

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

**HON. VITO FOSSELLA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I rise today to support this resolution. I say this not as a Republican, not as a New Yorker, but as a person who loves this great country and all it represents.

Earlier today, the gentleman from New York, Mr. NADLER, stated in essence: "This matter will be the most divisive issue this nation has faced since Vietnam. While I do not question the gentleman from New York's belief that he believes this to be true, I do take exception to the comparison and respectfully disagree. Here is why—during the Vietnam War, as has been the case with every war or military conflict since our Nation's birth, men and women were sent overseas with a willingness to die for freedom, liberty and to defend the rule of law. In the case before us, the President of the United States has been charged with violating the rule of law that so many Americans have died for and are still willing to die for at a moment's notice all over the globe. The same rule of law that we must ensure applies equally to every single American, including the President of the United States.

This matter goes to the very heart and soul of what America is all about. This matter will determine whether we defend the Constitution, or destroy it. I hope and pray that each distinguished Member of this body places America first and that each Member sees through the clouds of rhetoric to uphold the rule of law.

It is the rule of law that unifies this country. It is the rule of law that allows each American the opportunity to enjoy and to pursue what our Founding Fathers and every generation of Americans since have always hoped for—that each American be entitled to life, liberty, and the pursuit of happiness. If we, indeed, cherish the notions of personal freedom and individual liberty granted to every single American, then we will seek to vindicate the rule of law and proceed with this matter with all deliberate speed and an unbreakable bond with each other toward fairness, equity and justice for each party involved, including the President of the United States.

Mr. Speaker, too many Americans have died to defend these principles we hold so sacred. Too many generations of Americans have given so much to wish reluctantly that this matter just disappear. Just as important, Mr. Speaker, with the Almighty blessing, generations of Americans yet unborn will look back to this day and claim this to be one of America's finest hours, not as a sideshow that some are trying to depict this as.

Each Member of this body still must maintain an obligation and responsibility to be bound to our oath of office. The same oath of office voluntarily taken by the President of the United States. Accordingly, Mr. Speaker, I support this resolution.

THE GOOD FRIDAY TRADE AND INVESTMENT ACT

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. McDERMOTT. Mr. Speaker, I rise today to introduce legislation that targets a trade and investment initiative toward Northern Ireland and the border counties of the Irish Republic. My view is that using existing trade and investment tools to stimulate economic hope and opportunity in the Irish region is the best chance we have for ensuring the Good Friday Peace Agreement is fully implemented.

Over the past few months, my thoughts, hopes, and concerns have fixed upon the Irish region. From the peaks of the Good Friday Peace Agreement and election of the first local government in Northern Ireland in over twenty five years, to the valleys of Drumcree, the arson deaths of three young brothers in Ballymoney, and the horrors of the Omagh bomb, my hopes for that troubled land have twisted and turned with events seemingly beyond our ability to impact or entirely understand.

Northern Ireland needs our nation's support and assistance at one of its most critical stages along the path to lasting peace and consensual self government. On the very edge of undertaking their governmental duties and offices as set forth in the Good Friday Peace Agreement, the political leaders face one final fence—the decommissioning issue—that stands between them and the promise of a democratic and prosperous government for both communities. Time is short and a clear sign of support from Congress could help lift the parties over the last hurdle.

As you know, Irish free trade legislation has been slowed by resistance from the European Union, which considers a free trade agreement between the U.S. and Northern Ireland and the Border counties as a threat to their customs union. As member states of the EU, both Ireland and Britain have viewed free trade legislation with some trepidation.

Faced with continued resistance to the Irish free trade legislation, I concluded that a fresh attempt to fashion legislation that could address European reticence while quickly delivering meaningful trade and investment assistance to Northern Ireland was in order.

