The Clinton presidency and the analysis of political scandal

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Abstract

This study analyses the usefulness of recent offerings from scholars, such as John Thompson, that have aimed to bring a greater understanding of the subject of political scandal, by applying them to case studies of authentic political scandals during the Clinton Presidency. Academics have attempted to discover a more authoritative definition of a *political scandal* and have suggested tentative theories to explain the phases of high and low scandal activity that have been experienced throughout history, this is no more evident than in the United States. By applying these offerings to the highly detailed examinations of the Whitewater and Monica Lewinsky scandals, this study argues that the academic theories, thus far, are found to have limitations when faced with complex, modern political scandals in the United States. While this study does not offer a theory on political scandal of its own, it suggests that, although important contributions have been made, that more academic work is required to gain a greater understanding to potentially develop a new theory on political scandal.

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To Bom and Nin

Introduction

Political scandals have existed in the United States for as long as the republic itself. Nevertheless, no two scandals are identical. The development of American society and politics has influenced the frequency, nature and consequences of scandals over time. In the last four decades, American public life has experienced an energetic cycle of political scandal. Nixon and Watergate, Reagan and Iran-Contra and investigations into the Whitewater land deal and Monica Lewinsky impacted President Clinton. Major scandals have not been reserved for the Office of the President. Congress has received scrutiny, most notably, Abscam, an FBI sting operation exposed members caught up in bribery and the Keating Five, involved high profile Senators accused of using their influence in return for large campaign contributions.

Incidence of scandal is particularly attractive to the mass media. Television, radio talk shows, newspapers and more latterly the internet have all been eager to fulfil a public desire to debate and gossip as to what may have *really* been happening behind closed doors.

The ability of scandals to capture interest often causes major problems for politicians and their staff. In a clamour for information, investigation from journalists, independent counsels, the FBI and Congress can have major and varied ramifications. In the midst of scandal, politicians may require professional assistance to respond to allegations and on occasion, scandals force resignations as criminal investigation disrupts a politician's ability to fulfil his duties. In the worst cases, scandals can suffocate and temporarily

disable the political system. Clearly, with the potential for such a powerful impact, political scandal should not be dismissed.

Scandals are often exceptionally complex, particularly if they stimulate intrigue in the media and public. They can very quickly develop a 'life and momentum of their own'[1], becoming less responsive to attempts to extinguish or direct their course. Scandals are given further unpredictability by the fact that the severity of alleged misconduct does not have a direct correlation to the exposure in the media. Individuals can pay a significant price for their involvement in political scandals, careers are ruined as they are forced to resign or face criminal convictions. Yet, others, who may also appear to be more at fault, can escape without any convictions and survive relatively unscathed.

The potential impact of a scandal has increasingly been determined by the debate over evidence, particularly as it is often inconclusive or ambiguous. In these instances, teams of lawyers from both sides compete with each other for extended periods. As with most court cases, opposing sides will attempt to build facts to either prosecute or defend those involved in the scandal. Consistently, this can reach the public as accusation followed by rebuttal in the media. Where incomplete evidence forms the main basis for the scandal and, during investigation, lawyers and aides are unable to build an agreed factual chronology of events, it is understandable that scandal can overwhelm all involved and produce inconsistent reactions and results.

Clearly, the liberal democracy of the United States, with a free press, political competition and a porous political system, provides an ideal environment in which to create a political scandal in any branch of government. Other countries, with more

[1] Robert Williams, *Political Scandals in the USA* (Edinburgh, Keele University Press, 1998) p1

stringent controls over the press and institutions, with fewer democratic checks and controls, allow politicians within the system to misbehave in the knowledge their misdeeds will be suppressed. In such regimes, scandal may only come to light after a coup or revolution allowing previous governments to face investigation. While in this thesis the focus is the United States, most liberal democracies with a free press suffer the consistent presence of scandal. Of course, culture will determine the characteristics of the scandal. For example, the issue of sexual impropriety tends to have a less significant role in French or Italian politics compared to Britain or the United States.

A variety of reasons have been put forward to explain the recent phase of scandals in contemporary America. Williams suggests three major viewpoints. Firstly, that Watergate was a catalyst in highlighting the extent of corruption in the United States. Secondly, that the media are more vigilant and sensitive to scandal and finally that far from signifying a deterioration in the behaviour of politicians, a new determination to find scandals has developed in recent years.[2]

Richard Nixon's administration highlighted that politicians should be continuously watched for any signs of suspect behaviour. Politicians, aware of a new sensitivity to misconduct, would be equally cautious. In the years following Watergate, a number of reforms to campaign finance, public financial disclosure and the introduction of new investigative bodies such as the Office of the Independent Counsel were created to bring a new level of scrutiny to public officials. But paradoxically, the number of scandals increased in the wake of reforms. If corruption was the sole cause of scandal then an increase in the number of scandals after Watergate would signify a worsening spiral of corruption in the United States and that reforms were ineffective.

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[2] Williams, *Political Scandals in the USA,* p4-5

With regard to the media, Larry Sabato's notion of a 'feeding frenzy' describes a transformation of the press from 'lapdog' to 'watchdog' and ultimately 'junkyard dog' during the 20th century.[3] In the pursuit for a prized exclusive a competitive press will feed off each other, collectively lower standards and make ill-judged decisions and risk libel suits to *get* the story. Sabato categorizes 1966-74 as a period of 'watchdog' journalism, but both the Vietnam War and then Watergate stimulated a shift to 'harsh, aggressive and intrusive'[4] 'junkyard-dog' journalism from 1974 onwards. Rather than an increasingly larger sink of corruption developing in recent years, a larger number of scandals may be a reflection of a concerted effort in the media and all levels of government to draw attention to any suggestion of malpractice. A higher sensitisation to corruption may have shifted norms and values. What may have previously been considered as normal behaviour for a public official suddenly becomes 'scandal worthy'.

In contemporary America there may have been an increasing tendency to manufacture a scandal as a political tactic. A successful scandal will detract the media and public from the realities of governing. They can deflect interest away from an individual as a form of protection or can be used to attack or retaliate against an opponent.

Garment has asserted that the interaction of press and various investigative arms of government, most notably the Office of Independent Counsel, since Watergate, has created a scandal 'machine'[5]. Once started, a scandal becomes caught in the process of investigation from government and the press and becomes very difficult to stop.

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[3] Larry J. Sabato, *Feeding Frenzy: Attack Journalism and America Politics* (New York, MacMillan Publishers 1993) p25-27
[4] Sabato, *Feeding Frenzy: Attack Journalism and America Politics* p26
[5] Suzanne Garment , *Scandal: The Culture of Mistrust in American Politics* (London, Anchor Books, 1992)

The recent surge of scandal activity has undoubtedly affected public confidence in their elected officials. Between 1958-65 public doubts over the trustworthiness of government remained around 20-25%, since 1965 that figure has steadily risen reaching a high of 79% between 1993-97.[6] Roughly 3 out of 4 adults held a negative assessment of Congress and the President.[7] Clearly, there are new levels of suspicion and scepticism over elected representatives. Unfortunately these sentiments can often only fan the flames of scandal. If public opinion is of the belief that there is 'no smoke without fire' then this mindset, what Garment calls 'the culture of mistrust'[8], can mean any seemingly insignificant, tenuous piece of evidence or rumour can quickly turn into a scandal.

The political system of the United States faces a challenge to function efficiently if it is continuously beset with new allegations of some form of misconduct. If, at every new allegation, there is speculation questioning the veracity and motives of the politicians and public officials involved then ultimately their attention on governing will be deflected. The damage that scandal can cause is undisputed. Watergate, Iran-Contra, Whitewater and Monica Lewinsky more recently have all caused resignations, including a President (Nixon), and have succeeded, to varying degrees, in damaging the credibility of all administrations.

Despite its impact, it is only recently that scandal has received attention from academics. Scandals, in particular Watergate, have been well documented and discussed. Many books have been published, even a film - *All the President's Men* based on the famous

[6] Since 1958 a poll has been taken, 'How much of the time do you trust the government in Washington to do what's right? With only three responses from which to choose, 1. Just about always, 2. Most of the time, or 3. Only some of the time. Figures above showing a decline in trust, relate to an increase in the percentage of people who chose option three, 'Only some of the time'.' Alan F. Kay, 'Government, What has it done for us lately' *The Polling Critic,* 2003 [http://www.cdi.org/polling/18-government.cfm] p1

[7] Katy J. Harriger, *Independent Justice: The Federal Prosecutor in American Politics* (Kansas, University of Kansas Press, 1992) p45-46

[8] Suzanne Garment , *Scandal: The Culture of Mistrust in American Politics,* (New York and London, Anchor Books, 1992)

book by the *Washington Post* journalists Woodward and Bernstein, but most have been produced by those directly connected to the scandal that claim to give an 'inside story' or divulge previously unknown information. While these accounts were of some use, they tended to be typically partisan and written for political advantage. Most scholars had the belief that while scandal may be interesting and engaging to the public it was merely the 'froth on the political cappuccino'[9] and nothing more than a temporary distraction from the real business of governing. It was some years before academics began to examine the causes and wider impact of scandal and began to look beyond the propaganda and bias that was inherent in the subject. Of particular interest to this thesis were scholars who looked towards a theory of political scandal.

[9] Williams, *Political Scandal in the USA* , p 131

Theorizing About Political Scandal

A useful starting point on a theory of political scandal was provided by Andrei Markovits and Mark Silverstein, as editors to a larger collection of studies on scandal.[10] Writing the forward, Theodore Lowi highlights the importance of examining political scandal, which he describes as 'Scandology', in an attempt to draw broad conclusions about their nature. Lowi makes a clear distinction between what he described as substantive and procedural scandal.[11] The initial allegations that occur, which will include details of the transgressions of the politicians or public officials involved, is known as the *substantive* scandal. Yet, once the original misdeeds are reported then often there is a debate and further allegation, followed by rebuttal. In this situation the possibility for cover-up, to conceal and deny the allegations is much greater, this phase is known as the *procedural* scandal. It is often the case that the decisions and actions taken to cover up allegations can cause equal or more damage than the original transgression. Such distinctions, Lowi asserts, serve in 'the higher cause for political theory'[12], examining how and why a scandal develops and in its aftermath, what its consequences are to the political system.

Markovits and Silverstein then offer a tentative step toward a theory where the nature of transgression is fundamental to whether a scandal can be considered *political.* In their view, the most important ingredient in a political scandal is the role of 'power in the construction of social reality, public morality and the conscience collective.'[13] A political

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[10] Andrei S. Markovits and Mark Silverstein, *The Politics of Scandal: Power and Process in Liberal Democracies* (New York: Holmes and Meier, 1988)
[11] Theodore J. Lowi, Forward in Andrei S. Markovits and Mark Silverstein, *The Politics of Scandal: Power and Process in Liberal Democracies,* pviii
[12] Lowi, *The Politics of Scandal,* p ix
[13] Markovits and Silverstein, 'Introduction: Power and Process in Liberal Democracies' in Markovits and Silverstein, *The Politics of Scandal,* p4

scandal is defined by a 'violation of the formal arrangements of due process'[14], due process being the rules and procedures that govern the exercise of political power within a liberal democracy. In their view, political scandal is located within the overlap between the 'logic of power' and the 'logic of due process'. To a liberal, the rules governing power, or due process, are sacrosanct. Any attempt by a politician within the system to circumvent the rules controlling power severely contravenes the public interest and is defined as a *political* scandal. In this sense the critical measure of a political scandal is not the personal gain of those involved but rather the extent to which they have used political power at the expense of process and procedure. Understandably, such a definition narrows the parameters of what can be considered a *political* scandal. Even if politicians are involved, financial, corruption and sex scandals cannot be described as *political* if there was no violation of the procedural limits of a liberal democracy. However, any scandal would become *political* if a politician subsequently abused his power by attempting to cover-up the allegations against him. Markovits and Silverstein use the example of Gary Hart stating that while he was involved in a sex scandal and his actions ended his political career, there was no abuse of power and so it cannot be a political scandal.

While a deeper, institutional consideration of scandal is warranted, I would agree with Welch and Williams and Thompson when they suggest that Markovits and Silverstein's decision to narrow the boundaries of political scandal is too restrictive.[15] Simplifying the topic of scandal undoubtedly allows their theory to be a more useful tool in comparing how liberal democracies establish their constraints on political power. But, in most

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[14] Markovits and Silverstein, 'Introduction: Power and Process in Liberal Democracies' in Markovits and Silverstein, *The Politics of Scandal,* p6

[15] John B. Thompson , *Political Scandal: Power and Visibility in the Media Age* (Oxford, Blackwell Publishing 2000) p93 and Stephen Welch and Robert Williams, in 'The Nature and Dynamics of Political Scandal in the United States: A Political Constructionist Theory' (unpublished paper, 2003) p9

scandals, where the central figures are politicians and there is impact on wider political institutions, excluding non-procedural transgressions from consideration can lead to limited, skewed and ultimately compromised analysis. Ignoring many of the complex events and actions that occur in scandals outside the 'due process' model means that any analysis of political scandal would effectively be viewed from one angle. As Thompson suggests, sexual and other scandals have caused as much damage throughout history to politicians to warrant being described as authentic *political* scandals alongside the narrower definition considered by Markovits and Silverstein.[16]

If we accept that restrictive 'power/process'[17] theory as inadequate then we have to look for a different, less formal and restrictive interpretation of political scandal.

Thompson, some years after Markovits and Silverstein, has offered his own theories of political scandal. Like Lowi, Thompson's analysis begins with a relatively simplistic description of what he considers to be the phases of political scandal. A concealed act of transgression, which involves some violation of social norms and values, is publicly disclosed. Scandal varies in complexity because often social norms and values themselves are contested and the disclosed allegations can be met with denials and rebuttals, increasing the possibility of second order transgressions and further concealment. The final phase of the scandal is when public disapprobation can force any number of consequences such as resignations, lawsuits and criminal investigations.[18]

From this basic assertion, Thompson then extends on Markovits and Siverstein's 'process/power theories' by drawing on previous work by Pierre Bourdieu based on his

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[16] Thompson , *Political Scandal*
[17] Welch and Williams accurately describe Markovits and Silverstein's theory as a 'power/process theory' in 'Nature and Dynamics' p10
[18] See Fig 1.2, Thompson , *Political Scandal,* p24

concept of 'field'.[19] Jenkins describes Bourdieu's concept of field as 'a structured system of social positions, occupied either by individuals or institutions, the nature of which defines the situation for their occupants. It is also a system of forces which exist between these positions; a field is structured internally in terms of power relations.'[20] Bourdieu uses the examples of fashion designers, economic firms or novelists who constantly try and differentiate themselves from their closest rivals so they can create a monopoly over a particular sub sector of a field.[21] Circumstances will mean that individuals have different objectives and opportunities - what Bourdieu describes as the 'field of interaction'[22]. Individuals will draw on the resources available to them to achieve their goals and aims.

Consideration of Bourdieu leads Thompson to the development of his *political field.* Thompson's *political field,* like Markovits and Silverstein, is based on the 'interaction which bears on the acquisition and exercise of political power.[23] In addition to political power, Thompson adds other forms, economic power, coercive power and what he describes as 'symbolic power'[24]. These distinctions represent the activities individuals undertake in exercising power. In Thompson's view, the state forms the set of institutions whose primary focus is the regulation and coordination of individuals.[25] Therefore, the *political field* is the 'field of action and interaction which is shaped by the institutions of the state.'[26] Individuals within institutions exercise political power. For them to succeed, others must abide by their rules and procedures. In Thompson's view, the state has the use of both 'coercive... and symbolic power'[27] to maintain authority. However, the use of

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[19] Thompson, *Political Scandal,* p 96
[20] Richard Jenkins, *Pierre Bourdieu* (New York, Routledge, 1992) p85
[21] Loic J.D. Wacquant, 'Towards a Reflexive Sociology: A Workshop with Pierre Bourdieu *Sociological Theory,* Vol. 7 (No.1 Spring 1989) pp26-63 p39
[22] Bourdieu in John B. Thompson, *The Media and Modernity: A Social Theory of the Media,* (Cambridge, Polity Press, 1995) p13
[23] Thompson, *Political Scandal,* p 97
[24] Thompson, *The Media and Modernity,* p13
[25] Thompson, *Political Scandal,* p 97
[26] Thompson, *Political Scandal,* p 97
[27] Thompson, *Political Scandal,* p 97

widespread coercion, which may include threats of force to maintain political power, is unsatisfactory. Therefore, a more subtle, less aggressive 'symbolic power' is required to maintain trust and legitimacy. Individuals and institutions must use all the resources of communication and information, what Bourdieu refers to as 'cultural capital', to 'accumulate prestige, recognition and respect accorded to certain producers or institutions ('symbolic capital')[28] For Thompson, one of the most vital aspects of 'symbolic capital' to individuals, often as part of larger institutions, is reputation. He asserts that reputation is often built up over a long period but at the same time it can be quickly destroyed by instances of misconduct. The use of 'symbolic power', Thompson deems, is essential to develop and sustain political power within the *political field.*

I would agree with Thompson, against Markovits and Silverstein's definition, that any scandal involving a politician, whether committing either a procedural or non- procedural transgression *is* a political scandal. However, Thompson's theory is not free of its own possible limitations. I agree with the suggestion from Welch and Williams that Thompson, by stating that the political field is comprised of the institutions of the state, leaves his theory too constrained. Quite rightly, struggle for political power within the institutions of the state often plays a role in scandal but political scandal involves more than interaction between politicians[29]. Those with little political background, wealthy individuals, lawyers and politically motivated groups can all add a multitude of directional possibilities for a political scandal, therefore, as Welch and Williams suggest, a broader, more inclusive examination of politics is required to gain a greater understanding of the nature of political scandal.[30]

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[28] Thompson, *Political Scandal,* p 98
[29] Welch and Williams, 'Nature and Dynamics' p10
[30] Welch and Williams, 'Nature and Dynamics' p10

The merits of Thompson's political field will be examined further but his work on scandal deserves further attention because his sociological assertions on the concept of 'field' are combined with the application of his media theory on political scandal.

Thompson outlines a 'social theory of scandal' stating that 'succinctly...scandals are struggles over symbolic power in which reputation and trust are at stake.'[31] The media offers the resources for politicians to present a desired image to the public, yet it also has the potential to cause damage as reputations can be both enhanced or broken.

Thompson's media analysis is rooted in its historical development. Prior to the 18th century, scandal was localised and spread slowly through word of mouth. However, in the following years, advances of the media market through technological and economic development, the detachment of the press from political parties and the emergence of professional journalism enabled the possibility for what Thompson describes as a mediated scandal. 'A new...type of event which involved the disclosure through the media of previously hidden and morally discreditable activities.'[32] In particular, it is the electronic media developments of the 20th century that have profoundly advanced the impact and significance of the mediated scandal. Thompson asserts that prior to the advances in media, exposure was restricted to the 'traditional publicness of co-presence'[33], individuals and politicians had to be physically present in a common locale to interact. The development of new forms of media allowed for politicians to reach the public without direct interaction. Politicians acquired, what Thompson calls a 'mediated

[31] See further explanation in Phil Manning, 'Drama as Life: The Significance of Goffman's Changing Use of the Theatrical Metaphor' *Sociological Theory* Vol. 9 No. 1 (1991) pp 70-86 and p75 Thompson, *Political Scandal,* p245
[32] Thompson, *Political Scandal,* p52
[33] Thompson, *Political Scandal,* p37

publicness'[34], meaning their actions and events were not dependent on being heard or seen directly.

Electronic media gave potential for politicians to reach a huge audience. Their speeches, interviews and public appearances could be heard and replayed almost immediately through radio and television, what Thompson's calls 'despatialized simultaneity'[35]. While these new forms of communication allow a politician to break from the restrictions of co-presence, increasing exposure can be both politically beneficial and detrimental. Courting press attention can lead to a dual relationship. An individual, while attempting to enhance or project a desired image, runs the risk of exposing parts of his personal life that could cause political damage. Thompson draws on the work of sociologist Irving Goffman to explain this politician/press relationship. A politician will have considerable public exposure and will adapt his behaviour so that he can convey the self image he desires to the public. Goffman describes this environment as a 'front region'[36] However, politicians will also behave differently away from cameras and will have information that they wish to remain private; any hidden contradictions to the public image are known as 'back regions'[37]. Thompson states that the increasing complexity of communications and involvement of the media has increased the risks of 'leakage' between regions. Unintended, damaging information about politicians can now more easily reach the public. Thompson alleges that part of the controversy of a mediated scandal is that in addition to the stories of misconduct, previously hidden information on a politician's true behaviour is revealed. Thompson uses the example of Richard Nixon to claim that the public shock from the discovery of his inappropriate behaviour on White House tapes had

[34] Thompson, *Political Scandal,* p37
[35] Thompson, *Political Scandal,* p39
[36] Thompson, *Political Scandal,* p63
[37] Thompson, *Political Scandal,* p63

a greater impact than the discovery that he was involved in a cover-up, that 'most people had long suspected'[38].

Thompson is implying with his 'regions' theory and the example of Richard Nixon, that the development of the press, particularly television and radio, has contributed to a higher incidence of political scandal. Politicians have exploited the media to refine their image and expose it to a large audience but at the same time they have opened the door to greater personal scrutiny and a higher risk of media created political scandal.

Thompson places considerable emphasis on the difference technological advancements have made to explain the creation and impact of many modern scandals, including the prevalence of the personal and sexual scandal. Yet, personal and sexual scandals have been a consistent feature in the American republic. Thomas Jefferson and Alexander Hamilton were subjected to stories of their extra-marital affairs. Years later, Andrew Jackson suffered allegations that his wife had committed adultery with rumours being peddled during Jackson's Presidential election campaign. In office, Jackson experienced the 'petticoat affair' which included more salacious stories of the sexual infidelity of Margaret Eaton, wife of the Secretary of War, John Eaton.[39] Following the Civil War, Ulysses S. Grant endured gossip over his drinking and led a Cabinet and Administration plagued with stories of scandal and corruption, this included the famous 'Whiskey Ring', in which members of his cabinet were involved in a $3 million fraud of federal taxes. Grover Cleveland, like Clinton, faced charges that he had engaged in an extra marital affair in 1884. Interestingly, Cleveland won the Presidential election despite admitting to fathering an illegitimate child and that he was financially supporting both mother and

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[38] Thompson, *Political Scandal,* p66

[39] American History Magazine , 'Andrew Jackson's Petticoat Affair' from *The History Net Website* [http://historynet.com/ah/blandrewjackson/index1.html]

child[40]. These brief examples prove the consistent presence of the 'personal' scandal. However, more problematic for Thompson's media theory are the many Presidents of the mid 20th century whose rumoured sexual misconduct were never revealed. It has been considerably documented that Presidents Roosevelt, Eisenhower, and most extensively, Kennedy all engaged in sexual affairs. Yet, as Welch and Williams point out, at precisely the time Thompson is suggesting that scandals should be increasing, due to the advances in media technology and surveillance, nothing was mentioned of sexual affairs.[41] Even more worthy of an explanation, as Summers suggests, is why, among the press, 'reticence had become the fixed principle'[42] on matters of John F Kennedy's promiscuity during his Presidency.

By drawing Thompson's theories on the *political field* and *regions* we can establish where the emphasis lies in his analysis. Fundamental to the *political field* is the attainment of symbolic power, built from the symbolic capital at their disposal – that is, accumulating respect and trust and building a good reputation. If a good reputation increases and maintains symbolic power, thus political power, then protecting the reputation of politicians becomes of the highest priority. If the crux of political scandal, particularly in liberal democracies, is the 'struggle over the sources of 'symbolic power'[43] (a battle of trust and reputation) then the bridge to Thompson's media theory is straightforward. Politicians continually seek to use their exposure in the press to mould and carefully create a personalized image to build their reputations. Such high stakes means that protecting any possible leakage from back regions to front regions becomes ever more important. Attacking and damaging reputation can destroy a politician's career

[40] Stanley K. Schultz , 'Sex Scandals and the American Presidency' University of Wisconsin Website [http://us.history.wisc.edu/hist102/towncry/sex.html]
[41] Welch and Williams, 'Nature and Dynamics' p6
[42] John H. Summers, 'What Happened to Sex Scandals? Politics and Peccadilloes, Jefferson to Kennedy', *Journal of American History,* Vol. 87. (December 2000) [http://www.historycooperative.org]
[43] Thompson, *Political Scandal,* p105

because, more than a personal blow, it erodes symbolic capital and undermines political power.

Unfortunately, I suggest that Thompson, in developing a broad theory, inevitably falls short of capturing the full nature and political complexity of scandal. As we have seen, Thompson's analysis stems from the basic assumption of transgression to censure and his definition of the political, linked to the importance of the personal – reputation and trust.

Thompson highlights that what may be scandalous in one country may not receive the same reaction in another. He uses the example of sexual infidelity which is often scandalous in the U.K. but fails to receive the same reaction in either France or Italy. Yet, Thompson's focus remains on Anglo-American liberal democracy, rather than exploring the possibility of other cultural trends either above or within the nation state. As Welch and Williams suggest, more investigation is required into the relationship between political scandal and political culture[44]. Similarly, in this instance, Thompson is aware of the link between political scandal and political culture but any reference remains un-developed. When examining sexual scandals he notes a number of American Presidents, from Thomas Jefferson to John F. Kennedy, who all had their attachments to extra marital affairs. Yet, he only uses the examples to show consistent instances of adultery and that some were lucky enough to escape being 'outed'.

Leaving aside political culture allows Thompson to devote attention to his definition of the political. Extending on Bourdieu's work, Thompson constructs a political field in which he emphasises the competition and the use of available resources to improve position within the field. This involves building political power through developing a

[44] Welch and Williams, 'Nature and Dynamics' p8

personalised image but in the 20th Century exposure through mediated publicness brings considerable risks.

However, Thompson's model, while a bold attempt towards a theory of political scandal, I suggest, has limitations, certainly within the context of American politics. As seen previously, I agree with Welch and Williams in their assessment that Thompson's description of interaction and competition within the political field was too restrictive. Constraining his theory to a vaguely defined political field excludes the possibility that the course of political scandal can be altered by the actions of individuals and groups which would be placed outside of the institutions of the state and unrelated to the media.

I would agree with Thompson that an important part of political scandal involves political actors, seemingly within his political field, contesting values and norms. However, Welch and Williams suggest an important shortcoming with this analysis, they argue that, in addition to norms and values, the evidence and the so-called *facts* of the scandal that are politically contested at every step. The metaphor of the 'smoking gun' is often attached to a scandal when incontrovertible proof is found of a transgression. Yet, a political scandal often exists in the search for the smoking gun and even when one is apparently found, it is also subjected to contestation. Such a propensity to challenge every piece of evidence increases the unpredictability of political scandals.[45]

Thompson states that politicians can increase their political power through using the press and it is this link that allows him to apply his media theory to political scandal. But, if we apply this to political scandal in the United States, even, at this stage, using skeletal

[45] Welch and Williams, 'Nature and Dynamics' p10

examples[46], we can suggest possible inadequacies. Such is the level of contestation in political scandal that it is vital that a politician is nimble enough to adapt to ever-changing circumstances. This is particularly applicable to Thompson's reliance on front and back regions. While damaging revelations can cause fatal damage to a politician's career, Gary Hart is perhaps one example; this is not always the case. Thompson's main example, claiming that public shock at Nixon's bad language on White House tapes caused similar damage to the recorded confirmation that he was involved in a cover-up is a relatively poor fit.

Richard Nixon, by the time he was President, had developed almost a dual image. On one hand he was a regular, happily married man dedicated to his family as seen in the famous 'Checkers' speech. Yet, his political career had seen examples of almost the opposite, as Nixon the tenacious and ruthless political fighter seen in his early election campaigns and his vociferous involvement in McCarthyism.[47] Hence, the so-called discovery of Nixon's bad language may have only verified what his opponents and many of the public already suspected. Schudson concedes that Nixon may have offended some 'morally upright Republican' support but nonetheless, his coarse language was 'scarcely impeachable'[48]. Therefore, while Nixon's choice of language may have caused some distress, particularly to his supporters, the 'smoking gun' proof that he had been involved in a cover-up proved to be far more serious and worthy of impeachment to the public and members of Congress. In using Nixon to apply his sociologically based theory of regions may indicate that Thompson does not give due consideration to how closely the personalities and lives of politicians are already examined as they advance their careers.

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[46] See short examples in Welch and Williams, 'Nature and Dynamics', p7

[47] See Anthony Summers, *The Arrogance of Power: The Secret World of Richard Nixon* (London, Gollancz, 2000)

[48] Michael Schudson, *Watergate in American Memory: How we Remember, Forget and Reconstruct the Past.* (New York, Basic Books, 1992) p20

Thompson also suggests that reports of Jimmy Carter's wayward brother Billy appearing in the media damaged President Carter's administration and was a significant factor in Carter not being re-elected in 1980. However, Billy Carter gained notoriety for his coarse image and for providing risqué quotes in 1976, during Jimmy Carter's Presidential election campaign. Although the association with Billy was a far from desirable image for a Presidential candidate, Jimmy Carter was able to make light of his troublesome brother by describing him as 'popular, witty...and something of a country philosopher.'[49]Carter went on to win the 1976 election. When, in 1978, Billy Carter faced considerable scrutiny for his work with the Libyans in the oil business (Billygate), knowledge of his previous behaviour meant that damage to his brother Jimmy was not as serious as Thompson suggests. Rather, in President Carter's own words, it was his poor economic record ' Camp David accords, opening up Africa, dealing with the Cuban refugees, Panama Canal treaties, the normalization with China, energy legislation, hostages and the Soviet invasion of Afghanistan. Also the Kennedy attacks for eight months'[50] that proved to be fatal to Carter's re-election. Carter's example alone demonstrates that politicians *can* adapt to their environment allowing them the capacity to neutralise or reduce the severity of allegations against them. The political manoeuvring of public officials is often the reason why scandal can become the complex and protracted affair that Thompson refers to. Yet, by politically misjudging Carter, he is underestimating the skill of politicians and overestimating the chance of damaging information ending the careers of politicians.

