

The New York Times springs to the defense of Kenneth Starr's former spokesman

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In a July 8 editorial the *New York Times* has once again come to the defense of former Independent Counsel Kenneth Starr and the political conspiracy that culminated in the impeachment and Senate trial of President Bill Clinton.

In the editorial, entitled "An Ill-Considered Prosecution," the *Times* denounces as a "witch hunt" the indictment and impending trial of Starr's one-time spokesman Charles Bakaly III, who is facing criminal contempt charges for lying to a federal judge in connection with the leaking of secret grand jury information. Bakaly's trial is scheduled to begin July 13 before Chief US District Judge Norma Holloway Johnson, who had jurisdiction over the Washington DC grand jury impaneled by Starr to conduct his investigation into Clinton's relations with Monica Lewinsky.

At issue is a front-page article published by the *Times* on January 31, 1999, in the midst of the Senate trial of Clinton. The *Times'* exclusive report said Starr had concluded his office had the constitutional authority to indict a sitting president for criminal offenses committed during the president's tenure. The article, citing "several associates of Mr. Starr," who were unnamed, said the independent counsel had not yet decided whether, or when, to seek such an indictment against Clinton.

The *Times* article of January 31, 1999 appeared at a crucial point in the Senate trial, when the president's lawyers were fighting to avert a guilty verdict on charges of perjury and obstruction of justice. Had two-thirds of the senators voted to convict on either of the charges, Clinton would have been removed from office. In the event, the Republican leadership failed to gain a majority vote on either count.

Nevertheless, the article was an overt and sinister intervention by Starr's office into the Senate proceedings. It was an attempt, with the aid of the *Times*, to undermine Clinton's defense and bolster those seeking his removal. As the *World Socialist Web Site* wrote in an article published February 2, 1999 ("Starr sends a message: the political coup will continue" <http://www.wsws.org/articles/1999/feb1999/star-f02.shtml>):

"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...

"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...

"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."

As the *WSWS* pointed out at the time, Starr had little to fear from Clinton and the Democrats. The independent counsel's unprecedented challenge to the presidency evoked the most feeble and cowardly response from these quarters. Indeed, the White House and the Democratic leadership concentrated their efforts in concealing from the American people the right-wing conspiracy that underlay the Starr investigation, which extended from the Christian right and other fascistic forces to the leadership of the Republican Congress and the highest levels of the federal judiciary, including the Supreme Court.

In the wake of the January 31, 1999 *Times* article, Clinton's lawyers intensified their efforts to get Judge Holloway to investigate repeated instances of Starr's office leaking information covered by federal grand jury secrecy rules. Starr's office, and Bakaly personally, made public statements denying any illegal leaks. But Judge Holloway ordered Starr to investigate leaking by members of his staff, and placed the investigation under her authority.

In March of 1999, in the midst of Starr's internal investigation, Bakaly abruptly resigned as the independent counsel's spokesman. Prior to Bakaly's resignation, Starr referred him to the Justice Department in connection with a press leak two months earlier, i.e., at the time of the January 31 *Times* article.

Holloway subsequently ruled that Starr's office was guilty of repeatedly and illegally leaking secret grand jury information to the press. However a federal appeals court overturned her ruling last September.

The Justice Department went ahead with its prosecution of

Bakaly, charging that he lied to Holloway in a declaration he submitted denying any improper leaking of grand jury information. Government prosecutors contend that Bakaly discussed internal and “non-public” matters with *Times* reporter Don Van Natta Jr.

Last Saturday's editorial, coming two days after news of Bakaly's impending trial was released to the public, is both cynical and self-serving. In the piece, the *Times* attempts to pass off its opposition to the trial as a principled defense of the public's “right to know.”

The editors write that “as a general matter we look askance at crusades by the federal government to prevent leaks, as they are almost always aimed at damning up information the American people are entitled to know, rather than safeguarding any legitimate secrets.”

This noble pose, as the *Times* well knows, is entirely hypocritical. The “newspaper of record,” as the *Times* likes to call itself, is continually in discussion with high-level government officials as to what information on key foreign and domestic issues should or should not be presented to the public. This process of self-censorship is generally justified in the name of protecting “national security” interests.

Moreover, the case at hand has nothing to do with exposing government lies, aiding reform-minded whistle blowers or any similar endeavor. The *Times* article of January 31, 1999 was only one of many published by the newspaper that used information leaked by Starr's office in an effort to scandalize the Clinton administration and whip up public support for the independent counsel's witch-hunt.

Throughout the Lewinsky probe and impeachment campaign, the *Times*, along with the rest of the media—liberal and conservative alike—acted as an uncritical sounding board for unsubstantiated rumors and allegations—the more salacious the better—cranked out by Starr's office and its allies in the Paula Jones sexual harassment suit.

The *Times*, in particular, played a critical role in lending legitimacy to the Starr probe and impeachment campaign. It echoed Starr's absurd contention that Clinton's efforts to conceal a politically damaging and personally humiliating relationship with a consenting adult rose to the level of “high crimes and misdemeanors,” and justified a legal dragnet that ensnared dozens of innocent people, subjecting them to public ridicule, ruinous legal fees and the looming threat of prosecution. Again and again the *Times* sprang to Starr's defense, when his violations of due process and contempt for constitutionally protected rights of grand jury witnesses provoked public protest.

The July 8 editorial is but the latest example of the newspaper's contempt for basic democratic rights. The editors feel no obligation even to address the chilling and dangerous precedent set by Starr's inquisitorial methods. For sheer hypocrisy, however, the following sentence in the July 8 editorial reigns supreme: “To pursue Mr. Bakaly under these

circumstances on charges that he lied to investigators seems unduly punitive and extreme.”

It was, according to the *Times*, entirely proper to pursue the removal of an elected president for lying about sex, but prosecuting a public official for lying about leaking secret grand jury information is “unduly punitive.” With this sentence alone the *Times* reveals its lack of principle and cavalier attitude toward the truth.

One could produce scores of articles and commentaries published by the *Times* in the course of the Starr investigation in which the newspaper insisted that nothing really mattered—not the right-wing cabal supporting Starr, not the contrived and politically-motivated character of the various investigations into the Clinton White House, not the independent counsel's trampling of democratic rights—because the overriding issue was the simple fact that Clinton had lied. But when the same issue touches on Starr's office—and the *Times*' complicit relationship with that office—an opposite standard somehow applies.

The July 8 editorial underscores one of the most important lessons of the impeachment episode—the politically debased state of the American liberal establishment, whose semi-official standard bearer has long been the *New York Times*. In the rightward trajectory of the *Times* is reflected the evolution of a definite social milieu, encompassing privileged layers of the middle class that at one time espoused the politics of social reform, but have, particularly over the past two decades, grown increasingly distant and hostile to the broad masses of working people, and have largely embraced the “free market” nostrums of the right wing.

There is an intimate connection between this political shift and the financial enrichment of the top social layers, whose wealth has soared as a result of the relentless assault by big business and both of its political parties on the living standards and democratic rights of the working class. Within the social milieu for which the *Times* speaks, concern over the defense of democratic rights has declined roughly in proportion to the rise in the value of their stock portfolios.

For working people, the latest salvo of the *Times* should serve as a reminder of the dangers inherent in the illusion that the defense of basic rights can be entrusted to the representatives of American liberalism.



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