I have developed legislation that targets existing trade and investment tools such as the Generalized System of Preferences (GSP) to assist Northern Ireland's exporters to grow their economy and job base. The legislation also ensures that the Overseas Private Investment Corporation (OPIC) generates private sector focus and interest in Northern Ireland and the Border area and makes sure that women entrepreneurs have meaningful access to that funding. I have additionally utilized the International Fund for Ireland as a channel to increase funding for projects that will create rapid job growth in the private sector. Finally, I have targeted five projects for funding and support that will provide both immediate and mid-term job generating growth.

While there are few days left before adjournment, I am determined to advance this new bill as far as the legislative schedule and the leadership will allow. I ask for your help, assistance, and cosponsorship. A clear, seri-

ous and solid signal of support to the parties in Northern Ireland is crucial for their continued forward progress. For your information, I have attached an executive summary of the bill and some recent news items which illustrate the need for a reinvigorated effort on our part.

GOOD FRIDAY TRADE AND INVESTMENT ACT

(1) Statement of policy/findings:

a. Economic growth and stabilization of Northern Ireland (NI) and Irish Republic Border Counties (IR) are key to full implementation of the Good Friday Peace Agreement.

b. The Omagh bombing is a clear example of a small town that desperately needs immediate relief and assistance for reconstruction. The pace and scale of aid and investment in Omagh and other towns recently bombed—Banbridge, Markethill, and Newtownhamilton—could determine whether the Agreement holds.

c. The International Community, including the European Union and the World Trade Organization (WTO), has a strong record of responding to historic political and economic circumstances. It has fought for and approved WTO waivers, such as transitional measures to take account of German Unification and the Treaty of Lome, that allow necessary international flexibility and cooperation to enhance trade and investment and stabilize economically deprived and politically revitalized regions.

d. The U.S. can continue its crucial role in the peace process by creating and promoting economic growth through trade and investment in the region's severely economically deprived areas. In addition to promoting trade and investment in NI and IR, the U.S. should consider grant assistance to aid communities suffering terrorist attacks.

e. Fair employment practices in Northern Ireland are an essential element for an expanding full employment economy. Congress notes with approval the constant efforts undertaken by the Northern Ireland Fair Employment Commission and Employment Tribunal to achieve this end. Congress is also aware that the Good Friday Peace Agreement established an Anti-discrimination Committee to augment the work done by the Committee and Tribunal. Congress believes their continuing efforts constitute persuasive evidence that economic justice principles contained herein are being effectively safeguarded, secured and promoted for all communities. (Assistance in legislation is contingent on MacBride principles as agreed to in H.R. 1757 conference report).

f. The strengthening of a police force acceptable to both communities in Northern Ireland is essential for the formation and success of a peaceful and prosperous civil society. The Congress notes the Independent Commission on Policing is to report on the policing problems in Northern Ireland. The President, taking into consideration the recommendations of the Commission, shall report to Congress on a bi-annual basis how the United States can assist in the establishment of an acceptable policing force in Northern Ireland with the highest level of professionalism.

(2) OPIC directive: OPIC shall establish \$300 million in equity funds for infrastructure and business development in NI and IR. Funds should emphasize investment in severely economically deprived counties in NI and IR as well as emphasize the role of women.

a. Women into Business Fund: No less than 20% of the equity fund should be dedicated to encourage investment by women entrepreneurs and should be targeted to ventures headed or owned by women.

b. New Technology Fund: No less than \$10 million shall be dedicated to investment in projects emanating from new technologies.

(3) Increased funding for the international fund for Ireland (IFI) by \$30 million this year and that U.S. contribution to IFI shall not fall below \$40 million/year through 2003. The President shall ensure that enhanced contribution is used for projects in severely economically deprived areas.

a. 50% of annual U.S. contribution should go to projects that are most likely to produce jobs and economic expansion. The projects funded shall be selected by the Directors of the IFI in consultation with members of the Economic Development Committee of Northern Ireland Assembly, and members of the Cross Border Economic Committee from the Republic of Ireland. The President also shall report to Congress a list of suggested projects. For FY '99 the following projects shall be given first consideration.