When theorizing and analysing political scandals, many writers in both academic and media circles often use the benefit of hindsight to debate and interpret events from different viewpoints. To support their own interpretations or a broad theory, they are selective with the details or give an abridged account of a political scandal. Debate occurs

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[49] Jimmy Carter, *Keeping Faith: Memoirs of a President* (New York, Bantam Books, 1982) p545
[50] Carter, Diary Entry November 4th 1980 in *Keeping Faith: Memoirs of a President* p569

during the so-called 'scandal proper' but after its conclusion, discussion often brings differing interpretations of the events and the impact of evidence, Thompson and Schudson's interpretation of Nixon's language being no different.

Yet, even if we accept that interpretation of events is a natural part of past political scandals, Thompson's analysis becomes problematic when he relates his theory to actual examples. The major strands of his work on the mediated scandal and the political field remain un-tested by shortened case studies. This is no more evident than with his account of both Whitewater and Monica Lewinsky.

Therefore, it is the aim of this dissertation to provide a more thorough examination of Thompson's theory on political scandal. Replacing his relatively abbreviated accounts of scandal with highly detailed case studies, should offer a test of the usefulness of his media and political field theories. In order to judge how applicable his theories are to political scandal, his work should satisfy a number of research questions. Firstly, does interaction and development of scandal only take place between politicians within the institutions of the state, essentially within the boundaries of Thompson's political field? Secondly, does political scandal originate in and begin *because* of the media, proving that the mediated scandal is a useful description of modern scandals? Thirdly, does political contestation remain focussed on a traditional base of cultural norms and values or, as Welch and Williams have stated, does the discovered evidence and facts also involve contestation? Can a politician adapt to scandalous allegations and succeed in moderating or neutralising their impact, or do allegations remain effectively out of their control? These questions indicate the two main points of difference with Thompson's analysis. The first surrounds the adequacy of Thompson's political field; the second involves a debate on the importance of the media. However, as Welch and Williams argue, Thompson overstates

the role of the media and underemphasises political contestation but, in my view, there are grounds for asserting even more vigorously, as Zaller[51] does, the primary of the political in explaining political scandal. Thus, political context and contestation remain the overall driving forces behind political scandal in the United States. Without doubt the media is of great importance to political scandal. However, the media's capability to produce dramatic and immediate exposure has led scholars to then overemphasise its role during analysis. My position is that it is an important inflammatory participant but it still remains secondary to the political.

Thompson, because of his emphasis on modern developments in the media is drawn to find validation for his theory in what he describes as the 'true media scandal'[52] of Monica Lewinsky and Whitewater. Therefore, it is appropriate to follow his pattern and investigate both these scandals as detailed case studies to fulfil the commitment to providing an adequate test of his theory.

While it may seem that the structure of this study is self-explanatory, the basic form being a theory, tested by case studies and then a conclusion, both political scandals, I expect, will be problematic for research and subsequent analysis. Therefore, we must be clear on the intended form and structure of the case studies and conclusion and what their intended use will be in the analysis and testing of Thompson's theory.

The most apparent difficulty with Whitewater and Monica Lewinsky is that chronologies and narratives are already widely available. Authors have produced highly detailed accounts; others have chosen to dedicate only a few pages to highlight the basic events

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[51] John R. Zaller, 'Monica Lewinsky's Contribution to Political Science' *PS: Political Science and Politics* (1998) 182-189. p187

[52] Thompson, *Political Scandal,* p157

that occurred during the Clinton administration.[53] Superficially, it seems, there is little need for another recounting of events when other narratives may suffice in applying to Thompson's theory. But, both these scandals were exceedingly complex affairs. All branches of government, the office of the Independent Counsel, the media, and a variety of groups and individuals influenced the direction, momentum and the outcome of both scandals. Unfortunately, many scholars use hindsight too readily to give an overall picture of events which glazes over important factors, and in Thompson's case, it avoids contradiction of theory. His analysis restricts him from conveying a sense of how complex and potentially dangerous these scandals were to the Clinton White House in the moment.

However, hindsight is often a difficult tool. Too much and we can, like Thompson, obscure the sense of the difficult choices and actions that were taken by individuals involved in a developing political scandal. On the other hand, without a measure of hindsight, some wider perspective from our position in the present, denies us the single advantage that history provides, merely placing us back into the firestorm of scandal and allegation alongside the individuals directly involved.[54] What is necessary is a form of hindsight that does not impose itself on Whitewater or Monica Lewinsky or presume that either scandal was media created and not potentially fatal to the Clinton White House.

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[53] A good account of Whitewater can be found in a by Robert Williams, *Political Scandals in the USA* Chapter 4. An 'as it happened' account, in article form, of both scandals are found in the six volumes produced by the Wall Street Journal Ed. by Robert Bartley, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Robert L. Bartley. Vol. I (New York, Dow Jones & Company, 1994) Vol. II (New York, Dow Jones & Company, 1997) Vol. III (New York, Dow Jones & Company, 1998) Vol. IV (New York, Dow Jones & Company, 1998) Vol. V (New York, Dow Jones & Company, 1999) Vol. VI (New York, Dow Jones & Company, 2001). David J. Stewart gives a highly detailed account in *Blood Sport, The President and his Adversaries* (New York, Simon Schuster, 1996). How balanced both the *WSJ* and Stewart are in their investigations has been brought into question. Charles W. Dunn in *The Scarlet Thread of Scandal: Morality and the American Presidency* (Lanham, MD and Oxford: Rowman & Littlefield, 2000) chooses to dedicate little more than a couple of pages to the Clinton Scandals.

[54] Joseph. J Ellis, *Founding Brothers, The Revolutionary Generation,* (New York, Random House, 2000) p6

Therefore, the case studies of Whitewater and Monica Lewinsky will aim for a different approach. While some narrative will be inevitable, the structure of the scandals surrounding Clinton will be as follows:

By combining news reports with academic books and accounts written by those involved we can construct the political context around a timeline which will highlight political contestability, often excluded from less detailed accounts. Demonstrating how precarious events and decisions were for those trapped in the moment will convey a sense of how complex and unpredictable scandals are. This approach also allows us to judge how successful, or otherwise, politicians were at combating allegations. It will measure the reactions of those involved and the extent to which the key players used a wide variety of methods and strategies to maximise political gain.

Unfortunately, examining two large political scandals in detail and attempting to combine real time and retrospective research causes problems of manageability.

Firstly, I intend both case studies to be continuous to avoid interrupting the timeline of events to apply it to Thompson's theory. The complexity of the scandals means that it is important that the Whitewater and Monica Lewinsky narratives are not disjointed to the reader. As far as possible, I want both case studies to adhere to the parameters I have laid out. In my view, breaking away from the timeline would endanger the sense of a political context I want to convey. However, even though I have decided to not refer back to Thompson's work during the case studies; the research questions above will provide a suitable guide and will allow us to watch for evidence that will help in analysing Thompson's theory. Examples could include wealthy individuals, interest groups, the

media, politicians and lawyers who affected the political context and the direction of the scandal through their interaction.

After a thorough examination of Whitewater and Monica Lewinsky, then we can relate both these case studies back to the original theory in the final chapter as a conclusion. If the case studies support Thompson then we can consider the study to have been a satisfactory tool in adding further weight to his theory. If this does not occur then we can accept that Thompson's theory is inadequate and suggest that a rethink of the current models is required and begin the search for an alternative. This means that rather than offering an alternative theory, this study is designed to be a detailed and effective test. Once we have completed a thorough investigation of both scandals then we will be in a better position to examine the major tenets of Thompson's theory in the conclusion.

The complicated and, at times, inter-connected timelines of the scandals mean that discrepancies even exist as to which of the myriad of scandals should be included under the umbrella term of Whitewater. The six volumes documenting the scandal published by the *Wall Street Journal* ed. by Robert L. Bartley[55] include the sexual affair between Clinton and Lewinsky, impeachment proceedings and virtually every controversy that occurred during the years Clinton was in office. Other authors have tended to split the two major scandals during Clinton's Presidency. Thompson and Rozell and Wilcox are two examples of authors who choose to be less inclusive and tend to separate the Whitewater and the Lewinsky scandals. Both approaches have merit. The Lewinsky scandal was in part discovered by Starr, the Independent Counsel involved in investigating the Whitewater Land deal, hence the *Journal* choosing one encapsulating term.

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[55] *Whitewater*, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Robert L. Bartley. Vol. I – VI.

However, an essential feature of both scandals was that separate allegations ran along concurrent timelines within the overall umbrella of Whitewater and Monica Lewinsky. So that this characteristic is not lost in the confusion of one long case study, I will split the study of the Whitewater and Clinton/Lewinsky into separate sections. How the Whitewater scandal meandered to engulf a sexual scandal will become apparent but I consider that both scandals warrant dividing into two chapters. In the first chapter, the focus will be the original scandal surrounding the Arkansas real estate venture and the various side scandals that surrounded Whitewater, the second will explore the path to the discovery of Monica Lewinsky and the impeachment and trial of the President.

Whitewater

Superficially, the Whitewater scandal has the appearance of being a relatively simple case of Hillary and Bill Clinton using their position as members of the Arkansas political elite to make profit through a real estate venture. It was alleged that Clinton had used his influence as Governor in Arkansas to protect his business partners from investigation of their financial situation and when in the White House, the Clintons and their administration had attempted to cover up their involvement in the failed land deal. Allegedly, the administration obstructed the investigations of police, the Senate committee and the Independent Counsel, withheld or concealed evidence and even lied about the extent of their involvement in Whitewater.

To consider Whitewater to be a simple land deal that went wrong ignores much of the intricate detail that explains how a modern scandal can develop, how it is sustained and how often the original scandal's focus can be blurred by many other controversies. A continuing theme with Whitewater was the accusations of partisanship, almost from the beginnings of the scandal. Animosity between all parties, investigators, politicians, the Clintons, supporters and opponents of the administration and elements of the media are ever more noticeable as the scandal became more protracted.

This study of Whitewater will begin by looking at the early stages of the scandal, the reactions to the article by Jeff Gerth[56] and the reaction it received from the White House. This will move on to a closer examination of the role of L. Jean Lewis from the Resolution Trust Corporation and the attempts to place Madison Savings and Loan under investigation. The death of Vincent Foster is a critical point in the revival of questions

[56] Jeff Gerth, 'Clintons Joined S&L Operator in an Ozark Real-Estate Venture', *New York Times, 8th March 1992,* Proquest Historical Newspapers, The New York Times, [www.nytimes.com]

over Whitewater. This includes questions relating to Foster's close involvement with the land deal, the Clintons tax returns and Foster's role in 'Travelgate'. More dangerously, conspiracies were alleged over the nature of Fosters death and crucially, whether White House staffers had purposefully removed potentially incriminating files from Fosters's office immediately after his death. Foster's death undoubtedly heightened claims of a cover up. The appointment of Special Prosecutor Fiske and the Independent Counsel Starr as well as the Congressional Investigations led by Senator D'Amato all became part of a heavily partisan battle. All this was described to the public by the media, who often exhibited their own political leanings. Thousands of news stories and accounts have appeared in everything from the mainstream press to more inflammatory material found on the internet, this does not include the hundreds of pages of written reports from the Independent Counsel and the Congressional investigations. This account will attempt to avoid the more extreme allegations and conspiracies, often found on the internet, but will attempt to highlight the complex and numerous scandals that comprise the Whitewater generic.

In 1979, Hillary and Bill Clinton, then in his first term as Governor of Arkansas, became business partners with James and Susan McDougal forming the Whitewater Development Corporation to engage in the business of owning, selling, developing, managing and improving property. In 1981, James McDougal purchased Madison Bank and Trust, one year later, he purchased Madison Savings and Loan (Madison) and in the following years the finances of Whitewater Development Co., Madison and the Clintons became increasingly intertwined. In 1985, Hillary Clinton, at the Rose Law Firm, began receiving a $2,000 per month retainer from McDougal to undertake legal work for his business enterprises, which included Madison. By the mid 1980s, Madison had become 'one of the

biggest S&Ls in Arkansas'[57] but McDougal and Madison were running into serious business difficulties. The Whitewater Development Co. was not a success and 'various loans were taken out at a number of Banks to keep the investment afloat'[58]. Both Hillary and Bill Clinton took out loans. Mrs Clinton borrowed from Madison Bank to build a model home on the Whitewater Estates which was later replaced by a $20,000 loan in Bill Clinton's name from the Security Bank of Paragould[59], as regulators found that Mrs Clinton's loan had broken banking regulations.[60] However, contributions from McDougal outweighed the money the Clintons had invested, McDougal later admitted that 'he did this because he felt bad about getting them into the deal.'[61] The financial difficulties came to a head in 1989 when Federal regulators shut down Madison S&L, with a loss to the tax payer of about $73 million. McDougal was indicted for bank fraud. Madison's closure was part of federal action to remedy the financial irresponsibility and instances of fraud in Savings and Loan associations nationwide. By 1990 Madison was merely one of more than a 1000 S&Ls that had to be seized by the federal government costing up to $130 billion or $1300 to every American household.[62] In 1989, Whitewater was not a scandal but it was the links between the Clintons, the McDougals and the failed Savings and Loan that led to enquiries of Jeff Gerth and the *New York Times* during the 1992 Presidential election.

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[57] Elizabeth Drew, *On the Edge, The Clinton Presidency* (New York, Simon & Schuster, 1994) p376
[58] Williams, *Political Scandals in the USA,* p64
[59] See CNN All Politics Timeline,
[http://www.cnn.com/ALLPOLITICS/1997/gen/resources/infocus/whitewater/timeline1.html]

[60] Robert W. Ray, Independent Counsel, Final Report of the Independent Counsel In Re: Madison Guaranty Savings & Loan Association, January 5, 2001, *Part A The Clintons, The McDougals, and the Whitewater Development Co,* Retrieved [http://icreport.access.gpo.gov/final/] *p3*
[61] Drew, *On the Edge,* p376
[62] Robert W. Ray, Independent Counsel, Final Report of the Independent Counsel In Re: Madison Guaranty Savings & Loan Association, January 5, 2001 *Appendix 2, The Failure of Madison Savings and Loan and the Savings and Loan Crisis of the 1980s and 1990s* Retrieved
[http://icreport.access.gpo.gov/final/] *pii*

In 1991 Jeff Gerth was involved in investigating the presidential candidates for the following years election. George Bush was already a well known figure but less was known about the six democratic candidates attempting to gain the nomination, including Bill Clinton. Gerth 'had been lobbying the editors of the *New York Times* for more coverage of financial aspects of the candidates'[63], because to Gerth, the Savings and Loan fiasco warranted more coverage in the media. Gerth had been at the forefront of the story regarding President Bush's son Jeb and his questionable dealings with Florida Thrift Savings and Loan but felt the *Times* had 'downplayed the story'[64] After conducting an investigation of the Clinton's financial dealing, including an interview with James McDougal, Gerth had a complex story surrounding the McDougals' relationship with the Clintons and the possibility that the couple may have filed irregular tax returns. McDougal had made considerable contributions to Whitewater and was, on Bill Clinton's request, paying Hillary Clinton a retainer for legal work, both considerable favours. Gerth questioned whether Madison, being regulated by the state and Governor Clinton, was in position to return favours with respect to Madison. After contacting the Clinton campaign about the story, Gerth was passed to an attorney representing the Clintons', Susan Thomases who attempted to answer the questions put forward by Gerth to 'blunt Gerth's article, or better yet, persuade him to drop it altogether[65].

On the 8th of March 1992 Gerth ran the article with the headline 'Clintons Joined S&L Operator in an Ozark Real-Estate Venture'[66] Gerth and his editors were evidently careful with the wording but the article remains suspicious of the Whitewater venture stating that without the missing records 'many questions cannot be fully answered.' [67] Gerth registers further concerns over whether the Governor of a state should be business partners with an

[63] Stewart, *Blood Sport*, p183
[64] Stewart, *Blood Sport*, p184
[65] Stewart, *Blood Sport*, p205
[66] Gerth, 'Clintons Joined S&L Operator in an Ozark Real-Estate Venture', p1.
[67] Gerth, 'Clintons Joined S&L Operator in an Ozark Real-Estate Venture', p2

individual who owns a Saving and Loan which was subject to state regulation, not to mention the Governor's wife involvement in legal work for the failing Madison.

The story from the *New York Times* had appeared at a testing period during Bill Clinton's campaign. In the previous weeks, allegations accused Bill Clinton of an affair with Gennifer Flowers. Bill and Hillary appeared on the network television show *60 Minutes* where Bill Clinton admitted to 'problems' in their marriage but not to the affair directly. Further problems were caused because of inconsistencies in Clinton's answers about Vietnam and the draft. Embarrassing stories followed from various media outlets describing Clinton as a draft dodger. The Clinton campaign was anxious, 'the theme of "Slick Willie" entered the campaign coverage'[68] and understandably, the Clintons and their staff were eager to offer a swift rebuttal to Gerth's allegations.

The campaign hired a Denver lawyer and Clinton supporter, James Lyons, to conduct a report about Whitewater. Lyons worked alongside another lawyer, Loretta Lynch and brought in an accounting firm in Denver to assist in examining the Clintons financial documents and tax returns. On the 23rd of March Lyons released his report. The report concluded that the Clintons were passive investors in the Whitewater Development Co. and had contributed $68,900[69] to the venture. The McDougals had lost $92,200 and, according to the report, were in control of the management and operation of the corporation. With Lyons reporting that the Clintons suffered financially in the land deal, it was clearly the campaign's hope that the story of them losing money in the investment

[68] Garment, *Scandal: The Culture of Mistrust in American Politics,* p337

[69] This figure changed as the scandal developed. In the final Lyons Report, this figure was reduced to $46,636.75 when Clinton, while reviewing his late Mother's Autobiography, discovered that a he had given a cheque to Madison of $20,744.65 which was for payment on his mother's house and was unrelated to Whitewater. Later the Pillsbury, Madison and Sutro report placed the Clinton's contributions at $42,192, the final Ray Report reported contributions of $36,862.33 These figures are explained in more detail in Independent Counsel Ray's Final report.

would be enough to deflect any further investigation into whether the Clintons were using their political position for their own gain.

Although Lyons did not have access all the records that related to Whitewater, the report appeared to defuse the media speculation surrounding Whitewater. Considering that venture was a failure, and that the relationship between McDougal and Clinton appeared to have been little benefit to either party, the press interest subsided. Clinton went on to win both the Illinois and Michigan primaries by landslides and succeeded in becoming the Democratic nominee

Jeb Bush's involvement with a failed savings and loan meant that partisanship would ensure that any interest Republicans or conservative press had in pursuing Clinton's financial background could bring retaliation. Democrats and their supporting media would undoubtedly react to allegations about Clinton by turning attention to the Bush family's involvement in failed savings and loan. The damage that could have been caused to Bush's own re-election bid by pursuing Clinton over his connections with McDougal and Madison could have been an additional factor in Whitewater disappearing from the news cycle and the election so swiftly after the Lyons report.

Although Whitewater had been dealt with as a major issue in the campaign, the Resolution Trust Corporation, the federal agency that was set up to investigate and oversee the S&L disasters, was also looking into failure of James McDougal's Madison Guaranty. L. Jean Lewis a new investigator in the Tulsa office of the RTC, took particular interest in parts of the article that appeared in the *New York Times*. Madison, although a relatively small scale failure compared to other S&Ls, had been on her list to investigate but the paperwork was complicated so Lewis had put it to one side. The

article re-awakened her suspicions. Lewis turned her attention and investigation back to Madison.

In April 1992 Lewis with a fellow investigator travelled to Little Rock and began to examine the records filed by Madison attempting to reconstruct the flow of funds in and out of the Madison checking accounts. To Lewis, McDougal was operating a 'check-kiting scheme, in which worthless checks were deposited into accounts, intended to create the appearance of legitimate balances.'[70] Lewis had also noted that a number of overdrafts on the Whitewater account had not been subjected to the same charges and fees of other accounts, if fees were charged, they were later refunded. The RTC had no prosecutorial authority so Lewis compiled her report, approved by her superiors and submitted in August to the U.S Attorney in Little Rock, Charles Banks. Banks, a Republican, had concerns with the referral. In 1990, he unsuccessfully prosecuted McDougal on charges of fraud creating a problem of conflict of interest and with an approaching election he did not want to create unnecessary media attention. [71] Banks chose not to investigate Madison before the Presidential election and forwarded the referral to the justice department in Washington. [72]

L. Jean Lewis's referral and her role in the development of the Whitewater scandal have received both support and condemnation. The Republicans viewed Lewis as a heroine who was attempting to bring to justice those involved in Madison Guaranty and the Whitewater land deal, the Democrats viewed her as a conservative who was leading a witch hunt against Bill Clinton.

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[70] Stewart, *Blood Sport,* p227
[71] Carol Cantor , *A Real Whitewater Scandal* ,[www.americanreview.us/lewis] p1
[72] Jerry Seper, 'Democrats fail to halt tale of Madison scam' *Washington Times,* August 9th, 1995, pgA1

Democrats attempted to use Lewis's background and her investigation at the RTC in Kansas for political capital. Lewis was a registered Republican and, although she denied any partisan motivation or personal agenda for investigating and reporting Madison to a U.S. Attorney, Democrats, Clinton supporters and liberal media outlets put together a persuasive case to the contrary. Lewis's opinion of Bill Clinton was certainly not complimentary. In a letter to a friend in February 1992 she described Clinton as a 'lying bastard'[73] and in reference to his denials over Gennifer Flowers, an FBI agent testified that Lewis said that she could 'alter history'[74] with the referral of Madison. The image of Lewis of a Clinton hater was combined with questions regarding her professionalism while working as an investigator at the RTC. In testimony before both House and Senate Whitewater committees, Lewis denied making any pre-election attempts to pressure the FBI and U.S. attorney, 'claiming she'd had no conversations with anybody about her criminal referrals until December 1992. But FBI agents testified otherwise.'[75] Few professionals thought much of Lewis's investigation urging her to investigate other savings and loan companies with far greater losses than Madison. Lewis was accused of ignoring FBI requests. The high visibility of the individuals involved implied that Lewis was only focussed on disrupting Clinton's campaign. Media outlets and internet sources released evidence to show that between 1992 and 1994 L. Jean Lewis ignored almost all of her case load to investigate Madison. Madison's failure cost $73 million and allegedly Lewis dedicated 5-6,000 hours to her investigation, for the remaining top seven S&Ls in Arkansas, which included First Federal Savings of Arkansas losing of almost a billion dollars, Lewis devoted approximately 350 hours[76]. Lewis was accused of being highly

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[73] Michael Hedges, Scripps Howard News Service, 'Witness: Senate Invaded Her Privacy' *Pittsburgh Post-Gazette,* December 5th, 1995 pg A8

[74] Stewart, *Blood Sport,* p227

[75] See Editorial, *Arkansas Democrat-Gazette,* 6th December 1995, Page 11b

[76] These statistics are easily found on many internet sites, one such example is *'How the smear began'* http://www.kings.edu/twsawyer/frankly/MO1.html

irresponsible with tax payer money for her own political vendettas. The Senates Special Committee's Democratic Minority Report was equally resolute regarding Lewis's conduct as this extract highlights:

> 'The evidence showed that the1992 referral was prepared by a politically motivated investigator who pressed the investigation with the hope of damaging Bill Clinton's chances in the 1992 presidential election. The referral failed to allege any evidence of a crime'[77]

This description by Clinton supporters only provides one side of a partisan argument regarding Lewis's referral. Rather than focus on the referral from Lewis specifically, Republicans tended to look at how the Clintons handled the investigation.

Republicans used a recurring theme of suspicion relating to the possibility of missing records regarding Madison that hampered the RTC investigation. Evidence of Lewis's partisanship was met with protests over methods Democrats used to discover the damaging information against Lewis. An ethics complaint was filed after Senator Sarbannes (D. Md.) and a Democratic Attorney employed a technician to recover the deleted letter from Lewis's computer that described Clinton as a 'lying bastard'.[78]

Specifically related to the Lewis's RTC investigation, questions were raised about the handling of the RTC's referral by the U.S Attorney Charles Banks and his successor, Paula Casey.

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[77] Investigation of the Whitewater Development Corporation, Final Report Of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, Together with Additional and Minority Views. 104th Congress, 2nd Sess., June 13th 1996 Retrieved from [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/committee.pdf] p400

[78] Mercury News Wire Services, 'Ethics Complaint Filed in Whitewater Case' *San Jose Mercury News,* December 5th, 1995, pg 10

Although Banks was a Republican, it was suggested that he did not want to disturb the 1992 campaign with Lewis's referral to further his own political career. Banks had been nominated by President Bush to the Federal Bench in Little Rock but his Senate confirmation was being delayed by a Democratic Senator Joe Biden, Chairman of the Judiciary Committee, 'for Banks to launch a criminal investigation of Clinton...would have been unthinkable.'[79] However, it was Banks's successor, Paula Casey, who has received scrutiny from opponents of Clinton.

Casey was attacked for being a Clinton supporter. Described as a long time friend of Bill Clinton who met the future president while at law school in Arkansas, Casey worked on Clinton's gubernatorial campaigns as well as his race for the Presidency. The *Wall Street Journal* claimed that 'Ms Casey, in short, is a strand in the web of Arkansas cronyism that gave birth to Whitewater.'[80] The *Journal* felt that Casey, because of her political ties, should have recused herself from the Madison referral, by not doing so she was in an ideal position to protect the Clintons. The Republican dominated, Majorities Special Committee Report also concluded that Casey mishandled Lewis's referral:

> 'the Kansas City RTC investigators were obstructed in their investigation and were forced to contend with an environment hostile to their enquiry...No one in charge of handling Referral C0004 in the U.S. Attorney's office in Little Rock ever reviewed or analysed the hundreds of pages of documentary exhibits attached to it.'[81]

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[79] Stewart, *Blood Sport,* p228

[80] *Who Is Paula Casey?, Review and Outlook, August 15th 1994, WSJ, Whitewater* , A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p498

[81] Investigation of the Whitewater Development Corporation, Final Report Of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, Together with Additional and

Whether Casey purposefully intended obstructed the RTC investigation is unclear. Although her undeniable ties to the President gave her a motive to protect him, testimony from the FBI and the actions of her predecessor, Charles Banks as U.S. Attorney, who encouraged Lewis to drop her investigation and investigate other S&Ls, supports Casey's decision to not proceed with Lewis's referral.

Although Lewis's conduct only became part of a partisan battle during Senator D'Amato's Special Committee Investigation after 1992, at the time, the article by Gerth and the referral by Lewis merely represent the initial stages of the Whitewater scandal . Although suspicions were steadily increasing, Whitewater was still not a major political issue when Lewis made her initial inquiries.

One of the significant features of the Whitewater scandal, as Williams highlights is 'there is no unbroken narrative. Rather, there is a number of side scandals that deflect the path of inquiry'[82] In the autumn of 1993, it was not the Whitewater land deal but the surfacing of other allegations of suspected misconduct, that gave a renewed momentum to the political scandal.

On the 20th July 1993, Vincent Foster drove to Fort Marcy Park and apparently committed suicide, however, no note was found by his body or at his home. Immediately following Foster's death, a number of high profile White House staffers, including White House Counsel Nussbaum, Chief of Staff to Hillary Clinton, Margaret Williams, and the

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Minority Views. 104th Congress, 2nd Sess., June 13th 1996 Retrieved from [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/committee.pdf] p147-9

[82] Williams , *Political Scandals in the USA,* p66

Deputy Assistant to the President, Patsy Thomasson, searched Foster's office and proceeded to remove certain documents, although, this would not be revealed for months.

At first, media reports of Foster's suicide were restrained. They remained focussed on describing the death as suicide, the *Houston Chronicle,* among other papers, repeated the Justice Department and stated that 'nothing was found to indicate foul play or murder.'[83]

Yet, with such a high profile suicide in the administration it was inevitable that a steady stream of questions followed to try and discover any motive for his death. Unfortunately this investigation was compounded because the press and public were given very little information on the circumstances of his apparent suicide. Initially, the absence of a suicide note only heightened the instincts of investigation.

Naturally, when the media began to look more closely at Foster's background they began to discover an attachment to Whitewater, providing sparks to reignite the scandal surrounding the land deal and the President's relationship with James and Susan McDougal.

At the end of 1992, Foster, a friend of Hillary Clinton and fellow partner of the Rose Law Firm, had represented the Clintons and had arranged with James McDougal for the purchase of the remaining shares in the Whitewater Development Co. for $1,000, finally separating the Clintons from the real estate venture before Clinton became President.

New in office, the *Wall Street Journal (WSJ)* had investigated members of the Clinton administration including Vincent Foster. The *WSJ* readily highlighted the political

[83] Chronicle staff writers, 'Justice to pursue inquiry into Clinton aide's death', *Houston Chronicle,* July 23rd, 1993, Section A, pg 16 the *Houston Chronicle* is one of many examples in the media.

connections between the Clintons and their high profile staffers, Foster was no different.[84] From May of 1993, questions had also been raised regarding the White House's handling of the 'Travelgate' scandal. The White House had fired seven members of the travel office over allegations of mismanagement and misappropriations of funds. Associate White House Counsel William Kennedy III included the FBI and the Internal Revenue Service in the investigation. Kennedy's handling and actions, in which Foster was involved, fell under scrutiny. Discrepancies were discovered between White House statements and the factual timeline of events. Clinton claimed while appearing on a two hour TV special on the *CBS This Morning* show that the FBI was called 'to look at the auditor's report, not to accuse any of these people of doing anything criminal.'[85] Yet records showed that the FBI was called in on May 12th, two days before the auditors arrived and not after, as the White House stated. Clinton later called in the FBI's Chief of Public Affairs on the 21st of May, two days after the dismissals, to draught a statement suggesting that the fired Travel Office staff were under criminal investigations as standard procedure. Unfortunately, the White House's less than accurate statements were compounded because the source of the allegations against the Travel Office staff came mostly from Catherine A. Cornelius, a distant cousin and campaign aide to the President. This minor example of political incest, then led to rumours that the 'Travelgate' sackings were brought about so that the lucrative White House travel business could be given to friends of Bill and Hillary Clinton.

