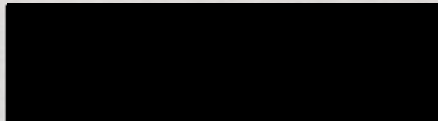


Important



ORLANDO, FL 32819

NOVEMBER 13, 1998

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THE HON. HENRY HYDE
CHAIRMAN, JUDICIARY COMMITTEE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

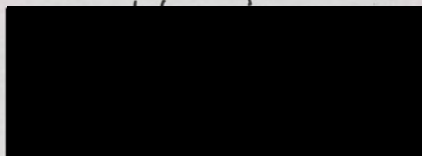
DEAR CONGRESSMAN HYDE:

THE NOVEMBER 3RD ELECTIONS RESULTED IN BOTH HOUSES
OF CONGRESS REMAINING IN REPUBLICAN CONTROL THANKS TO
THE AMERICAN VOTERS!

THEREFORE, YOU MUST CONTINUE WITH YOUR IMPEACHMENT
INQUIRY OF PRESIDENT BILL CLINTON. IT IS IMPERATIVE
THAT YOU DO YOUR DUTY.

THANK YOU.

Sincerely,



cc: Rep. Bill McCollum
Rep. Dave Weldon
OTHERS (C-SPAN) ✓

'A Clear Constitutional Duty'

With the future of the impeachment inquiry on everyone's mind, Congressman Henry Hyde of Chicago, the Chairman of the House Judiciary Committee, spoke plainly the day after the election. "The committee continues to have a clear Constitutional duty to complete its work in a fair and expeditious manner. Our duty has not changed, because the Constitution has not changed."

Pay heed to Henry Hyde.

Mr. Hyde, unlike too many in and around the national government, understands beyond Tuesday's returns the larger significance for our government of the matters pertaining to the Clinton Presidency. Does any serious person in Washington really believe that this problem is just about Mr. Clinton's puerile personality? The President's childishness is the case for the defense, the false spin. The grown-up reality is that if the Members of Congress, sulking in loss, decide now to simply "move on," they will leave in place for the future a dishonored and diminished Executive branch. And every one of them knows it.

That said, we do not underestimate the difficulty of the task. Impeachments are rare, with no paved road to follow, only the hacked path of two precedents and much legal theory. And surely the path of duty is no easier in the wake of Tuesday's election.

The election results reflect the biggest boulder before the Hyde committee, the popular belief that the problem with the Clinton Presidency is "just about Monica." It is not, but the debate so far has been shaped by a crucial decision by the Independent Counsel's office in late summer. At the time Mr. Starr and his colleagues were debating the scope of his referral, these columns advised him to bring a broad case. When he brought a narrow one we withheld judgment, because it was a truly close decision. Now, however, the aftermath of his "just Monica" referral has worked out as we warned.

The decision then was between a rifle-shot referral, with one narrow charge that meets the standard of proof beyond a reasonable doubt, and a broad charge showing a pattern of obstruction, though with less iron-clad proof of direct Presidential involvement. The danger of the narrow count, especially since it involved sexual behavior, was that it would not seem of sufficient weight to call for a President's removal. The perceived weakness of a broad-pattern count is that it would bog down, with the Clinton legal apparatus ensuring that the debate focused on whatever charges seemed weakest. While we can't be sure how the second course would have played out, in retrospect it seems the better decision.

Especially so since the heart of the matter is in fact the pattern rather than sexual misbehavior. Even without a broad report of Mr. Starr's findings, the public record as established over two terms by hearings and courageous reporting has produced a broad pattern of first, abuse, and then obstruction of legitimate attempts to account for each abuse.

That record includes the Travel Office firings, the abuse of raw FBI files,

the refusal of the White House general counsel to give Justice Department lawyers access to Vincent Foster's office; the removal of documents from that office; the suppression of an RTC investigation into Whitewater/Castle Grande, the routine abuse of legitimate subpoena requests, the destructive precedent of high Executive branch appointees blandly using "failed memory" defenses before Congressional committees; the payments for apparently fictitious legal work to former assistant attorney general and convicted felon Webster Hubbell; the history of threats against Kathleen Willey and other Clinton women; the routine use by a President of private investigative firms as a political tool; the Senate Whitewater committee's reported evidence of a "pattern of obstruction"; the Thompson Committee campaign corruption findings; the incredible shrinking of executive privilege in feckless court appeals.