i. \$8 million in financing for Omagh Memorial and other Science Parks. The UK plans to set aside \$16 million to support the creation of Science Parks in Northern Ireland to bring to the marketplace the fruits of the scientific research undertaken in Northern Ireland's two universities. The IFI should consider leveraging this investment by allocating funds to establish 5 science parks in Belfast, Coleraine, Magee College, Armagh, and Omagh—each of which are located near existing research centers and campuses. It is the hope that these parks could attract additional private sector businesses and generate between 20 and 30 viable businesses over a 5-year period.

ii. \$5 million in co-financing to the \$8 million Innovation Fund established by the UK to provide support for technology-transfer start-ups with commercial potential.

iii. \$250,000 over 2 years toward the strengthening of existing ties between Hand-made in America and the Northern Ireland craft sectors. Enhancing the existing partnership would go a long way toward boosting the contribution of craft industry to employment and economic growth and deepen cultural, heritage, artistic, and commercial relations between the U.S. and Northern Ireland.

iv. \$250,000 for executive development. One of the key weaknesses in the Northern Ireland economy is the relatively low level of skills and competency at the middle management level in both the public and private sector. Closing the skills gap must include continuous executive development. An executive development program for up to 50 executives drawn from local government and private sector can be developed to meet these training needs. A 20-week program of workshops, peer learning, peer assessment and internships could be implemented between a university such as the Ulster Business School and a U.S. Business school. Local government and business could be encouraged to co-finance the project with the IFI.

v. \$13 million for Springvale Project to tackle twin problems of urban economic regeneration and the growth of further and higher education. Springvale would be a university campus in a very deprived area of West Belfast, the scene of much of the terrorist violence and community strife over the past 30 years. Springvale project would be supported by the Central Government, the University of Ulster and Belfast Institute of Further and Higher Education. IFI support would represent a significant vote of confidence for this important initiative.

(4) Department of Commerce initiatives for NI and IR shall emphasize the awareness of U.S. business opportunities and the creation of joint ventures in the region. DOC shall consolidate its current activities and focus

on promoting awareness of regional business opportunities, encouraging joint ventures, and emphasizing the development of women-owned businesses.

(5) Generalized system of preferences amended to allow NI & IR Border Counties to qualify as a "beneficiary developing country" through 2008 or 10 years after receipt of WTO waiver. (Requirements of eligibility—transshipment protections—based on 1985 U.S.-Gaza free trade agreement that includes Qualified Industrial Zones, territories of Egypt and Jordan.)

Implementation of provision contingent on USTR receiving waiver from WTO. USTR must work with EU, UK, and IR to seek waiver from WTO and it must be sought within one year of enactment of this legislation. USTR must report on an annual basis to Congress on the progress of their waiver attempt and the status of US-IR-NI trade relations. USTR report must also include recommendations on how to effectively expand US-NI-IR trade.

(6) Definitions of eligible countries and fair employment principles (MacBride principles of H.R. 1757 conference report).

[From USA Today, May 5, 1998]

JOB, INVESTMENT KEY TO PEACE IN  
NORTHERN IRELAND  
(By David J. Lynch)

DERRY, NORTHERN IRELAND—One in every seven jobs in this city is with a U.S. company, the legacy of a friendly financial invasion the past decade. Now, further such investment is critical. If the economy doesn't produce more jobs, last month's historic peace deal could be stillborn.

"There's a direct correlation between unemployment and violence," says former U.S. senator George Mitchell, who chaired the Northern Ireland peace talks.

Despite 30 years of sectarian conflict, Northern Ireland's economy in the 1990s has grown jobs faster than any other part of the United Kingdom. But early hopes for a peace boom likely are unfounded. Instead, job growth threatens to stall—just when it is most needed to bolster political stability. An overvalued currency is pinching exporters. Budget cuts promise pink slips in government offices, where a stunning one-third of all workers are employed. And the European Union is expected to trim subsidies to farmers, still reeling from the mad cow disease export ban.