'Travelgate' and the minor allegations of Arkansas cronyism or advantages given to FOBs (Friends of Bill), was not particularly serious at the time but Foster's death and the subsequent discovery of his involvement in both Whitewater and 'Travelgate' was

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[84] See, *Who is Vincent Foster? June 17th 1993 and Vincent Foster's Victory June 24th* in A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p 61-65

[85] Ann Devroy, Washington Post Staff Writer, 'Clinton Apologizes for 'Glitches' In White House Handling of Events;President's Explanation of Missteps Doesn't Precisely Match the Facts' *Washington Post,* 28th of May, 1993 pg A14.

sufficient to start further investigation and increase the scandal. Typically, it was the more conservative newspapers that were initially suspicious and began to demand investigations into his death. On 22nd of July the *Wall Street Journal* stated that 'Mr Foster's tragic death adds to the curiosity...The American public is entitled to know if Mr Foster's death was somehow connected to his high office and if he was driven to take his life by purely personal despair.'[86]

Compounding the problem of Foster's death the FBI had received the authority, on the 20th July, to search the Offices of David Hale, a former Clinton municipal judge in Arkansas who was also the head of Capital Management Services, an investment company chartered by the Small Business Administration. Hale, who was being indicted for fraud on an unrelated matter to Whitewater, offered to share information with U.S. Attorney Paula Casey regarding the banking practices of high profile political figures in Arkansas in return for leniency. Casey refused, prompting Hale to go public with a claim that McDougal and Gov. Clinton pressured him to make a $300,000 loan to a company run by Susan McDougal. Hale alleged that $100,000 of that loan was given to the Whitewater Development Co.

By autumn 1993, the RTC had also filed nine new criminal referrals relating to Madison citing the Clintons as potential witnesses, Associate Attorney General Hubbell and US Attorney Casey decided to recuse themselves from the Madison investigation because of their ties to the Clintons and, in Kansas, L. Jean Lewis was also taken off the probe. The *Washington Post* reported the possibility of illegal banking practices involving high ranking members of Arkansas politics including the then Gov. Clinton and his successor

[86] Review and Outlook, *A Washington Death, July 22nd 1993* A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p77

Tucker but also was interested in whether 'a series of checks written on Madison accounts ended up in Clinton's campaign fund.'[87]

The investigation was no longer a simple matter of an Arkansas real estate venture. The death of Foster, the travel office firings, Hale's allegations, and more referrals from the RTC were all now involved. The bar of conspiracy and suspicion was steadily rising when it was revealed, four months after Foster's death, that documents relating to Whitewater in Foster's office had been removed by Clinton staffers.

Articles appeared in influential media outlets such as *The Wall Street Journal, The Washington Post* and *The New York Times.* While careful of not making libellous allegations, questions regarding missing records or the possibility of campaign irregularities were repeatedly raised. The *WSJ* made a comparison between Whitewater and Clinton and between Watergate and Nixon. Gigot stated that 'the Clinton White House's gift for inspiring suspicion in reporters...its talent for seeming uncooperative and slippery are all qualities worthy of the master himself (Nixon).'[88] Gigot further highlights the Clinton's ability to produce a 'non-denial denial'[89] and returns to the death of Vincent Foster as a possible cover-up stating that the report into Foster's death was completed solely by the Park police, who do not specialise in mysterious deaths and that their report 'remains a secret'[90]. Gigot went as far as suggesting that Clinton sacked U.S. Attorneys early so that appointees such as Paula Casey could protect the Clintons from investigation.

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[87] Susan Schmidt, 'U.S. Is Asked to Probe Failed Arkansas S&L', *Washington Post, October 31st 1993* [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr931031.htm] , p1

[88] Paul A.Gigot, 'What did he Know, and When did he Know it?' *January 7th 1994,* Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p128

[89] Gigot, 'What did he Know, and When did he Know it?' *January 7th 1994,* Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p128*p128*

[90] Gigot, 'What did he Know, and When did he Know it?' *January 7th 1994,* Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p128*p128*

In early January President Clinton was attending a NATO summit and visiting the Ukraine yet the developing scandal was receiving considerable exposure in the press.
Up until January 1994, the Attorney General, Janet Reno, had resisted calls for a Special Prosecutor[91] to be appointed. Reno argued that, as the Justice Department were already investigating Whitewater, there was little need for duplication. However, this situation changed when influential Democrats, such as Senator Moynihan (New York), began to join Republicans in bi-partisan support for a Special Prosecutor. Both parties in congress, added to the unrelenting suspicion in the media, plaguing Clinton even on foreign visits, was increasing the pressure on the President. White House lawyers Nussbaum, Kendall and Bruce Lindsey, as well as counsellor to the President, David Gergen, were vehemently opposed to a Special Prosecutor. Nussbaum was particularly adamant, he had previously worked on the Watergate Committee and he was concerned that a Special Prosecutor with a wide remit and large budget would derail the Presidents legislative agenda and could act more like a roving searchlight looking for any irregularities. George Stephanopoulos and Harold Ickes were in favour, in their view, as long as Clinton was confident he had done nothing wrong that they should choose the 'path of least resistance'[92] and ask for the appointment. Clinton, after sustained pressure from the media, followed the advice of Ickes and Stephanopoulos and agreed to the appointment of a Special Prosecutor.

On the 20th January 1994, Janet Reno appointed the moderate Republican, Robert B. Fiske as Special Prosecutor. Fiske was widely regarded as an upstanding member of the New York Bar but yet had previously created some animosity as the head of the judicial

[91] An Independent Counsel could not be appointed as the Independent Counsel statute had lapsed. The differences between a Special Prosecutor and Independent Counsel are relatively minimal except that the Special Prosecutor has to work within the rules and use the resources and employees of the Department of Justice.
[92] Bill Clinton, *My Life,* (London, Hutchinson, 2004) p572-3

screening panel for the American Bar Association. As Chairman, Fiske had opposed some of Reagan's nominees alienating some Republican members of Congress. The *WSJ,* disappointed with Fiske's appointment, suggested that another line of inquiry was necessary, questioning 'why then pick someone with pre-packaged enemies?...his curriculum vitae makes a congressional probe of Whitewater all the more necessary'[93]

Fiske's remit as Special Prosecutor was relatively wide, however, his appointment did not succeed in deadening calls from Republicans in Congress for a full congressional investigation. Republicans recalled that Lawrence Walsh's Iran-Contra investigation was uncomfortable for President Reagan and they seemed intent in reproducing a similar situation for a Democratic President. In response, Democrats were claiming that Clinton's role in Whitewater was by no means as serious as Reagan and Iran Contra.

Discussions were taking place for a congressional investigation. Democrats, unsurprisingly, wanted the scope of the investigation to remain narrow, using a specialist committee and leaving the main investigation to Fiske. Republicans wanted a special committee that would be wide ranging giving the greatest possibility for damaging information to be recovered to use against the President. Congressional Democrats, holding the majority, chose the Banking Committees to investigate Whitewater. Immediately, Majority Leader of the House Banking Committee, Henry Gonzales (D.Tex) received criticism for placing limits on the scope of the investigation.[94]

The investigation that followed was an inevitable disappointment. At most all that was revealed were allegations of pressure being placed on the Kansas City RTC investigators

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[93] Review and Outlook, 'Too Much Baggage', *WSJ, January 21st 1994,* Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p 154

[94] One Example, Review and outlook, 'The Fiske Hangout' *WSJ July 26th 1994* Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p454

regarding their Madison probes and further questions of the conduct of White House aides and U.S. Attorney Paula Casey. Equally frustrating for Clinton's enemies was that the public seemed relatively uninterested in the hearings as Clinton's approval ratings did not significantly change during the period. A CNN/ USA Today/ Gallup Poll revealed that the approval rating of Clinton, while not impressive, remained consistent around 40%[95] without any sharp decline as the allegations increased. While a majority of the population may have thought that Clinton may have been guilty of something, only a minority thought that his actions were seriously wrong or illegal, 'almost two thirds of the electorate thought that the hearings were unnecessary'[96]

Republican hopes were further dashed by the release of the preliminary report from Special Prosecutor Fiske on June 30th 1994. Fiske concluded that Foster's death in Fort Marcy Park was a suicide and more importantly for the Clintons, that Foster's suicide was unrelated to the problems with Madison Savings and Loan or Whitewater.

Yet, while Fiske was reporting, Congress renewed the section of the Ethics and Government Act of 1978 relating to Independent Counsels. Although Attorney General Reno requested that Fiske be reappointed, Fiske had enemies in the Republican Party and his failure to find incriminating evidence only increased calls for a new investigator. Increasingly frustrated by the actions of Gonzales restricting the Congressional investigation, the Republicans considered that the best available option was to appoint a more aggressive Independent Counsel. It was alleged that two Republican Senators from North Carolina met with the appeal court judge, David B. Sentelle, who was a member of the three judge panel that was to decide whether Fiske should be reappointed as Independent Counsel. Although all three deny that the subject of Fiske was discussed in

[95] CNN/USA Today/ Gallup Poll. May 9-12 1996, including polling from 1993 onwards. [www.cnn.com]
[96] Williams, *Political Scandals in the USA*, p69

their meeting, on August 5th Fiske was replaced by Kenneth Starr. Starr was renowned as a conservative Republican, who had previously been solicitor general under George Bush, a U.S. Court of Appeals judge, and a clerk to former Supreme Court Chief Justice Warren Burger.[97] The appointment of such an outright conservative was met with dissatisfaction from the White House and many Democrats. Although Starr had a distinguished legal career he had no experience as a prosecutor. In addition, he had considered running for the Senate in Virginia as a Republican and had offered legal advice on Clinton's immunity in the Paula Jones case.[98]

Even though Fiske's conclusion regarding Foster's suicide was clear, many alternative conspiracy theories existed and still remain. Most conspiracies are found on websites across the internet[99] where there is no editorial check on the validity of the information meaning that unsubstantiated rumour and fictitious gossip will naturally thrive in this environment. Unfortunately for Clinton, rumours surrounding Foster's death found their way into the mainstream press. It is for this reason that the death of Vincent Foster provides an excellent example of how the media can inflame a scandal. The stories demonstrate how enemies of Clinton can utilise the media to produce theories of conspiracy. It is important to examine some of these sources and look at the reasons as to why they were published. While the stories may not fit exactly with the chronological pattern thus far, Foster conspiracy stories were appearing at sporadic points during the Whitewater scandal. They serve in adding another layer of suspicion that received exposure as the scandal developed.

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[97] Profile of Kenneth Starr on CNN All Politics [http://www.cnn.com/ALLPOLITICS/1998/01/27/profiles/starr/]

[98] Louis Fisher, 'Starr's Record as Independent Counsel' *PS: Political Science and Politics.* Vol. 32 no.3 Sept. (1999) pp546-549 p547

[99] A request of Vince Foster on an internet search engine will reveal hundreds of responses all with widely varying content, supposed explanations and theories regarding his death. [http://www.disinfo.com/archive/pages/dossier/id264/pg1/] and [http://www.allanfavish.com/] are examples of pages that devote considerable space to Vincent Foster.

Conspiracy theories appearing in mainstream publications such as the *WSJ* and others add credibility to any story and are more dangerous to an incumbent President. However, rather than American newspapers spearheading the printing of Foster rumours it was writers such as Ambrose Evans-Prichard in the British *Sunday Telegraph* who acted as the source for media outlets in the United States. From 1994 onwards Evans-Pritchard produced many articles that were full of suspicion surrounding Vincent Foster and the Clinton administration as a whole. While many articles are available,[100] a small section of one article will serve as an example of the sort of story Evans-Pritchard was intent on writing. Referring to an interview with David Watkins, a former Director of Administration in the Clinton White House, Evans-Prichard reports:

> 'But he (Watkins) offers a fascinating glimpse into the bohemian underworld of the Clinton coterie. He confirms that Hillary Clinton was having an affair with White House aide Vincent Foster, who was found dead in a Virginia park in July 1993. (The case is still under investigation) He describes how Mrs Clinton was kept away from Foster's family at the funeral. He also reveals that President Clinton was having an affair with Marsha Scott, the White House Director of Presidential Correspondence. ...She allegedly slept with Clinton to comfort him on the night of Foster's death.'[101]

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[100] A number of articles by Evans Pritchard and others can be found in *Sunday Telegraph* archives and on the *Electronic Telegraph,* examples include:
10 April 1995: 'When did White House learn of aide's death?' 10 July 1995: 'America's top newspaper has pointed the finger at our man in Washington. Now it's his turn', 1 August 1995: 'Lawyer speaks for Mrs Clinton', 25 September 1995: 'Fight over phone log rings alarm bells for Clinton', 15 January 1996: 'The eerie similarities between Whitewater and Watergate' All these articles are available in Daily Telegraph and Sunday Telegraph archives and on the Electronic Telegraph [http://www.telegraph.co.uk] .

[101] Ambrose Evans-Pritchard, 'Foster dead...and so Clinton goes to bed' 15th December 1996, Electronic Telegraph [http://www.telegraph.co.uk/htmlContent.jhtml?html=/archive/1996/12/15/wamb15.html] p1

Once an article such as this appears in the *Sunday Telegraph* then it was easily picked up and then reported by the conservative press both in the United States and in Britain. The White House became so exasperated by the reports in the *Sunday Telegraph* that they were forced to respond to the constant stream of allegations. The White House claimed that 'activists in the think-tanks fed "conspiracy theories and innuendo" to receptive US correspondents of London newspapers and, in a "blow-back" effect, the "mainstream" press of America picked up the British reports.'[102] By American newspapers citing the British publications as the authority then stories are easily recycled, starting a potential media frenzy, regardless of how truthful or accurate the stories may be. The list of enemies to Clinton included the Western Journalism Centre (WJC) and the Landmark Legal Foundation (LLF), the Accuracy in Media (AIM) and Citizens United. One individual in particular who demonstrated his ability to push his agenda in the media is Richard Mellon Scaife. Scaife is a right wing Pittsburgh billionaire who through foundations funded many think tanks and publications including the WJC and the AIM, the *American Spectator* and the *Pittsburgh Tribune-Review.* The *Tribune-Review* being Scaife's own publication. Scaife even funded a right wing cable channel by donating $1.9 million between 1994 and 1996.[103] He was also a long time contributor to the Republican Party, donating to Nixon's campaigns and to Newt Gingrich. Scaife had given in a total of $620 million to conservative causes and institutions. The total of Scaife's giving – to conservatives as well as many other beneficiaries – exceeded $1.4 billion.[104] Donations combined with media ownership meant that Scaife could infiltrate the news cycle to the detriment of the Clintons. The *Pittsburgh Tribune – Review* employed Christopher

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[102] Hugh Davies, 'British Press Accused of Clinton Conspiracy' *Daily Telegraph 8th January 1997* Electronic Telegraph [http://www.telegraph.co.uk/] p 1

[103] Many profiles and articles exist on Richard Scaife. Brooks Jackson , 'Who is Richard Mellon Scaife?' All Politics CNN [http://www.cnn.com/ALLPOLITICS/1998/04/27/scaife.profile/.] The Washington Post also has a number of articles – Robert Kaiser and Ira Chinoy , 'Scaife Funding Father of the Right' May 2nd 1999 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/scaifemain050299.htm].

[104] Robert Kaiser and Ira Chinoy, 'Scaife Funding Father of the Right' *Washington Post,* May 2nd 1999 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/scaifemain050299.htm]

Ruddy, a dogged investigative reporter who was solely working on the death of Vincent Foster. Ruddy was subjected to less stringent rules without the scrutiny of an un-biased editor; regardless of the factual content of Ruddy's articles, they were published. Between 1994 and 1998 Ruddy produced a number of articles that were mainly focused on conspiracy surrounding Foster's death[105]. With headlines reading, 'Experts Doubt Foster Suicide Findings'[106] and 'Zogby Poll: Nearly 70% of Americans Don't Accept Foster "Suicide"'[107] Ruddy's political message was clear. Once Ruddy's articles were published then the Scaife funded think tanks were able to promote the stories. The WJC sponsored full page advertisements in the *New York Times, the Washington Post* and the *Washington Times,* all reprints of articles that originally were in the *Pittsburgh Tribune-Review* asking whether Foster's death was a suicide. After the mainstream advertisement, the WJC continued to push the Foster conspiracy through the distribution of '*Unanswered: The Death of Vincent Foster'* video and the release of a study into the Foster suicide. Ruddy also published a book based on his research into Foster's death titled 'The Strange Death of Vincent Foster', again re-emphasizing suspicion. Aside from attacking Clinton through the media, the Landmark Legal Foundation, also Scaife funded, was involved in filing ethics complaints against Congressman David Bonior who had lodged complaints against Newt Gingrich, the LLF was also supporting and representing L. Jean Lewis of the RTC.

Conspiracy stories appearing in respected main stream press increases the danger of members of Congress trying to capitalize on the exposure[108] by demanding further investigation. The spiral is perpetuated when these demands will be consistently reported by the press only to become more problematic once official enquiries start. The example

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[105] Christopher Ruddy produced many articles on Foster for the *Pittsburgh Tribune- Review* approximately 80 of those articles can be found on the Newsmax website at [http://www.newsmax.com/articles/?a=1999/2/3/171438]

[106] Christopher Ruddy, 'Experts Doubt Foster Suicide Findings' *Pittsburgh Tribune-Review* January *18th* 1997 [http://www.newsmax.com/articles/?a=1995/1/18/234735] p1

[107] Christopher Ruddy, ''Zogby Poll: Nearly 70% of Americans Don't Accept Foster "Suicide"' *Pittsburgh Tribune-Review* [http://www.newsmax.com/articles/?a=1998/2/23/150645] p1

[108] See behaviour of Rep. Dan Burton in Bill Clinton, *My Life,* p606

of Vincent Foster with regard to Whitewater demonstrates how a scandal can easily become multi faceted by the continual supply of stories. Once the 'cycle of scandalmongering'[109] starts, it is very difficult to stop.

While the Foster conspiracy was running, Whitewater rolled on. As the partisan wrangling continued in the Banking Committees, further layers in the Whitewater Scandal were developing. The reputations of both Hillary and Bill Clinton were brought into question. Hillary's conduct was examined over her successes in futures trading.[110] Over the year, Hillary Clinton had made $100,000 profit, allegedly on the advice of her friend James B. Blair, an experienced futures trader. Further allegations suggested that up to $40,000 of her profits had actually been invested by someone else and then transferred to Mrs Clinton's account at a later date. Major publications including the *The New York Times* and the *WSJ* were once again suspicious of Clinton's 'sensational venture into the commodity pits.'[111] Newsweek suggested that Hillary had not even contributed any money to the deals 'piggybacking on the trading success of an attorney for one of Arkansas biggest companies.'[112] Aside from Hillary Clinton's trading, in May 1994, Bill Clinton was hit by sexual harassment allegations filed from Paula Corbin Jones, re-emphasising his questionable sexual past.

The attacks on the White House were not restricted to the First Couple as key members of staff were forced to resign through 1994. In January, Deputy Attorney General Phillip Heymann resigned; this was followed by Deputy Treasury Secretary Roger Altman and Chief Counsel Bernard Nussbaum in the spring because of their improper involvement on

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[109] Williams, *Political Scandals in the USA*, p79
[110] Charles R. Babcock, 'Hillary Clinton Futures Trades Detailed' *Washington Post May 27th 1994*, [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr940527.htm]. p 1
[111] Review and Outlook, 'Hillary in the Pits' *Wall Street Journal*, March 30th 1994 Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p317
[112] Review and Outlook, 'Hillary in the Pits' Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p318

the criminal referrals over Madison. Webster Hubbell, White House counsel was also to resign in March as his former billing records with the Rose Law Firm were brought in question. The White House was on the defensive. Although seemingly unrelated to Whitewater, Clinton's approval rating remained below 50% in the polls. Yet, by November, approval ratings were insignificant to the political battle that the White House faced. The Republican capture of Congress in the mid-term elections changed the political context; they now had more capacity to control the Congressional agenda, including the investigation of Whitewater.

Up to the mid term elections in 1994, the Clinton administration had already had a budget struggle, faced unpopularity for increasing gas taxes and had a major failure with the rejection of its key healthcare proposals. A Republican controlled Congress would be even more difficult to work with. The possibility of passing difficult pieces of legislation was now more remote. The threat of more congressional inquiries, this time under the control of the Republicans also loomed on the horizon. The Republicans wanted Clinton out of the White House and, with the change in the political terrain, they had more options at their disposal to explore, whether it be as extreme as attempting to impeach the President, indict Hillary Clinton or to use scandal as a tool to increase the President's unpopularity for the next election.

In June 1995, a report on Madison Savings and Loan for the RTC produced by the law firm Pillsbury, Madison and Sutro was released. The head of the investigation was a Republican attorney, Jay Stephens, whose appointment in 1994 had caused dismay in the White House. Stephens was considered to be a conservative enemy of the Clintons who would have a political score to settle over the Clinton administration replacing him as US attorney for the District of Columbia. Stephens investigation had lasted for two years and

within that the RTC, who commissioned the report, merged into the Federal Deposit Insurance Corporation.

The Pillsbury, Madison and Sutro report concluded that although funds flowed to the Whitewater account from other Madison accounts, the Clintons had 'little direct involvement' in the investment before 1988. The Clintons were passive investors and were unaware of any improper conduct of Jim McDougal. The report did not receive extensive attention from the press. Papers such as the *Boston Globe* and *The Washington Post* reported Clinton's passivity in the investments[113] but significantly The *Wall Street Journal* in Volume II of its Journal Briefing on Whitewater has no reference to the report being published on the 23rd of June 1995, or any comment or story regarding it,[114]. The conservative *Washington Times* chose to focus on James McDougal's involvement with Whitewater and Madison and suggested that, without interviewing the principals in the business deals, that it was impossible to discover what the Clintons knew and whether McDougal received any quid pro quos from Gov. Clinton.[115] The hopes of Republicans that conclusive evidence would be found was again dashed, however, partisanship ensured that the report had little impact. Regardless of the report, the Republicans were still intent on investigating the Clintons involvement in Whitewater, not to mention the OIC. The Pillsbury report made the McDougals a target and in August 1995, Kenneth Starr indicted James and Susan McDougal and Clinton's friend and successor as Gov. of Arkansas, Jim Guy Tucker, for bank fraud hoping to create pressure on defendants to be more forthcoming with the investigation. However, the roving searchlight for illegal

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[113] See John Aloysius Farrell, Globe Staff, 'Whitewater probe cites Clinton gains ; But inquiry finds president, wife were unaware of schemes' *Boston Globe,* 27th June 1995. pg. 3 and Sharon LaFraniere; Charles R. Babcock, Washington Post Staff Writers,'Whitewater Study Shows How Clintons' Burden Eased' *Washington Post,* June 27th, 1995, pgA4

[114] In 1995 the *WSJ did* report the lawyers findings See Ellen Joan Pollock – 'Clintons Are Vindicated in New Report on Collapse of Madison Guaranty S&L,' *Wall Street Journal,* June 26th 1995

[115] See Rowan Scarborough, 'McDougal used S&L for Whitewater cash ; Clinton paid nothing from '82 to '86' *Washington Times,* 27th June, 1995, pg A1

actions was moving away from the Clintons' original dealings with Madison S&L and McDougal. The attention was gradually shifting to a possible cover-up once they reached the White House.

In July 1995, new Whitewater hearings opened on Capitol Hill. Senator Alfonse D'Amato Rep. (NY) convened a special Whitewater committee to investigate the affair. Unfortunately, D'Amato's chequered background created immediate questions. A divorcee, with four children from his first marriage, D'Amato had previously been reprimanded and fined by the Senate Ethics Committee for allowing his brother, a lobbyist, to use office stationary to help solicit valuable Navy contracts. D'Amato was also known for his brash political style with which he had previously offended public individuals, namely, Lance Ito, the Judge overseeing O.J. Simpson trial and Betsey McCaughey-Ross, a Republican candidate for Lieutenant Governor of New York in 1994.

In the House, the new chairman of the Banking Committee, continued his work on Madison. The partisan battles continued. The Republicans wanted a more aggressive investigation but they met with calls from Democrats about Whitewater being nothing more than a witch-hunt. Senator D'Amato was keen to extend the Senate hearings for as long as possible to create maximum discomfort for the Clintons. Democrats alleged that the Republicans' goal was to disrupt the President's re-election campaign.

Although little new was being discovered, the White House did not help themselves by the sudden discovery, in early 1996, of two highly sought after documents. First was an undated 1993 memo from David Watkins, serving then as White House Director of Administration, in which he lays blame for the Travel Office firings directly at Hillary Clinton. Immediately following the memo's discovery, the White House announced that

Mrs Clinton's Rose Law Firm billing records, sought by Congress and under subpoena by the Independent Counsel for two years had been found in a book room in the residence of the White House. The new documents proved problematic for Mrs Clinton. She had originally denied any involvement in the Travel Office firings. The billing records revealed additional detail about Hillary Clinton's work for James McDougal. Starr reacted by releasing a subpoena to Hillary Clinton to appear before a Whitewater Grand Jury. The First Lady's unprecedented appearance before Grand Jury was not an isolated event. As the Independent Counsel and the Senate investigations continued into 1996 the Clintons were subjected to persistent inquiry. Both the President and Hillary Clinton were interviewed on a number of occasions by Starr and the President had to give video evidence in trials for former associates in the Arkansas bank fraud case. White House staffers were also subjected to similar treatment incurring large legal bills. Once again the news cycle was being filled with stories of a cover-up. On the 5th of January 1996, the *WSJ* published an editorial feature which included excerpts of the Watkins memo[116] and on the 12th it claimed that 'no one any longer is much defending the Clintons on Whitewater issues.'[117] Possibly the only benefit to the Clintons of the persistent investigations was that the public were increasingly confused and uninterested with the Whitewater proceedings. The *Washington Post* reported that 'Starr's investigation has taken so many twists and turns that only the most dedicated Whitewater fanatic can track it – much less know the implications...for the Clintons.'[118] A CNN/USA Today/Gallup poll in 1995 showed that while 51% thought that the President may have done something wrong in Whitewater, his approval ratings seemed to be unaffected and he remained

[116] Editorial Feature, 'White House Stone Wall Cracks' *WSJ*, January 5th 1996 Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. II p227
[117] Review and Outlook, 'Smoke Without Fire' *WSJ*, January 12th 1996 Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. II p236
[118] Marilyn W. Thompson , 'Caught in the Whitewater Quagmire' *Washington Post* August 28th 1995. [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr950828.htm] p 1

ahead of his Republican challenger Bob Dole by a margin of approximately 10-15 points.[119]

Despite Clinton's testimony in the Arkansas bank fraud trial, the jury found Gov. Tucker and the McDougals guilty of fraud. The *Washington Post* reported that even Susan McDougal who 'some courtroom observers believed would be acquitted because of her lesser role in the fraudulent transactions'[120] was found guilty of all four counts against her. The verdict was an undoubted victory for Kenneth Starr. While Clinton faced no criminal charges in the trial, the *Post* highlighted that 'the White House clearly did not relish the idea of a jury's branding his Whitewater partners as crooks at the very moment the President geared up his re-election campaign.[121] A further blow soon followed in June with the discovery that the White House had improperly obtained background checks from the FBI. The White House produced a considerable number of documents sought by Rep. William Clinger in the Travel Office probe. Among the documents was a request to the White House personnel chief Craig Livingstone for its file on Billy Dale, the Travel Office chief, which was dated seven months after Dale's firing. As well as Dale, there was also a request for files on several hundred former White House employees, including Republicans. 'Filegate' was born and yet another layer was added to Whitewater. Independent Counsel Starr's jurisdiction was inevitably broadened to include the new scandal.

Senator D'Amato's committee reported in June 1996 and it was a clear example of how partisanship can cloud the outcome of the investigation. The focus of the Republican

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[119] CNN/USA Today/Gallup Poll, 'More People Think Clinton Is Hiding Something in Whitewater' May 30th 1996 [http://www.cnn.com/ALLPOLITICS/1996/news/9605/30/poll.whitewater/index.shtml] p1

[120] R. H. Melton and Michael Haddigan, 'Three Guilty in Arkansas Fraud Trial' *Washington Post* May 29th 1996 , [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr960529.htm] p1

[121] Melton and Haddigan, 'Three Guilty in Arkansas Fraud Trial', *Washington Post* p1

majority's report centred on the death of Vincent Foster and a possible cover up. Rather than the President, it was the First Lady that increasingly received most scrutiny from the majority. The wording was suitably scathing of the White House but it stopped short of making criminal allegations, concluding:

> 'Senior White House officials, particularly members of the Office of the White House Counsel, engaged in a pattern of highly improper conduct in the handling of the documents in Mr. Foster's office following his death. At every turn, senior White House officials prevented Justice Department and Park Police investigators from examining the documents in Mr Foster's office, particularly those relating to the Whitewater and Travelgate affairs then under investigation.'[122]

The Majority claimed that White House officials were not only attempting to prevent investigation into Foster's death but gave incomplete and inaccurate testimony to the Senate Committee and misused the Office of the White House Counsel to manipulate the ongoing investigation. Senior White House staffers were accused of improperly gathering information about the investigations involving Madison and Whitewater so they could deliberately manipulate the investigations into their conduct. The Clintons were accused of confusing their personal legal interests with their official roles of President and First Lady. The disappearance, reappearance and possible destruction of files from the Rose Law Firm were all interpreted as a pattern of concealment that implicated Mrs Clinton. With regard to the original Whitewater land deal, the convictions against the McDougals meant that for the Republican Majority, Madison was a criminal organisation. The Clintons were actively seeking loans for the Whitewater Development Co. and were not

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[122] Investigation of the Whitewater Development Corporation, Final Report Of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, Together with Additional and Minority Views. 104th Congress, 2nd Sess., June 13th 1996. Retrieved from [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/committee.pdf]. p9

merely passive investors. All these assertions are made without making accusations of the Clintons which could be tested in a court of law.

The Democrats Minority conclusion was almost a complete opposite to the assertions of the Majority:

> 'The venom with which the Majority focuses its attack on Hillary Rodham Clinton is surprising....Perhaps the most sensationalized conclusions of the Majority involved the handling of the Vincent Foster papers...Irresponsible claims of possible obstruction of justice simply ignore the testimony of law enforcement officials who came before the committee: that the investigation of Vincent Foster's death...was not obstructed.'[123]

The Minority denied any improper conduct on the part of the Clintons. The removal of documents from Vincent Foster was motivated by good intentions and influenced by the shock and grief of the situation. They dismissed the disappearing and reappearing records and chose to demonstrate the extent to which Mrs Clinton's testimony is fully supported by the records. The Minority claimed that the White House was not attempting to manipulate or alter the investigation in to Madison and that criminal referrals were also handled properly. Rather than the Clintons being directly involved in Whitewater Development Co., the Minority reinforced the Clintons passivity in the investment and argued that the ensuing RTC investigation was politically motivated by partisan investigators. Any errors in the Clinton's tax returns relating to Whitewater, which the Clintons subsequently corrected, were due to a lack of information about the investments.

