

## The Senate impeachment trial

# Why are the Democrats pushing for a censure resolution against Clinton?

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As the Senate trial of Bill Clinton enters its final hours, it is universally acknowledged that the ultimate vote will fall short of the two-thirds required to convict and remove him from office. But the response of most Democratic senators to the failure of the Republican effort to oust the president is a frenzied attempt to pass a bipartisan censure resolution condemning him.

All of the drafts being circulated by Democratic senators such as Dianne Feinstein and Joseph Lieberman place the entire onus for the impeachment crisis on Clinton. They echo the charges of perjury and obstruction of justice alleged in the articles of impeachment passed last December in a party-line vote by the Republicans in the House of Representatives.

From the standpoint of normal partisan politics, the Democrats' crusade for a censure resolution seems inexplicable. There is overwhelming public opposition to the entire impeachment campaign, and every opinion poll shows intense and growing hostility to Independent Counsel Kenneth Starr and his Republican allies. If the motive is partisan advantage, the Democratic Party clearly has nothing to gain from a censure resolution. Quite the opposite. A censure resolution would, if anything, help save the Republicans from a political debacle. The time, moreover, long ago passed when Democrats could argue for censure as a tactic for averting impeachment.

What then, is driving the Democrats' campaign for censure? It is, in fact, in line with the posture which the Democratic Party, including the Clinton White House, has maintained throughout the Starr investigation and Republican impeachment drive. The overriding motive of the Democrats has been to uphold the legitimacy of the process that culminated in the Senate trial, even though its immediate target has been a Democratic president.

The greater the public anger and mistrust, the more transparent the elements of frame-up and conspiracy in the impeachment process, the more desperately the Democrats

have sought to maintain the pretense of constitutional legitimacy. And as the Senate trial comes to its inglorious end, with final deliberations carried out behind closed doors, and charges emerging of criminal abuses by Independent Counsel Starr, the Democrats are acutely aware that the result could well be the discrediting of all the institutions of bourgeois rule in the eyes of millions of Americans.

However sharp their differences with the Republicans, the Democrats in the end defend the same economic and social system as their bourgeois opponents. They are far more fearful of a movement of opposition and revolt from below than they are of attacks from their adversaries on the Republican right. That is why they are so eager to pass a resolution which diverts attention from the political conspiracy of right-wing forces in the Republican Party and legitimizes the impeachment process.

Those within both parties who are pushing for a censure resolution are well aware that they are seeking to perpetrate a fraud. Significantly, the latest draft of a censure resolution includes an admonition against its repeal by a future Congress. According to the *New York Times* it contains the following addendum:

"The United States Senate recognizes the historic gravity of this bipartisan resolution, and trusts and urges that future Congresses will recognize the importance of allowing this bipartisan statement of censure and condemnation to remain intact for all time."

If the senators had any confidence in the political and constitutional legitimacy of the proceedings which they are seeking to ennoble, why would they be so concerned about the judgment of future generations? In reality, their attempt to make their subterfuge irrevocable amounts to an acknowledgment that it cannot stand the test of time or scrutiny.

The judgment of history may come sooner than they imagine. Even as the senators were seeking to muster support for their cover-up in the form of censure, new

reports were surfacing of evidence compiled by the Justice Department concerning the methods of collusion, frame-up and conspiracy employed by Starr's Office of Independent Counsel (OIC).

The *New York Times* reported on Wednesday that Attorney General Janet Reno is investigating a range of unethical and illegal actions by Starr. In particular, the article cited evidence that Starr's prosecutors colluded with the lawyers for Paula Jones, and denied these contacts when, in January of 1998, they sought Reno's authorization to investigate Clinton's relationship with Monica Lewinsky.

As the *Times* report on the Justice Department probe makes clear, the attorney general has been aware of Starr's illicit methods for months. As early as last spring she asked her senior aides to research whether she had the authority to discipline Starr in some way short of firing him. (The attorney general has the legal authority to dismiss an independent counsel "for cause.") Starr and his prosecutors have sought to impede her investigation, arguing that she had no authority to look into grand jury material or the actions of the OIC.

The current probe covers three major areas: Starr's illegal leaks of secret grand jury information to the media; his use of abusive methods to pressure and intimidate witnesses, including Monica Lewinsky; and his concealment of contacts with lawyers working on the Paula Jones sexual harassment suit.

The *Times* cited notes taken by Justice Department officials as well as OIC prosecutors during meetings held on January 15 and 16, 1998, when Starr's deputies requested and obtained approval from the attorney general to expand the OIC's jurisdiction to cover matters related to the Jones case--specifically Monica Lewinsky's affidavit to the Jones lawyers and the efforts of Vernon Jordan and Clinton to help her get a job.

Significantly, these notes became public last month as part of the Senate record of documents related to the impeachment trial, but they have only been disclosed now, when the outcome of the trial is a foregone conclusion.

The notes show that Starr's deputies told the Justice Department officials that the OIC had had no contact with the Paula Jones lawyers. This was a lie. The independent counsel law, moreover, required Starr's office to reveal any possible conflicts of interest. Had Starr told Reno's aides the truth, Reno would have been legally obliged to deny his request for expanded jurisdiction.

Starr concealed from the Justice Department the fact that on January 8, 1998 Jerome Marcus, a lawyer who did extensive behind-the-scenes work for the Jones case, informed his long-time friend and OIC prosecutor Paul Rosenzweig about Linda Tripp's tape recorded information

about Clinton's relationship with Lewinsky. Rosenzweig had been brought on to Starr's team of prosecutors the previous November, the same month the lawyers for Jones first spoke to Tripp and learned of her tape recordings. In his 445-page referral to the House of Representatives and his discussions with the Justice Department, Starr claimed that his office only learned of Tripp's information on Clinton and Lewinsky when Tripp contacted the OIC on January 12.

In fact Marcus and Rosenzweig had numerous discussions about the Jones case after Rosenzweig joined Starr's office. Another lawyer who played a prominent role in advising the Jones lawyers and directing Linda Tripp to the OIC was Richard Porter, a long-time friend and law partner of Starr.

During his appearance before the House Judiciary Committee on November 19 of last year, Starr denied under oath that his office had colluded with the Jones lawyers. He further denied that he ever discussed the Jones case with Porter.

The ample evidence of lies and perjury by Starr and his deputies points to the modus operandi of his investigation. It is a classic McCarthyite-style witch-hunt, in which grand juries and congressional proceedings are used to entrap targeted individuals and manufacture crimes, such as perjury and obstruction of justice.

Among those victimized by Starr's witch-hunt to date are Susan McDougal and Julie Hiatt Steele, witnesses who have refused to provide the testimony demanded by Starr's prosecutorial thugs. But the central target is Clinton, in a conspiracy organized by extreme right-wing forces to create a sex scandal and use it to carry out a political coup d'etat.

While Clinton is the immediate target, the conspiracy is aimed more fundamentally at the democratic rights of the American people. This is the reality which Democrats and Republicans alike seek to conceal by means of a fatuous censure resolution.



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