BOOSTING TRADE WITH USA

So, Northern Ireland officials are accelerating efforts to promote trade and investment with the USA.

U.S. companies already are prominent fixtures here. DuPont has produced synthetic materials at a giant plant outside this city since 1960. Seventy miles southeast in Belfast, Ford Motor employees 650 workers making water pumps and other car parts.

The past four years, U.S. employers accounted for more than 53% of foreign investment in Northern Ireland. The USA is a key part of the province's economic strategy—and nowhere more so than in Derry.

In July, local officials expect to welcome a 60-member Silicon Valley delegation, including executives from Hewlett-Packard and Informix, headed by San Jose, Calif., Mayor Susan Hammer. And this fall, about a half-dozen would-be entrepreneurs from Derry and San Jose will switch cities for six months to two years, says Barney Toal, a development officer with Derry Investment Initiative, a public-private partnership.

The U.S. participants will get access to the local university's supply of well-educated though inexperienced, computer whizzes. Those headed to the USA are hoping Silicon

Valley's Midas touch rubs off. "There is a risk they'll develop the business and stay over there," Toal says. "At the same time, we're hoping some Americans stay here."

If they do, they will be living in a city founded in 546, which more than a millennium later gave birth to the Catholic civil rights movement. Early protest marches in the late 1960s drew the world's attention to British rule. When British paratroopers shot 13 demonstrators to death in January 1972, the bloody course of the next two-and-a-half decades was fixed.

A major issue in those early marches was economic discrimination against the city's Catholic majority. But the spreading violence brought the economy to a standstill for everyone. At one point in the summer of 1973, only 20 of the city's 150 shops were undamaged by terrorist bombs. Maeve Gallagher, a teen-ager at the height of the conflict known simply as "The Troubles," worked in her father's plastics store. "It was blown up several times. We were actually down there helping clean up the broken glass," she says.

Today, Gallagher, 33, an accountant, and her engineer husband work here for Seagate Technology, the U.S. disk-drive maker. The Gallaghers are among the beneficiaries of a flood of foreign cash.

FROM SHIPYARDS TO SEAGATE

For much of its 77-year existence, the province was a heavy manufacturing arm of the British economy. But recent years have seen changes that would be familiar to residents of the "Rust Belt" states of the midwestern USA. Belfast's Harland & Wolff shipyard once was famed as the builder of the SS Titanic. Today, the yard's idle elbow-shaped cranes bear mute witness to the region's de-industrialization.

An early coup in the ongoing economic overhaul was Seagate's 1994 opening of a disk-drive component plant. The company, which had been wooed by Ireland and Scotland as well, settled on the North largely because of the ready supply of educated workers, says Ken Allen, 38, a Seagate vice president. Salaries for similar workers in Ireland have been bid up because of Dublin's success in attracting high-tech companies.

Meanwhile, concerns over possible workforce instability amid Northern Ireland's periodic turmoil were easily assuaged. "The hard fact is that when somebody gets a job, they're going to damn well hang onto it," says Town Clerk John Keanie. "They're not going to put it at risk."

Last year, Northern Ireland's output grew 3.1% while unemployment fell to 7.9%, well below 1990's 12%. If peace takes hold, the province could see a tourist bonanza. Up to 20,000 new jobs would result if tourism rose to the 7% of gross domestic product that it constitutes in Ireland, Coopers & Lybrand says. Meanwhile, the North's jobless rate is still higher than in the rest of the United Kingdom, and its growth rate pales compared with that of its southern neighbor, the best-in-Europe "Celtic Tiger" economy.

TRAILING ITS NEIGHBORS

The North suffers because of the high value of the British pound, which has cut exporters' profits and thus depressed hiring. And too many workers—193,000 of a total workforce of about 600,000—draw government paychecks. The economy must grow by about 2% just to absorb likely public sector cuts, says Coopers & Lybrand.