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[123] Investigation of the Whitewater Development Corporation, Final Report Of the Special Committee to Investigate Whitewater Development Corporation and Related Matters, Together with Additional and Minority Views. 104th Congress, 2nd Sess., June 13th 1996 Retrieved from [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/committee.pdf] p398

The Majority and Minority Reports from the Senate Committee had provided ammunition for both conservative and liberal press to attack and defend Clinton. Yet, for any neutral interested in finding the truth, the report was disappointing. The *Washington Post* reported on the Committee's report in a similar tone comparing the Whitewater hearings as a severe anticlimax compared to Watergate:

> 'The Whitewater hearings utterly obliterated any notion of congressional objectivity... No one broke party ranks this time...Democratic senators covered their President in a protective embrace...while Republican senators behaved like zealous prosecutors...Nor were there any witnesses comparable to John Dean, spilling the beans on White House higher-ups.'[124]

The major success of the hearings was to increase apathy about Whitewater. Throughout the hearings the polling data proved the public was barely paying attention. The *Post* reported that 'The Senate proceedings were often characterized in the news media as a "snooze" or a "box-office bomb."'[125] Senator D'Amato's attempt to damage the Clintons was unsuccessful and he returned to his post of co-chairman of Bob Dole's presidential campaign. In August, former Gov. Jim Guy Tucker was given a 4 year suspended sentence on medical grounds following testimony from a surgeon that suggested that Tucker would likely die in prison because of chronic liver disease. Two days later in court a 'sobbing'[126] Susan McDougal pleaded for leniency, she was subsequently sentenced to two years imprisonment for her involvement in the bank fraud. In September Susan

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[124] David Maraniss, 'The Hearings End Much as They Began' *Washington Post*, June 19th 1996, [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr960619.htm] p1

[125] Maraniss, 'The Hearings End Much as They Began' *Washington Post*,p1

[126] Michael Haddigan, 'Susan McDougal gets 2 years for fraud tied to Whitewater', *Washington Post* August 21st 1996 [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr960821.htm] p1

McDougal was subpoenaed to testify before the Whitewater Grand Jury. McDougal was questioned as to whether she had discussed with Bill Clinton the illegal $300,000 loan from Hale, $50,000 of which ended up in the Whitewater account. The President denied any knowledge of the loan but by questioning McDougal, Starr was attempting to establish whether the President had committed perjury in his testimony, a ploy that would become an increasing part of Starr's strategy. McDougal refused to answer the questions and was found in contempt of court and was sent to jail. Susan McDougal claimed that Starr had offered leniency in return for evidence that would incriminate the Clintons. To McDougal, all that Starr was concerned with was severely damaging the Clintons. Unsurprisingly, the *WSJ* was sceptical, stating that 'unless she (Susan McDougal) has reason to believe the President lied...there is no point to the angst she now displays.'[127]

James McDougal's sentence was delayed until the following April after co-operating with Starr's investigation. Although Jim McDougal was found guilty on 18 counts of fraud and conspiracy, feasibly receiving up to 86 years imprisonment, he was given a reduced sentence of 3 years imprisonment after Starr's recommendation. In an interview with NBC, Jim McDougal, when asked directly whether Clinton knew about an illegal loan that the President had testified he knew nothing about, McDougal told NBC: I'm not at liberty to comment on that. I really, really wish I could.'[128] While McDougal, by assisting the Independent Counsel, was troublesome for the White House, the impact of his testimony was reduced because it was widely known that McDougal was an alcoholic and manic-depressive who suffered wild mood swings during his interviews. This fact meant that firstly, Starr did not have the damaging witness he desired and secondly, the White House could use McDougal's condition to explain why he suddenly turned against them.

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[127] Review and Outlook, 'The November Stall' September 6th 1996, *WSJ*, Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. III p21

[128] Michael Haddigan, 'McDougal gets 3 year term', *Washington Post*, April 15th 1997 [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr970415.htm] p1

If Ken Starr was focused on bringing down the Clintons through Whitewater and their former business deal then he was increasingly unsuccessful. The clearest indication of the public's attitude was registered in November 1996 when Clinton easily won re-election. The First Couple's possible wrongdoings and questions of character had not been a feature with the public. The only controversy caused by the President was not ruling out pardons for Whitewater figures in a PBS interview.

Starr caused far more debate by announcing, in February 1997, that he would be stepping down as Independent Counsel in August to take a post at Pepperdine University in California, an institution that received considerable donations from right wing foundations. Starr's move was widely interpreted as a sign that he would not bring any further major prosecutions. Only a few days later Starr went back on his decision and announced that he would stay on as Independent Counsel and that would join Pepperdine University at a later date. Questioned as to whether he left because it was unlikely there were going to be more prosecutions, Starr stated that the investigation into the Clintons was at a critical juncture and that to assume there would be no further indictments was 'dangerous and wrong'. [129] Starr's decisions created a lose-lose u-turn that dealt a severe blow to his reputation. Both press and public perceived that he took the job at Pepperdine to escape from leading an aggressive, but failing investigation of Whitewater. By returning, he again looked weak because it seemed he was only reacting to negative publicity.

In 1997, the multiple Clinton scandals extended to involve Vice President Al Gore. Late in 1996 the Justice Department began investigating whether, during the 1996 campaign, Gore had broken campaign finance regulations by making fund raising calls from his office. The *WSJ* attempted to compare Gore to Newt Gingrich. Gingrich was fined

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[129] Susan Schmidt, 'Starr will stay with the Probe', *Washington Post,* February 22nd 1997 [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/stories/wwtr970222.htm] *p1*

$300,000 for signing a letter prepared by lawyers that mistakenly contained tax code violations. Gore stated that he understood his actions regarding the phone calls to be 'legal and appropriate'[130] but the *WSJ* was in disagreement. The *Journal* claimed that the violation was straightforward, that campaign calls are prohibited in or from Government buildings and that, if Gingrich was fined severely for a tax code violation with no criminal penalty, then 'what would he have had to pay, we wondered, if he'd been guilty of the Vice President's offence?'[131] Further allegations were made that the White House and its campaign associates had been seeking donations from foreign national, the *Washington Post* claimed that it had evidence that Peoples Republic of China had tried to gain influence from donating to the Democratic National Committee. [132]

The issue of campaign finance provided yet another parallel avenue of scandal for partisan exploitation. Once more there were calls from Republicans for the appointment of an Independent Counsel to investigate the alleged White House campaign finance violations. Attorney General Reno denied the claims drawing attention to the Justice Department's investigation which had found no reasonable case to prove Clinton or Gore violated campaign laws. However, Congressional Republicans, undeterred, forced the campaign finance allegations to hearings in the House Government and Oversight Committee, led by Republican, Dan Burton and in the Senate Governmental Affairs Committee, led by Senator Thompson. Unfortunately, the hearings proved to be bitterly partisan, with both sides looking for the opportunity to score political points. Consistent with their performance on the D'Amato led Whitewater hearings, Republicans and Democrats made accusations of campaign finance violations directed each other, resulting

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[130] Review and Outlook, 'My Counsel Advises Me...' *WSJ,* March 5th, 1997 Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. III p330

[131] Review and Outlook, 'My Counsel Advises Me...' *WSJ,* March 5th 1997, Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. III p330

[132] See Brian Duffy and Bob Woodward , 'FBI warned six on the Hill about China and Money' *Washington Post,* March 9th, 1997 [http://www.washingtonpost.com/wp-srv/politics/special/campfin/stories/cf030997.htm] p1

in stalemate. The *Washington Post* stated that 'bitter partisan wrangling...often brought hearings to a dead stop for hours... When Republicans crowed about racks of White House videotapes showing Clinton exulting over the way unregulated "soft money" was used to promote his candidacy, Democrats produced a tape of GOP candidate Robert J. Dole doing the same thing.'[133] Four months of hearings was eclipsed by fierce partisanship. Republicans wanted Clinton out of office and the Democrats were complaining of a witch hunt.

Independent Counsel Starr continued investigation throughout 1997 and more partisan battles were fought. The Supreme Court refused to hear an appeal by the Clinton administration on a lower court ruling that ordered the White House lawyers to hand over notes to Starr that were taken while in discussions with Hillary Clinton. The President and First Lady claimed the notes fell under attorney-client privilege and should be protected from Starr's grand jury subpoena. Unfortunately the Clintons lost in the 8th US Circuit Court of Appeals and the notes were handed over to Starr.

The White House was handed more encouraging news in October when Starr finally released his exhaustive report into the death of Vincent Foster. After a three year investigation including detailed testimonies and expert medical examinations, Starr reaffirmed previous findings that Foster *did* commit suicide. The Independent Counsel's conclusion was resolute:

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[133] Guy Gugliotta, 'Inquiry Leaves Indelible Images of Excess' *Washington Post*, November 1st, 1997 [http://www.washingtonpost.com/wp-srv/politics/special/campfin/stories/cf110197a.htm] p1

> 'Dr. Berman concluded that "in my opinion and to a 100% degree of medical certainty, the death of Vincent Foster was a suicide. No plausible evidence has been presented to support any other conclusion."'[134]

Starr's report was the fourth and most detailed of the accounts into Foster's death and while it did not look at all reasons as to why Foster may have taken his own life, it did highlight possible explanations to his severe depression. In this sense Starr's report into Foster differs to Fiske's in 1994. This included the firing of White House travel office employees, litigation related to a White House task force on health care and the handling of the Clintons' tax returns, including the sale of their interest in the Whitewater real estate investment. Starr's report on Foster was widely covered at the time by all sections of the media except that conservative publications, such as the *Washington Times,* emphasised that, contrary to the impression given by the White House, that Foster was driven to suicide because of the pressure he felt from being involved in a number of scandals, namely Whitewater and Travelgate[135]. Interestingly, Bartley, in editing the *Wall Street Journal's,* Journal Briefing of Whitewater[136] has not included an article on Starr's finding regarding Foster.

Starr's investigation of Whitewater rolled on but by 1998 it was looking increasingly unlikely that he was going to gain any further convictions related to the Arkansas land deal. Starr's attentions were already being shifted to a sexual affair involving the President and Monica Lewinsky, which will be examined in the following case study.

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[134] Ken Starr, Independent Counsel, Full Text of the Report of on the 1993 death of White House Counsel Vincent Foster , October 10th 1997, retrieved from [http://www.washingtonpost.com/wp-srv/politics/special/whitewater/docs/fosterx.htm] p2

[135] See Jerry Seper, 'Starr Probe finds that Foster Killed Himself; New Evidence of his Depressed State Offered.' October 11th, 1997, *Washington Times,* Part A, pg 1

[136] See Vol. IV Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Robert L. Bartley.

Senior White House aides and Democrats increased their pressure on Starr that after 4 years, spending $30 million dollars, it was time to end his investigation[137].

In March 1998, months before he expected to be released, James McDougal died of a cardiac arrest in prison. McDougal's death led to a brief reappearance of the original Whitewater scandal in the media. While it was unlikely that McDougal would have provided any more incriminating evidence, some considered his death to be another blow to Starr's investigation. In April, more allegations hit Starr's Whitewater investigations when it was alleged that anti-Clinton conservatives, including Richard Mellon Scaife, had provided funds to David Hale in return for information that would damage the President. The White House seized the opportunity to put Starr on the defensive and to renew the calls of a partisan witch hunt. Starr found himself in an awkward position of investigating charges about Hale that could lead to his testimony being discredited. Starr also faced a possible conflict of interest over his links to Scaife and other conservative groups.

In response, Starr returned to investigating Webster Hubbell after it was revealed that following his resignation as Associate Attorney General, he received up to $700,000 from friends of the Clintons and Democratic Party supporters at a time when he was undergoing inquiries from the Independent Counsel. There was an apparent $200,000 discrepancy in the previous amount that Hubbell earned after leaving the White House. The House Government and Oversight Committee also discovered he had received money to pay for his daughter's college tuition and promised to secure a client with a government appointment after he was originally convicted of fraud. With Hubbell facing the possibility of new tax and fraud charges being served by Starr, the White House was uneasy about more stories being published of murky financial dealings of associates of

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[137] Howard Kurtz, 'Starr is Urged to Curtail Inquiry', *Washington Post,* March 2nd 1998, [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/starr030298.htm] p1

the First Couple. Susan McDougal was also subjected to further questioning before a Grand Jury and remained defiant by refusing to testify about her business dealings with President Clinton. The *Post* reported that McDougal refused because she believed that 'Starr himself should be investigated and that he had a conflict of interest with her case'[138]. The exhaustive legal battle between Susan McDougal and Starr was another excuse for partisan accusations. Enemies of the Clintons alleged that the White House was manipulating Susan McDougal to conceal past financial illegalities, her silence confirmed guilt. To the supporters of the President and the administration, McDougal was a brave martyr who was choosing to fight Starr's attempt to destroy the Clintons.

Starr remained seemingly aggressive in his pursuit of investigating Whitewater but, as the year continued, Starr was placed under increasing pressure to bring his inquires to a close. A federal judge dismissed the tax and fraud charges against Hubbell. In a 35 page report the judge criticised Starr for exceeding his original mandate. Starr's subpoenaing over 13,000 documents from Hubbell, under an immunity grant, which he then used to prosecute over tax fraud, was branded a 'quintessential fishing expedition.'[139] Undeterred, in November Starr filed further indictments against Hubbell. The fifteen count indictment alleged that Hubbell covered up the Rose Law Firm's involvement in a false multimillion-dollar land deal that caused losses big enough to bankrupt McDougal's Madison Guaranty S&L. The *Post* reported that many Clinton aides felt that the third set of indictments against Hubbell were an act of desperation,[140] The *Wall Street Journal* was more supportive of Starr in his pursuit of Hubbell and questioned the actions of the Justice Department by seemingly protecting Hubbell. The *Journal* stated that 'here's a guy

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[138] Luis Romano, 'McDougal Quiet at Grand Jury' *Washington Post*, April 24th 1998, [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/mcdougal042498.htm] p1

[139] Ruth Marcus and Susan Schmidt, 'Judge Dismisses Hubbell Tax Case' *Washington Post,* July 2nd, 1998. [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/hubbell070298.htm] p1

[140] Webster Hubbell quoted in an article in the *Washington Post* by Susan Schmidt, 'Starr brings third indictment against Hubbell' November 14th 1998. [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/hubbell111498.htm] p1

(Hubbell) who has been convicted of bilking his partners...participated in the early firings of all sitting U.S. attorneys and ran information out the back door of the White House...Somehow the Clinton Department of Justice finds this fit material for a friend of the court brief.'[141]

As the *WSJ* demonstrates, many conservatives remained supportive of the Whitewater probe but throughout 1998, Starr's attention had shifted on to Monica Lewinsky. On the first day of Clinton's impeachment hearings in November, Starr cleared Clinton in relation to the 'Travelgate' travel office firings in 1993 and the improper collection of FBI files in the 'Filegate' episode in 1996. Starr also stated that he had drafted an impeachment referral stemming from Whitewater but did not pursue it because of insufficient evidence. Starr testified that prosecutors would have difficulty 'establishing the truth with a sufficient degree of confidence'[142]. Starr's statement effectively ended the possibility that the Clintons would be indicted for the original focus of the investigation regarding Whitewater and Madison. Democrats were quick to heavily criticise Starr for dragging the Whitewater investigation on for so long with the intention, in their view, of only trying to inflict a political blow to the Clinton administration. In response, Starr highlighted that the OIC had won 14 criminal convictions and claimed pride in the OIC's thorough investigation and their strength in *not* issuing indictments to the Clintons.

Whitewater quickly took a back seat to the Lewinsky affair which received the full attention of Kenneth Starr. The Independent Counsel Law expired in 1999 but Starr continued his investigation. In October Starr stepped down as Independent Counsel and was replaced with the experienced federal prosecutor Robert W. Ray.

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[141] Review and Outlook , 'Justice for Webb' *WSJ*, October 2nd 1998, Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Robert L. Bartley. Vol. V p58

[142] Marilyn W. Thompson, ' Whitewater Probe's Insufficient Evidence' *Washington Post* , November 20th 1998, [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/whitewater112098.htm] p1

The release of Robert Ray's final statement regarding the Whitewater probe in September 2000[143] finally brought the seemingly everlasting scandal to an end. Independent Counsel Ray's report effectively cleared the Clintons of wrongdoing, removing the possibility of impeaching the President over Whitewater. The report found that insufficient evidence existed to prosecute either the President or Mrs Clinton over their involvement with the McDougals and Madison, including the allegations that they had impeded the investigation of the RTC and gave false testimony. The Clintons were also cleared once more over the death of Vincent Foster.

The media reporting of Ray's statement was consistent with the partisan behaviour that had been established in the first few sparks of scandal in 1992. Looking back at the Whitewater scandal, liberal journalists felt vindicated in their support of Clinton and began re-assessing the more aggressive articles and editorials that had previously been written. An article by Michael Tomasky in *The Nation* was very quick to blame the *Wall Street Journal* who, according to Tomasky, had written about Clinton as though he were a cross between 'Eugene Debs and Charles Manson.'[144] Tomasky also considered that columnists like William Safire had spent three years being 'wrong about virtually everything'[145] with regard to Whitewater and the death of Vincent Foster.

In contrast, the final statement by Ray prompted the *Journal* to announce that 'The Cover-up Worked'[146]. The *Journal* was resolute in its opinion that the Clintons established ethos of 'stonewalls, shady statements, slick lawyering, witness intimidation

[143] The full report containing the fine detail of the investigation was to follow.
[144] Michael Tomasky, 'His Terrible Swift Sword' *The Nation,* January 4th 1999
[145] Tomasky, 'His Terrible Swift Sword' *The Nation*
[146] Review and Outlook, 'The Coverup Worked' *WSJ,,* September 21st, 2000 Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. VI p229

and rhetorical assaults on public servants[147] were the reasons behind their escape from indictments and not their innocence from their alleged crimes.

Conclusion

The beginnings of the Whitewater scandal are straightforward. The article by Jeff Gerth in the *New York Times* in 1992 made the initial link between the McDougals and the Clintons and between Whitewater and Madison Savings and Loan. The story was dealt with swiftly during the Presidential election campaign as the Clintons employed what was ostensibly an independent investigation that found the Clintons had lost money, the scandal disappeared. It was not until the death of Vincent Foster that the scandal gained momentum. The suspicious suicide of a close aide to the Clintons ignited public and media interest. Rumours that Foster had been murdered only increased the frenzy and fuelled more outlandish reports. It was therefore unavoidable that the status of Foster's relationship with the Clintons and the conduct of Mrs Clinton and White House staffers would be placed under intense scrutiny. When it was finally revealed that some files had been removed from Foster's office relating to Whitewater and the Travel Office firings, the mushrooming scandal known as Whitewater had been created.

Therefore, the essence of Whitewater is its fragmented nature. It is a multiple scandal that includes many strands that were separate from the allegations surrounding the original land deal. As the political scandal developed, the Whitewater generic included, among others, 'Travelgate', 'Filegate', questions over Hillary Clinton's futures trading, the conduct of the Partners of the Rose Law Firm, which included the First Lady, Vincent Foster and allegations of campaign finance violations. Without a central dominating

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[147] Review and Outlook, 'The Coverup Worked' *WSJ*, September 21st, 2000 Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. VI p229

theme in the Whitewater scandal, the possibility to contest and to show partisan colours at each stage in its development is greater. Numerous avenues for the press and the Independent Counsel to investigate lead to a constant stream of allegations baiting a response or even a counter allegation from those accused. Yet, despite years of allegations and investigation, conclusive evidence, described as the famous 'smoking gun', that would secure conviction of the President or First Lady remained elusive.

Of course, Clinton was not to know that the seeds of future scandal were sown many years previously in a business deal with a friend. Clinton's relationship with James McDougal dated back to 1968 when they worked they worked for Senator William Fulbright on his election campaign. McDougal had previously helped Fulbright make money on a land deal and when Clinton became Governor he briefly employed McDougal as an advisor. McDougal left to continue in land speculation and it was a natural step that he offered to help Governor Clinton, his former employer, to make money on the Whitewater investment. Public servants are not well paid, particularly in very small states and the attraction to make money while in office was clearly tempting to both Hillary and Bill Clinton.

Hillary Clinton's role in the proliferation of Whitewater should also not be underestimated. She had a major influence on high profile White House appointments, staffers known through her previous work at the Rose Law Firm. Four partners of the Rose Law Firm (Hillary Clinton, Webster Hubbell, Vincent Foster, William Kennedy) went with the President to the White House. Only Hillary Clinton remained through both terms. Had she not been First Lady or had a government position, it is likely she would have also been forced to resign. As we know, Hubbell was forced out of the White House as an indirect result of the Whitewater investigation examining the Rose Law Firm

records. William Kennedy resigned as Associate Counsel to the President after severe criticism for his role in 'Travelgate' and tragically, a depressed Vincent Foster committed suicide. Again, the Clintons could not foreseen the demise of their appointments but it can be argued that Hillary Clinton, having such a high profile role in the new administration and policy making, an unusual departure for a First Lady, invited more scrutiny for her and subsequently for her former Rose Law partners.

Considering that the major casualties of the Independent Counsel's investigation were the senior staffers and friends of the Clintons it seems that Whitewater highlights the significant problems in the appointment of White House staff. It is consistent practice to install senior campaign aides in White House positions as well as giving posts to trusted friends and associates. However, there are inevitably problems with selection and appointment of cabinet and senior advisors. By his own admission, Clinton found making the transition from the campaign to government, at times, troublesome. He now admits that too much time was used selecting the Cabinet which neglected the White House staff,[148] this only compounded the problem that most of the staff from the campaign, or in Arkansas, and had 'no experience in working in the White House or dealing with Washington political culture.'[149] This meant that in the 'critical early months, both the staff and I would do a lot of on-the-job learning, and some of the lessons would prove quite costly.'[150] One particular mistake, denying the longstanding press privilege of allowing them to walk between the press briefing room and the press secretaries office on the first floor next to the Cabinet Room, it can be argued, was especially important. The new rules caused the press to feel severely restricted as they were no longer able to spend time in the White House corridors questioning any passer-by staffers. Again, Clinton

[148] Clinton, *My Life,* p467
[149] Clinton, *My Life,* p467
[150] Clinton, *My Life,* p468

admits that the early 'mishandling of press relations'[151] created an animosity, particularly with conservative leaning outlets, which resulted in more scrutiny and negative coverage. With poor press relations in the infancy of their administration, it is plausible that the press will have been more eager to write less complimentary stories about the Clintons and their staff.

The early mistakes with the press serve as a good example of how the Clinton White House contributed and aided the development of political scandal as they adjusted to their new roles. Senior White House staff, which included the Rose Law Firm partners, were used to the close knit political circles of Little Rock, Arkansas. Washington, with its extensive network of agencies and layers of organisation and fast turnover of politicians offered an entirely opposite prospect for the new administration's management style. Clearly, placing White House staffers, with their roots in a parochial style of government, on top such a large and complicated political system was inevitably going to cause problems in adjustment. The Clintons themselves were also part of the problem. The President came to office with a reputation of a loose management style and by his own admission he 'had a tendency to try and do too much...which contributed...to a well deserved reputation for tardiness.'[152] Hillary Clinton also presented a different challenge because she was clearly an active policy advisor to the President but as First Lady her role was undefined in the Administration.

The influence of local Arkansas politics may also explain the attitude of the Clintons to the probe of their financial affairs. The Clintons consistently attempted to protect their own privacy during investigation but, in Washington, this proved almost impossible. An aggressive Independent Counsel and a large, intrusive and inquisitive media meant that

[151] Clinton, *My Life,* p556
[152] Clinton, *My Life,* p467

the Clintons showing resistance to enquiries only increased suspicion that they had something to hide.

A strategy of protecting privacy is aptly described by Brumnett when he states that 'the Clintons attempted the one thing that always will arouse curiosities and never succeed in Washington: stonewalling.[153] Without specific refutation coming from the White House, the press were less concerned with the factual content of the allegations they printed. By avoiding outright denial or allowing a denial from a staffer who did not know the full extent of the facts combined with a tendency to withhold relevant documents, the Clintons contributed to a spiral of further scandal.

Supporters of the Clintons would suggest that every individual would want to retain a certain amount of personal privacy, especially when financial matters are concerned and hence their reactions are understandable. The Clintons believed that many of the allegations were appearing for purely political motives from right wing think tanks, politicians and press to deflect their policy agenda. This only galvanised their defensive strategy to offer a denial a rebuttal or, if they felt they were purely being baited, to not offer a response. Yet, unfortunately, in the public arena, if the White House appears to be difficult, or stonewalls, the first question is inevitably, why is the White House appearing to obstruct investigations if they are innocent?

It would seem that it was not the original the land deal that caused the most problems for the Clintons but rather it was the political battles that surrounded it. Fiske, Starr and Ray after years of investigation were all unable to prosecute or impeach the President. This is

[153] Brumnett, *Highwire* p253

significant considering the freedom the Independent Counsel has to investigate without executive branch control and a lack of accountability.

Within Congress, the Democrats ensured that initial hearings by the Senate House and Banking Committees were partisan and effectively pointless. Infuriated Republicans accused Democrats of hypocrisy and, in 1994, when the Republicans regained control of Congress a further round of hearings were inevitable. Yet once again the hearings became partisan and the Majority and Minority opinion was so polarised, little was achieved and damage to the White House was minimal. The only achievements of the entire investigations were prosecutions of Clinton associates including the likes of Web Hubbell and Susan and James McDougal brought under Starr's tenure as Independent Counsel. Yet, the focus of Kenneth Starr as Independent Counsel was not solely on Whitewater but was extended to include the sexual encounters between President Clinton and Monica Lewinsky. The sexual scandal increasingly stole the attention of the aggressive Starr and the press and although it is a significantly different scandal to Whitewater, it will provide an ideal platform for comparison and analysis. It is to the sexual scandal involving President Clinton and Monica Lewinsky that we will now turn.

Monica Lewinsky

Whitewater had been an irritation for the White House. Frequently on the defensive, the administration was deflected from its policy agenda and found itself answering questions on every minor aspect of the developing scandal. The Clintons lost staffers and associates to prosecution, resignation and suicide but significantly, after years of investigation, the damage to the President and the First Lady was minimal. The affair with Monica Lewinsky was an entirely different prospect for the President to survive. The Lewinsky sexual scandal is arguably one of the most intriguing chapters of recent American history, involving 'political, legal, constitutional and cultural struggle'[154]. The scandal resulted in the impeachment of President Clinton by the House of Representatives for perjury before a grand jury and for the obstruction of justice. It was only the second impeachment of a President of the United States. The first was Andrew Johnson following the Civil War in 1868 and although in 1974 Richard Nixon would almost certainly have been impeached and convicted, he resigned before the House Judiciary Committee had recommended impeachment proceedings to the House. Whether Clinton deserved to be the third President to face impeachment and stand alongside both Johnson and Nixon is questionable. The Clinton impeachment was set against different political and cultural contexts than Nixon or Johnson. The Lewinsky scandal included sexual matters and numerous allegations against a background of partisanship and frenzied media interest. The story exploded on the 21st of January 1998 when the *Washington Post* disclosed that Independent Counsel Kenneth Starr was investigating charges that President Clinton had obstructed the course of justice and had committed perjury to conceal an affair with a

[154] Richard A. Posner, *An Affair of State – The Investigation, Impeachment, and Trail of President Clinton* (Harvard University Press, London, 1999) p1

White House intern. A media firestorm and the biggest personal crisis for President Clinton had begun.

This was not the first time in the President's tenure that the issue of sex had surfaced. In previous years, the press had reported allegations of sexual harassment from Gennifer Flowers and Paula Jones against the President. The investigation of Paula Jones led to Monica Lewinsky, therefore, it is important that we build the historical context of sexual scandal and the President. In January 1998, Bill Clinton had just completed 6 years in office, within this time his supporters and enemies in political and media circles were relatively well defined. Examining previous allegations should aid in understanding the reactions of the press, politics and the public to Clinton's affair with Monica Lewinsky.

It was in the 1992 election campaign that sexual allegations first arose involving the future President. Clinton's primary campaign was proceeding well in New Hampshire when allegations arose of an extramarital affair, lasting 12 years, with an Arkansas state employee and cabaret singer named Gennifer Flowers. The story was revealed by *The Star,* a tabloid newspaper on the 23rd of January and within days it had been picked up by almost all media outlets.

In New Hampshire the political stakes are high; press interest means that the nomination for the Presidency can be won and lost in one primary election making Clinton's response crucial. Clinton claimed that the Flowers allegations were untrue yet he did not give a complete and outright denial of indiscretion. Clinton stated that:

> 'I hadn't been perfect, we had difficulties.... (and) we worked through it...I think I have said more than anybody ever has, and in return for that I have been subjected to things like *the Star.*'[155]

To further counter the allegations, Hillary and Bill Clinton appeared together on the network television show *60 minutes.* The broadcast immediately followed the Super Bowl on Sunday 26th of January, guaranteeing a large audience. Clinton denied Gennifer Flowers's allegations directly but admitted that they had experienced problems and overcome them in their marriage. Asked if he had ever committed adultery, Clinton claimed that was private matter for their marriage, again avoiding outright denial. Importantly, Clinton had the backing of his wife. Mrs. Clinton stated:

> 'I'm not sitting here, some little woman standing by my man like Tammy Wynette, ...I'm sitting here because I love him and I respect him and I honor what he's been through and what we've been through together.'[156]

Hillary Clinton's decision to stand by her husband enhanced her image as a strong character in the press and with the public. Undoubtedly, it aided Bill Clinton in restricting the impact of the scandal on his primary campaign.

By giving an interview to popular network show, Clinton could have widened public knowledge of the problems in his marriage and endangered his campaign further. However, responding to Flowers, Clinton was appealing directly to the voters hoping that this would reduce the media's interest in his past marital behavior and, as far as can be judged, the strategy worked.[157] In admitting wrongdoing the Clintons had succeeded in

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[155] Clinton Quoted in Dan Balz, Howard Kurtz, 'Clinton Calls Tabloid Report Of 12-Year Affair 'Not True'; Candidate Acknowledges Phone Calls to Woman Making Allegations;' January 24th 1992 *Washington Post,* [http://pqasb.pqarchiver.com/washingtonpost/search.html?nav=left] p 1

[156] Quote in Dan Balz, 'Clinton Concedes Marital 'Wrongdoing' *Washington Post,* January 27th, 1992. [http://www.washingtonpost.com/wp-srv/politics/special/pjones/stories/pj012792.htm] p2

[157] Quote in Balz, 'Clinton Concedes Marital 'Wrongdoing' *Washington Post* p2

making the allegations in *The Star* seem opportunistic and a clear attempt to derail his campaign.

