nixon's orders. Laurence Silberman was Nixon's choice to replace Ruckelshaus. Both Bork and Silberman were placed on the US Court of Appeals for the District of Columbia by Ronald Reagan, where a colleague and fellow Reagan appointee was Kenneth Starr.

Judges like Rehnquist, Silberman or Sentelle are bound by a thousand threads to this very right-wing milieu. It is worth noting, in passing, that Sentelle's wife is employed in Republican Senator Lauch Faircloth's office, and that Silberman's wife, in her capacity as head of a right-wing women's group, approached Kenneth Starr in 1994, asking him to prepare a brief in support of Paula Jones!

These men did not put aside their political convictions when they assumed judicial office. On the contrary, they sought judicial appointments in order to carry out a right-wing agenda, reversing what they believed to be the 'excesses' of the 1960s--civil rights, abortion rights, antiwar protest, due process rights for criminal defendants. Any serious investigation of the political crisis in Washington must include the activities of these reactionaries in black robes.



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