Prolonged joblessness is an especially malignant problem. Almost half of the 60,000 unemployed have been without work for more than one year. Until early last year, Eddie McIntyre was among them. Then, thanks to a last-minute cancellation, he got into a coveted computer training program. Early last year, when a job operating production machines opened up at Seagate's local

factory, he was chosen. "It's changed everything for me," says McIntyre, 45, who was born and raised in the Catholic ghetto here known as the Bogside.

Derry's efforts to cultivate U.S. economic links began about a decade ago. On frequent trips to the USA, Derry's John Hume, an architect of the peace agreement as leader of the Social Democratic Labor Party, tapped an extensive network of Irish-American political contacts, including Sen. Edward Kennedy, D-Mass. Hume pitched Northern Ireland to companies looking for a European foothold. "There had been a substantial amount of support for violence coming from America," Hume says. "I told them the real help they could give us was economic."

In those days, when car bombs and bullets appeared to fill Northern Ireland's streets, the province was a tough sell.

Declan O'Hare, who ran the investment promotion office in New York in the late 1980s, says, "You'd have doors slammed in your face. You'd say you were from Northern Ireland and people didn't want to see you."

Now, with U.S. investment last year of \$620 million, vs. about \$50 million 10 years ago, the Derry men get a different reception. In March, Hume spoke to more than 500 U.S. executives on a tour of Boston, New York and Washington—several times the number he attracted during previous visits.

And for those who still think Northern Ireland is synonymous with random violence? Says Allen: "I feel a lot safer in Derry than in Minneapolis or Chicago or many other American cities."

[From the Irish Times, Sept. 9, 1998]

POVERTY IN REPUBLIC IS SECOND IN UN REPORT

(By Paul Cullen)

The Republic has the highest concentration of poverty among Western countries outside the U.S., according to a United Nations report published today.

In spite of growing wealth and improving social services, the Human Development Report 1998 reveals wide disparities in the distribution of wealth within the State.

Irish women are worse off economically than in any other industrialised country. They are also less likely to hold positions of influence in business or politics. Functional illiteracy here is higher than in the 16 other industrialised states covered by the survey, and Irish long-term unemployment ranks second-highest.

The report, from the UN Development Programme, echoes the annual report of the Combat Poverty Agency published earlier this week. This said that up to one-third of the population is at risk of poverty, while 9 to 15 percent live in persistent poverty.

Most of the data in the UN report comes from 1995, before the Celtic Tiger phenomenon took effect. Some indicators, such as unemployment, have improved since then, while others have remained static.

The Human Poverty Index (HPI) ranks Ireland 16th out of the 17 countries, with 15.2 percent of the population in poverty. Only the U.S., with 16.5 percent in poverty, is worse. The UK comes 15th and top of the list is Sweden, with a rating of 6.8 percent.

The HPI was included in the report for the first time this year to expose internal disparities in wealth within the richer countries.

In the main measure of quality of life contained in the report, the Human Development Index, the State comes 17th out of 175

countries. This is the same as last year, and marks the end of a period of steady improvement in the rankings.

Since it was first compiled in 1990, HDI has become a widely accepted measure of quality of life. It is based not only on income levels but also on life expectancy and education levels.

For the fifth year in a row, Canada tops this index. Canadians rank first in overall health, general level of education and the degree to which an average person enjoys a decent standard of living. France and Norway follow in second and third places.

African countries occupy the bottom 15 places in the index. Sierra Leone comes last, but other politically unstable countries such as Rwanda are not listed this year because of the difficulties in gathering information.

The report says consumption, if properly regulated and directed, offers a route out of poverty for the world's poor. "For the more than one billion people living at or near the margin, increased consumption is essential. For those at the top, it has become a way of life," says the UNDP administrator, Mr. Gus Speth.

Mr. Speth says massive increases in consumption often place at risk those who benefit least in the first place. Thus, global warming caused by increases in carbon dioxide emissions primarily threaten the poor of low-lying developing countries such as Egypt and Bangladesh.