The attempts by Flowers to peddle her own story for financial reward inevitably helped Clinton's campaign. It was relatively easy to see that Flowers was trying to use her new found notoriety for her own advantage. Television interviews and subsequent books about her affair continued to receive exposure but the damage was minimal and Clinton went onto the win the Democratic nomination. During the Presidential campaign George Bush and Ross Perot did not attack Clinton by mentioning Flowers directly, media outlets provided ample coverage of Clinton's background so that a political attack about Flowers was unnecessary. The conservative *Wall Street Journal* made a number of references to Gennifer Flowers stating that although the 'Gennifer Flowers tank had rumbled by... where's the rest of them?'[158] The nature in which the Clintons skillfully dealt with the allegations meant that the Clintons' main opponent, Bush, would run the risk of appearing opportunistic, as Flowers did, by returning her name to the spotlight. Yet, the combination of Flowers and the allegations that Clinton evaded the draft during Vietnam allowed the Republicans to attack Clinton on the general issue of trustworthiness and character.[159]

The Gennifer Flowers scandal was relatively short lived; however, after election victory, the scandals surrounding Gennifer Flowers, Vietnam and Whitewater would set a theme for the Clinton Presidency. Even Clinton was concerned, perceiving he had 'been identified as the 1992 "character problem" candidate that made the media vulnerable to whatever dirt they were handed to support the preconception.'[160]

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[158] Review and Outlook, 'Who is Bill Clinton?' *WSJ*, March 12th 1992, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p4

[159] See Bill Clinton describing the 1992 Campaign and Presidential Debates in *My Life* (London, Hutchison, 2004) Chapter 28.

[160] Clinton, *My Life*, p404

Gennifer Flowers's appearance in particular during the election campaign gave the public a choice over Clinton's values and morality. The public were aware that in Bill Clinton they would be electing a President with a troubled personal life and that in the past he had been guilty of straying from his marriage. As difficult it was for the Republicans to accept, Clinton winning the election was an indication that the public were electing a President for his talents as a politician and not on the strength of his marriage.

Clinton was installed in the White House but the Republicans had retained memories of what they considered as partisanship from the Democrats over President Reagan's nominees to the Supreme Court. In 1987 the partisan lines were drawn when Robert Bork was nominated to the Supreme Court. Bork was considered to be of considerable intellect and was highly qualified. Although very successful, Bork, over his career, had gained a reputation for being at the forefront of American legal conservatism, challenging the liberal domination in the higher echelons of the profession.

Liberals and Democrats immediately began to portray Bork as an enemy of the 1st amendment and of the rights of minorities and women. Senator Kennedy, and other notable Democrats were involved in delaying hearings on the nomination to allow interest groups to launch their own media campaigns. The hope was that advertising would mobilize minorities; particularly the black community in the South, then Democratic senators would need to vote against Bork to protect their re-election chances. To the dismay of the Republicans the strategy succeeded. Bork was defeated and the Republicans were left unhappy that the traditional internal politics of the Senate regarding Supreme Court nomination had been lost to a public and media debate.

In 1991, interest groups and liberals geared up for another fight against Clarence Thomas. Thomas was also a conservative with controversial views on affirmative action and an unclear stance on abortion. The NAACP, the National Bar Association, the Urban League

and the National Organisation for Women all opposed his nomination, yet, Thomas was a black man who had risen from a background of poverty which made the case opposing him much more difficult. As the chances of defeating Thomas began to fade, those groups still vehemently opposed to his nomination became more aggressive in their search for damaging material.

On the 6th of October, the Senate Judiciary Committee voted to send Thomas's nomination to the Senate. Immediately *Newsday* reported that the committee had in its possession an affidavit from Professor Anita Hill claiming that Thomas had sexually harassed her while she was she worked as his legal assistant at the Department of Education and the Equal Employment Opportunity Commission. Although the charges were sensational, Hill's statement posed a serious threat. Media interest increased, covering the allegations and the outright denials from Thomas. A furore also began as womens groups such as the National Abortion Rights Action League (NARAL) demanded a delay and claimed that the scheduled vote would be an 'insult to every woman in America'[161]. The vote on Thomas was delayed for a week to allow public hearings.

A week later, Hill gave calm testimony but the hearings effectively became Thomas's word against Hill's. Thomas was voted onto the Supreme Court with a majority of 52-48. Both Bork and then Thomas had been subjected to unpleasant episodes that could have remained as internal disputes within the Senate and the Judiciary Committee. Instead, both Supreme Court nominees received intense scrutiny involving the press, interest groups and public hearings. The actions towards both Bork and Thomas driven by liberals, opposing interest groups and Democrats had galvanized Republicans and conservatives for a retaliatory blow to a high profile Democrat.

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[161] Kate Michelman of NARAL quoted in Garment, *Scandal: The Crisis of Mistrust in American Politics*,p311

Among the number of conservatives that wanted to retaliate to the treatment of Bork and Thomas was David Brock. Brock had previously written the bestseller, *The Real Anita Hill,* aimed at discrediting Hill and her allegations against Thomas, before becoming a full time writer with the *American Spectator.* Brock has a pivotal role in the development of further sexual allegations against President Clinton, as will become clear, yet he provides further insight into the scandal because of a re-evaluation of his aggressive conservatism later in his career. In his book *Blinded by the Right,* published in 2002, Brock regretfully looks back at his earlier work as a conservative journalist as he describes his relentless pursuit of scandal and recounts the tactics he and other right wing conservatives used to damage the President. Therefore, his articles written in the *Spectator* in 1993 and then *Blinded by the Right,* give dual conservative and liberal perspectives.

Brock was part of a wider group of conservatives determined to attack the new President and his administration. The annual gathering of the Conservative Political Action Committee, a grassroots political organisation that convenes in Washington, began to plan strategy to attack Clinton. A tight network of right wing foundations and think tanks, including those mentioned in the previous chapter, were declaring war on the administration. Early skirmishes between the Clinton administration and right wing activists were over a number of the administration's nominees. Attacks even extended to investigating Janet Reno's sexual orientation to try and prevent her confirmation as Attorney General. As Brock stated, 'no tactic - even malicious sexual gossip – was out of bounds. The scandal popularly referred to as Troopergate was born in this savage climate.'[162]

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[162] David Brock, *Blinded By The Right: The conscience of an ex-conservative.* (New York, Crown Publishers, 2002) p138.

Cliff Jackson was a long acquaintance of Bill Clinton. At Oxford, Clinton had 'known and liked'[163] Jackson but their political differences were to drive a wedge between them in the following years as their careers began to diverge. Jackson retreated to a private law practice in Little Rock while Clinton headed for national prominence.

By 1991, Jackson was devoting much of his time to opposing President Clinton, particularly on the subject of relationships. A Christian fundamentalist, Jackson, with fellow conservative Everett Ham, had formed a group – the Alliance for Rebirth of an Independent America (ARIA) to campaign against Clinton in New Hampshire. Once Clinton was elected to the White House, ARIA turned its attention to forming a nationwide network whose main purpose was to undermine and discredit the President. In July 1993, Jackson was put in contact with four of Clinton's former body guards in the state police who wanted to go public with their stories of Clinton's womanising. The state troopers, Roger Perry, Larry Patterson, Ronnie Anderson and Danny Ferguson hoped to create a public outrage and explore the possibility of making money through a book or speeches through their recollections.

Jackson contacted Bill Rempel, a journalist from the *Los Angeles Times* who had worked with Jackson over Clinton's draft record in 1992. Rempel talked to the troopers but refused to write an article unless the troopers went on the record. Following the Rempel meeting, Jackson contacted Peter W. Smith, an investment banker who had contributed large sums of money supporting Newt Gingrich's political action committee and had used PR firms persuade journalists, including Brock, to write articles attacking Clinton's personal life. Smith contacted Brock who travelled to Little Rock to meet with the

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[163] Clinton, *My Life,* p384

troopers. Brock and the *Spectator* were subjected to less editorial control than the *LA Times* and provided an ideal back up for Jackson to get the story into the media.

According to the troopers, Clinton had been involved in affairs with at least seven women, including Gennifer Flowers, as well as a number of isolated sexual encounters. Brock and Rempel returned on a number of occasions to check the stories of the troopers and during these interviews, two of the troopers began to harbour doubts about their actions but both Larry Patterson and Roger Perry remained committed, tempted by possible financial gains. Both Patterson and Perry signed a release to allow their stories to be published, in return they were promised employment, guaranteed for seven years, providing they accepted the jobs outside Arkansas. The *LA Times* assigned another reporter, Douglas Frantz and, with Rempel, they effectively entered a race with Brock to get the story released. As the story was close to being published, trooper Danny Ferguson began to grow nervous over the project and he contacted the President. Clinton, after noting the details of his conversation with Ferguson contacted the former trooper's supervisor, Buddy Young, and requested that he speak to his former bodyguards about their decision to talk. Clinton contacted Ferguson directly, and, although it appeared that he did not threaten the troopers to keep quiet, his actions effectively guaranteed that the *LA Times,* who had been agonising over whether to go to print, would definitely release the story.

Brock was to win race to get the story to the media by leaking it to a friend working at CNN. Brock had requested that the story not be released until he gave permission but, such was the nature of the material, that it quickly became uncontrollable. CNN swiftly contacted Cliff Jackson. Upset that the story had leaked, Jackson allowed the story to be

released. On the evening of Sunday 19th December, CNN led with the trooper story. The *LA Times* broke the story a few days later but, by then, the story was Brock's.

David Brock's article 'His Cheatin' Heart' contained many lurid aspects of Clinton's behaviour that the troopers had described; such was the detail that sections sounded more like part of a film or a novel:

> 'In one instance...as Patterson remembered it, he was driving Clinton to an annual reception for the Harrison County Chamber of Commerce...in the Camelot Hotel in Little Rock. On the way, Clinton suggested a detour to Chelsea's school, Booker Elementary. When they arrived, Clinton told Patterson the sales clerk was sitting in her car, which was parked in the otherwise deserted front parking lot...I could see Clinton get into the front seat and then the lady's head go into his lap. They stayed in the car for 30 or 40 minutes," Patterson said.'[164]

Brock's story was very quickly picked up by the mainstream press. The *Washington Post* chose not to describe the details of the sexual affairs but focussed on the fact that Clinton 'had engaged in an extensive effort in recent months to prevent publication of allegations'[165] of extramarital affairs. The *Wall Street Journal* and an op-ed piece by Bartley connected the troopers' stories back to Gennifer Flowers to challenge Clinton's veracity over Flowers's first allegations. If Clinton was lying about Gennifer Flowers, then his credibility would have been inevitably damaged. 'Election as President gives you

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[164] David Brock, 'His Cheatin' Heart' *The American Spectator,* January Edition 1994, re-released on the Spectator's website on the 23rd June 2004, [http://www.spectator.org/dsp_article.asp?art_id=6736] p1

[165] Michael Isikoff and Ruth Marcus, 'Clinton Tried to Derail Troopers Sex Allegation' *Washington Post,* December 21st, 1993. [http://www.washingtonpost.com/wp-srv/politics/special/pjones/stories/pj122193.htm]

a birthright credibility, but you can only go to the well so many times.'[166] The *WSJ* claimed that, as the troopers' story began to receive more attention, long time aide Betsey Wright, who was responsible for knocking down false stories of Clinton's womanizing in the '92 campaign – what she famously described as 'bimbo eruptions', was sent to Little Rock to investigate the troopers to discredit their stories.

The White House's response was that Clinton was not trying to pressure the troopers but was trying to find out the nature of the false stories that were being created about him. The President refused to answer the majority of the allegations apart from, branding them as politically motivated and 'outrageous'[167]. However, Clinton did respond to the suggestions that he used his influence to offer the troopers rewards in return for killing the story stating 'that absolutely did not happen'[168]. Clinton was supported by Robert Batton, a Little Rock Attorney representing state trooper Danny Ferguson. Batton, speaking on behalf of Ferguson, presented a signed affidavit that stated that Clinton 'never offered or indicated a willingness to offer any trooper a job in exchange for silence or help in shaping their stories.'[169] Batton's statement assisted the Clinton administration but the *WSJ* responded by printing a letter claiming the affidavit was false. According to the letter, under pressure from Betsey Wright, Ferguson's lawyers signed an affidavit themselves only after Ferguson had refused to 'recant his story under oath...making....the affidavit a farce.'[170]

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[166] Robert L. Bartley, 'On Arkansas Sex, Not Inhaling, And Whitewater' *Wall Street Journal,* January 6th, 1994. A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p122

[167] Ruth Marcus and Howard Schneider, 'President Denies any Wrongdoing' *Washington Post,* December 23rd, 1993. [http://www.washingtonpost.com/wp-srv/politics/special/pjones/stories/pj122393.htm]

[168] Marcus and Schneider, 'President Denies any Wrongdoing' *Washington Post*

[169] Marcus and Schneider, 'President Denies any Wrongdoing' *Washington Post*

[170] Timothy F. Watson, Letter to the Editor 'Affidavit is a Farce' *WSJ,* January 11th, 1994. A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. I p125-126

Regardless of the *WSJ* and other more conservative news outlets sporadically pursuing the story, the White House successfully restricted the 'Troopergate' scandal. As the interest increased, it was discovered that the troopers' stories lacked credibility. The White House was quick to draw attention to the troopers' interest in profiting from the press attention, combined with their involvement in fraudulent scams of their own, inevitably reducing the impact of their allegations.

Although 'Troopergate' withered, lingering questions remained about Clinton's alleged affairs. There was media interest in discovering who these women were that Clinton had allegedly met and whether they would be willing to publicly reveal their experiences with the President. Within Brock's article, the passing reference about one of Clinton's liaisons, mistakenly revealing a woman named 'Paula', proved to be the trigger. Six weeks after the release of 'His Cheatin' Heart', Paula Corbin Jones came forward with charges against Clinton.

Paula Jones recognised herself as the 'Paula' mentioned in Brock's article. Upset, she contacted a friend Debbie Ballantine who put Jones in contact with lawyer Danny Traylor. After Traylor spoke to Jones, he contacted Jackson and recounted his client's recollections from her encounter with Clinton in May 1991 at the Excelsior Hotel in Little Rock, Arkansas. Jackson saw the appeal in Jones's story; she could provide first hand testimony that could add weight to the rumour and circumstantial evidence of Clinton's infidelity that had been provided by the troopers. Traylor and Jones met with Jackson where Jones signed an agreement for Traylor to represent her. It was agreed that Jones would appear alongside the troopers, revealing her story at the highly partisan Conservative Political Action Committee.

On the 11th February 1994, Stephen and Paula Jones and Daniel Traylor appeared alongside the troopers and their legal representation Cliff Jackson and Lynne Davis. Journalists questioned Jones but the answers from her and Traylor were vague and disappointing. Jones projected a 'wounded innocence but painfully little sophistication'[171]. She refused to describe specific events that occurred in the Excelsior Hotel apart from stating that Clinton's actions could be considered sexual harassment. Without giving detail and only stating that they wanted an apology from the President for his behaviour, the press were curious as to why Jones was not suing *the Spectator* and David Brock for releasing the article. The CPAC press conference was ultimately a disappointment, it received almost non existent coverage in the media and Dee Dee Myers, the White House press secretary, dismissed Jones's story with ease.

Mostly, the press were uninterested in Jones's allegations except for the *Washington Post's* Michael Isikoff. At CPAC, Isikoff had spoken to Jackson and agreed that he would have exclusive access to talk to Paula Jones. Jackson hoped that, because Isikoff had the backing of the *Post,* it would give credibility to Jones's story. Until Isikoff, investigating Clinton's affairs had been the preoccupation of the aggressive right wing press and the supermarket tabloid. Adding a mainstream media outlet to group was a more threatening prospect for the President. Isikoff's remit for investigating the President's sex life was broad but, beyond Paula Jones, Isikoff was unable to discover any more credible instances of impropriety or sexual harassment. Isikoff completed his story and handed it to the *Post* but the editor's decision to publish rested on Isikoff being able to establish a pattern of harassment cases involving the President. Without details of other relationships with other women, Isikoff's story was dependent on the account of Paula Jones and the sketchy recollections of the state troopers. Publishing a story of this nature was a risk that

[171] Jeffrey Toobin, *A Vast Conspiracy – The Real Story of the Sex Scandal That Nearly Brought Down a President.* (New York, Random House, 1999) p27

the editors of the *Post* were unwilling to take. Rumour spread quickly to the right wing enemies of the Clinton administration that the *Post* was holding Isikoff's story. To pressure the *Post,* the partisan Accuracy in Media (AIM) and its founder Reed Irvine began to place adverts in the *New York Times* and the *Washington Post* requesting that the paper publish Jones's story.

Jones was encouraged by the growing interest from Isikoff and conservative groups in her story. Originally, she had requested an apology from Clinton for the distress he had caused but was now moving toward filing a law suit against the President. Although Clinton's enemies had failed to force the editors of the *Washington Post* into action, they were now lending their partisan support to Paula Jones. Jones's lawyer was put in contact with the Landmark Legal Foundation, a public interest law firm that, according to the LLF, attempts to 'preserve-and apply anew-the constitutional principles on which America was founded and which are the origin of the nation's enduring greatness...It depends solely on contributions from generous individuals, corporations and privately-funded foundations.'[172] An influential benefactor of the LLF, as well as *The American Spectator* and Paula Jones[173] was Richard Mellon Scaife. Scaife was part of a wider 'Arkansas Project', a covert campaign that subsidised private investigators and other political operatives to research stories that would damage the President and, according to Brock, Scaife advised Traylor that if he wanted the conservatives to support his case that they should 'lay off the *Spectator,*'[174] and attack the President. Clearly, without partisan intervention from Scaife and associated conservative groups, the direction of Jones's actions may have been significantly different.

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[172] Mission Statement of the Landmark Legal Foundation [http://www.landmarklegal.org/]
[173] Murray Waas and Jonathan Broder, 'The Ties that Bind' Salon.com [http://www.salon.com/news/1998/03/18newsb.html]
[174] Brock, *Blinded By The Right,* p180

The statute of limitations on Jones filing a lawsuit against the President was approaching in May, increasing the pressure to find suitable lawyers to represent her. Allegedly, 'Landmark was instrumental in locating two experience attorneys,'[175] Gilbert K. Davis and Joseph L. Cammarata, yet both lawyers deny that the LLF was involved, claiming it was Traylor who made the first contact.

On May 6th, Jones filed a $700,000 lawsuit against President Clinton. The statute of limitations had expired on federal or state sexual harassment charges therefore the official complaint stated that Jones brought the action to 'obtain redress for the deprivation and conspiracy to deprive Plaintiff of her federally protected rights as hereafter alleged, and for intentional infliction of emotional distress, and for defamation.'[176] Her attorneys would pursue it much like a sexual harassment case.

Clinton hired a well known Washington litigator Robert S. Bennett as his personal lawyer for the Paula Jones case. Bennett immediately countered Jones's complaint and claimed that 'the incident didn't occur... This suit is about publicity.'[177] Bennett's strategy was straightforward; he wanted to delay the Jones case proceeding until after the 1996 Presidential election. Clinton's situation was certainly delicate, he had enjoyed the support of feminists and large numbers of women had voted for him in the 1992 election. A sexual harassment suit against Clinton was dangerous to his re-election chances.

While Clinton and his legal team were preparing a response to Jones's complaint, Charlotte, older sister to Paula Jones provided an unlikely support for the President's

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[175] Murray Waas, 'The Men who Kept Paula Jones' Lawsuit Going' Salon.com, [http://www.salon.com/news/1998/04/cov_02news.html]

[176] Original Complaint Filed by Paula Corbin Jones, May 6th 1994, United States District Court For the Eastern District of Arkansas Western Division, Paula Corbin Jones, Plaintiff v. William Jefferson Clinton and Danny Ferguson, Defendants. Retrieved, [http://www.washingtonpost.com/wp-srv/politics/special/pjones/legal.htm]

[177] Robert Bennett quote appearing in Toobin , *A Vast Conspiracy*, p51

defence. Charlotte Brown did not dispute that the meeting in the Excelsior Hotel took place and stated that Jones told her immediately after the encounter with Clinton. Brown's disagreement with Jones was over the motivation for filing the suit. Far from traumatized by the events in the hotel, her recollections were that Jones was 'enthusiastic'[178] after having met the Governor. State trooper Danny Ferguson also remained firm in his account of the events in May 1991, maintaining that Jones had volunteered her number and had offered to be Clinton's girlfriend; he denied that Jones was upset when he saw her afterward.[179] Paula Jones's husband, her mother, and other sister remained fully supportive of the lawsuit against the President.

On the 10th of August Clinton released the response to Jones's complaint; predictably he requested a motion for dismissal on the grounds of Presidential immunity. Court battles ensued. The President's legal team argued that the charges against Clinton were of such an individual nature and would inevitably distract him from his duties as President and that the case should be delayed until Clinton had left the White House. Bennett questioned whether a sitting President could be sued for alleged offences that occurred before he entered office.

Jones's lawyers, her supporters and opponents of Bill Clinton argued the opposite. Jones's team argued that no individual is above or beyond the law. On the grounds of equality, Clinton, although President, is a citizen of the United States and should be subjected to the charges against him. An immediate trial would give considerable opportunity to damage the administration and potentially even force Clinton out of office. Those sceptical of Jones's motives were also very aware that if a trial took place while

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[178] Charlotte Brown quoted in 'Paul Jones a House Divided' by Howard Schneider, *Washington Post,* June 9th, 1994, [http://www.washingtonpost.com/wp-srv/politics/special/pjones/stories/pj060994.htm]
[179] Reported in *Washington Post* 'State Trooper Rebuts Jones' Sex Allegations' Sharon LaFraniere June 11th 1994 [http://www.washingtonpost.com/wp-srv/politics/special/pjones/stories/pj061194.htm]

Clinton was still in office then this would give greater exposure to Paula Jones and increase the potential for her to profit under an intense media spotlight.

Initially, Clinton's legal team succeeded with their argument. In December 1994 Judge Susan Webber Wright ruled that the case could not continue while Clinton was still serving as President of the United States. However, Clinton's motion to dismiss the case on immunity grounds was denied. Fact finding procedure, such as taking sworn statements could proceed. Both sides appealed the decision.

In January 1995, the 8th Circuit Court of Appeals in St. Louis started to consider the arguments from both legal teams. In February, Judge Wright placed a delay on any further fact finding for the case to allow the appeal court to make its decision. Delays ultimately favoured Clinton. If any trial was pushed back until after the 1996 then he could be free to concentrate on his re-election. In September, a three judge panel heard arguments from both legal teams. Once again, Jones wanted the trial to go ahead on the grounds of equality and Clinton wanted the case dismissed with Bennett and his team arguing that any trial would be a distraction.

In January 1996, in a 2-1 verdict, the appeals court decided to allow Jones vs. Clinton to proceed. Judge Pasco Bowman wrote that 'The President, like all other government officials, is subjected to the same laws that apply to other members of society.'[180] However, the appeals court did recognise that as President, Clinton was in a special position and the burden of his duties should be given special recognition. The Appeal Court's decision allowed conservatives to attack the President, the *Journal* wrote:

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[180] Judge Pasco Bowman quote appearing in Review and Outlook, 'Will Sarbanes Filibuster' *WSJ* December 15th, 1995 A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. II p232

'When Gennifer Flowers and Sally Purdue speak out about their relationships with the governor, they are cast as "bimbos"... Against this, Paula Jones wants her day in court, and more power to her.'[181]

In May, Clinton's legal team referred the 8th Circuit Court of appeals decision to the Supreme Court requesting for a delay on the court proceedings. In June, the Supreme Court agreed to consider a delay on the Jones case until Clinton left office. The decision of the Supreme Court to hear the case worked to the Presidents advantage. The Supreme Court hearings would be delayed until after the November election, inevitably reducing the damage that the Jones lawsuit could have on Clinton's re-election as President. Despite a multitude of scandals threatening to damage his re-election, Clinton easily beat his Republican opponent Bob Dole in November.

In January 1997, the Supreme Court began hearing oral arguments as to whether the Jones case should be delayed. The decision of the court, on whether a sitting President can face trial in a civil lawsuit, would have significant consequences for the White House. The *Washington Post* reported that Bennett, Clinton's lawyer, argued that 'the President...has the responsibility for an entire branch of the federal government...for that reason litigation against the individual who is serving as President unavoidably impinges on the constitutional responsibilities of the executive branch..'[182] In response, Jones's lawyer Davis argued that if every President had immunity in office then he would receive a temporary reprieve from what ever charges were against him, whether it be not paying personal debts, not meeting a contract or any other civil case. Davis asserted that 'to create a blanket rule protecting a President from litigation relating to his unofficial acts

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[181] Review and Outlook, 'And for Defamation' *WSJ,* January 10th, 1996 A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. II p233-234

[182] Bennett quoted in Joan Biskupic, 'At High Court, Clinton v. Jones Raises Historic Issues' *Washington Post* 12th January 1997 [http://www.washingtonpost.com/wp-srv/politics/special/pjones/stories/pj011297.htm] p1

would cross a line that this court has never crossed and that the framers [of the Constitution] never contemplated.'[183] The *Journal* took the opportunity to firmly support Jones's lawyers by accusing Clinton of 'rampant hypocrisy'[184] in arguing for immunity.

On the 27th May 1997 the Supreme Court released its decision. In a unanimous verdict the court ruled that Clinton v. Jones could proceed. The court rejected all Clinton's arguments for delay. Bennett's central arguments - that the Constitution allowed the President temporary immunity in civil cases from events that occurred before he took office, the court ruled could not be sustained 'on the basis of precedent.'[185] The argument surrounding the separation of powers was also rejected. Firstly the Supreme Court stated that the courts were not required to stay all private actions against the President until he leaves office stating that 'even accepting the unique importance of the Presidency in the constitutional scheme, it does not follow that that doctrine would be violated by allowing this action to proceed.'[186] Finally the justices were not persuaded that allowing Jones's case to proceed would generate more 'politically motivated harassing and frivolous litigation'[187] or that 'national security concerns might prevent the President from explaining a legitimate need for a continuance.'[188]

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[183] Davis quote in Biskupic, 'At High Court, Clinton v. Jones Raises Historic Issues' *Washington Post,* p1

[184] Review & Outlook, 'Above the Law?' January 14th, 1997 *WSJ,* A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol. III p 261

[185] United States Supreme Court, Clinton v. Jones 520 U.S. 681 (1997), Decision May 27th 1997 retrieved from *Find Law* [http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=000&invol=95-1853]

[186] United States Supreme Court, Clinton v. Jones 520 U.S. 681 (1997), Decision May 27th

[187] United States Supreme Court, Clinton v. Jones 520 U.S. 681 (1997), Decision May 27th

[188] United States Supreme Court, Clinton v. Jones 520 U.S. 681 (1997), Decision May 27th

Although the Justices unanimously denied Clinton's arguments for delay they did give consideration to his unique position. Justice Stevens stated that respect should be given to the office of the Chief Executive.[189]

Following the high court's ruling the President was presented with a decision over his course of action. Clinton effectively had three main options. He could seek to meet Jones's financial demands and settle the case out of court, he could default on the case pay the court costs and proceed no further or he could contest the case.[190] On the advice of his legal team Clinton reached the conclusion that he would contest the case. Contesting the case had also incurred financial costs for Paula Jones but more importantly, there was speculation as to who was paying the bills. The LLF had provided support to launch the case but it was later revealed that they had been joined by the conservative Christian Rutherford Institute which specialized in protecting religious liberty and human rights. Although the Paula Jones case did not involve religious freedom, Rutherford Institute's founder John Whitehead claimed they became involved because 'no one is above the law...even the President of the United States.'[191] The Institute had provided in the region of $200,000 to pay Jones's lengthy legal bills. Clinton's lawyers were adamant that the Institute's only goal was to hurt the President.

Clinton's decision to contest had created a ripple effect of problems outside the boundaries of the Jones case. Despite the ruling, the extent to which the President and the administration's policy agenda would be distracted by the case was unknown. Jones's case proceeding would only increase the discussion in the press once trial began.

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[189] United States Supreme Court, Clinton v. Jones 520 U.S. 681 (1997) opinion of Justice Stevens May 27th 1997

[190] Robert Busby, *Defending the American President, Clinton and The Lewinsky Scandal* (Basingstoke, Palgrave, 2001)

[191] CNN AllPolitics, 'Who Backs Paula Jones' January 17th 1998, [http://www.cnn.com/ALLPOLITICS/1998/01/17/jones.backers/]

Inevitably, questions of Bill Clinton's moral character would percolate the press and public arena. Opponents of the White House could utilise the Jones case and Clinton's well known infidelity to widen the debate to attack his overall trustworthiness as President.

Jones's lawyers began to build their arguments through depositions and fact finding before the court case. Judge Webber Wright had scheduled Jones proceedings to begin in early 1998 with Clinton's pre trial deposition timetabled for January 17th 1998. Judge Wright agreed with Jones's lawyers that in order to highlight the President's pattern of behaviour that investigating other possible relationships that Clinton was involved in was within the parameters of the case. To enhance their case, Clinton knew that Jones's lawyers would inevitably question him about relationships with other women and attempt to find more women to testify to having a relationship with the President. Clearly the benefits of discovering more sexual encounters involving the President would be useful to Jones's senior lawyers, Davis and Cammarata, and those that wanted to damage his Presidency. Crucially, the investigation of Clinton's relationships for the Jones case uncovered Monica Lewinsky.

Lewinsky testified that the 15th of November 1995 marked the beginning of sexual relations with the President[192]. The sexual encounters, totalling ten in number, continued for 16 months between November 1995 and April 1996. In that April, and against her will, Lewinsky was transferred out of the White House to the Defence Department at the Pentagon by Deputy Chief of Staff, Evelyn Lieberman.

[192] Much of the chronological accounts are based on the detail in the Starr Report, full account (Orion Books, London, 1998)

Clinton ended the relationship but the links between them were not totally severed. The President and Lewinsky remained in contact, exchanged gifts and Lewinsky made occasional visits to the White House.