But let us all "move on." Move on beyond turning the White House intern program into a pickup bar, asking the President's personal secretary to procure, implicating the Secret Service in procuring, allowing the Secretary of State to make false statements to the American people, turning the Lincoln Bedroom into a playpen, making the Attorney General an object of ridicule, and making the Department of Justice a topic of embarrassment throughout the legal community. What normal person wouldn't want to move on?

But first, whether or not there are votes for impeachment, whether the Democrats in Congress choose to cast themselves in history as complicit during these years, we still need to make a record. The Clinton scandal precedents pose a genuine danger to future politics. Without a completed accounting, we are leaving an awful legacy of acceptably low conduct to the successors of this President, his Cabinet, the government's legal community, and the Congress.

So let Mr. Hyde do his duty. Lay out the record. Let Kenneth Starr bring any remaining indictments and get the rest of the Clinton pattern onto the table. Mr. Starr should understand that his ultimate report, absent any broader context, could easily become a defense of the Clinton crowd, explaining why their conduct was not quite indictable. And Chairman Hyde should let Janet Reno explain one more time for this record why she kicked any relevant information about campaign finance violations probes past the election.

We have historically argued that Presidents do need room to govern. In whatever other respect Mr. Clinton may have failed, he has surely proved the office a powerful one, able for example to stonewall away conduct that would not be tolerated in any other position of authority in this society. At this moment, the problem is not energy in the Executive. The problem is energy in the Republicans, who bear some larger responsibility to the nation. As for history, if Bill Clinton's assorted scandals are now simply swept under the rug, the mystery to be explained will be: Precisely why, after his 1972 landslide election, was Richard Nixon forced into resignation?



Bill Clinton



Richard Nixon

What We Know—Continued

By WILLIAM J. BENNETT

Yesterday the House Judiciary Subcommittee on the Constitution began formal hearings that mark the beginning of the inquiry into the possible impeachment of President Clinton.

Over the next month House Democrats, in concert with the White House, will do everything they can to divert attention away from the central facts of this case. They will concede that what the president did was "wrong," but they will also argue—and with far more passion and conviction—that he did not commit acts that constitute grounds for impeachment. They will portray Mr. Clinton's Republican critics as vindictive, puritanical, McCarthyite, enemies of the Constitution. They will say that Independent Counsel Kenneth Starr is a grave threat to America.

All this will of course take place in the wake of last Tuesday's election results, which pundits and Democrats have interpreted, with justification, as yet more evi-

In a letter to U.S. District Judge Susan Webber Wright, the president's lawyer admitted that he unknowingly vouched for a lie.

dence of widespread public indifference to ward the scandal. But as Ronald Reagan once said, facts are stubborn things—and there is now a sufficient amount of incontrovertible evidence that ought to lead to the impeachment of Mr. Clinton. Consider just some of what we know:

We know that Mr. Clinton was sued by Paula Jones in federal court in a case involving sexual harassment and that, like any other sexual harassment defendant, he was compelled by law to answer questions about his sexual behavior.

We know that at the beginning of his Jan. 17 deposition in that case, when asked if he would swear or affirm that "the testimony you are about to give in the matter before the court is the truth, the whole truth, and nothing but the truth, so help you God," Mr. Clinton answered: "I do."

'Absolutely True'

We know that in that deposition Mr. Clinton's lawyer said (based on what the president told him) that Monica Lewinsky "has filed an affidavit, which [Ms. Jones's lawyers] are in possession of, saying that there is absolutely no sex of any kind in any manner, shape or form, with President Clinton." Mr. Clinton allowed the statement to stand uncorrected. But we now know that in a letter to U.S. District Judge Susan Webber Wright, the president's lawyer admitted that he unknowingly vouched for a lie when he made the statement he did.

We know that when asked under oath if Ms. Lewinsky's affidavit denying she ever had sexual relations with the president was a true and accurate statement, the president answered: "That is absolutely true." But we know that Ms. Lewinsky subsequently testified she had repeated sexual encounters with Mr. Clinton that included oral sex and acts covered by the court-approved definition of "sexual relations." And we know that Ms. Lewinsky's testimony is strongly corroborated by other evidence (including DNA test results, con-

temporaneous conversations she had and draft letters she wrote).