While consumption increases have proved "the life-blood of human advances", spending is misdirected. Europe spends £8 billion a year on ice-cream, when £6 billion would provide water and sanitation for all. Almost £12 billion is spent annually on pet food in Europe and the U.S., when £9 billion would provide basic health and nutrition for the poor.

According to the report, the wealth of the world's 225 richest people is equal to the annual income of half the world's population. The richest three people are wealthier than the poorest 48 countries.

[From the Financial Times, Sept. 22, 1998]

RURAL AREAS COMPLAIN OF PITIFUL NEGLECT—TOWNS SUCH AS BALLINA IN COUNTY MAYO TYPIFY THE REGION'S POOR RELATION STATUS

(By Kieran Cooke)

The town of Ballina lies on the western edge of Ireland, surrounded by the bleak but hauntingly beautiful landscape of County Mayo. The Moy, one of Europe's finest salmon rivers, flows by churches and old warehouse buildings. The Atlantic wind whips down streets lined with fishing tackle shops and pubs.

Mention of the Celtic tiger brings a wry smile to the face of Terry McCole, a Ballina college principal and former head of the local urban district council. "People round here say Ireland's economic tiger must have run out of steam on its journey to the west from Dublin. The politicians and planners have largely ignored this part of the country. Dublin and the east have been grabbing the bulk of investment and benefits of economic growth—we're left to fight over the crumbs."

Mr. McCole's views are echoed all along Ireland's Atlantic seaboard—from County Donegal in the northwest to County Clare in the southwest. Ireland, say the government's critics, is fast becoming a two-nation state. On the eastern side of the country are the increasingly wealthy areas around Dublin and Cork, sucking up inward investments and EU

funding. On the other are the disadvantaged border, midland and western counties, bereft of investment and facing serious population declines.

Ballina, County Mayo's biggest town with a population of 8,000, has an unemployment rate of 25 per cent—over twice the national average. In the early 1970s Asahi, the Japanese group, opened a synthetic fibres plant near the town with the promise of 1,100 jobs. At its peak, employment reached 500—the plant was forced to close down last year due to worldwide overcapacity for its product.

"The government does not have any proper regional policy," says Mr. McCole. "The whole system is designed for the cities. The one place in the west that is really thriving is Galway, which has attracted millions in investment and is now the fastest growing city in Europe. But we have had to fight very hard to achieve some progress."

Ballina's efforts have met with some success. A £10m hotel and apartment complex is being built in central Ballina. The tourism industry is flourishing. More than 150,000 attended a recent festival there—attractions included an animal olympics, with heavy betting on the duck and pig races.

A number of small industries, including a seed potato enterprise, have been established. A computer company is creating 100 jobs. Coca Cola recently announced a multi-million pound investment in a research facility in the town which will employ 150 people. And there are plans to set up a small university institution, specializing in theological studies.

"There's no doubt there is a confidence that was absent five years ago," says Terry Reilly, editor of the local Western People newspaper. "But in comparison with what's going on in the east of the country, development in this area is still slow. The great worry is when the economic downturn comes—as it inevitably will—what will happen here? The west has always been the last area to receive the benefits of economic growth and the first to be hit by a decline."

Many schools, hospitals and police stations in the area have been forced to close. The road and rail network is in dire need of updating. Graduates are forced to migrate to the east in search of jobs—the result is a declining skills pool in the west and problems of overcrowding and rapidly increasing house prices in the east, primarily in Dublin. More than a third of Ireland's population now lives in the Dublin area.

Next year Brussels is due to review Ireland's Objective One status, under which the country has received millions of pounds of EU development funding. Mr. Reilly and many others say the government won those funds due to the underdeveloped state of the west of the country—but then proceeded to spend the bulk of the Brussels money in the east.

