

Kenneth Starr and his accomplices: new aspects of the impeachment conspiracy

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Two developments this past week have shed additional light on the connections between right-wing political forces, the media and the investigation into the Clinton White House by Independent Counsel Kenneth Starr, which triggered Clinton's impeachment and trial by the Senate.

On Wednesday the three-judge panel which appointed Starr as Whitewater special prosecutor five years ago split 2-1 over the question of whether to authorize the continuation of his investigation. The panel is required to review the work of the Independent Counsel and vote annually on his continuation in office.

It was the first time that the three Appeals Court justices had been divided over Starr's investigation. The two appointed to the bench by Republican presidents, David Sentelle and Peter Kay, voted to continue the probe, but Richard Cudahy, appointed by Democrat Jimmy Carter, filed an unusual dissenting opinion.

After the Senate trial of Clinton and his acquittal, Cudahy wrote, the Starr investigation had reached "a natural and logical point for termination, since it is not clear how additional measures against the principal subject of the investigation could be pursued." He argued that "an endless investigation, which the passivity of the majority invites, can serve no possible goal of justice and imposes needless burdens on the taxpayers."

Even more significant was Cudahy's complaint that the other two justices had rejected his request that the panel formally ask Starr what was left to investigate. Cudahy said that there had been no review of the Office of Independent Counsel except "informal contacts" between Sentelle and Starr.

In this context it is worth reviewing who David Sentelle is. While Kay and Cudahy are senior (retired) Appeals Court justices, Sentelle is a relatively recent

appointment—he was placed on the bench by George Bush—and previously worked for years as an assistant and political operative for ultra-right-wing Senator Jesse Helms of North Carolina.

Sentelle was chosen by Chief Justice William Rehnquist, another far-right Republican, to chair the three-judge panel which selects independent counsels, ahead of several other Appeals Court justices who had longer experience and less obvious partisan ties to the Republican Party.

In July 1994, after the first special prosecutor, Robert Fiske, had released preliminary findings that the death of Vincent Foster was a suicide unrelated to Whitewater, Sentelle intervened on behalf of the extreme-right elements who sought to use the investigation to disrupt the White House. The three-judge panel which he chaired fired Fiske and replaced him with Starr, a figure far more closely identified with the right-wing of the Republican Party.

Only days before the action, Sentelle was seen lunching with Jesse Helms and Senator Lauch Faircloth, another North Carolina reactionary. Although both Helms and Faircloth had been vocal critics of Fiske and had demanded his replacement by a new special prosecutor, all three denied that this was the subject of their *tête-à-tête*.

Cudahy's objections confirm that the judiciary played a critical role in the behind-the-scenes right-wing campaign to destabilize the Clinton administration. Rehnquist and Sentelle acted not as neutral arbiters of legal precedent, but ideologically motivated participants in a political struggle raging within the ruling class.

The three-judge panel could still have a major role to play if, as widely reported, Starr resigns as Independent Counsel some time this fall. While its legal authority is

not clear, given the expiration last June 30 of the Independent Counsel Law, the Sentelle panel is expected to select Starr's replacement.

ABC News reported that Starr discussed his impending resignation with Sentelle on August 2, and that the Appeals Court justice asked him to forward the resumes of his three top deputies, one of whom could be chosen to carry forward the legal attack on the Clintons and their associates.

Another facet of the right-wing destabilization campaign came to light in the flurry of media reports about the private life of Newt Gingrich. The former House Speaker filed for divorce from his wife Marianne last month. On August 14, a divorce court judge in Georgia granted Mrs. Gingrich's attorneys the right to subpoena Callista Bisek, a congressional aide who has been Gingrich's girlfriend for several years. A media frenzy then ensued in the New York City and supermarket tabloids, and the identity of Ms. Bisek was reported by much of the national media.

On August 18 the *New York Times*—which has yet to report the Bisek story—published a commentary by Maureen Dowd, the columnist who spent most of 1998 denouncing Clinton's relations with Monica Lewinsky. Dowd noted, almost in passing, “Newt Gingrich's affair with a young Capitol Hill aide was an open secret in Washington all during impeachment, and all through his pompous lectures about America's cultural and moral decline.”

Ms. Dowd refrains, for obvious reasons, from saying what follows logically from this observation: that the media, including the *New York Times* and herself personally, covered up this “open secret” throughout the time that Clinton's relations with Monica Lewinsky were being used as the pretext for an attempted political coup d'etat. Dowd herself was awarded the Pulitzer Prize for her columns during this period.

His personal vulnerability to exposure undoubtedly played a role in Gingrich's twists and turns during the Lewinsky affair. He first downplayed the allegations against Clinton, then reversed himself and pledged to talk about moral corruption in the White House in every speech. Later he declared that sex and lying about sex were not impeachable offenses, but when Starr's 450-page pornographic report, based wholly on sex and lying about sex, was delivered to the House of Representatives, Gingrich and the House Republican

leadership decided to release it, in the hope that this would spark public revulsion against the White House.

Even after Gingrich suddenly stepped down as Speaker and resigned his seat in the House of Representatives, following Republican losses in the November 1998 elections, the media kept silent about the “open secret” of his relations with Bisek.

There is no question that Gingrich's resignation was demanded by even more right-wing elements in the House Republican leadership, spearheaded by Minority Whip Tom DeLay, who were pushing for an impeachment vote despite the clear public repudiation in the elections, and regarded Gingrich's foibles as an obstacle to this campaign. Shortly after Gingrich's ouster, the same forces compelled his would-be successor, Robert Livingston, to step down even before election as Speaker, when his own past marital infidelities were made public.

Gingrich's personal relations are of no greater public interest than Clinton's, except perhaps as an illustration, for the thousandth time, of the hypocrisy and cynicism of big business politicians when they claim to represent morality and virtue. Far more significant is the role of the *New York Times* and the media as a whole, which worked systematically to promote the right-wing campaign against the Clinton White House and to suppress any information which might undermine it.



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