We know that during the Paula Jones deposition the president was asked "at any time have you and Monica Lewinsky ever been alone together in any room in the White House." Mr. Clinton answered, "I have no specific recollection." But we know from Ms. Lewinsky's grand jury testimony (which the White House so far has not challenged) that she and the president had a sexual encounter just 20 days before the deposition. We know that on Aug. 17, in his grand jury testimony and his address to the nation, Mr. Clinton said: "When I was alone with Ms. Lewinsky on certain occasions... I engaged in conduct that was wrong."

We know that when asked, "Have you ever given any gifts to Monica Lewinsky?" the president said, "I don't recall." But we know that 2½ weeks before his deposition Mr. Clinton had given her six gifts.

We know that when asked, "Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in this [Jones] case?" the president answered, "I don't think so." But we know that Vernon Jordan testified that he talked to the president a few weeks earlier and told Mr. Clinton that Ms. Lewinsky "had a subpoena" and was coming to see him. And we know that Ms. Lewinsky confirmed that Mr. Jordan told her that Mr. Jordan had told Mr. Clinton about her subpoena.

We know that on Dec. 11, 1997, Judge Wright narrowed the scope of the Jones lawyers' inquiry to a list of written questions asking for the names of state employees (while he was governor) and federal employees (while he was president) with whom Mr. Clinton had engaged in extramarital sexual relations. The president answered, "None."

We know that when asked if he ever talked to Monica Lewinsky about the possibility that she might be asked to testify in the Jones lawsuit, the president answered, "I'm not sure." But we know that according to Monica Lewinsky she spoke to the president about her testimony on three separate occasions: Dec. 17 (by phone), Dec. 28 (in person) and Jan. 5 (by phone).

We know that among those who know him best, Bill Clinton is said to have a phenomenal memory. Testifying before the grand jury, Mr. Jordan, one of Mr. Clinton's closest confidantes, said the president has "an extraordinary memory, one of the greatest memories" he has ever seen in a politician. But we know that in more than four hours of videotaped testimony before a federal grand jury, the president testified under oath on more than 100 occasions that he could not remember details involving his relationship with Monica Lewinsky. And we know that when a person testifies under oath that he doesn't remember something when in fact he does, he has committed perjury.

We know the president told the grand jury that his sexual relationship with Ms. Lewinsky did not begin until 1996, even though Ms. Lewinsky testified that it began Nov. 15, 1995—testimony corroborated by statements she made to her friends at the time. We know, too, that a White House photograph of the evening shows the president and Ms. Lewinsky eating pizza to-

gether and White House records show that Ms. Lewinsky did not depart the White House until 12:18 a.m. and that the president left the office at 12:35 a.m.

We also know that in 1996 Ms. Lewinsky was a full-time employee but in 1995 she was an intern—and, according to her grand jury testimony, during their first sexual encounter the president tugged at her intern pass and said that "this" may be a problem. We know that in his grand jury testimony the president referred to Monica Lewinsky as a "girl."

We know the president denied that he ever spoke to Betty Currie about picking up gifts from Ms. Lewinsky. But we know Ms. Lewinsky testified that on Dec. 28 she and the president discussed moving gifts from her home and giving them to someone, "maybe Betty," and that a few hours after their meeting Ms. Currie called Ms. Lewinsky and said (according to Lewinsky), "I understand you have something to give me," or, "The president said you have something to give me." Mrs. Currie picked up a box of gifts from Ms. Lewinsky, took it home and hid it under her bed.

And we know that although he was repeatedly warned that lying before a grand jury is a serious crime, the president again insisted (despite a wealth of evidence to the contrary) that "I did not have sexual relations with Monica Lewinsky."

We know that Mr. Clinton summoned Ms. Currie to the White House on Sunday, Jan. 18. According to Ms. Currie, the president said, in a tone "more like statements than questions," the following: "You were always there when [Ms. Lewinsky] was there, right? We were never really alone." And "you could see and hear everything." And "Monica came on to me, and I never touched her, right?" We know that when asked about this during his grand jury testimony, the president said the purpose of his conversation with Ms. Currie was to "quickly refresh my memory"—even though the conversation took place the day after his deposition.

