

Starr, Gingrich push coup d'état against Clinton

by Edward Spannaus

House Republicans, led by Newt Gingrich, and backed by Kenneth Starr and the lunatic fringe of the so-called “religious right” and the “Temple Mount” crazies, are plunging ahead on a reckless campaign to discredit President Clinton in front of the nation, at the point where U.S. Presidential leadership is demanded by the world to deal with the disintegration of the global financial system and national economies.

It is clear from the conduct of Starr, Gingrich, and Company, that their primary objective is not to further any judicial or legal proceeding against the President. Were this the concern, we would see the House of Representatives conducting itself in an entirely different manner. The making public of the raw grand jury transcripts and the videotape of the President's testimony would be close to the last step in a serious impeachment proceeding—not the first. To authorize a “garbage dump” of such pornographic “evidence” on the public—before the Judiciary Committee has even considered the issue of what, if anything, of what the President is accused of, might constitute an impeachable offense—is a dead giveaway that an entirely different agenda is operating here.

This is much more obvious to European commentators, who are, in strikingly uniform terms, describing what is going on in the United States as a “coup d'état” against the President.

But the Gingrich-Starr campaign is backfiring. The turning point was the Sept. 21 release of the President's videotaped testimony, and approximately 3,000 pages of other transcripts and grand jury materials. Two things immediately became obvious: that the President had shown a high degree of awareness of the trap that had been set for him in the Paula Jones case; and secondly, that Starr had deliberately excluded evidence favorable to the President from his report to the House.

The Paula Jones trap

As *EIR* has thoroughly documented, the Paula Jones civil lawsuit—the vehicle used by Starr to open his investigation into the President's private life—was a fraudulent action concocted by the President's enemies (and Kenneth Starr's friends). In his grand jury testimony, while Starr's lawyers devoted much of their time to questioning the President about his answers in the Paula Jones deposition taken on Jan. 17, Clinton exposed the collaboration between Starr's team and the Paula Jones's lawyers.

Clinton told Starr's deputy Robert Bittman that Paula Jones's lawyers “knew they had a bad case on the law and . . . a lousy case on the facts.” And so, the President said, “their strategy, since they were being funded by my political opponents, was to have this dragnet of discovery,” in which Jones's lawyers criss-crossed the country to find any negative information, true or not, then “get it in a deposition; and then leak it.”

Their strategy was to use illegal leaks, “so they could hurt me politically,” the President said. “They knew what our evidence was. They knew what the law was in the circuit in which we were bringing this case. And so they just thought they would take a wrecking ball to me and see if they could do some damage.”

Clinton said that Jones's lawyers had access to a lot of information they had been given by Linda Tripp, and that “they may have been trying to trick me” by the way they asked the questions. Clinton pointed out that “they'd been up all night with Linda Tripp, who had betrayed her friend, Monica Lewinsky, stabbed her in the back and given them all this information. They could have helped more. If they wanted to ask me follow-up questions, they could. They didn't.”

As the questioning persisted, Clinton became more vociferous in his denunciations of both Jones's and Starr's lawyers. Clinton said that what Jones's lawyers were doing to Lewinsky and to "all these other people, who knew nothing about sexual harassment, was outrageous, just so they could hurt me politically."

At one point, the President explained what he had done in the Jones deposition in the following terms:

"My goal in this deposition was to be truthful, but not particularly helpful. I did not wish to do the work of the Jones lawyers. I deplored what they were doing. I deplored the innocent people they were tormenting and traumatizing. I deplored their illegal leaking. I deplored the fact that they knew, once they knew our evidence, that this was a bogus lawsuit, and that because of the funding they had from my political enemies, they were putting ahead. I deplored it.

"But I was determined to walk through the mine field of this deposition without violating the law, and I believe I did."

Suppressing exculpatory evidence

Contained in the 2,800 pages of grand jury transcripts and other material released by the House Judiciary Committee on Sept. 21, was evidence that Kenneth Starr had omitted from his impeachment report to the House, which contradicted assertions made by Starr in his report.

For example, Monica Lewinsky said a number of times in her grand jury testimony that "no one ever asked me to lie, and I was never promised a job for my silence."