Due to the rapid growth of its economy, Ireland is almost certain to lose its Objective One status. However, many in the west are determined to fight for its retention in their region.

"So far we've had lots of government reports and initiatives but no real action," says Mr. McCole. "What's encouraging is that local people are now getting on with developing the area, with or without government help. Perhaps we'll breed our own Celtic tiger."

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. CONYERS. Mr. Speaker, I am inserting into the RECORD two insightful and useful editorials from *The Nation* magazine. The first one, titled "Clinton, Starr and the Constitution" points out that "this inquiry has been driven by politics from the start." The *Nation*, which has been a strident critic of Bill Clinton almost from the beginning of his Presidency, states that "Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy."

It also rightly points out that "What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform."

The second editorial points out that the tactics of this investigation have amounted to "sexual McCarthyism." In drawing a powerful historical analogy, the *Nation* points suggest that "the Enemy Other is sexual rather than political deviance." Just like during the 1950's, there have been secret grand jury leaks, wiretapping has been used to entrap witnesses and the legal process is being used to punish or defame people for activities that may be "politically and culturally anathema," but not necessarily crimes. Hence the need for the public to hear all the salacious details contained in the Ken Starr report.

I bring these fine editorials to the attention of my colleagues and the public.

[From *The Nation*, Oct. 5, 1998]

CLINTON, STARR AND THE CONSTITUTION

Kenneth Starr's impeachment report represents an assault not merely on Bill Clinton but, more significant, on the presidency, the Constitution and our democracy. It is crucial to the future of all three that it be repudiated before its damage becomes irreversible.

We have no great affection for the President, who has systematically betrayed almost everyone and everything for which he professed to stand during his six years in office. But those failings should not obscure the great danger posed by the possibility of Starr and his minions forcing Bill Clinton out of office. Whatever the degree of the President's responsibility for bringing this calamitous situation on his own head—and that responsibility is considerable—the nation cannot allow itself to be decapitated by what is, at its core, a politically motivated witch hunt.

Clinton's actions ought not to be the subject of an impeachment inquiry. Starr went after possibly more serious allegations against the President related to Whitewater, Filegate and Travelgate, but despite a nearly crazed obsession with nailing his prey, he apparently came up empty-handed. He has therefore been forced to base an impeachment case entirely on Clinton's adulterous affair and attempts to cover it up.

A principled man, comfortable with himself and the Constitution, should be able to argue that no citizen may be compelled to testify about intimate details of his sex life unless there is a showing of transcendent public need. Clinton could have invoked provisions of the First, Fourth and Fifth amendments to create a zone of privacy, a so-called intimacy privilege. But instead, Clinton appears to have lied—more than once. Let the lawyers argue whether this technically qualifies as perjury. Clinton would be wise to quit quibbling and rely on the good sense of the American people to see that Congress addresses this transgression (which does not compare with Clinton's more serious failures in addressing the nation's problems of growing corporate power and inequality) with a punishment that fits the crime. One of the most striking aspects of this surreal situation has been the consistency of the public's insistence that what happened between Monica Lewinsky and Bill Clinton is their own business, and that of their families. The punditocracy's obsession with the salacious details of Oval Office sex has been matched by its hypocrisy in playing morality police to an audience that does not care what the pundits think.

The Constitution says that Congress shall impeach only for "treason, bribery, or other high crimes and misdemeanors." The President's lawyers are on firm ground when they assert, "The impeachment clause was designed to protect our country against a President who was using his official powers against the nation, against the American people, against our society. It was never designed to allow a political body to force a President from office for a very personal mistake."

