Impeachment Juggernaut

The list of prospective charges against President Clinton heard by the House Judiciary Committee demonstrates just how low are the crimes and misdemeanors for which this Congress seems determined to seek impeachment. GOP counsel David Schippers, apparently under the delusion he was Eliot Ness nailing Al Capone for tax evasion, spewed out a scattershot indictment altogether dropping Independent Counsel Kenneth Starr’s most serious charges of abuse of authority and obstruction of justice, downgrading the President’s deceptions from perjury to making false statements under oath, a lesser offense. In place of Starr’s charges, Schippers proposed a mafia-style conspiracy case in which the only crime and only evidence are Bill Clinton’s and Monica Lewinsky’s attempts to keep their affair secret. Even here, the line of argument is strained. It’s true Lewinsky says no one ever told her to lie, Schippers says, but “no one asked her to tell the truth, either.”

For all the Republicans care, of course, Schippers could have charged the President with conspiracy to lose a parking ticket. The impeachment process now under way has become exactly the kind of election-year exercise the Framers of the Constitution sought to avoid. The Republicans are pitching the inquiry to their most conservative and motivated electoral base. Meanwhile, on the eve of the impeachment inquiry vote, most Democrats, fearful of harming their re-election prospects, either said they would vote for the impeachment investigation or pursued limitations on the inquiry and the prospect of censure. As New York’s Charles Rangel pointed out, there was no “Democratic alternative” recognizing that not one of these Republican charges merits investigation.

The House has taken up its impeachment inquiry just as the full extent of Starr’s manipulation comes sharply into focus. It’s now clear that in June, Starr misled the US Court of Appeals, arguing that the President’s lawyers should be forced to testify before his grand jury since impeachment was “too remote a possibility” to create any attorney-client problems. Barely thirty-six hours later he was laying the legal groundwork for his impeachment referral. It’s also now clear (as the New York Times reported) that Linda Tripp crossed Starr’s threshold far earlier than he has indicated, courtesy of three Federalist Society lawyers, including one of Starr’s Kirkland & Ellis partners. All this, combined with earlier revelations about Tripp’s role as a conduit for grand jury information to the Jones camp, further strengthens the argument we’ve made in these pages for months: Starr may have colluded improperly in a perjury trap, and he may have misled Attorney General Janet Reno and the Office of the Independent Counsel’s supervising federal judges so he could expand his inquiry to Lewinsky.

Here’s the essence of the impeachment case as summarized by Schippers: The President “categorically denied ever touching Ms. Lewinsky on the breasts or genitalia for the purpose of giving her sexual gratification. There is, however, substantial contradictory evidence from Ms. Lewinsky.” It would be nice to think that such an inquiry was mere election-season folly. But Schippers is the outlier of a crusade in which Starr and the Congressional right are now full and open confederates. There’s no reason to think next month’s election will bring any moderation of this insanity.