It was at the Pentagon that Lewinsky met Linda Tripp, who was to have a pivotal role in the development of the scandal. Tripp had originally worked in a government job under President Bush but continued in the Clinton White House. She became quickly disaffected with the practices of the new administration and was transferred in 1994. At the Pentagon, Lewinsky and Tripp were acquainted and as the friendship developed, Lewinsky began to discuss her relationship with the President. Unknown to Lewinsky, Tripp began to secretly recording her conversations with Lewinsky. In 1996, Tripp had contacted Lucianne Goldberg, a literary agent, about her experiences in the Clinton White House. Goldberg tried to persuade Tripp to write a book about what she had seen but Tripp dismissed the idea because of the risk of losing her job. This was prior to Lewinsky telling Tripp, in the autumn of 1997, about her encounters with the President.

Tripp's previous experiences in the White House may have been a factor in why she recorded her conversations with Lewinsky. In March 1997, Michael Isikoff, working for *Newsweek*, interviewed Tripp about her friend Kathleen Willey who had told Isikoff that she had been 'groped' by the President and that Tripp had been a witness.[193] Tripp told Isikoff that she had seen Willey soon after she left the Oval Office looking 'dishevelled...flustered, happy and joyful'[194] Willey had told her that 'the President had taken her from the Oval Office to his private office, a small adjoining hideaway, and kissed and fondled her.'[195] Tripp did not consider that Willey's account constituted sexual

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[193] See Michael Isikoff, *A twist in Jones v Clinton: Her Lawyers subpoena another woman (Paula Jones Sexual Harassment Suit) Newsweek,* 11th August, 1997. [http://www.highbeam.com/library/]
[194] Isikoff, *A twist in Jones v Clinton, Newsweek*
[195] Isikoff, *A twist in Jones v Clinton, Newsweek*

harassment but advised Isikoff that he should investigate a relationship between the President and a White House intern. Tripp claimed that Isikoff had promised not to use her name in the Willey article, but he reneged. Revealing Tripp's identity meant she was subjected to a response from Clinton's lawyer Bennett discrediting her story and stating that she 'was not to be believed.'[196] The White House denied that the President had ever had a sexual encounter with Willey. Willey was subpoenaed by Jones's lawyers and shortly after Isikoff's interview, Tripp began taking detailed notes of her conversations with Lewinsky and later, on the advice of Goldberg, with whom she was back in contact, began taping them.

The two final sexual encounters between Lewinsky and Clinton took place in February and March of 1997. Following the February encounter, Lewinsky noticed stains of the President's semen on her blue dress. The dress proved to be the critical evidence that proved beyond all reasonable doubt that Lewinsky and the President had engaged in a relationship of a sexual nature. Their sexual relationship ended but Lewinsky continued to contact Clinton requesting his help in getting transferred from the Pentagon back to the White House. Clinton agreed that he would assist in her job search but in reality he did little to aid Lewinsky's cause.

Lewinsky realised that her ambitions for employment back in the White House were not going to materialise so she shifted her focus to obtaining a job in New York, where her mother had moved. Lewinsky enlisted Clinton to assist the job search. Lewinsky, out of Washington D.C. was undoubtedly preferable to him and his staff, she would be happy and 'keep her mouth shut about their relationship.[197] Through Bettie Currie, Lewinsky

[196] Isikoff, *A twist in Jones v Clinton, Newsweek*
[197] Posner, *An Affair of State, The Investigation, Impeachment and Trial of President Clinton* p19

contacted Vernon Jordan, a successful lawyer and a friend of Clinton to help her get a job in New York.

The fact finding on the Jones case continued and after the Isikoff/*Newsweek* article was published, it was certain that Tripp would be subpoenaed. Tripp's lawyer advised her to expect that she would be questioned whether, to her knowledge, the President was intimate with other women besides Willey, a questioning path that lead straight to Lewinsky. Tripp was placed in a difficult situation. If she lied about the President's relationship with Lewinsky then she risked prosecution for perjury, if she told the truth then she may contradict the statements of both the President and Lewinsky. If Clinton and Lewinsky denied having a relationship under oath, as they almost certainly would, then Tripp again might be prosecuted for perjury. Tripp's subpoena was served on the 24th of November.

To Tripp's advantage, in October 1997, the Rutherford Institute, which was supporting Jones's lawyers, received a tip off to investigate a possible Clinton-Lewinsky affair. If Jones's lawyers knew about Clinton's conduct then they could begin to exert pressure in the hope that either Lewinsky or the President would admit to the affair. On December 15th, Jones's lawyers requested that the President produce documents relating to communication between the President and Monica Lewinsky. Two days later, Clinton contacted Lewinsky to let her know that she was on the witness list and to expect to be deposed. He advised that she might be able avoid deposition if she filed an affidavit. Filing an affidavit to escape a deposition presented a dilemma, if Lewinsky gave a truthful statement that admitted sexual relations with the President then it would likely lead to more investigation from Jones's lawyers. Jones claimed that the President damaged her career because she rejected his advances. If Lewinsky had received rewards

from being involved with the President, then this would be to Jones's advantage. However, if Lewinsky denied an affair stating that she was merely visiting the Oval Office to deliver documents then she would run the risk of perjury for a false statement.

On December 19th, Paula Jones's lawyers officially subpoenaed Lewinsky with the deposition scheduled for late January. The subpoena requested that Lewinsky bring with her any gifts that she may have received from the President. Over the course of the relationship Lewinsky had received approximately twenty gifts, all of low monetary value. Lewinsky was particularly uneasy as the subpoena specifically referred to examples of gifts, such as a hatpin, that she had received from Clinton. The indications were clear that Jones's lawyers possessed inside information about their relationship.

Lewinsky met with Vernon Jordan and he referred her to a lawyer to whom she stated her denial of the affair. Lewinsky's lawyer subsequently drafted an affidavit. Lewinsky spoke to the President about her possession of gifts that he had given her and suggested that she hand the gifts to Betty Currie rather than turn all the gifts over to Jones's lawyers. The final meeting between Clinton and Lewinsky took place on the 28th of December. Both the President and Lewinsky exchanged gifts. That afternoon Currie drove to Lewinsky's apartment and took possession of a box of the President's gifts which she took home and deposited under her bed.

Lewinsky met with Jordan again on December 31st and she showed Jordan her signed affidavit. Lewinsky was clear in her statement stating 'I have never had a sexual relationship with the President... he did not offer me employment or other benefits in

exchange for a sexual relationship.'[198] Soon after the meeting, Jordan, a member of the Board of Directors at Revlon contacted his friend and the company's Chairman Ronald Perelman and recommended that Revlon appoint Lewinsky. On January 9th Revlon contacted Lewinsky to offer her a job. She accepted and told Jordan who then relayed the message to the President. Francis Carter, Lewinsky's attorney, faxed a copy of Lewinsky's signed affidavit to Jones's lawyers.

Clinton and Lewinsky's decision to deny their relationship was made in ignorance of Tripp's actions. On the advice of Goldberg and Paula Jones's lawyers and their financial backers, Tripp contacted the Office of the Independent Counsel and told them what she knew of Lewinsky's affair with the President, handing over the recorded conversations that she had had with Lewinsky. FBI agents equipped Linda Tripp with a wire to record her future conversations with Lewinsky. When the pair met, Lewinsky discussed what Tripp should say in her deposition, summarized in a 'talking points' paper. The paper emphasised that she should discredit her account of Kathleen Willey and not disclose the nature of Lewinsky's relationship suggesting Tripp should state that she had 'never observed the President behave inappropriately with anybody.'[199]

Starr moved quickly and applied to the Department of Justice to give him authority to investigate Clinton's affair with Lewinsky. Attorney General Reno sent a request to a three judge panel to expand Starr's mandate so he could investigate whether 'violations of federal criminal law were committed by Monica Lewinsky or any other individual.'[200]

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[198] See text of Monica Lewinsky Affidavit, signed January 7th 1998 released March 13th taken from the *Washington Post* online [http://www.washingtonpost.com/wp-srv/politics/special/pjones/docs/lewinskyaffidavit.htm]

[199] Full Text of 'Talking Points for Tripp' paper released to the Washington Post February 9th 1998, taken from Washington Post online [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/talkingpoints011498.htm]

[200] Associated Press Release, Text of Reno's Petition for Starr, released Thurday 29th January 1998, retrived [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/text012998.htm]

The three judge panel approved Reno's request on January 16th. On the same day Tripp agreed to meet Jones's lawyers. The timing was crucial, Tripp's interview took place the day before Clinton was scheduled to be deposed. Clinton was unaware that Tripp had divulged her knowledge of his affair and that Jones's lawyers were ready to ask questions about the relationship. Starr's deputies proceeded to use Tripp to meet with Lewinsky so they could intercept and question her. Michael Emmick, one of Starr's assistants, warned Lewinsky that if she did not cooperate with the Independent Counsel that she could be indicted for perjury, obstruction of justice and witness tampering. Lewinsky was offered immunity but the deal expired at midnight and by this stage Lewinsky's attorney had filed her original affidavit with a motion to quash her deposition to the district court.

Clinton was deposed on January 17th 1998 and faced questions relating to Kathleen Willey, Paula Jones and Gennifer Flowers as well as Monica Lewinsky. Clinton denied having sexual relations with Monica Lewinsky as his answers state:

Q. Did you have an extramarital sexual affair with Monica Lewinsky?

A. No.

Q. If she told someone that she had a sexual affair with you beginning in November of 1995, would that be a lie?

A. It's certainly not the truth. It would not be the truth.

Q. I think I used the term "sexual affair." And so the record is completely clear, have you ever had sexual relations with Monica Lewinsky, as that term is defined in Deposition Exhibit 1, as modified by the Court.

> **A.** I have never had sexual relations with Monica Lewinsky. I've never had an affair with her.[201]

Clinton's denial of 'sexual relations' and its meaning for the purpose of the Jones case would later be a pivotal discussion. It could only be proven that the President had knowingly lied if all parties understood the precise interpretation of the term 'sexual relations'. Judge Wright set a definition:

> 'For the purposes of this deposition, a person engages in "sexual relations" when the person knowingly engages in or causes...contact with the genitalia, anus, groin, breast, inner thigh, or buttocks of any person ... "Contact" means intentional touching, either directly or through clothing.'[202]

Clinton agreed with Judge Wright's definition and he admitted seeing Lewinsky on a number of occasions. The President emphasized that the offices in the West Wing were busy, privacy was difficult and he could not recall a specific occasion when he and Lewinsky had been together alone but that he did not rule out the possibility. Clinton's memories of the gifts that he and Lewinsky had exchanged, his conversations with Jordan and the details of his last meeting with Lewinsky were equally scant. Clinton denied assisting Monica Lewinsky in creating an affidavit or discussing the case with her.

The six hour deposition in the Jones case placed Clinton in an extremely difficult predicament. Starr found many problems with the President's answers. The President's first problem was perjury. He stated under oath that he had not had 'sexual relations' with Monica Lewinsky but if it was proven that he purposefully lied he would be guilty of a

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[201] Deposition of President Clinton, United States District Court for the Eastern District of Arkansas Western Division, Paula Corbin Jones, Plaintiff v. William Jefferson Clinton and Danny Ferguson, Defendents, January 17th 1998, retrieved [http://www.cnn.com/ALLPOLITICS/1998/03/13/jones.v.clinton.docs/]

[202] Starr Report, p129

criminal offense. The extent of Clinton's knowledge of Lewinsky's affidavit was also an issue. If Clinton was found to have encouraged Lewinsky to perjure herself then the President would be guilty of the subornation of perjury. A final concern was the possibility of being guilty of obstruction of justice. For example, if it was under the President's direction that Betty Currie took possession of the President's gifts to Lewinsky and then kept them away from Jones's lawyers, then Starr could interpret Clinton's actions as obstructing the course of justice.

In Clinton's favour was that the burden was on Starr to prove that Clinton intentionally misled with the answers he gave in his deposition. If he misunderstood any of the definitions or gave a vague answer that was open to interpretation then he would escape legal penalties.

Following his deposition, Clinton met with Betty Currie to compare his memory of events with her recollections of Monica Lewinsky. William H. Ginsburg, who had replaced Carter as Lewinsky's lawyer contacted the Independent Counsel to discuss the possibility of immunity. The Independent Counsel wanted to know the contents of her testimony before any deal on immunity was discussed.

The confluence of events that led to Clinton being deposed over his affair with Monica Lewinsky seems unlikely. Therefore it seems appropriate that we pause at this point in the timeline and examine the broader political context to try and offer some form of explanation of why Clinton became tangled with Starr over Monica Lewinsky.

Extra marital affairs with Gennifer Flowers first threatened to derail Clinton's campaign to win the Democratic nomination in 1992. Flowers's impact was minimal but it had sparked interest in Clinton's enemies on the right. For Clinton's opponents, hitting his credibility with the voters was a priority. Any Achilles heel, even if that

meant looking into the more intimate background of the President, would be used to disrupt the administration.

Republicans and conservatives retained long memories of the Democratic attacks against Reagan, Bork and Thomas. Brock's article 'His Cheatin Heart', publicizing the Arkansas State Troopers' salacious stories, was born out of an underlying determination to attack Clinton. The 'outing' of Paula Jones and her subsequent law suit then opened up another front of attack. If Jones's motives were only financial then an obvious course would have been to sue the *American Spectator* for making an error in mentioning her by name in Brock's original expose. If Jones wanted to gain as much publicity as possible then suing the President would be understandable but it was widely reported that Jones appeared uneasy with the media coverage in early appearances. A more plausible explanation may be found in the sources of her financial backing. Foundations such as the Landmark Legal Foundation (LLF) with support from the wealthy, right wing activist Richard Mellon Scaife may have had considerable influence on the direction of the Jones case. Scaife, who was also a major benefactor to the *American Spectator* leads to the conclusion that any individual with considerable interest and investment in an organization would not want it to face legal action. If Jones filed an action for Brock's article then Scaife, as a major benefactor to both the LLF and the *Spectator,* would be effectively scoring a political own goal. The only practical decision available to Scaife was to persuade Jones to file against Clinton, thus turning the court case into an opportunity. Scaife could use his money, media empire and his contacts to continue attacks on multiple levels, through the courts, in the media and through more research into Clinton's mistakes. The Paula Jones scandal was now a fight on many fronts and much more than a court case. The Clinton administration would have to prepare for a media battle. The White House press office, both sets of lawyers and friends and relatives of Paula Jones all saw their

quotes appearing in main-stream media outlets. Inevitably, debate over what took place at the Excelsior Hotel and a broader discussion over the current laws on sexual harassment began. Clinton's policy was to deny the relationship and Bennett, Clinton's senior lawyer, was ultimately trying to discredit Jones's case. Jones's lawyers' response was to play the victim claiming that the President believed that he was above the law and should face trial.

The exact events the occurred in the Excelsior Hotel in 1991 will remain unknown but in denying the charges against him and choosing to fight, Clinton was certainly following a bold strategy. If Clinton had settled out of court, this may have tempted more women to come forward in the hope of financial gain. If he had pleaded guilty, this would have been an extremely poor message to convey to the voters and would play to the Republican strategy. More importantly, a guilty Clinton would have alienated female voters who overwhelmingly supported him in 1992.

The burden of Paula Jones would accompany the on going Whitewater investigation. Jones had filed her suit just prior to Special Counsel Robert Fiske reported on Vincent Foster's death. The subsequent appointment of the more conservative and aggressive Ken Starr escalated the investigation and the demands of the White House. In the November, following Starr's appointment, the dramatic win of the Republicans to gain a majority in both the House and the Senate added to administration's woes.

The scandals of Paula Jones combined with Whitewater should not be disconnected from the Republican gains in the mid term elections or their behavior afterwards. Viewing the wider legislative picture, Clinton's major failure with healthcare reform, a keystone of his election campaign, linked with tax rises on gas and on upper-income Social Security recipients were always likely to be unpopular. By Clinton's own admission in 1994, the hardworking middle class felt 'economic anxiety and were

upset by the pervasiveness of crime, drugs, and family dysfunction, there was an audience for Gingrich's message...that his politics represented America's best values.'[203] In 1992, the public may have been well aware of Clinton's questionable morality but, in 1994, this was one piece of a perceived political jigsaw made up of dysfunctional families, a poor economy and an overbearing government. The New Right branded Clinton as a child of the 60s and focused on the excesses and dubious morals in that decade. Clearly, the intended message was that Clinton's own values resulted in an inability to govern adequately and that the President was too distracted by his own financial and extra marital misdemeanors to serve the country effectively. In this sense, the Paula Jones case and Whitewater played some role in the Democrats' losses in the mid term election. Gingrich pledging to return to the morality of the 1950s evidently proved successful. Americans may not have been able to recall the contents of the Republican campaign's 'Contract with America' but in simple terms Republicans wanted small government and family values in 1994, and the perception was that Clinton and the Democrats stood for the opposite.

The Republicans, buoyed by their victory, continued to attack on values. Those still keen for revenge would attempt to further disrupt the legislative agenda of the White House. The Republican focus on values and the 'Contract with America' gave the perfect opportunity for any over zealous member of the House or Senate, particularly those with important positions on key committees, to block the White House's legislative agenda. An instance that indicates politics can be clouded by partisan resentment and moral attack between the White House and the new Republican majority was the issue of the budget and spending.

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[203] Clinton, *My Life* p634

Acrimonious budget disputes between Clinton and Gingrich, although they had previously publicly pledged to work together, eventually forced a complete government shutdown. Disagreements and vetoes ensured that only 6 out of 13 appropriation bills became law and in total, only 67 bills became law in the first year of a Republican dominated 104th Congress, compared to 210 in the first year of the previous Congress. Governing had increasingly been replaced by a political struggle shrouded in personal attack. From Clinton's perspective 'the Herculean budget fight – had done nothing to slow down the worker bees in Whitewater World.'[204] Of course, what Clinton means when referring to the multi-faceted 'Whitewater' is unknown but nonetheless it gives a clear indication of how scandal can sit alongside the essential workings of government and the President's own duties. It serves in demonstrating how a rejuvenated Republican Party can sense a weakened White House and under the leadership of Gingrich, attack the President on many fronts to search for political victory. Clinton defending his agenda, with the White House responding with personal attacks of their own aimed at Republicans, merely perpetuated and encouraged a downward spiral of negativity.

Unfortunately for the Republicans, their strategy after 1994 did not provide the key result, Presidential election victory. In 1995, Clinton's approval ratings rebounded rising to above fifty percent. In contrast to 1993 and 1994, the public sensed that the nation was moving in the right direction and recognized the impact of the improving economy and job creation that had been lagging in 1994.[205] The Republican message was consistent with the previous mid term election as Dole promised to look to the

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[204] Clinton, *My Life* p691

[205] Debate continues as to what influences voters in a Presidential election. The economy is considered to have major significance. According to Alvarez and Nagler in 1996 'the hypothetical floating voter was 38 percent more likely to support Clinton if they saw the national economy as better than worse; the hypothetical voter was 31 percent more likely to support Dole if they saw the economy as worse, not better.' Michael Alvarez and Jonathan Nagler, 'Economics, Entitlements and Social issues: Voter Choice in the 1996 election.' *American Journal of Political Science* Vol. 42, No 4 October 1998 p1349-1363.

past pledging to be the 'bridge to a time of tranquility, faith, and confidence of action.'[206] In response Clinton could use his bitter fight with the Republicans, particularly over the budget, to appear as the embattled President prevented from running the country. The more positive mood in the nation was mirrored by the President whose campaign message focused on the future and having the 'resolve to build that bridge to the 21st century.'[207] With an improving nation, voters could be more positive and easily detach the White House and the President's political acumen from Bill Clinton's own private problems.

Clinton comfortably won the 1996 election but, as we have seen through Whitewater previously, Republicans remained undeterred in attacking the White House. The sensational disclosure of the President's affair with Monica Lewinsky proved to be the zenith of partisanship that Clinton would experience during his two terms and the impact would have major repercussions for the White House.

Story and gossip over Clinton's affair with Lewinsky first began to permeate onto the internet on the 17th of January. The Drudge Report, a right wing website, posted the allegations that *Newsweek* had killed a story by Michael Isikoff describing an affair between a White House intern and the President. Subsequent posts by the Drudge Report revealed Lewinsky's identity and highlighted an ongoing media battle over whether the story should in fact be released.[208] On the 21st of January, the media circus began. *The Washington Post*, *The L.A. Times* and ABC news all reported that sources close to Clinton's investigation were examining whether Clinton and Vernon Jordan had encouraged a White House intern to lie to Paula Jones's lawyers about

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[206] Bob Dole's acceptance speech, GOP Convention August 15th 1996 taken from *Online Newshour* [http://www.pbs.org/newshour/convention96/floor_speeches/bob_dole.html]
[207] Clinton, *My Life* p723
[208] See *Drudge Report*, 'Newsweek kills story on White House intern, Sex relationship with the President' 17th, January, 1998 [http://www.drudgereport.com/ml.htm]

whether the she had an affair with the President.[209] The alleged events were now open for discussion. Monica Lewinsky, Linda Tripp, Vernon Jordan and Betty Currie were in the public domain and found themselves at the epicentre of a media earthquake. Bennett, Clinton's lawyer immediately responded describing the story as 'ridiculous'[210]. Lewinsky's attorney, William Ginsburg, attempted to protect the former intern's interests by stating that 'if the President of the United States did this – and I'm not saying that he did – with this young lady, I think he's a misogynist...If he didn't, then I think Ken Starr and his crew have ravaged the life of a youngster.'[211] Clinton had to form a strategy to respond to the allegations. By 1998, Clinton had been embroiled in a long battle with Kenneth Starr. Clinton was about to knowingly mislead the public over the status of his relationship with the former intern yet remained certain of Starr's motives, stating that it was 'yet another firestorm to force me out of office...I thought that if I could survive the public pounding for two weeks then the smoke would begin to clear and the press and public would focus on Starr's tactics...I went on with my job, and I stonewalled, denying what had happened to everyone'[212] Appearing on PBS's *Newshour* with Jim Lehrer, questions focused around the President's relationship with Monica Lewinsky, whether he had encouraged her to lie in her deposition or had used Vernon Jordan as a third party to speak to Lewinsky. Similarly to his previous deposition, Clinton was pushed to define his denial:

Lehrer - No improper relationship, define what you mean by that.

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[209] See Susan Schmidt, Peter Baker and Tori Locy ,'Clinton Accused of Urging Aide to Lie' *Washington Post*, January 21st 1998 and David Willman and Ronald J. Ostrow, 'Starr Examines Link to Female Intern' LA Times, 21st January 1998.
[210] Schmidt, Baker and Locy , 'Clinton Accused of Urging Aide to Lie' *Washington Post*
[211] Schmidt,Baker and Locy, 'Clinton Accused of Urging Aide to Lie' *Washington Post*
[212] Clinton , *My Life* p775

President - I think you know what it means. It means that there is not a sexual relationship, an improper sexual relationship or any other kind of improper relationship.

Lehrer - Just for the record, make sure I understand what your answer means and there is no ambiguity about it --

President - There is no ambiguity. [213]

Mike McCurry, the White House Press Secretary experienced a similar line of questioning in press briefings. McCurry was asked repeatedly to define the President's denial of an improper relationship with Monica Lewinsky. McCurry refused and said he was not going to 'parse the statement'[214]. The press continued to hound McCurry on numerous lines of attack. The exact nature of the President's relationship with Lewinsky, cooperation with the Independent Counsel, how the White House was reacting to the allegations and what was said in the President's depositions in the Paula Jones case all appeared in questioning. McCurry was undoubtedly on the defensive and was very guarded in his answers. He stated that the President was focused on his duties and that the White House would be fully cooperating with the inquiries of Independent Counsel. McCurry attempted to play down the allegations against the President and hinted that the scandal had hallmarks of the administration's enemies:

MR. MCCURRY: He has faced allegations somewhat like this in the past and they have not impacted on his ability to do the job that he constitutionally must do as President on behalf of the American people.

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[213] Transcript of Interview with President Clinton, 21st January 1998 *Newshour with Jim Lehrer* [http://www.pbs.org/newshour/bb/white_house/jan-june98/clinton_1-21.html]

[214] Press Briefing By Mike McCurry, Office of the Press Secretary, January 21st 1998 posted on Clinton Presidential Center Website [http://www.clintonpresidentialcenter.org/legacy/012198-press-briefing-by-mike-mccurry.htm]

Q Allegations like perjury and obstruction of justice, Mike? [215]

The response highlighted the importance of the charges against the President and, importantly, that the alleged events took place while Clinton was in office.

The Lewinsky scandal was out of control and was eclipsing the wider political debate. In Lehrer's interview alone, approximately half the time was allotted to questions relating to Monica Lewinsky. The Middle East peace process, Iraq, the Asian financial crisis, Bosnia and domestic policy on schools, health and jobs were relegated in favour of sexual allegations. Mike McCurry met a similar fate with his entire Press Briefings overtaken by Lewinsky. Incessant debate over what Starr's course of action may be and what the possible implications were for the President filled radio and television.

The internet was also a new and important phenomenon to consider. The Drudge report had posted the story in the days before the true explosion of scandal but, by 21st of January, websites, chat rooms and web blogs were now in overdrive debating the allegations. The internet provided a new problem for the administration. In the past, most individuals received their news from the newspapers and television which was more controllable than the endless speculations of websites that were posting information about the President's relationship with Lewinsky. On the 22nd and 23rd of January all newspapers joined the frenzy and the President dominated not only the front pages but editorials and op-ed. pieces. Every detail and possible ramification was exhaustively covered. The Associated Press alone posted a total of 67 stories in one day relating to the Lewinsky Scandal,[216] *The New York Post* was able to satisfy its more sensationalist

[215] Press Briefing By Mike McCurry, Office of the Press Secretary, January 21st 1998

[216] Statistic and articles found on the Lexis-Nexis website [http://web.lexis-nexis.com.ezphost.dur.ac.uk/]. The number of articles devoted to covering the Lewinsky Scandal is phenomenal. *The Washington Post* alone has 23 stories from the 22nd and 23rd of January in their online archive. Therefore it is an impossibility to cover all opinions that were given in response to the allegations. A selection of articles chosen from different papers with varying political bias will give a broad picture of the sentiment at the time.

tabloid pages with headlines reading 'Creep Clinton Told me to Lie; Sizzling Tale of the Tapes Heats up Impeachment'[217] and 'Bill Still the Ladies man'[218] Typically, the broadsheet press tended to focus on the seriousness of the allegations with grave predictions if proved true. The *New York Times* reported that 'If Clinton's denials do not hold up, his presidency will be thrown into a disabling political crisis.'[219] The conservative *Washington Times* were quick to print calls for impeachment highlighting the mindset of many of Clinton's opponents. Georgia Republican, Rep. Bob Barr stated that 'the House should immediately consider the bill of impeachment that he introduced in November. "For those in the House who have been waiting for a smoking gun," Mr. Barr says, "both barrels are smoking."'[220] Clinton's supporters claimed the Starr was blinded by his own partisanship, viciously attacking over Lewinsky because there had been a failure to uncover any incriminating evidence connected to Whitewater.

The nature of the allegations meant that Clinton's previous denials over extra marital relations were revisited. The *Boston Globe* reported that sources familiar with Clinton' s testimony in the Paula Jones case said that for the first time Clinton 'acknowledged ...that he had an affair with Gennifer Flowers during the 1970s.'[221] Clinton's damage limitation in the 1992 campaign was now returning to haunt his Presidency. Rumours of Clinton being economical with the truth over Flowers meant that the press would be more aggressive in examining Clinton's new denials. The *Dallas Morning News* predicted that

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[217] Deborah Orin, 'Creep Clinton Told me to Lie; Sizzling Tale of the Tapes Heats up Impeachment' *New York Post* 22nd January 1998 pg 04
[218] Neil Travis, 'Bill still the Ladies Man' *New York Post* 22nd January 1998, pg13
[219] Editorial Desk , 'Crisis from Petty Sources' *New York Times* January 22nd 1998 Section A pg 28 Column 1
[220] Frank J. Murray, 'Clinton could face charges if he asked woman to lie' *Washington Times* 22nd January 1998 part A Pg A1
[221] Michael Kranish , Boston Globe Staff, 'President denies it: no affair, no coverup; Whitewater prosecutor probing alleged relationship with intern' *Boston Globe* January 22nd 1998 pg A1

the President's approval ratings may not be able to withstand the scandal, stating that this was 'the most dangerous situation that Clinton has faced.'[222]

The press continued to chase down the exact details of the affair between the President and Monica Lewinsky. The *Washington Post* alone produced in the region of 40 articles between the 21st and 24th of January[223] discussing the possible involvements of all the key players in the scandal. This was mirrored by television, radio and internet interest with every conceivable facet of scandal given extended exposure. The administration faced almost a new dimension to scandal. For Nixon, Watergate was a slow burn scandal that gradually increased in its intensity[224] but the Lewinsky affair's rise to a national scandal was without comparison. Whitewater's fragmented nature had failed to create a simultaneous explosion of interest, yet, the Lewinsky allegations, in one sweep, captured all sections of the media. Immediately scandal reached new levels of public exposure. In Nixon's era, if *Newsweek* decided to hold a story, the next opportunity to print would have been the following week. In the instant news generation of the 90s the Lewinsky revelations in the *Post* were quickly followed by *Newsweek* immediately posting its previously held story on the internet and putting the author, Michael Isikoff on numerous television programmes. As the scandal filled the media following the 21st of January, the choice for the public on where it received information would have been almost inconceivable in previous years. Viewers could almost simultaneously decide whether to watch Clinton's interview with Lehrer, regular press briefings with McCurry or network television appearances involving lawyers representing Jordan, Jones and Lewinsky. Aside from those more directly connected to the scandal, further debate was provided by Clinton's former aides, such as George Stephanopoulos and Dee Dee Myers appearing on

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[222] Susan Feeney, 'No Clinton Scandal as Serious as the latest' *Dallas Morning News,* January 22nd 1998.
[223] Statistic taken from the *Washington Post* online archive [http://www.washingtonpost.com/wp-srv/politics/special/clinton/keyjanuary.htm]
[224] Williams, *Political Scandals in the USA,* p123

chat shows opposite any number of Clinton's enemies inside and outside Congress that wanted to damage the President.

