

## The tables are turning on the 'Get Clinton' fanatics

by Jeffrey Steinberg

Hard-line conservative revolutionaries, and their allies in the U.S. Justice Department permanent bureaucracy and in the Tory-Likud establishment in London and Tel Aviv, are seeing the prospects of impeachment of President William Jefferson Clinton nearly evaporate before their eyes. As the Dec. 3 *New York Times* reported, even the most die-hard veterans of the assault on the Clinton Presidency, including activists Arianna Huffington, William Kristol, and "Christian Rightist" Ralph Reed, are now openly admitting that the President is likely to serve out the final two years of his second term.

Kristol, the editor of the Rupert Murdoch-bankrolled *Weekly Standard*, put it succinctly: "I'm like one of these Japanese soldiers after World War II. It's 1949 and I'm on some island not knowing the war is over." William Bennett, the "values guru" of the New Right, told the *Times*, "I don't get it. What about all these conferences I've been invited to? I mean, values, schmalues. I don't get it."

### Espy vindicated, Smaltz slammed

The most dramatic event demonstrating that the "Get Clinton" mob is out of synch with the American people came on Dec. 2, when the jury in the independent counsel prosecution of former Clinton administration Secretary of Agriculture Mike Espy found him innocent on all 30 counts. The prosecution of Espy, which was an integral part of the effort to destroy President Clinton, lasted four years and cost taxpayers \$17-20 million. The jury spent less than 10 hours deliberating. The trial judge had earlier thrown out eight other counts against Espy, after independent counsel Donald C. Smaltz failed to present any evidence at trial relating to those counts.

Many legal analysts predict that the Espy verdict will spell the end of the Ethics in Government Act, which establishes the independent counsels, and expires June 1, 1999. The act has come under intense criticism from the American Bar As-

sociation, and from the majority of congressmen who backed the "Citizens Protection Act of 1998." Known as the McDade-Murtha bill, parts of it—that established that Federal prosecutors may not violate state laws, and that created a Presidentially appointed oversight board to investigate cases of prosecutorial abuse and misconduct—were incorporated into the 1999 appropriations bill.

Espy was blunt in a press conference at the Federal Courthouse in Washington, D.C. following the acquittal. "It cost a lot; it's been tough, but I knew from day one that I would stand here before you completely exonerated," he said. Espy described Smaltz as "not unlike any other school-yard bully. You have to stand up to him. You have to let him know you're not going to back down, and sooner or later it's going to be okay." Smaltz, he added, was "someone with all the money, all the power, very little supervision, no timetable, and able to unleash powerful hordes of prosecutors on you and your family."

Espy said that he hoped to be "the first witness" at hearings next year on the renewal of the Ethics in Government Act. His attorney, Ted Wells, said, "Hopefully, the United States Congress will look at this victory and decide to change the independent counsel statute and put both Donald Smaltz and Kenneth Starr out of business."

Irv Nathan, a former Justice Department prosecutor who directed the recent American Bar Association study that called for the elimination of the independent counsel statute, told the *New York Times*, "The decision is probably another nail in the coffin for the independent counsel statute. . . . It will be perceived as another example of excessive exuberance by an independent counsel, and of poor judgment."

Indeed. Smaltz, who was aided by career DOJ fraud unit expert Ted Greenberg, tried to portray Espy as a politician-for-hire who took lavish gifts from firms that, as Secretary of

Agriculture, he was supposed to regulate. But the fact is, Espy, during his brief tenure as Secretary, took on the big agribusinesses, and imposed a moratorium on farm foreclosures, reflecting his understanding that the food cartels were robbing the American family farmer blind.

Tom Green, who represented Tyson Foods chairman Don Tyson, another target of the Smaltz probe whom prosecutors hoped would provide a “back door” to the Clintongate probe of Starr, underscored the out-of-control nature of the Smaltz operation: “Smaltz knew at an early stage of his investigation that he was woefully short of evidence that Espy compromised his position at the Department of Agriculture or did anything merely for getting some football tickets. A wise prosecutor would say, ‘I better think twice about prosecuting this case.’ Smaltz had an evangelistic approach to public life. He thought it had to be totally, irrevocably antiseptic.”