We know that in October 1997 Mr. Clinton and Ms. Lewinsky discussed enlisting Mr. Jordan in a job search, but that Mr. Jordan took no steps to help Ms. Lewinsky until early December—after she appeared on the witness list in the Paula Jones case.

We know that Vernon Jordan met with the president on the night of Dec. 19, 1997, and told Mr. Clinton that Ms. Lewinsky had been subpoenaed. We know that Mr. Jordan then secured a job for Ms. Lewinsky and, after she accepted a job in January, Mr. Jordan called the president and told him: "Mission accomplished."

We know that while Republicans have been castigated for being "moralistic scolds" because of their criticism of the Mr. Clinton's conduct, many Democrats have used scathing rhetoric against the president. Sen. Joseph Lieberman (D., Conn.) said the president's actions were "immoral" and "disgraceful," "harmful" and "damaging," "wrong and unacceptable." (In response, Mr. Clinton said, "Basically, I agree with what he said.")

We know House Minority Leader Richard Gephardt (D., Mo.), Rep. Nita Lowey (D., N.Y.) and Sen. Paul Wellstone (D., Minn.) called the president's actions "reprehensible." Sen. Mary Landrieu (D., La.) said they were "indefensible." Former Sen. Bill Bradley (D., N.J.) said what the president did was "disgusting." Sen. Joseph Biden (D., Del.) called the president's conduct "sinful." Rep. Marcy Kaptur (D., Ohio) talked about a "year of deceitful melodrama." Rep. Sheila Jackson Lee (D., Texas) called Mr. Clinton's behav-

ior "outrageous, reprehensible and disappointing." Former Clinton press secretary Dee Dee Myers wrote, "The president's relationship with Monica Lewinsky was so reckless as to seem pathological." And Robert Reich, a longtime Clinton friend and his first secretary of labor, has written that Mr. Clinton lied to the American people with "stunning conviction" and "the betrayal was indubitably public because the denials were so passionately public."

We know that in response to claims by Clinton lawyer David Kendall and White House counsel Charles F.C. Ruff that the president testified truthfully before the grand jury, former White House Chief of Staff Leon Panetta said the time has come "to stop the legal quibbling about whether he [Mr. Clinton] lied about that sexual relationship." And we know that Sen. Bob Kerrey (D., Neb.) said that it is inconsistent for the president to confess to sins, as he did at a White House prayer breakfast, while his lawyers claim the president testified truthfully. According to Mr. Kerrey, "The president's lawyers and the president are now saying two different things."

We know that Sen. Daniel Patrick Moynihan (D., N.Y.) answered "yes" when

New York's next senator, Rep. Charles Schumer, said that "the president has to be held to a higher standard and must be held accountable."

asked if (a) perjury in a civil case by the chief executive officer of the United States is an impeachable offense, (b) perjury before a grand jury is an impeachable offense, and (c) making false and misleading statements intended to deceive the American people is an impeachable offense.

'A Higher Standard'

We know New York's next senator, Rep. Charles Schumer, said on the floor of the House that—and note these words carefully—"it is clear that the president lied when he testified before the grand jury" and "the president has to be held to a higher standard and must be held accountable."

Mr. Clinton is a calculating, inveterate, constant liar. He lied to his family, his friends, his lawyers, his aides, his Cabinet, his party and, emphatically, to his fellow citizens. He lied in civil litigation and before a federal grand jury. He lied repeatedly, with forethought and malice, with the intent to corrupt justice. And he is lying to this day. Tuesday's election results change none of this, either in truth or in justice.

Defenders of the president insist this as an impeachment about illicit sex even though none of the articles of impeachment are about sexual behavior. And so the question the House Judiciary Committee must decide during the next month is the same one that faced the committee a quarter-century ago, when it considered whether to impeach Richard Nixon: Will it reaffirm the time-honored American ideal that no man is above the law? If committee members answer yes, there is only one principled way for them to conclude this inquiry: the impeachment of the president.

Mr. Bennett is author of *"The Death of Outrage: Bill Clinton and the Assault on American Ideals"* (Free Press, 1998).



Monica Lewinsky