Increasing competition between media outlets meant editorial standards tended to become more lax. During January, many networks and newspapers reported outrageous allegations from anonymous sources claiming that Clinton had been involved with hundreds of women. The desire of the media bosses to avoid being 'behind' on a story placed considerable pressure to 'regurgitate what everyone else is doing.'[225]

The Clinton administration could not control the exposure of the scandal. Furthermore it was a sheer impossibility that they could respond to every allegation made in all forms of media. The White House concluded on the 24th January that the only feasible option was to offer selective strong rebuttals and to deny the affair. This was part of a wider theme of trying to communicate a 'business as usual' message to press and public. Clinton had undoubtedly professed his innocence to his staff and to his wife, who would be consistent with his denial. On the 26th of January, Clinton, who was clearly under strain, gave a public press conference giving the denial, 'I did not have sexual relations with that woman, Miss Lewinsky. I never told anyone to lie, not a single time, never.'[226] Appearing on *NBC's Today Show,* the following day, Mrs Clinton was resolute asking the people to look closely at the allegations; the real story was not Lewinsky but the 'vast right-wing conspiracy that has been conspiring against my husband since the day he announced for President.'[227] Starr immediately responded in the media battle issuing a written statement hours after the *NBC* interview describing Mrs Clinton's allegations of conspiracy as

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[225] Howard Kurtz, 'Allegation Inundation' *Washington Post* 27th January 1998 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/media012798.htm]
[226] Highlights of White House Press Conference 26th January 1998 Online, Encyclopaedia/Free Dictionary [http://encyclopedia.thefreedictionary.com/Clinton%20impeachment]
[227] Hillary Clinton quote appearing in CNN All politics, 'Hillary Clinton: This is a battle' 27th January 1998, [http://www.cnn.com/ALLPOLITICS/1998/01/27/hillary.today/]

'nonsense'[228]. The press continued to harass McCurry in briefings for further definitions of 'sexual relations' comparing dictionary definitions to the President's statements. The President remained focussed on the State of the Union address. The speech itself failed to mention Lewinsky and concentrated entirely on policy. The economy, low unemployment were all headline features of success. The State of the Union only managed a moderate impact on the questions that McCurry received, the subject returned to Lewinsky with regularity as the press continued to pursue the scandal from every perceivable angle. While Clinton was engulfed with media speculation Republicans were being advised to stay away from the Lewinsky scandal, GOP media specialist Mike Murphy warned clients if they became involved then they would give Clinton a 'partisan reason to duck and dodge.'[229]

January 1998 was a continuing battle between the White House and the media to control the platform of the debate. Starr's investigation of Lewinsky was moving quickly but, to add to complications, small fragments of information from the investigation were being leaked straight into the media. Journalists quoting 'investigators' or 'sources close to the Independent Counsel' inadvertently became extensions of the prosecutors as damaging information would place more pressure on Lewinsky. A four sided game of chess played in the media developed where the White House, the Independent Counsel, Lewinsky's lawyers, and Republicans and conservatives, who could not resist attacking the President, all released statements seeking to gain the advantage.

From late January onwards, Starr called numerous staffers, aides and advisers to testify. Betty Currie appeared on the 27th January, only ten days after Clinton's deposition in the Jones case. The only positive news to the White House was Judge Wright's decision that

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[228] Starr quoted in David Maraniss, 'First Lady Launches Counter Attack' *Washington Post,* 28th January 1998, [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/hillary012898.htm]

[229] Thomas B. Edsall and Terry M. Neal, 'GOP Strategy Calls to Keep Quiet' *Washington Post,* January 24th, 1998 [http://www.washingtonpost.com/wp-srv/politics/special/clinton]

evidence connected to Lewinsky was inadmissible in the Jones case. Starr continued to serve subpoenas and search for evidence into the spring. Starr and Lewinsky discussed an immunity deal and the press remained in tow, reporting every minor shift in the scandal. Despite Clinton's persistent denials, the press was quick to highlight the pressure that was being placed on staffers creating a 'dread in the White House and the feeling of standing atop the world on a trap door.'[230]

On April 1st, Judge Wright provided some better news for the White House as she threw out Paula Jones's sexual harassment case against Clinton claiming that she had no 'genuine issues'[231] worthy of trial. Jones appealed the decision. Moreover, evidence was beginning to appear that the public's interest was waning in sexual scandal. Rumours and leaks, at first entertaining, were inconsequential to their everyday lives. Poll evidence suggested that the President's approval ratings had rarely been higher.[232]

As the summer continued, the pressure would only intensify as the White House dropped ongoing legal battles over executive privilege, originally invoked on the 20th of March, to protect its staff from being interviewed by Starr. Without the obstacle of executive privilege, Starr had extensive access to any number of staff that may have witnessed the President and Lewinsky together or who may have played a minor role in the scandal, this included the possible interviewing of Clinton's secret service agents during the investigation.

Relentless in his pursuit, Starr, on July 17th, served Clinton with a subpoena requiring him to testify before a Grand Jury. Following negotiations, the President volunteered to testify and the subpoena was withdrawn. Most threatening to the President was that Starr and

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[230] William Safire, 'The Talking Pointer' *New York Times,* p35
[231] CNN All Politics, 'Judge Tosses Out Jones' Lawsuit' 2nd April 1998, [http://www.cnn.com/ALLPOLITICS/1998/04/01/wright.ruling/]
[232] See Jon Jeter, 'Clinton's woes are not playing well in Peoria' *Washington Post* January 31st 1998 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/react013198.htm]

Lewinsky, after months of negotiation, had reached an immunity deal. Clinton was now aware that, with Lewinsky co-operating fully with the OIC, his denials of the affair would be challenged by Lewinsky's recollections. The media predicted that Lewinsky's testimony up against a Clinton denial would not be enough for Starr to prosecute for perjury. Nonetheless, Lewinsky recanting on her original statement was another tantalising step forward in the investigation leading to renewed speculation, particularly in Republican circles, that if Clinton were proven to be lying under oath about an extra-marital affair it would undoubtedly 'justify impeachment'[233]

Unfortunately for the President, it was becoming increasingly unlikely that his denials could withstand the examination from the OIC. The existence of the recorded conversations with Linda Tripp was problematic but, as part of the immunity deal, Lewinsky had submitted a dress that had stains on it, alleged to be the President's semen. To the press, the stained blue dress, if the DNA matched Clinton's was the definitive 'smoking gun' that would lead to perjury. The *New York Daily News* reacted to the dress by stating Clinton was 'finished...he can't survive.'[234] Despite the new speculation over Lewinsky's dress, the President's approval ratings remained in the high 60s.[235]

The President was asked to provide a blood sample by the OIC and, by the time of Clinton's testimony the results of the DNA testing had been returned. Clinton himself realised that the evidence against him was overwhelming admitting that he 'wasn't looking forward to it.'[236] On the 15th of August, Clinton admitted to Hillary his affair with Monica Lewinsky.[237] Clinton was faced with a dilemma posed by the evidence of the dress. If he admitted to deliberately misleading the investigators in the Paula Jones case,

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[233] Frank Greve, 'Deal Might Help Build Perjury Case' *Miami Herald* July 29th 1998, page 4A
[234] Lars-Erik Nelson, 'Bill's a Goner...Or maybe Not' *New York Daily News* July 31st 1998. Editorial page 43.
[235] See *NBC* poll in Peter Baker and Susan Schmidt, 'FBI to test Dress' *Washington Post* 31st July 1998, [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/starr073198.htm]
[236] Clinton, *My Life* p796
[237] Clinton, *My Life* p801

he would face charges of perjury. The only other option was to argue that the questioning in his original January deposition had been vague and that he had not fully understood the definition of 'sexual relations'. Clinton testified from the White House, via a video link to the Grand Jury on the 17th of August. The dilemma that Clinton faced made the answers he gave during questioning to be of crucial importance.

Clinton felt aggrieved by the partisanship of Kenneth Starr. To Clinton, Starr had refused to allow the Grand Jury to the White House so that he could send the videotaped testimony to Congress. Clinton deemed that Starr was intent on turning his testimony into a 'pornographic home movie'[238] designed to humiliate and 'disgust the Congress and the American people'[239] forcing his resignation. Clinton admitted that his contact with Monica Lewinsky had been morally wrong but that it did not constitute 'sexual relations'. Clinton answering the questions in this fashion turned the debate onto the specific definition of 'sexual relations', Starr would have to prove that Clinton fully understood the definition that was provided in the Paula Jones deposition to convict him of perjury. Clinton acknowledged that he had not been trying to be helpful with his answers in his original deposition. He suspected Jones's lawyers, like the OIC, had previously engaged in 'repeated unlawful leaks'[240] and that the questions within it were merely an attempt to illicit damaging information that would then be released to the mainstream press. At the time of his Jones deposition, Clinton stated that he was unaware of Starr's involvement in the case and that Jones's lawyers in the deposition, Clinton alleged, were working for Starr.

Clinton felt aggrieved by the entire process and stated:

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[238] Clinton, *My Life* p801
[239] Clinton, *My Life* p801
[240] Clinton , *My Life* p801

> 'They were trying to set me up and trick me...I confessed I deplored what the Rutherford Institute lawyers had done in Jones's name...but I was determined to walk through the minefield of this deposition without violating the law, and I believe I did that.'[241]

Clinton returned to the White House to inform his staff and White House counsel about the testimony and to discuss the content of his scheduled address to the nation. It was agreed that Clinton admit he had made a mistake but that he should avoid attacking Starr's investigation. It was a strategic decision. The White House hoped the press and public already considered the OIC to be out of control and that the President should stick to an apology. Clinton's televised statement was aimed at portraying him as an ordinary citizen that had caused pain to his family and suffered public humiliation because of his infidelity. It was also believed that by giving a public apology, the White House was trying to nullify the possibility of his testimony being leaked to the press. The White wanted the focus of the scandal to remain on Clinton's affair rather than obstruction of justice or perjury.

The press began to recount seven months of Clinton's denials with talk of impeachment appearing in virtually every article, many questioned; if Clinton misled over Lewinsky, then why should his answers during Grand Jury testimony be trusted? Clinton's admission of his relationship meant that Republicans sensed a new weakness and attacked. Republican John Ashcroft branded the TV performance as 'the effective end of the Clinton Presidency...His moral authority has gone.'[242] Vice President Gore was quick

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[241] Clinton, *My Life* p801

[242] Atlanta Journal, Constitution, Staff Writers, 'Clinton's attack on Starr leaves Republicans furious; "What a jerk," Hatch says after President's Speech' *Atlanta Journal* August 18th 1998 Pg 01a

to rally to the President's side and stated that he was 'proud not only because he is a friend but he is a person who has the courage to acknowledge his mistakes.'[243]

Starr released his 445 page referral to the Congress on the 9th of September 1998. Commonly known as *The Starr Report,* it provided intimate details of Clinton's liaisons with Monica Lewinsky and alleged eleven impeachable offences. Ten of the eleven charges of impeachment accused the President of lying under oath and for obstruction of justice. The eleventh article asserted that Clinton's actions from January 17th, 1998 had been 'inconsistent with the President's constitutional duty to faithfully execute laws.'[244] On the 11th of September the report was made public. The White House and Clinton's lawyers immediately responded on the 11th and 12th of September by filing two detailed documents in rebuttal to the charges contained within the *Starr Report.* Despite objections from the White House and Democrats, the Republican majority on the House Judiciary Committee forced the release of Clinton's videotaped testimony and thousands of pages of evidence, including photographs of Lewinsky's blue dress. The Republicans' argument was simple, 'the public have the right to examine Clinton's testimony for themselves,'[245] however, an underlying intention may have been to place pressure on the President, and gain support for an impeachment inquiry.

To the White House, Starr's referral was another example of his aggressive partisan agenda against the President. Within the *Starr report,* the word 'sex' appeared over 500 times, "Whitewater", Starr's original assignment, was mentioned twice.[246] Clinton emphasised that, even with all the crimes that had occurred in Watergate, the prosecutor, Leon Jaworski, had not submitted 11 charges for impeachment against Nixon or released

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[243] Al Gore Quote appearing in 'Clinton admits Lewinsky relationship, calls for end to Starr investigation' by David Jackson and Carl P. Leubsdorf, *Dallas Morning News* 18th August 1998.
[244] Starr Report, pg viii
[245] Peter Baker and Juliet Eilperin, 'Clinton Stresses His Duties and House Plans to Release of Video' *Washington Post,* September 17th, 1998 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/president091798.htm]
[246] Statistics taken from Clinton, *My Life* p 809

his report to the wider public. The sexually explicit detailed report was printed and discussed through all press outlets. While most newspapers chose to print excerpts from the report, a minority, including the *Washington Post, the Philadelphia Inquirer* and the *Boston Globe,* chose to print the entire report.[247] Starr had provided an almost endless list of talking points and material for news organisations through to satirical television shows and late night talk show hosts. Newspapers such as the *Detroit Free Press* and the *Philadelphia Inquirer* called for the President's resignation.

The White House and the Democrats were expecting a public backlash but the *Starr Report* did little to hit the President's popularity, rather, Clinton's polling numbers provided a much needed boost. Immediately after Clinton's original televised statement on the 17th of August, a CBS poll showed 63% deemed that the Lewinsky matter should be dropped.[248] A month on, in a CNN poll, Clinton's approval rating was at 66% in mid-September, 2% points higher than immediately following the public release of the *Starr Report.* Only 28% responded that they strongly favoured the impeachment and the removal from office of the President, a much higher 51% were strongly against impeachment proceedings. If anything, the release of the referral and the videotaped testimony had increased negative sentiment toward Starr. Starr's unfavourable numbers had increased from 37% to 50% by mid-September, 32% even blamed Starr for the situation that Clinton now found himself in. Whether the public supported Starr or Clinton, 68% believed that the proceeding had done considerable harm to the United States.[249]

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[247] Associated Press Online, 'Newspapers Publish Starr Report' September 12th 1998, posted on the *Lexis-Nexis* search engine, [web.lexis-nexis.com]
[248] CBS Poll printed in, Clinton Admits Relationship, He Says 'It was Wrong' Calls for an End to the Investigation' *Seattle Post-Intelligencer,* August 18, 1998, pg A1
[249] Poll Numbers from CNN All Politics, 'Poll: Clinton Approval Ratings up Despite Videotape Release' 21st September 1998, [http://edition.cnn.com/ALLPOLITICS/stories/1998/09/22/clinton.poll/]

Clinton's opponents were surprised by the President's poll numbers which were seemingly impervious to the *Starr Report* and the release of the testimony. Blaming the strong economy for the public's ambivalence, an editorial in the *Atlanta Journal* claimed that it was 'a sad commentary on the on the American people when they put the dollar ahead of the welfare of the country.'[250]

The sheer volume of information and exposure, while in the beginning uncontrollable and dangerous, was now seemingly working to the White House's advantage. The detailed sexual descriptions opened a debate as to whether it was in the public interest to have full access to the uncensored evidence. Attention was diverted away from the more serious legal charges of perjury to focus on morality and sex. The White House Counsel, David Kendall claimed the lurid and graphic detail within the *Starr Report* exceeded 'legitimate justification.'[251] This was part of an Administration strategy to demonstrate that Starr was obsessed with sex and that he was determined to drag the President's private life through the public domain.

The supposedly damaging videotape that saw Clinton answering embarrassing questions also had a surprisingly minor impact. 81% of the public believed that Clinton *had* lied under oath[252] but the fact that subject matter surrounded an affair in his private life made the poll relatively insignificant alongside other numbers. By the time that the testimony was released, the public were too disaffected and saturated with stories and debate, this effectively neutralised the impact of the testimony before it was aired.

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[250] Editorial, 'American Should be Ashamed of Valuing Money over Morality' *Atlanta Journal,* September 15th, 1998. Pg 11A.
[251] Press Briefing with David Kendall and Charles Ruff, 11th September, 1998, [http://www.clintonpresidentialcenter.org/legacy/091298-press-briefing-by-david-kendall-and-charles-ruff.htm]
[252] Poll Numbers from CNN All Politics, 'Poll: Clinton Approval Ratings up Despite Videotape Release' 21st September 1998,

What gave the White House the advantage in their strategy was the public opinion of Kenneth Starr and the OIC. By the time of full disclosure of evidence surrounding Lewinsky, a clear majority of the public had concluded, after 8 months of a non stop media cycle debating Bill and Monica, that the investigation had gone on too long and had cost the taxpayer far too much. The *Miami Herald* compared the saga to the previous persistence of the OJ Simpson trial and that Congress should sense that the electorate had finally had enough.[253]

Republican and conservative opponents, such as Congressman Ashcroft, who were outspoken against the President, were accused by the White House of being attached to Starr's partisan investigation. Critical Democrats, such as Joe Lieberman, who spoke against the President in Congress stopped short of calling for impeachment and focused more on Clinton's moral failure, something that the President had already admitted and apologised for in his televised debate. The White House was also able to draw attention to the investigative reporting on the funding behind Paula Jones, traced to the organisations, mainly funded by Richard Mellon Scaife and John Whitehead of the Rutherford Institute. Although it was accepted that an individual needed some backing to mount a legal challenge to the President, the public were made aware of the animosity from Scaife and Whitehead toward Clinton and their motives for pushing on with the case.

The general public were perhaps much more sophisticated about the media than the either the White House or their conservative opponents expected. After the full disclosure of Clinton's relationship, the White House were expecting a backlash on the administration. However, the lack of impact after months of continuous revelation left the media and Clinton's opponents even more dumbfounded. When the allegations

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[253] Editorial, 'End the Inquisition' *Miami Herald,* September 24th 1998 Page 24A

first exploded in January, Clinton's approval ratings actually saw a minor increase and as the media became obsessed with the scandal, approval ratings remained high. Political commentators explained after January that the White House's numbers remained high simply because the allegations remained exactly that, allegations. Clinton's denials were standing firm, as they had in the past with Gennifer Flowers and Paula Jones. As the evidence mounted against Clinton culminating in his confession, there was a clear expectation that his approval ratings would begin to fall. Yet the significant fall never began. Consistently, the *Wall Street Journal* supported Starr and deemed that Clinton was simply avoiding the truth, as the *Journal's* Dick Thornburgh explained, 'perjury is perjury...The alleged perjurer in this instance is both a lawyer and the President of the United States, doubly sworn to uphold the Constitution and the rule of law.'[254]

Consistent polling suggested that a majority of Americans agreed with the *Journal* and the administrations opponents in judging that Clinton had lied under oath about his relationship with Lewinsky and thus committed perjury. Yet, these polling figures were nullified by a clear majority of the public that were against charging and impeaching the President. Clearly the subject matter was of major importance. For conservatives, such as Dick Thornburgh, the letter of the law meant perjury was perjury. To the public, the White House, having been pursued exhaustively by the OIC resulting in Clinton denying his relationship under oath meant perjury was not, in fact, perjury. Clearly, they judged Clinton to have committed perjury but that his actions, taken under the pressure from investigation, did not warrant the suggested punishment.

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[254] Dick Thornburgh, 'Perjury is Perjury' *WSJ,* September 22nd, 1998, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V pg 48, Also see Review and Outlook, 'Truth and Consequences' *WSJ,* September 22nd relating to Clinton's videotaped testimony. A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V p42

Starr completed his report and proceedings moved to Capitol Hill. The public were already painfully aware of every detail of Clinton's affair with Lewinsky yet they were faced with the prospect of further months of partisanship with the involvement of Congress.

Impeachment proceedings are a very rare occurrence in the United States. The Constitution states that a President can be 'removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanours'[255]. Understandably, those powers granted by the Constitution have been used sparingly for punishing Presidents for wrongdoing. Nonetheless, the ambiguity in what constitutes 'high crimes and misdemeanours' leaves considerable flexibility in what Congress would consider is an impeachable offence.

Impeachment is a complicated process if it is followed through to conclusion. The House of Representatives was given the power to impeach the President. Charges against the President, contained in the articles of impeachment are brought before a House vote. If a majority agrees with the charges it passes from the House to the Senate to begin the trial phase. The Chief Justice of the Supreme Court presides over the trial but the proceedings always remain inherently political. During the trial, House Managers instruct the Senate on the views of the lower chamber. Finally the Senate must vote on the charges that are brought to it by the House and vote on each article of impeachment separately. If a two-thirds majority approves any of the articles of impeachment then the President is convicted and must leave his office. Any student of politics would recognise that from the outset, with only a simple majority needed in the House of Representatives to impeach, that it could be reactive to partisan sentiment. A two thirds majority needed in the Senate is less reactive to partisan

[255] Article II, Section IV, United States Constitution. Posted on House of Representatives Website [http://www.house.gov/Constitution/Constitution.html]

divide, illustrating an in built safeguard. If the Senate, in the 105th Congress, voted to remove a President, it would have to cross party divisions[256].

With the threat that the President's term could be ended prematurely, the stakes could not be higher for the administration. Congress also faced a political tightrope in how to approach Clinton's wrongdoing. Ideally any punishment would have to be deemed fair and necessary and not risk causing damage to the political system or set a dangerous precedent. Naturally, what made disciplining Clinton intriguing was the politicisation of the process. Huge discrepancies in what each party and individual member of Congress considered fair punishment were set against the backdrop of a looming midterm election. Campaigning on a moral message would be an easy strategy for Republicans to follow but Democrats could stick to domestic policy and respond to Clinton's opponents with familiar taunts that the Lewinsky scandal was a witch hunt.

The sparks of what would become a fierce partisan Congressional battle over the impeachment proceedings began soon after the Starr report was handed to the House of Representatives. It was revealed by the Clinton leaning internet magazine *The Salon* that Henry Hyde, the Republican Chair of the House's Judiciary Committee, and likely to oversee impeachment proceedings, had previously been involved in an extramarital affair.[257] Republicans responded by suggesting that the White House leaked the details of the affair and that the FBI should investigate whether the *Salon* was being used as a conduit to blackmail Hyde.[258] Hyde was certainly placed in an uncomfortable position because of the nature of the Lewinsky scandal but it also meant that the White House could maintain its focus on Clinton's extra marital affair and not on the charges of perjury and the obstruction of justice against him.

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[256] 105th Congress was split 55 Republicans to 45 Democrats. See [www.senate.gov]
[257] David Talbot, 'This Hypocrite Broke up my Family' 16th September, 1998, *The Salon Online* [http://www.salon.com/news/1998/09/cov_16newsb.html]
[258] Review and Outlook, 'Call it Blackmail' *WSJ*, 21st September 1998, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V p40

The President did not involve himself personally in the impeachment battle within Congress. Rather, he allowed his legal aides and his Democratic allies to defend him. House Democratic Leader Dick Gephardt called for common sense to prevail and for the benefit of the nation 'the sooner the crisis can be resolved the sooner we can turn our full attention to ...our policy agenda.'[259] Senate Democratic Leader, Tom Daschle echoed Gephardt's sentiments and questioned the purpose of perpetuating the exposure in the press of the salacious details contained within the Starr report.

The House Judiciary Committee had to examine the evidence and Starr's charges and consider whether they met the constitutional parameters of being 'high crimes and misdemeanours'. The 21 Republicans and 16 Democrats on the Committee were immediately split by their ideological differences. Partisan quotes quickly appeared in the mainstream press, Barney Frank insisted that the Republicans on the Committee were pushing for impeachment simply because they had only one 'consistent principle guiding them: to make the President look bad'[260]. Hyde responded that the Democrats were trying to make Kenneth Starr the focus of their problems and not the charges levelled at Clinton.[261]

The disagreement centred on how to investigate Clinton. Republicans were demanding a Watergate style open ended investigation whereas Democrats wanted to place limits on the inquiry. John Conyers, the Democrats minority leader on the Judiciary committee demanded that the investigation did not become a 'never ending fishing

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[259] Statement of House Democratic Leader Richard A. Gephardt (Mo.) on Report of the Independent Counsel. 15th September 1998, Retrived [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/gephardttext091598.htm]

[260] Review & Outlook, 'Madison, Hamilton and Clinton' *WSJ*, 28th September, 1998, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V p51

[261] Susan Feeney, 'Emblazoned White House Battles away against Political Foes' *Dallas Morning News*, 1st October, 1998 Pg 1

expedition'[262]. Democrats wanted a fixed deadline to be placed on the inquiries of the Committee and that the investigation did not stray from the *Starr Report* to other areas, namely, Whitewater, Travelgate and Filegate. Republicans were quick to assert that Conyers, as a member of the Judiciary Committee in 1974 had voted against Republican calls for a time limit on the inquiries into Watergate and Nixon.

Disagreements and division on the Judiciary Committee over the format of the investigation resulted in a vote along partisan lines. On the 30th of September, a resolution to begin inquiries, one that mirrored the Rodino Model previously used to investigate Nixon in 1974, was released. On the 5th of October the Republican majority on the Committee voted in support of the resolution, ensuring it was passed to the House for a final approval. The *WSJ* typically criticised the Democrats on the Judiciary Committee that voted in unison against the Republicans asking 'are there enough Democratic fingers to plug every hole in the leaking, gurgling, spurting dike known as the Clinton Presidency?'[263]

On the 8th of October the House was faced with a decision. In response to the Republican-dominated Judiciary Committee, Democrats released their own resolution with inbuilt limits on the inquiry to oppose the original Rodino Model based resolution passed by the Judiciary Committee. The majority of the debate was a partisan affair with few representatives from the Democratic Party supporting the resolution. Typically, Democrats said they wanted to bring a swift conclusion to the Lewinsky affair and return to real governing but this was met with demands from Republicans to concentrate on finding the truth and, as Hyde requested, follow their duty to the nation. The debate reflected the deep rooted animosity that had gradually developed since

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[262] John Conyers quoted in William M. Welch, 'Dems push for limits on impeachment inquiry Two days of deliberations expected before panel's vote' *USA Today*, 3rd October, 1998 pg 4A

[263] Review and Outlook, 'Who's Partisan Here?' *WSJ*, 6th October, 1998 A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V p67

Reagan's era. Clinton's mistakes may have simply provided the means to take sides and toe a party line. The eventual vote somewhat reflected this. The Democratic alternative resolution was rejected and the Republican resolution passed with a majority of 258-176, only 31 Democrats broke party lines to vote in favour. Undoubtedly the Democrats were preparing for an electoral backlash because of Clinton's immoral behaviour but they remained consistent with the opinions of many House Democrats that 'sex' was not enough to impeach the President. The Republicans' main concern was that a majority of the public would consider the impeachment proceedings to be unnecessary and unfair.

With the impeachment proceedings set to open after the mid-term election, focus now turned to predicting the election outcome. The ongoing scandal led pundits to predict severe losses for the Democratic Party of between 20-30 seats in the House and 4-6 seats in the senate. The moral message that Gingrich had utilised to considerable success in 1994, many thought would have even greater impact in the midst of sex and perjury. Regardless of predictions, the mid term effectively became a referendum of the *Starr Report* and the handling of Lewinsky affair.

The November 3rd election results shocked the GOP. Anticipating gains, the Republicans lost seats in the House, retaining only a 12 seat majority. A ten seat majority in the Senate and a near ratio of two to one governorships was retained. Immediately the Democrats claimed that their victory was a clear signal that the public were disappointed with the partisan and aggressive pursuit of the President. White House polls during the campaign had highlighted that voters were 20% more likely to vote for a Democrat who stated that the President should be censured for his actions.[264] The President also considered that this Democratic strategy was aided by Republican

[264] Clinton, *My Life* pg824

complacency. Republicans did not pay enough attention to the White House's high polling numbers. They failed to motivate voters who favoured impeachment to rally to the polls whereas the Democrat succeeded in turning their core vote to defend the President.[265] It would seem that the Republican strategy of placing considerable focus on the issue of morality and values, as they had in 1994, trying capitalise entirely in the scandal of Monica Lewinsky was ill judged. The White House was shrewder, advising its candidates, on the basis of their polling, to call for the President to be censured. It seemed the GOPs inability to look outside the world of impeachment sealed their fate.

On the 6th of November, Speaker of the House, Newt Gingrich resigned. Already damaged by ethics issues, the disappointing election proved to be the trigger in Gingrich's decision to step down. The favourable election results and Gingrich's resignation gave the administration a sense that the tide was turning in their favour. More questions were now being asked of Gingrich's tactics against Clinton, the Houston Chronicle asked the day after the resignation was announced whether the party's rhetoric and agenda was 'too extreme for a more moderate electorate? Too fixated on 'getting' Clinton?'[266]

Despite Democratic clamouring to end the impeachment proceedings, Henry Hyde remained committed claiming that 'our duty has not changed because the Constitution has not changed.'[267] On November 13th the long drawn out Paula Jones trial finally came to a close. Clinton agreed to pay Jones $850,000 in which the President did not admit guilt or offer an apology for the charges against him; the original claim was only $700,000. Both sides claimed victory. The White House was resilient stating that

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[265] Clinton, *My Life* pg824

[266] Staff writers, 'Gingrich Going; Stunning reversal of fortune in power politics' *Houston Chronicle, 3 star edition,* 7th November, 1998. Section A pg 48.

[267] Henry Hyde quoted in A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V p113

Clinton remained focussed on the countries business and did not want to spend 'one more hour on this matter.'[268] John Whitehead, director of the Rutherford Institute claimed that they had achieved 'justice for Paula'[269] and that the suit had drawn attention to the importance of protecting powerless women from sexual harassment.

Without the Paula Jones case, the White House had a sense that they were nearing the end of the Lewinsky scandal with only the inevitably partisan impeachment hearings left.

On the 19th of November, the House Judiciary Committee opened impeachment hearings, calling Independent Counsel Kenneth Starr as their first witness. The first day was also given added importance because of the presence of television cameras that would broadcast the proceedings directly into the nation's homes. Viewing figures would be initially high then steadily fall as the inquiry continued, increasing the pressure on both sides to look for an early advantage. Opening remarks and Ken Starr's cross-examination were full of partisan sniping, setting a bitter tone in which the proceedings would be conducted. Henry Hyde in his opening statement again emphasised the importance of telling the truth under oath and that any free society was based on the rule of law that was applied to citizens equally. In response, ranking Democrat Conyers chose to direct his statement toward the Independent Counsel, who, in his view had written a 'tawdry, salacious and unnecessarily graphic referral'[270] and that the inquiry should examine whether the Kenneth Starr's evidence was

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[268] Robert S. Bennett, quoted in Peter Baker 'Clinton Settles Paula Jones Lawsuit for $850,000' *Washington Post,* 14th November, 1998 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/jones111498.htm]

[269] John Whitehead quoted in Baker 'Clinton Settles Paula Jones Lawsuit for $850,000' *Washington Post,* 14th November, 1998]

[270] Henry Hyde, House Judiciary Committee Chairman, Opening Remarks, House Impeachment Hearings, 105th Congress, 2nd Sess. 19th November 1998 Retrieved [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/hydetext111998.htm]

'tainted...and his conclusion were coloured by improper motive.'[271] Conyers's remarks, retaining the focus on Kenneth Starr and the issue of sex, while viewing figures were at their peak was in line with the overall White House strategy of attacking Starr and playing down the issue of perjury. This was certainly a low risk ploy for Conyers and fellow Democrats to use as they were well aware of the Independent Counsel's unpopularity in the polls.

