

The Senate impeachment trial

Starr intervenes to salvage House Republicans' case against Clinton

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Republican House prosecutors, acting under the auspices of Independent Counsel Kenneth Starr, questioned Monica Lewinsky behind closed doors on Sunday in a transparent effort to coerce testimony damaging to the White House's defense in the ongoing Senate impeachment trial.

Lewinsky's lawyer Plato Cacheris emerged from the hour and three-quarters meeting and told reporters that Lewinsky had added nothing to the record "that is already sitting before the Senate." But the three House trial managers who questioned Lewinsky claimed the interview underscored the need to call her as a witness in the Senate trial. One of Starr's prosecutors was also present at the meeting.

The Republican trial managers, led by Judiciary Chairman Henry Hyde, obtained the services of Starr to compel Lewinsky to submit to their interrogation. The House Republicans had no power to force Lewinsky to meet with them, so Starr's intervention on their behalf was critical.

Late on Friday the Office of Independent Counsel filed a brief with US District Judge Norma Holloway Johnson, citing the terms of Lewinsky's grant of immunity to demand that she appear before the House trial managers. Holloway ruled in favor of Starr Saturday morning, shortly before the Senate convened for a second day of questions from senators to the two legal teams. The judge said that if Lewinsky continued to balk at the meeting, she would forfeit her immunity grant. She would then face the likelihood of an immediate indictment by Starr's office.

The action by the House Republicans, Starr and Judge Holloway was an unconstitutional intrusion by the judiciary into the proceedings of the Senate, which has the sole authority to conduct an impeachment trial. Moreover, the House trial managers acted in defiance of the ground rules for the trial passed unanimously by the Senate only two weeks ago.

Under the adopted procedure, any decision on deposing witnesses was to be delayed until both sides presented opening arguments, followed by two days of questions from senators to the prosecution and defense teams. Without consulting the Senate or informing the White House lawyers, the House Republicans preempted the vote on witnesses, which was expected to take place Monday or Tuesday.

This extraordinary maneuver followed three days of arguments by Clinton's lawyers which demolished the Republican case. In

great detail, the White House attorneys demonstrated that the charges of perjury and obstruction of justice were without foundation from the standpoint of the Constitution and the law, and were based on misrepresentations, groundless speculation and outright lies.

On Friday afternoon Robert Byrd, the senior Senate Democrat, announced he would put forward a motion for dismissal on Monday. Byrd had earlier indicated he might abandon the White House and vote for conviction. His shift virtually guaranteed that the Democrats would unanimously vote to dismiss the case, and there were indications his motion might win the support of several Republicans.

With their drive to oust Clinton floundering, the House Republicans, backed by Starr, carried out their legal coup. Their immediate aim was to terrorize Lewinsky into altering her grand jury testimony on key issues such as Clinton's role in her affidavit in the Paula Jones suit, her transfer of gifts to Betty Currie, and the jobs search.

It was not necessary for Starr or the House prosecutors to remind Lewinsky of the penalty for failing to "tell the truth," i.e., tell them what they want to hear. In the course of his five-year investigation Starr has systematically persecuted recalcitrant witnesses, subjecting them to media harassment and forcing them to spend hundreds of thousands of dollars in legal fees. He indicted one witness three times and jailed another for 18 months. Earlier this month he sent a signal to Lewinsky and other potential witnesses in the Senate impeachment trial by indicting a peripheral figure, Julie Hiatt Steele, on perjury and obstruction of justice charges.

Even if they failed to get Lewinsky to change her testimony, the House managers calculated that they could use the interview to bolster their case for extending the trial and calling witnesses. They are pressing ahead with plans to question others who could be included on their witness list. On Sunday they interviewed Dick Morris, a longtime Clinton campaign adviser who has also worked for Trent Lott and other top Republicans.

Their counterparts in the Senate are seeking to lay new traps for the White House. They plan to send a list of questions to Clinton on Monday, hoping to conjure up new allegations of White House lying. Others are raising the possibility of taking two votes on the articles of impeachment, one on findings of fact and a second on whether to convict Clinton and remove him from office. Even if

they cannot obtain the two-thirds vote needed to convict, they hope in this way to get a vote upholding the charges of perjury and obstruction of justice. This would immediately be followed by a crescendo of demands for Clinton to resign.

