

Clinton investigations end, not with a bang, but a whimper

Patrick Martin
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The agreement between President Clinton and Independent Counsel Robert Ray, signed January 19, the last full day of Clinton's presidency, confirms the two principal political conclusions which socialists have drawn from the protracted political warfare within the American ruling elite: first, that the criminal investigations of the Clinton administration were based on spurious and bogus charges, manufactured by Clinton's right-wing opponents for political purposes; and second, that the Clinton White House consistently refused to fight these attacks on a principled political basis, because of the weakness and political cowardice of the Democratic Party and liberalism as a whole.

Under the terms of the deal, Ray agreed to dismiss all potential charges against Clinton and close down all the investigations referred to the Office of Independent Counsel over the past seven years, in return for a statement by Clinton in which he admitted making false statements in his deposition testimony in January 1998, under questioning by lawyers for Paula Jones, when he denied any intimate relationship with Monica Lewinsky.

From a purely legal standpoint, the agreement demonstrates the concocted character of the Clinton investigations. The innumerable cases referred to the Office of Independent Counsel—the firings of White House Travel Office personnel, the FBI files case, the Whitewater real estate deal, the suicide of Vincent Foster, the claims of cover-up and withholding of documents and other evidence—all ended with no charges brought against Clinton, his wife Hillary, or any other major figure in the administration. Only Whitewater ended in any criminal convictions, none of them related to the Clintons' own real-estate transactions, and none implicating either of the Clintons.

Clinton's admission of false statements relates, not to any action taken in his capacity as president—or to any of the charges investigated by the independent counsel—but to his testimony in a private lawsuit financed by right-wing political opponents. The Paula Jones suit was ultimately dismissed as groundless by the same judge who fined Clinton \$90,000 for contempt of court because of his deposition testimony.

There was nothing criminal about Clinton's sexual relationship with Monica Lewinsky. Instead, the Lewinsky affair was utilized as a pretext for Clinton's impeachment, through the combined efforts of the US Supreme Court, Independent Counsel Kenneth Starr, the Republican congressional leadership, and a network of ultra-right lawyers and political operatives, with the indispensable assistance of the American media.

The Whitewater investigation and the Paula Jones lawsuit were both launched at the instigation of the extreme right. White supremacist and ultra-right Arkansas political opponents of Clinton supplied the *New York Times* with the raw material for the initial Whitewater smear, while the conservative *American Spectator* magazine and its "Arkansas Project," financed by ultra-right billionaire Richard Mellon Scaife, first brought Paula Jones to public attention. Her lawsuit was announced at the Conservative Political Action Conference in Washington before an audience of far-right Clinton-haters.

Neither effort would have gone very far without the intervention of the courts. In the summer of 1994 a three-judge panel dismissed Independent Counsel Robert Fiske, who had rapidly concluded that the Whitewater-related charges had little substance, and replaced him with Kenneth Starr, a former Reagan administration official and fundamentalist zealot. The three-judge panel was selected by Supreme Court Chief Justice William Rehnquist, and its head, Appeals Court Justice David Sentelle, was a former top aide to Senator Jesse Helms.

Despite these maneuvers, however, Clinton was re-elected in 1996, and Starr concluded by the spring of 1997 that the investigation was fruitless. He announced he was stepping down to accept a law school position in California. An immediate clamor arose in right-wing circles, and Starr was compelled to withdraw his resignation. Barely two months later, the Supreme Court opened up a new avenue for the anti-Clinton campaign, ruling that the lawsuit by Paula Jones could go forward with the taking of sworn deposition testimony from the president. Overturning longstanding precedents, the unanimous court held that the lawsuit would not be disruptive of the functioning of the White House and should not be deferred until the end of Clinton's term in office.

The Paula Jones lawsuit and the Starr investigation then ran in tandem, with a small group of right-wing lawyers keeping them in contact. In the fall of 1997, Linda Tripp learned of the relationship between Clinton and Lewinsky, and passed the word to right-wing associates, including book agent Lucianne Goldberg, a former "dirty trickster" for Richard Nixon, who passed it on to the lawyers for Paula Jones. Later Tripp herself informed the Office of Independent Counsel.

The sting operation was organized: the lawyers for Paula Jones took Clinton's deposition, armed with the knowledge of his affair with Monica Lewinsky, in an effort to provoke him into denying this relationship under oath. Kenneth Starr and his aides stood by,

preparing to use such a denial as the basis for a revived investigation, this time focusing on charges of perjury and obstruction of justice. This blatant entrapment was combined with a media barrage aimed at either forcing Clinton to resign or creating the conditions for his impeachment and removal from office.