This inquiry has been driven by politics from the start. Kenneth Starr is a partisan conservative Republican who has been the spearhead of an unprincipled, well-funded attack on the Administration almost from the moment it took office. Lest we forget: Starr, former chief of staff to Reagan Attorney General William French Smith, was chosen for his current job in 1994 by a three-judge panel that itself was selected by Chief Justice William Rehnquist, who would preside over the Senate in the event of an impeachment trial. Starr considered writing an amicus brief to advance Paula Jones's case against the President. Starr continued, as a million-dollar-a-year lawyer, to represent the tobacco industry while investigating Clinton and planned to accept a Richard Mellon Scaife-funded deanship at Pepperdine University until a national uproar forced him to give it up. And Starr's office is under investigation for the unprofessional and possibly illegal manner in which it leaked information designed to damage the President.

Whether it achieves its goal of inspiring Clinton's impeachment, Starr's investigation has succeeded beyond its originators' wildest dreams. It has crippled the Administration and the Democratic Party. What the conservatives could not stop by election they have thwarted by investigation. This Congress saw no important legislation passed on tobacco and children, education, childcare, minimum wage or campaign finance reform. Not much planning for the future appears to be under way in the White House, as Democrats run for cover in hopes of surviving what could be major Republican gains come November.

More significant, however, is the damage that Starr and his team have done to time-honored constitutional prerogatives and common decency. President Clinton's right to privacy has been shredded. Starr has used his unlimited powers to threaten White House staff and to intimidate Lewinsky and her family. He has eviscerated the right of

attorney-client privilege for public officials, and he has abused the grand jury system. And the hymn-singing, Bible-quoting Starr has produced the best-read piece of Puritan pornography in human history. In his zeal to remove the President, he has transformed the American political process into an exercise in voyeurism.

Rather than needlessly drag the country through the degrading process of impeachment hearings based on Starr's document, the House Judiciary Committee might consider conducting a debate that assumes the truth of all the allegations in the Starr report. The question for the committee would then become: Are these charges serious enough to rise to the level of being "high crimes and misdemeanors"? If not, in what would essentially be the granting of a motion to dismiss, the committee could decide not to present the House with articles of impeachment. The process could stop right there. It would then remain only for Congress to decide whether to drop the matter or to censure the President, in a form to be determined. The President, for his part, could do his party and the country a favor by admitting he lied and making clear that he would accept such a censure. A censure resolution, if it comes to that, should be narrowly focused on the nation's top law-enforcement official lying under oath in his Paula Jones deposition. It should not give credence to Starr's unproven claims of grand jury perjury and obstruction of justice.

Going forward, Congress should insure, by way of changes in statutes governing the independent counsel's office, that no person will ever again be vested with the uncontrolled power that Kenneth Starr has so effectively misused. Inquisitions, sexual or otherwise, are "inappropriate" in a constitutional democracy.

STARRISM

Everyone from Alan Dershowitz to a front-page classified advertiser in the *New York Times* has sounded the alarm about "sexual McCarthyism" in connection with Kenneth Starr, his report and all the rest.

The word "McCarthyism," as many have pointed out [see Navasky, "Dialectical McCarthyism(s)," July 20] is a misnomer since it describes a phenomenon that began before the junior senator from Wisconsin arrived on the scene and persisted after he was retired from it. And each time this umbrella term for the excesses of the anti-Communist crusade is recycled as a metaphor for the latest political mugging, it loses something of its original power and precision as a description of a social pathology.

Moreover, in the case of Starr & Co. the metaphor seems inexact because McCarthy was notorious for the sloppiness of his methods, the manipulation of numbers (first there were 205, then fifty-seven, then eighty-one card-carrying Communists in the State Department) and, as often as not, getting the wrong guy. Whereas the sexual allegations against Clinton appear to be well documented, and Starr seems obsessively precise and meticulous (although the closer one looks at his report the less confidence one has in its integrity).

Is "sexual McCarthyism" a misleading metaphor for what is happening? Not really. Though there are obvious differences, there are at least three significant similarities between then and now. It's important to identify what they are before too many reputations get shredded, too many democratic values violated, too many dangerous precedents established, too much privacy invaded.

First and foremost, there is the attempt to demonize a political target as the Enemy Other. Historians like the late Frank Donner have demonstrated how the great Red hunt