### **Impeachment effort on the rocks**

The assault on President Clinton was also battered. Within 48 hours, House Judiciary Committee Chairman Henry Hyde (R-Ill.) undertook one of the more embarrassing political retreats in the history of Capitol Hill. On Dec. 1, Hyde presided over hearings in which a parade of witnesses discussed the issue of perjury, one of the pending impeachment counts. A number of convicted felons proved to be about the only witnesses singing Hyde’s tune, as former Attorney General Elliot Richardson and prominent defense attorney Alan Dershowitz rejected the notion that the President’s testimony before the Starr grand jury had come close to an impeachable offense. Dershowitz got into a shouting match with Hyde, denouncing committee Republicans for “demeaning” the Constitution by their frivolous pursuits against the President.

Yet, at the end of the hearings, Hyde suddenly announced that he was expanding the Judiciary Committee’s impeachment probe to include possible campaign finance violations by the President. Democrats on the panel staged a noisy revolt against the flagrant partisanship of Hyde’s actions; and even House Republicans not members of the Judiciary Committee chastized Hyde for trying to drag the impeachment fiasco into the 106th Congress, which begins business in January 1999.

The next day, after meeting with the President, House Minority Leader Richard Gephardt (D-Mo.) called on Speaker Newt Gingrich (R-Ga.) and his successor, Bob Livingston (R-La.), to rein Hyde in.

On Dec. 2, Judge Norma Holloway Johnson, who has presided over the Washington end of the Starr grand jury probe, authorized two Judiciary Committee staffers to review the Justice Department’s internal investigative file on the 1996 Clinton-Gore campaign, particularly a memo written by Charles LaBella, who, until recently, headed the probe. Hyde was playing a high-stakes game, hoping that a “smoking gun” might surface in the DOJ documents, to bring his dying impeachment probe back to life. No such luck.

On Dec. 2, the White House, after denouncing the Hyde

move to expand the impeachment probe as proof that the Judiciary Committee Republicans are “out of control,” wrote to Hyde that the President’s attorneys would take up his offer to present a defense of the President. That day-long hearing was scheduled for Dec. 8.

Hyde’s flight-forward was met with stiff resistance from both the Establishment media and from moderate Republicans. The next day, the *Washington Post* and *New York Times* both denounced the campaign finance expansion as unwarranted and dubiously partisan.

In a conference call with several House Republicans on Dec. 2, Majority Whip Tom DeLay (R-Tex.), an impeachment hawk, was overwhelmed by the degree of opposition to pursuing impeachment by moderate Republicans who, in the words of Rep. Bill Paxon (R-N.Y.), have “little appetite to pursue this past the first of the year.” DeLay learned, during the call, that a core group of 12 Republican legislators had already decided they would vote against impeachment on the House floor.

The next day, Hyde abruptly called off the campaign finance probe, and announced that the impeachment issue would center exclusively on the Monica Lewinsky affair.

Simultaneous with Hyde’s announcement, a group of moderate House Republicans led by Peter King (R-N.Y.), leaked word that they were drafting a censure resolution, to be possibly introduced to the full House, were the Judiciary Committee to vote out an impeachment bill. According to Reuters, the censure would denounce the President’s actions in the Lewinsky affair, impose a financial penalty, and require a statement by the President admitting his wrongdoing. Reportedly, 15-20 other House Republicans are working with King on the initiative, which already has the backing of a majority of House Democrats.

### **DOJ behaving like a cornered rat**

On Dec. 3, the *Washington Post* reported that Federal prosecutors are also feeling the heat from the 105th Congress’s overwhelming backing of the McDade-Murtha bill. Dennis W. Boyd, the chief lobbyist for the National Association of Assistant United States Attorneys (NAAUSA), admitted that Federal prosecutors were floored by the bipartisan support for the Citizens Protection Act, support that was galvanized by a nationwide organizing drive by the LaRouche political movement, which also has led the fight against Starr and the “Get Clinton” mafia.

“There was lots of talk from both sides of the aisle about out-of-control prosecutors,” Boyd complained. The Justice Department, he revealed, is planning to launch a campaign to repeal the elements of the McDade-Murtha bill that were included in the 1999 appropriations bill that President Clinton signed in October. He told the *Post* that NAAUSA would be holding a national board meeting in Washington later this month, to plot out a repeal strategy, along with representatives of the DOJ.