This statement by Lewinsky never appears in Starr's report, despite the fact that it contradicts two of the charges Starr makes against the President—charges which Starr says could amount to impeachable offenses. Starr says in the report that Lewinsky and President Clinton had an understanding that they would lie under oath about their relationship in the Paula Jones case; he also states that President Clinton obstructed justice by helping Lewinsky find a job in New York so that she would not testify truthfully.

Another public lie by Starr which was revealed in the report was the following. Editor and reporter Steven Brill, in his famous "Pressgate" article, reported that Starr's lawyers and FBI agents were planning to get Monica Lewinsky to wear a wire and to get Vernon Jordan and maybe President Clinton on tape. Starr wrote a long letter to Brill disputing many of the points in Brill's article, including denying the charges that his office wanted to wire Lewinsky. "This is false," Starr wrote. "This Office never asked Ms. Lewinsky to wire herself for a conversation with Mr. Jordan or the President. You cite no source at all; nor could you, as we had no such plans."

However, in Lewinsky's grand jury testimony, she testified: "They told me they wanted me to cooperate. I asked them what cooperating meant . . . and they told me that . . . I'd have to agree to be debriefed and that I'd have to place

calls or wear a wire to see—to call Betty [Currie] and Mr. Jordan and possibly the President."

The nefarious role of Linda Tripp in instigating much of Lewinsky's activity was also confirmed in the grand jury testimony. Lewinsky testified how Tripp had led her on, that Tripp said that "she would always protect me and she would never tell anybody and keep my secret." Lewinsky said that up until Jan. 9, 1998—which is at least three months *after* Tripp began secretly taping her telephone conversations with Lewinsky, Tripp was assuring her that she would never tell anyone about Lewinsky's relationship with the President.

It was also Tripp who told Lewinsky that she should save the infamous stained dress. Lewinsky said she wanted to get it cleaned and wear it, but "she [Tripp] told me I looked fat in the dress," and "she told me I should put it in a safe deposit box because it could be evidence one day."

And although Tripp testified that all of the 27 tapes she gave to Starr's office were original recordings, tests by the FBI laboratory have shown that nine of the tapes were not made on Tripp's tape recorder, and seven were apparently made on one other tape recorder. "If Ms. Tripp duplicated any tapes herself or knew of their duplication," Starr said in documents released yesterday, "then she has lied under oath before the grand jury and in a deposition."

Impeach Starr!

A concise but comprehensive outline of the unconstitutionality of Starr's conduct was contained in a resolution to impeach Starr on grounds of undermining the ability of the Congress, the President, and the courts to carry out their duties under the Constitution of the United States. This resolution was introduced into the House of Representatives on Sept. 18 by Rep. Alcee Hastings (D-Fla.)—the only member of the House to have been the subject of impeachment proceedings. (Hastings is a former Federal judge who was impeached by the House in 1989, and was convicted and removed from the bench by the Senate in 1991.)

Hastings said that Congress has abdicated its constitutional responsibility by allowing others to conduct the initial impeachment investigations: Starr in the Clinton case, and a panel of Federal judges in his own case. "What Congress has said is that impeachment is a messy business, it's politically risky, let's create something . . . that takes the dirty work off our hands," Hastings said.

The resolution (see *Documentation*), declares that Starr "has unconstitutionally and improperly exercised powers that were not his to exercise." It further charges that Starr "has acted in ways that were calculated to and did improperly demean a President of the United States and diminished the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform."

The Hastings resolution was tabled by the House of Representatives on Sept. 24; seventy other Democrats voted with Representative Hastings to oppose tabling the resolution.

Hastings proposes to impeach Kenneth Starr

On Sept. 18, U.S. Rep. Alcee Hastings (D-Fla.) announced his intent to offer a resolution to impeach independent counsel Kenneth Starr. Here are his remarks on the floor of the House, in which he outlined the resolution.

Mr. Hastings of Florida: Mr. Speaker, most respectfully I thank you for recognizing me and permitting me to act expeditiously in a matter that I wish to bring to the attention of the House.

Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution as a question of the privilege of the House.

The form of my resolution is as follows, and I shall try to be as expeditious as possible:

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code section 593(b), of high crimes and misdemeanors.

Resolved, that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

Article I

In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States, and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives, and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include:

(1) On Sept. 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a "Referral to the United States House of Representatives pursuant to Title 28, United States Code, section 595(c)." As part of that Referral, Mr. Starr submitted a 445-page report (the "Starr Report") that included an extended narration and analysis of evidence presented to a grand jury, and of other material, and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr Report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following:

a) In preparing the Starr Report, Mr. Starr misused the powers granted, and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel, and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent Counsel Kenneth W. Starr further usurped and arrogated unto himself the powers that belong solely to the House of Representatives by using, and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become, and was the development of, evidence that the President had committed high crimes and

misdemeanors justifying his impeachment and removal from Office. With respect to the President of the United States, the only means by which the holder of that office may be called to account for his conduct in office, is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America, and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States, and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore, Kenneth W. Starr by such conduct warrants impeachment and trial and removal from office.

Article II

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States, and his duties as an officer of the United States, and acted in ways that were calculated to, and did unconstitutionally undermine the office of the President of the United States, and obstruct, impede, and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties and responsibilities of his office on behalf and for the benefit of the people of the United States of America, by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties, and undermined the office of the President, and obstructed, impeded, and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material, for the purpose of embarrassing the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and the people of the United States.

(2) Mr. Starr engaged in a willful and persistent course of conduct that was calculated to, and did wrongfully demean, embarrass, and defame an incumbent President of the United States, and thereby undermined and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him, including not only Mr. Starr's wrongful disclosures of grand jury material, but also other improper conduct, such as his actions and conduct calculated to suggest, without foundation, that the incumbent President had participated in preparing a so-called

“talking points” outline to improperly influence the testimony of one or more persons scheduled to be deposed in a civil action. By his willful and persistent conduct in misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the United States and the people of the United States of America.

(3) Mr. Starr intentionally, willfully, and improperly embarrassed the people and the President of the United States, by including in the Starr Report an unnecessary and improper and extended detailed, salacious, and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with an incumbent President of the United States. By including that unnecessary and improper pornographic narrative, Mr. Starr intended to, and did undermine and imperil the ability of the President to conduct the foreign relations of the United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a nation. By including that narrative, knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America. . . .

Article III

In his conduct of the office of independent counsel, Kenneth Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as an officer of the United States, and acted in ways that were calculated to, and that did unconstitutionally arrogate unto himself powers that the Constitution of the United States assigned to the federal courts; that were calculated to and did undermine the institution of the grand jury established by the Constitution of the United States of America; and that were calculated to and did undermine and bring into disrepute the office of independent counsel and offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and his duties and by which he undermined the federal courts and the grand jury, and undermined and demeaned the office and role of all federal prosecutors, include:

(1) Mr. Starr disclosed, and authorized and approved the disclosure and misuse of, grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure, and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations, Mr. Starr abused the powers of his office and condoned the abuse of those powers, to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury, or who were actual or potential targets of his

investigations, and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates, for whose conduct he is responsible, further abused and misused the powers of the office of independent counsel and the powers of the grand jury, to improperly invade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the First and Fifth Amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused, and has authorized and approved the abuse and misuse of, the powers of his office in ways that have demeaned the prosecutorial office, and that have undermined and will undermine the ability of other prosecutorial officers of the United States to discharge their duty to take care that laws of the United States be faithfully executed.

(4) In his conduct of the office of independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past four years, Mr. Starr has expended more than \$40 million in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit, and could not justify such extraordinary expenditures.

By the conduct described in Article III of these Articles of Impeachment, Kenneth W. Starr committed high crimes

and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth Starr has acted in a manner contrary to his trust as an independent counsel of the United States, and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial and removal from office.

Article IV

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these Articles of Impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted, and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community, and that were calculated to and did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise, and has acted in ways that were calculated to and did improperly demean a President of the United States, and diminished the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives, and that have effectively deprived the House of Representatives of its right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States, and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

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