The campaign unfolded as planned, but encountered one major obstacle: the majority of the American public were not stampeded by the scandal-mongering and opposed the attempt to oust a twice-elected president because of a sexual affair. The more salacious rubbish was pumped out by the right-wing and the media—culminating in Starr's 450-page report filled with details of Clinton's private life—the more public opinion regarded the Lewinsky affair as a politically motivated attack. In the 1998 congressional elections, the Republicans actually lost seats in the House, a clear public verdict against the threatened impeachment.

If the right-wing campaign nonetheless went forward to impeachment and a Senate trial, it was because the Republican leaders were satisfied that they would suffer no political consequences from their flouting of public opinion. They relied on the conduct of Clinton himself, who confined himself to a legal defense, and on the cowardice of the congressional Democrats, who publicly denounced Clinton's personal conduct. Both Clinton and the Democrats kept silent about the political implications of a conspiracy among right-wing judges, the independent counsel and the Republican Party to carry out a pseudo-constitutional coup d'état.

The same dynamic is revealed in the deal between Clinton and Robert Ray. Faced with the alternatives of an open struggle against the right wing, and a rotten compromise, Clinton chose, as he has throughout his eight years in office, to make the rotten compromise. His concession that his testimony in the Paula Jones suit was false was immediately seized on by Republican spokesmen as a justification of impeachment.

Henry Hyde, leader of the House impeachment managers, said the agreement “vindicates the House impeachment proceeding and reaffirms that our actions were in defense of the rule of law rather than merely a political initiative.” Asa Hutchinson (R-Ark.), another impeachment manager, said, “It is of greatest significance that the president acknowledged that he knowingly gave ‘evasive and misleading answers’ that were ‘prejudicial to the administration of justice’ and in violation of the court's discovery order.”

In actuality, the House of Representatives voted down a count of impeachment based on Clinton's statements in the Paula Jones lawsuit, because even some Republicans conceded that this could not be considered an impeachable offense.

The Bush camp gave several clear signals to Independent Counsel Robert Ray that it would be best served if the Clinton investigations were wrapped up before Bush took office. Bush said so explicitly at a press conference January 8. If the case were not disposed of, the Bush camp feared being caught between conflicting pressures: from the extreme right, to press ahead with an indictment and prosecution of the ex-president; from the broader public, for a pardon to prevent such a spectacle.

Ray acknowledged these political concerns, telling an

interviewer, “I think it's a collateral benefit to the country that the new president be given a fresh start if that can be achieved.” A Bush adviser told the *Washington Post*, “Ray is one of the most politically minded people in the prosecutorial ranks. He's a total political animal. He obviously understood that this would be good for Bush, and he obviously understood the timing of it. No one had to tell him.”

At the same time, Ray had little or no prospect of actually convicting Clinton. As former Iran-Contra prosecutor Lawrence Walsh observed in a press interview, “I think he would have been acquitted. A jury isn't going to convict on that kind of legal hair-splitting, and I think the prosecutor realized that.” And from a political standpoint, a decision to prosecute Clinton threatened to unleash a political backlash that would undermine the Bush administration—polls conducted this month showed more than two to one opposition to a trial of Clinton on the Lewinsky affair.

The Clinton-Ray agreement was hailed not only by many congressional Republicans, but by the media as a whole, which has much to cover up about its own role in the attempted right-wing political coup of 1998-99. The *Washington Post* editorialized: “The great shame of this deal is only that it was necessary at all. Had Mr. Clinton showed more courage and less selfishness in 1998, he would have acknowledged what he admitted yesterday, and he and the country likely would have been spared the trauma of impeachment.” The *New York Times* made the same point, writing, “If only Mr. Clinton had owned up to his false testimony under oath earlier, he might have spared himself and the country a lot of pain.”

The truth is just the opposite. The campaign against Clinton was not mounted out of outrage over alleged lying under oath. Instead, the “lie” was deliberately manufactured, or the conditions for it created, by political forces who regarded Clinton as an obstacle and wanted him out of the way.

If Clinton had issued such a statement in 1998—as some of his legal advisers apparently urged—he would only have provided Exhibit A for the impeachment managers.

The issuance of such a statement now, on the eve of Bush's inauguration, is a clear demonstration that the Democratic Party and the liberal milieu are incapable of any consistent or principled opposition to the extreme right. They offered only the most half-hearted resistance to the electoral coup in Florida, which culminated in the unprecedented intervention of the Supreme Court. They will do even less to defend the victims of the vicious right-wing social policies which the new administration will seek to implement.



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