

Independent counsel threatens to indict Clinton

Starr sends a message: the political coup will continue

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Independent Counsel Kenneth Starr has once again intervened into the Senate impeachment trial, leaking to the *New York Times* a report that he is considering seeking the indictment, trial and conviction of Bill Clinton during Clinton's tenure as president.

Starr's latest salvo came barely a week after he went to court to force Monica Lewinsky to submit to questioning by the House managers who are prosecuting the case against Clinton in the Senate. This new provocation underscores the fact that the Senate proceedings are the constitutional trappings of a political conspiracy.

The *Times* ran articles on Sunday and Monday based on information from Starr "associates." These pieces were the latest in a stream of press reports using information leaked by Starr's office, in violation of laws requiring that grand jury proceedings be kept secret. From the outset of his investigation, Starr has used illegal leaks to a compliant media in an attempt to sway public opinion, fortify the resolve for removing Clinton within the Republican Party, and intimidate opponents of impeachment, beginning with the White House.

The threat of prosecution has been an essential part of his modus operandi, and already dozens of individuals have been harassed, humiliated and financially ruined by Starr's witch-hunting methods. He has issued multiple indictments against former Clinton Justice Department official Webster Hubbell, jailed Susan McDougal for 18 months, and most recently indicted Julie Hiatt Steele on bogus perjury and obstruction of justice charges. The real "crime" of these individuals is their refusal to provide Starr with testimony damaging to the White House.

The *Times* cited several associates of Starr "who

spoke on condition of anonymity." According to these sources, Starr has concluded he has the constitutional authority to indict and bring to trial a sitting president, but has as yet made no decision on whether to use that authority against Clinton. The *Times* reported that a group of prosecutors within Starr's office is lobbying for the independent counsel to ask his grand jury, shortly after the conclusion of the impeachment trial in the Senate, to indict Clinton on charges of perjury and obstruction of justice.

One option which Starr is considering is to seek an indictment in the coming months, but keep it under seal. Outside of Starr's office, his grand jury and the judge, nobody, including Clinton, would be informed of the existence of such an indictment until Starr decided to make it known.

Starr's contention that a sitting president is subject to criminal indictment flies in the face of more than 200 years of American history--which has never witnessed such an event--and the overwhelming consensus of constitutional scholars. Starr cannot even legitimately cite as a precedent the May 1997 Supreme Court ruling that ordered the Paula Jones sexual harassment suit to go forward. That ruling argued that Clinton could not delay the case since it was a civil, not criminal, action, and concerned personal matters that occurred prior to his becoming president, not alleged offenses committed during his tenure in the White House.

The timing of Starr's latest maneuver suggests two basic motives. The first is to put the Senate on notice that whatever the outcome of its proceedings, Starr's office has the power to continue the political attack on the White House, and has every intention of using it.

Starr is responding to pledges from Senate

Republicans that the impeachment trial will be wound up by February 12. He is speaking for the extreme right-wing forces that have promoted five years of investigations and the first-ever impeachment of an elected president.

These forces--the Christian right, racist and anti-Semitic groups, their spokesmen in the leadership of the Republican Party and their allies in the judiciary and the media--are letting it be known they plan to continue their provocations until Clinton is either removed from office or forced to resign, or his administration is reduced to a shambles. Their aim is to irrevocably alter the forms of rule in the US, trampling on democratic rights and establishing an authoritarian state. They do not intend to be deterred by parliamentary votes.

At the same time Starr is responding to new reports detailing the connections between his office and the network of right-wing lawyers and millionaire donors who organized the Paula Jones provocation, as well as threats from Clinton's lawyers to use the Senate proceedings to expose the political conspiracy and Starr's role in it.

On January 24 the *Times* published a front-page article outlining the collusion between Starr and the Jones camp. Not a single Democrat has publicly referred to the exposé, but the January 31 article in the *Times* reporting Starr's threat to indict Clinton contains the following significant sentence:

"Mr. Kendall [Clinton's chief personal lawyer] also threatened to seek testimony from witnesses in the Senate trial to explore what he says was improper collusion between Ms. Jones' lawyers and Mr. Starr's prosecutors in late 1997."

Under the procedures adopted by the Republican majority in the Senate, Clinton's lawyers are required to submit over the next several days a list of any witnesses they wish to call. At this critical juncture, Starr, via the *Times*, is putting the White House on notice: should they pursue the matter of collusion and conspiracy, he is prepared to use his power to prosecute.

Judging from the reaction of the White House and the Democratic Party to Starr's threats, the independent counsel has little to fear from these quarters. Starr's unprecedented challenge to the presidency has evoked the most feeble and cowardly response. Neither Clinton nor any other Democratic official has dared to call for

Starr's dismissal. Nor have they issued a call for an investigation into the Office of Independent Counsel and its ties to the reactionary swamp that sponsored the Jones suit.

The only response of the White House was to file a motion in the US District Court in Washington asking for Starr to be held in contempt for violating grand jury secrecy. This is the very court that has been sitting for months on a mountain of evidence that Starr's office illegally leaked information to the media.

The *Los Angeles Times* characterized as "one of the harshest reactions" the following whimper from Democratic Senator Carl Levin on the television program *Face the Nation*: "I just think it shows terrible judgment on the part of that office."

The prostration of Clinton and the Democrats is not simply a matter of personal cravenness. The further the impeachment process has progressed, the more it has become focused on the attempt by both parties to conceal from the American people what is well known within the political establishment--that the trial in the Senate is the facade for a right-wing putsch. The White House and the Democratic Party are at the very heart of this conspiracy within a conspiracy.



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