These maneuvers take place under conditions of bitter divisions within the Republican Party. So much has been invested politically in the drive to force Clinton's removal, there is a palpable sense that its conclusion could precipitate the eruption of open warfare between rival factions within the GOP. For the neo-fascistic elements that have spearheaded the impeachment drive, the effort has been aimed not only at settling accounts with Clinton, but also strengthening their control over the Republican Party and completing its transformation into an instrument of the extreme right wing.

These forces already exercise an enormous influence over the party. One Republican senator, who spoke to the press on the condition that he not be named, admitted that a good number of his colleagues would secretly like to see the motion to call witnesses defeated so that the trial could come to an early conclusion. "But," he said, "many members may have to hold their noses and vote for it for a lot of internal political reasons for our party. So it's not clear who is going to save us from ourselves."

The provocative actions of the House prosecutors follow the pattern that has prevailed throughout the Lewinsky affair. Whenever the drive to oust Clinton has suffered a setback, the most right-wing elements in the Republican Party have escalated their attack. They proceed on the basis of a definite agenda which they are determined to pursue, irrespective the overwhelming opposition of the public or even the immediate political consequences for the Republican Party.

In sharp contrast, the response of the White House and the Democrats is to reiterate their pleas for "bipartisanship." This has become a euphemism for the collusion of the Democrats with their Republican opponents. Their overriding concern is to uphold the legitimacy of the proceedings in the Senate and conceal from the American people the truth--that the impeachment process is the pseudo-constitutional trappings of a political coup d'etat.

On Sunday, the same day that the House managers met with Lewinsky, the *New York Times* published a front-page article laying out in some detail the network of right-wing lawyers and financiers who secretly ran the Paula Jones suit, and their direct connections to Starr and the Office of Independent Counsel. At the heart of this group was Richard Porter, a partner with Starr in the law firm Kirkland & Ellis. Porter is a right-wing Republican operative, whose job in the Bush-Quayle presidential campaign was to do "opposition research."

The *Times* reported that one lawyer from this group, Paul Rosenzweig, joined Starr's Office of Independent Counsel in November of 1997, where he had telephone discussions with other lawyers intimately involved in the Jones case. Rosenzweig's addition to Starr's office coincided with Linda Tripp's first contacts with the Jones lawyers, in which she told of her tape recorded conversations with a young woman who had been sexually involved with Clinton.

In violation of the independent counsel law, Starr failed to inform the attorney general of his own past assistance to the Paula

Jones lawyers as well as Rosenzweig's connections to the case. During his testimony last November before the House Judiciary Committee, Starr denied ever having discussed the Jones case with his friend and long-time law partner, Porter, an assertion that strains credulity and very likely constitutes perjury.

Neither the White House nor the congressional Democrats have pursued these matters. At least a dozen Democratic senators appeared on the Sunday TV interview programs. Not one mentioned the *New York Times* article.

In fact, Clinton's differences with his right-wing opponents, notwithstanding the ferocity of their assault, are largely of a tactical, not principled character. Clinton shares with the Republican Party the goal of sharply curtailing civil liberties and democratic rights. In the midst of the Senate trial, he delivered a speech on Friday to the National Academy of Sciences in which he called for unprecedented measures to strengthen the repressive powers of the state.

In an address calculated to inspire public panic, he warned of the danger of an attack on American civilians by terrorists using chemical and biological weapons, as well as what he called computer warfare. Clinton outlined proposals to enlist the Department of Health and Human Services in intensifying internal security. Donna Shalala, the secretary of Health and Human Services, who appeared with Clinton, boasted, "This is the first time in American history in which the public health system has been integrated directly into the national security system."

Clinton also gave an interview to the *New York Times* in which he broached the establishment of a new military office--commander in chief for the continental United States. The implication of this measure would be to put an end to the principle of *posse comitatus*, which prohibits the use of the US military as a domestic police force. It would legitimize the use of the armed forces for domestic repression.

Whatever the outcome of the Senate trial--and past experience suggests that media reports of a rapid conclusion should be treated with skepticism--the political crisis that has raged for the past year has profoundly changed the nature of American political life. Any settlement that might be reached between the White House, the Democratic Party and the Republicans could only be based on the most rotten foundations. This crisis marks a turning point in the erosion of democratic institutions in the US. In its wake, the Democratic Party and the entire political establishment will shift even further to the right, the chasm which separates them from the masses of working people will increase, and the tendencies toward authoritarian forms of rule will accelerate.



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