Kenneth Starr provided his opening statement which was then followed by questioning from the Democratic Counsel Abbe Lowell and the rest of the House Judiciary Committee. Partisanship continued to dominate. Lowell's clear intention was to find fault with the Independent Counsel. He chose not to dispute the charges of perjury or obstruction of justice but attempted to show that Starr allowed his personal motives to taint his investigation. Lowell wanted to show that Starr had spent millions investigating a number of so called 'dry holes' and became blinded by a personal vendetta to prosecute Clinton by any means. While Clinton may have knowingly deceived over his extra-marital affair, Lowell was intent on trying to show that Starr was no better.

The next major round of partisan confrontation surfaced on the 30th November. Earlier in the month, on the 5th of November, Clinton had been presented with 81 questions from the House Judiciary Committee concerning his involvement with Monica Lewinsky. The President was asked to give detail over his liaisons with Lewinsky as well as gifts that the pair had exchanged. The intention was that Clinton would be able to expand on a number of issues raised in the *Starr Report.* The written questions did avert a media circus in that Clinton would not be called as a witness by the committee but nonetheless, the White House was irritated by the nature of the document. All

[271] John Conyers, Ranking Democrat, House Judiciary Committee, Opening Remarks, House Impeachment Hearings, 105th Congress, 2nd Sess.19th November 1998, Retrieved [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/conyersopen111998.htm]

questions were admittedly curt, beginning with the phrase 'do you admit or deny...'[272] in a more concerted attempt to force the President to respond with clear answers. Unfortunately a more determined House Judiciary met with an equally determined White House that was intent on protecting the President. To the dismay of Hyde, many of the answers repeated much of the information that was previously submitted to the Independent Counsel. The Republican majority on the Judiciary Committee and the President's opponents were becoming increasingly frustrated. The hopes that Clinton's answers would bring a new momentum to the impeachment process and bring the President closer to being removed from office were dashed.

On the 8th of December, the White House opened its impeachment defense by submitting a 184 page document in rebuttal to the charges of impeachment. In his opening statement, special counsel Greg Craig was apologetic over the President's conduct and admitted it wrongful behavior but that it was not worthy of overturning an election and removing him from office. Craig conceded that the President's testimony in the Jones case was 'evasive, incomplete, misleading and even maddening – but it was not perjury.'[273] The following day, White House Counsel Charles Ruff made a further request that the Judiciary Committee spare the 'horror'[274] of a long drawn out Senate Trial. However, Republican House Majority Leader Trent Lott estimated that a

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[272] Committee on the Judiciary, United States House of Representatives, Requests for Admission of William J, Clinton, Relating to the Inquiry of Impeachment, Authorized Pursuant to House Res. 581. 105th Con, 2nd Sess. (1998) Retrieved [http://icreport.access.gpo.gov/]

[273] Excerpts from Impeachment Proceedings Against President Clinton in the House Judiciary Committee in 'Impeachment Hearings: Open your Mind...and focus on the Record' *Atlanta Journal,* 9th December 1998, Pg 02c

[274] Charles Ruff quoted in Judy Keen, Wendy Koch 'Impeachment charges levied Debate opens today; Dems propose censure' *USA Today,* 10th December, 1998, Pg 1A

Senate trial would take between 'three days to three weeks'[275] to complete, far from the lengthy 'horror' the White House was predicting.

Democratic and Republican Chief Counsels finished their closing arguments on the 10th of December, beginning discussions on drafted articles of impeachment. Four articles were debated, each relating to different issues initially raised by Independent Counsel Starr. As an alternative to the severity of impeachment, Democrats Boucher (D-Va), Delahunt (D-Mass), Jackson Lee and Barrett (D-Wis) on the Judiciary Committee drafted a resolution of censure reprimanding the President for his behavior.[276]

Censure opposed to a Senate trial was ultimately more preferential for the White House and according to polling data, the American People. On the 11th of December, Clinton made a final appeal from the Rose Garden of the White House. He apologized again for all he had done wrong in deeds and words...misleading the country, Congress, my friends, and my family.'[277] Unfortunately the President's efforts had no effect on the members of the Judiciary Committee. A party line vote rejected the resolution of censure and on the same day as the President's address the committee approved three articles of impeachment relating to perjury and obstruction of justice to be sent to the full House for consideration. The following day, a fourth article, alleging abuse of power was approved. The White House and the defeated Democrats on the Committee resorted to their well practiced routine of alleging that the House Judiciary

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[275] Trent Lott quoted in Editorial by William Safire 'Impeach Away; We Will Survive; Ignore Clinton's Phony Scare Tactics And Send a Mess To The Senate' *Pittsburgh Post-Gazette,* 11th December, 1998, pg A-31.

[276]Court TV Online, 'Republicans present four impeachment articles as Democrats push for censure' 9th December, 1998. [http://www.courttv.com/archive/casefiles/clintoncrisis/120998_6pm_ctv.html]

[277] Statement by the President of the United States from the Rose Garden of the White House, 11th December 1998. from the Presidential Library Archive [http://www.clintonpresidentialcenter.org/legacy/121198-presidential-statement.htm]

Committee's Republicans were pandering to the right wing of their party that was fixated on removing the President from office. Certainly the President considered it a partisan issue. Clinton disagreed with Hyde's opinion that Congress did not have the authority to pass a motion of censure. Both Presidents Jackson and Polk before him had been censured by Congress but a partisan vote ensured that the House would be denied a vote on 'what most Americans wanted.'[278] Despite the President's clear feelings about the Republicans on the committee and the fact that over 60% of Americans did not want to see the President impeached[279], the majority decision cannot be dismissed as an entirely vindictive ploy. Strictly, the Constitution reserves that a motion of censure was to allow Congress to discipline its own members and was not applicable to the President. Earlier consultation by the House Judiciary Committee's Subcommittee backed Hyde with their decision that it was a simple choice of impeachment or nothing for Congress, they concluded that censure would have increased the danger of a precedent. While censure would carry no legal penalty it could leave the door open for Congress to more frequently attack or intimidate a sitting President in the future. Unfortunately, these valid arguments and debate was overshadowed by bickering and political one-upmanship. It seemed that each party had defined their positions and planned their strategies long before the onset of the impeachment process. Once impeachment was embroiled in the House Judiciary Committee then the existing animosity between the two parties was given yet another outlet and the influential medium of television to score political points against one another in front of the American people. When it came time to voting, members simply rallied behind their parties leading the Republican majority to victory each time.

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[278] Clinton, *My Life* p832

[279] See November, December 1998 Polling Data on President Clinton and Impeachment at [http://www.pollingreport.com/scandal2.htm]

As the full house prepared to vote on the articles of impeachment, on the 16th of December President Clinton ordered air strikes on Iraq for violating UN sanctions delaying the Impeachment debate. Predictably, the timing of the attacks caused divisions in Congress. Many Republicans, including the House Majority Leader, reacted angrily, Representative Tillie Fowler, Chairwoman of the House Republican Conference described Clinton as 'shameless in what he will do to maintain his Presidency...our military, our foreign policy, whatever it takes.'[280] Democrats, including both House and Senate Minority Leaders, remained resolute in their support for the military action and considered it another sign that the President was not allowing his own personal political problems affect his ability to carry on the 'defense of ...vital national interests.'[281]

On the 18th of December the impeachment debate opened. The decision to attack Iraq had only widened the void between both parties. Most of those identified as moderate Republicans along with some conservative Democrats had already declared that they would vote against the President and support at least one article of impeachment. With only a one article of impeachment needing be approved by a simple majority to begin a Senate trial meant that the actual vote was something of a formality. Nonetheless, the House did not pass up one last opportunity for a partisan debate. Rep. James Rogan (R-Calif) was typical of the arguments from Republicans by stating that President Clinton 'repeatedly perjured himself and obstructed justice. Not for any noble purpose but to crush a humble, lone woman's right to be afforded access by the courts. Now his

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[280] Tillie Fowler quoted in 'Aaron Zitner, Louise Palmer 'Angrily, GOP gives a reprieve; The impeachment case / Delay in the House' *Boston Globe,* 17th December 1998, pg A1

[281] Joint Statement from House Minority Leader Rep Richard Gephardt and Senate Minority leader Tom Daschle quoted in Zitner, Palmer 'Angrily, GOP gives a reprieve; The impeachment case / Delay in the House' *Boston Globe,* 17th December 1998, pg A1

defenders plead for no constitutional accountability.'[282] Republican taunts at Democrats were met with an equally venomous retorts, Rep. Jose E. Serrano (D-NY) was a consistent example:

> 'The Republican right wing ...doesn't like it when we say coup d'etat. So I'll make it easier for them. Golpe de estado. That's Spanish for overthrowing a government.[283]

The partisan attacks were given added edge by the announcement of Speaker-Designate Bob Livingston that he would retire from the House. The resignation was spurred by public knowledge that there was an impending article due for publication in Larry Flynt's *Hustler magazine* that included allegations against Livingston of marital infidelity. While the news was initially embarrassing to the GOP, given the nature of debate, the fact that Livingston resigned meant that that Republicans could then draw attention to his honourable actions and call for Clinton to follow suit. Their calls would have no impact on Clinton's decision to fight on and only served in inflaming already heated exchanges between parties.

When the debate over the articles of impeachment closed, the Democrats made a final attempt to introduce a censure resolution as an amendment, in order to force a vote. As before, the proposed amendment was considered irrelevant and was defeated 230-204 votes, ensuring that the focus was now solely on the articles of impeachment. Of the four articles of impeachment, the House voted in favour of Articles I and III:

> **'Article I, Grand Jury Perjury: The President provided perjurious, false and misleading testimony to the Grand Jury regarding the Paula Jones case and**

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[282] James E. Rogan, 'Excerpts from the Impeachment Debate' 18th December, 1998 posted on the *Washington Post* website [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/debatetext121998.htm]

[283] James E. Rogan, 'Excerpts from the Impeachment Debate' 18th December, 1998

his relationship with Monica Lewinsky. Yea 228: 223 GOP, 5 Dem. Nay 206: 200 Dem, 5 GOP, 1 Ind

Article II, Paula Jones Deposition Perjury: The President provided perjurious, false and misleading testimony in the Jones case in his answers to written questions and in his deposition. Yea 205, Nay 229.

Article III, Obstruction of Justice: The President obstructed justice in an effort to delay, impede, cover up and conceal the existence of evidence related to the Jones Case. Yea 221: 216 GOP, 5 Dem. Nay 212: 199 Dem, 12 GOP, 1 Ind.

Article IV, Abusing His Office by Lying to and Obstructing Congress: The president misused and abused his office by making perjurious, false and misleading statements to Congress. Yea 148, Nay 285.'[284]

In the two approved articles, the roll call of votes shows little flexibility in either party with only ten representatives straying from their party in the first article and 17 in the third.

As Clinton was only the second President after Andrew Johnson to be impeached, understandably, the story dominated every news cycle and required a response to the decision by the House of Representatives. Gathering with Democrats on the South Lawn at the White House, Clinton's rhetoric was defiant.:

'We must stop the politics of personal destruction. We must get rid of the poisonous venom of excessive partisanship...That is not what America is about...I

[284] House Res. 611, 105th Congress, 2nd Session, December 15th (1998) Impeaching William Jefferson Clinton, President of the United States for High Crimes and Misdemeanors. Retrieved [http://icreport.access.gpo.gov/]

> ask the American people to move with me to go on from here, ...to be a repairer of the breach--all of us--to make this country, as one America, what it can and must be . for our children in the new century about to dawn.'[285]

The actual words within Clinton's statement were only a part of the White House's staged rebuttal. Mostly, the President's remarks were familiar and had been heard in various guises many times. Clearly, the intended message was a visual one. The President smiled as he left the Oval Office, arm in arm with Hillary Clinton to deliver his speech. The First Lady's decision to again stand by her husband, after personally suffering because of the affair, was a significant advantage. The President stood before a loyal guard of Democrats and was bolstered by speeches of support from both Vice President Gore and House Minority Leader Dick Gephardt, whom Clinton embraced after his remarks. The President's physical gestures with his wife and then Gephardt, performed in front of TV cameras, were the White House's attempt to show the media and public that although he was impeached, his support remained in tact. Gore and then Clinton could then re-emphasise the message that despite, in their view, the unnecessary decision by the House, they remained strong and would not be resigning.

Impeachment moved to a Senate trial, a forum where the White House was hoping for a more favorable outcome. It was widely considered that attaining the two thirds majority required to remove the President was relatively unlikely. The 55 Republicans would have to be joined by 12 Democrats to convict the President. A major desertion of Democrats was remote, yet, the unpredictable series of events that led to impeachment, led both parties to be apprehensive.

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[285] President Clinton, Remarks Following the House of Representatives vote on impeachment. *Weekly Compilation of Presidential Documents* From the 1998 Presidential, GPO Access [frwais.access.gpo.gov] [DOCID:pd28de98_txt-7]

The Senate Trial was set to begin on the 7th of January. However, before trial began a number of obstacles remained. Debate raged about the length of the trial. If a tight schedule was not agreed then the hearings, like much of the scandal, could drag to the advantage of the White House. Yet, there was pressure on the Senate to not damage relations with the House by immediately dismissing the charges and to hold a fair trial, one that did not descend into a partisan media spectacle potentially causing harm to all branches of the federal government.

With only two approved articles going to trial, the President's lawyers began to deconstruct every word and charge against Clinton, accusing him of obstructing justice and perjury. The trial would not start till the 7th of January but the White House's unrelenting strategy continued. Gregory Craig, Special Counsel to the President, pre-empted the trial and stated that the two articles against the President were 'legally defective, constitutionally deficient and factually without foundation...to consider removing the President on this basis would be the single most destructive act of partisanship in American history'[286] The White House were attempting to capitalize on their strong polling numbers to pressurize more vulnerable Senators to react to public opinion. Moreover, partisan debate was clearly in favour of the President allowing him to maintain his consistent 'business as usual' message and remain detached from proceedings.

Arguments developed between the House Managers, who would be presenting the case and the Senate. The House Managers strategy was to mount a full scale trial that would include public testimony from many witnesses, including Lewinsky. However, Senate majority leader Trent Lott (R-Miss) favoured a shortened trial of around two weeks. Such a tight schedule would restrict the number of witnesses that could be

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[286] Jill Abramson, 'President's Lawyers Preparing New Attack on Articles of Impeachment' *New York Times*, 5th January, 1999, Section A, pg 14

called. With Lott offering to draw a swift conclusion to the Senate trial, he began to build a bipartisan consensus with minority leader Tom Daschle and Senate Democrats. Lott may have wanted a short trial to shift focus to the upcoming 2000 election but regardless of his strategy, both House Managers and the right wing of the GOP warned that they would oppose any attempt to halt the trial before a full presentation had been made and witnesses had been called.

Presiding officer, Supreme Court Justice William Rehnquist, along with 100 Senators were sworn in as the impeachment trial opened on the 7th of January 1999. Henry Hyde led the 13 House managers in reading the impeachment charges against the President. The following day Senators approved a bipartisan plan for the trial of the President. However, the problematic issue over calling witnesses remained unsolved and was deferred until after the opening arguments. On the 11th January the House managers filed their summarized case and evidence against President Clinton. The White House delivered its 13 page response to the Senate impeachment trial summons, reiterating their challenge that the charges against Clinton did not constitute high crimes and misdemeanors. The White House response to the trial summons was then followed by an extended 130 page document, delivered on the 13th of January, outlining their defense of the President to the Senate. On the 14th of January the trial House managers opened the case, charging that Clinton had betrayed the office of the Presidency and had broken the law to cover up his affair with Monica Lewinsky. However, with little new evidence the task of making a case against the President was considerable. Not only did the House Managers have to capture the attention of the Senators but they will have also have been aware that a large majority of the public were not in favour of a Senate Trial. They would need a considerable shift of opinion for them to convict Clinton. Unfortunately, press reports of the opening arguments

emphasized a 'Ground Hog Day, repetition of familiar phrases and arguments.'[287] The *Wall Street Journal,* focused on Clinton, demanding that he should be called as a witness so that the Senate and the American people could 'determine for themselves whether they believe him when he says he never committed either perjury nor obstruction of justice.'[288]

In the previous months impeachment had been used as a vehicle for both sides of the political spectrum to focus their bitter rivalries. Yet, during the Senate trial, the influence of the liberal adult entertainment tycoon Larry Flynt provided a new moral and political low. Flynt had objected to the impeachment charges based on a sexual affair and responded by offering a reward of up to a million dollars for information on illicit sexual affairs involving congressmen. After *Hustler's* role in the resignation of Speaker Designate Livingston, Flynt was clearly trying to pressurize Senators involved in past or present sexual affairs, to understand that attacking the President may increase risk of being 'outed' themselves. Conservatives, including the right wing press reacted furiously. The Landmark Legal Foundation immediately urged the Justice Department to investigate *Hustler Magazine* and Larry Flynt for attempting to impede a congressional enquiry by intimidating Senators.[289] Pornography king, liberal Larry Flynt against the conservative LLF is a perfect demonstration of the polarizing effect of impeachment and scandal. For Flynt and Clinton the tactics were low risk, the more appalled the public were with the process the more damage it would cause to Republicans hoping to gain support for removing the President from office.

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[287] Ruth Marcus, 'Making Case Fresh is Huge Hurdle' *Washington Post,* 15th January, 1999, [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/legal011599.htm]

[288] Editorial Feature by Daniel E. Troy, 'Yes, Call Witnesses. Start with Clinton' *WSJ,* January 14th, 1999. A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Bartley. Vol.V p310

[289] Reported in Greg Pierce, 'Investigate Flynt' *Washington Times,* January 15th, 1999. Page A5

On the 19th of January, Clinton's lawyers began his defence, centered on the claim that the President's actions did not warrant impeachment. On the same day Clinton gave his State of the Union address. Some Senate Republicans requested that the speech be delayed but consistent with the President's message, it was another opportunity to show that, in Clinton's words, the country's business 'was not put on the back burner.'[290]

In the trial, the White House lawyers rebutted all allegations from House Managers, disputing their facts and contesting Clinton's recollections with others involved in the scandal. Having been placed under little pressure by any new significant evidence, White House Counsel Ruff asserted that all the charges against the President should be dropped. After Republican Senators and House managers clashed with the White House defense team over interpretation of evidence, Democrat Robert Byrd from West Virginia announced that he would offer a motion to dismiss the case.

With the trial at an effective stalemate, the House Managers' options were dwindling. As a last hope for damaging information, House Managers and conservative Republicans were eager to bring individuals before the Senate to answer questions but it was a high risk strategy. Calling witnesses would lengthen the trial and risk further infuriating the public as any repetition would be a clear waste of time. By January, after months of scandal politics, Clinton had an experienced team of lawyers who were well practiced in their strategy of keeping debate centered on sex and morality, attacking Starr and taking every opportunity to highlight partisanship. Therefore, they were confident that if Clinton and other key witnesses were called again they would easily cope with more questioning.

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[290] Clinton, *My Life* p842

On the 27th of January, The Senate voted in 56-44 allowing videotaped testimony from three witnesses – Ms Lewinsky, White House aide Sidney Blumenthal and Vernon Jordan. The Senate also rejected the motion to dismiss the trial by the same margin. Voting was once again along party lines with only one Democrat joining the Republicans. Although the motion to dismiss was rejected by the Senate the result was a considerable boost to the White House. Registering 44 votes to dismiss the trial outright was virtual confirmation that the Senate would not reach the required two-thirds majority to convict the President and remove him from office. The fact that the trial continued despite 44 Senators voting to dismiss gave further ammunition to the White House claims that the Republicans were purely intending to make the President suffer.

Videotaped depositions of the three witnesses proved repetitive and unsuccessful. A last attempt to force Lewinsky to appear in person on the floor of the Senate was made but it was soundly rejected 70 votes to 30. The defeat meant that there would be no final media drama for the press and the American people. The result was more of an indication that the Senators wanted to consider the evidence that was presented and draw the trial to an end. Closing arguments were made by House Managers and White House lawyers on the 8th of February.

Senators began to debate the trial behind closed doors in what was effectively a foregone conclusion. Three moderate Republican Senators, John H. Chafee (R.I), James M. Jeffords (Ver.), and Arlen Specter (Penn.) added to the air of inevitability by announcing that they would not be voting in favour of the articles of impeachment. On February 12th the Senate formerly acquitted President Clinton. With 67 guilty votes to convict, the vote on the first article, perjury, was 55 guilty – 45 not guilty; the vote on

the second article, obstruction, was 50 guilty, 50 not guilty. The Lewinsky trial had ended with neither a conviction nor censure of the President.

Clinton responded to the Senate's decision by giving a final apology for what he had done to 'trigger the events and the great burden that they had imposed on the American people'[291]. He pledged to dedicate himself to a 'time of reconciliation and renewal for America.'[292]

Final confirmation of President Clinton's acquittal was front page news worldwide but the fact that the result had effectively been guaranteed there was a sense of relief at the opportunity to make sense of the roller coaster scandal. Debate turned to measure the scale of cost to political institutions, the White House and the American People.

The *New York Daily News* gave a numerical assessment in the fallout of the scandal:

> 'Days since the Monica Lewinsky story broke: 386
>
> Cost of Lewinsky investigation to Independent Counsel Kenneth Starr's office: $4.4 million
>
> Cost of all Clinton investigations to Starr's office: $ 40 million
>
> Legal fees amassed by Lewinsky: more than $ 2 million'[293]

The *Daily News* was implying that, after months, millions of dollars and pages of documents, the investigation had only wasted taxpayer's money, disrupted the business of governing and absorbed, at times, all branches of the federal government. Questions that were once entirely focused on trying to discover every minor aspect of the President's relationship with Lewinsky and whether Clinton committed perjury or obstruction of

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[291] Clinton, *My Life* p845
[292] Clinton , *My Life* p845
[293] New York Daily News Staff Writers, 'Clinton Impeachment: Saga by Numbers' *New York Daily News,* 13th February 1999, pg 19.

justice turned to finding those responsible for dragging the scandal on for so long. Washington lawyers, Paula Jones and her financial backing, Hillary Clinton, Congress, media and the internet were some of the more immediate targets that received blame for perpetuating the scandal. [294]

The *Washington Post* was one of many outlets that ran quotes from indignant citizens that were exasperated with scandal who demanded that their representatives now focus on governing rather than sex.[295]

Conservative sections of the press reported the bitter disappointment of the House managers at the outcome of the trial and that Clinton was now planning a partisan attack against House Republicans that were responsible for his impeachment. An article in the *Wall Street Journal* praised the GOP's principled stand against the President rather than any partisan motive.[296]

After trial, the danger to Clinton was minimal, he would remain in office but the White House would continue to deal with a steady stream of press attention and minor stories in the aftermath of scandal in the coming months. In April 1999, Judge Susan Webber Wright found Clinton in Contempt of Court for providing intentionally false statements under oath and for failing to testify truthfully in the Paula Jones sexual harassment case. In July, Wright ordered Clinton to pay $90,686 to Paula Jones and her attorneys for lying under oath. After the experiences with the Starr investigation, the Independent Counsel Law expired and was not renewed. Starr stepped aside later that year to be replaced by federal prosecutor, Robert Ray. Running alongside Lewinsky were the glowing embers of

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[294] See Ken Ringle, 'The Scandal: Making Sins of it all.' *Washington Post,* 13th February, 1999 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/blame021399.htm]

[295] One example, William Booth ,'From a Distance: Time for the 'People's Business' at Last' *Washington Post,* 13th February, 1999 [http://www.washingtonpost.com/wp-srv/politics/special/clinton/stories/distance021399.htm]

[296] See Ralph Reed, Editorial Feature, 'The GOP Stood on Principle and Lost. Now What?' *WSJ,* 17th February, 1999, A Journal Briefing From The Editorial Pages of *The Wall Street Journal*, Edited by Robert L. Bartley. Vol.V p420

the Whitewater scandal which required some attention from the White House but the there was no threat to the administration and it was considered little more than housekeeping. The scandal eventually came to a close on January 19th 2001 in a deal between Independent Counsel Ray and Clinton. The President admitted that he had made false statements in the Lewinsky case and surrendered his law license for five years. In return, Ray declined to prosecute Clinton for perjury and obstruction of justice. The agreement ended both the Monica Lewinsky case and the investigation of the Whitewater land deal in one fell swoop.

Conclusion

A series of unlikely events led to the discovery of Monica Lewinsky and consequent impeachment of President Clinton. Out of the bitter partisan atmosphere that surrounded Reagan and Iran Contra, Robert Bork and Clarence Thomas, a number of Republicans and conservatives were determined to create a similar unpleasant experience for a Democratic President.

In the 1992 campaign, Gennifer Flowers seemingly confirmed the Arkansas rumours of Governor Clinton's infidelity. Her allegations revealed a possible Achilles heel for opponents to attack Clinton.

However, Gennifer Flowers may have been both a hindrance and, in the long-run, a help for Bill Clinton. By adapting to the allegations and admitting wrongdoing in his marriage, Clinton was offering a clear choice to the American people. While the risk of more women being discovered with sexual allegations in the future would increase, the public would be arguably less concerned because of his admission of past mistakes. In 1992, by electing Clinton, the public were well aware that they would be selecting a President with

a flawed marital past. Further allegations would only confirm what they already suspected.

Clinton's strategy of handling allegations of marital infidelity only further infuriated his opponents. Adapting to Gennifer Flowers formed part of what was to become, for many, a consistent White House strategy, branded as the 'non-denial – denial.' The administration would in many instances, often in response to difficult allegations, offer vague or ambiguous answers to side step searching questions. This pattern of behaviour only galvanized opponents to try and 'pin' or 'get' Clinton. This is no more apparent than in the actions of Cliff Jackson, Peter W. Smith and David Brock over the initial allegations from the Arkansas State Troopers, giving them the ideal story to focus their animosity.

David Brock and the *American Spectator's* error in naming a woman named Paula presented a considerable opportunity to conservatives to exploit but it would have major repercussions for the White House. For Paula Jones, it is unknown whether she was genuinely upset at her identity being revealed but once her name was in the public domain she seemed to be very willing to pursue a case against the President. She would have been almost certainly aware of the attention a case of that nature would create. Jones's decision to sue the President was, it seems, also impacted by Richard Mellon Scaife and the Landmark Legal Foundation. Without substantial financial backing it is difficult to see how Paula Jones would have funded her lawsuit. In addition, as many lawyers and sections of the media suggested, why Jones did not sue the *Spectator* for revealing her name instead of Clinton is questionable. Mellon Scaife's interest in both the *Spectator* and the LLF is a compelling argument to explain the direction of the case toward the White House. The fact that Jones's lawyers, with LLF backing, narrowly missed the deadline for filing her case builds an argument to suggest the case was

politically motivated. Jones's major motive may have been financial reward; therefore, where the case was directed or its possible impact may have been of little consequence.

Once a case was filed, then its course was determined by the processes and lawyers within the legal system. Understandably, Clinton hoped for dismissal but, at a minimum, he wanted the case to be delayed as long as possible even till after he left office. Whether Jones objected to any delay is unclear but her legal team was intent on forcing Clinton to face trial. Both the LLF, joined by the Rutherford Institute, wanted to damage Clinton. A trial after he left office would have served very little purpose. For them, Paula Jones served as part of a wider conservative and Republican strategy of returning the United States to the morality and values of the 1950s.

The decision of the Supreme Court, allowing the court to proceed was crucial. The 7-0 unanimous verdict surprised the White House who perhaps thought it was politically influenced but their decision cannot be dismissed as such. Despite the fact that will always be differing opinions on the decisions of the Supreme Court, there was no distinguishable indication of partisanship on their decision to let Clinton's trial proceed.

In the process of collecting evidence and statements for trial, another seemingly unlikely confluence of events led to Monica Lewinsky. The search for more women involved with Clinton led to Kathleen Willey and to Linda Tripp. It is difficult to judge Tripp's clear motive for taping the conversations with Lewinsky. Tripp disliked Clinton but she also knew that it was likely that both the President and Lewinsky would deny their relationship leaving Tripp in a dilemma. If she admitted Clinton's affair and then he and Lewinsky offered denials then Tripp would risk being charged with perjury herself. Therefore, deciding to tape her friendly conversations with Lewinsky could have been a calculated attempt to collect evidence against Clinton or as insurance after her experience with Kathleen Willey to protect herself. Outright partisanship is not clear but Tripp's

previous contact with Goldberg about writing a book about her experiences at the White House indicates that her main instincts were originally to attack the President.

Charges of partisanship leveled at Kenneth Starr are easier to support. Whitewater had given mixed blessings for Starr. While he secured convictions for many of Clinton's former associates, the major prize of indicting the Clintons remained elusive. The discovery of Monica Lewinsky presented an opportunity to complete unfinished business with the President. Many would agree that, in choosing to expand his investigation to a sexual affair, Starr was only merely interested in finding the truth and that no matter who you are, it is illegal to lie under oath. However, such is the wide remit and flexibility of the OIC that the Independent Counsel has to, at some stage, decide what his parameters should be. Starr replaced Fiske to investigate Whitewater; once that particular investigation had been effectively completed; moving the searchlight to marital infidelity is more questionable. However, most controversial is the fact that Starr knew about the sexual affair, from interviewing Lewinsky, prior to questioning Clinton. With the knowledge that the President would almost certainly deny his affair with the intern, Starr posed questions to Clinton to which he already knew the answers, trapping the President into lying and beginning the path to impeachment.

Clinton's strategy, while reckless, was to hope that his affair would not be proven beyond reasonable doubt. He did not expect, even when Lewinsky had appeared on the witness list, that Tripp had recorded her conversations or that Lewinsky had retained the blue dress. Many would agree that it was unlucky series of events that proved the relationship. However, Clinton is a skillful political operator and he was as aware as anyone of his considerable list of enemies where even the unlikely can occur. Clinton may have decided that, if he had admitted to the affair, then more women may have then come forward with

more allegations. Alternatively, Clinton may have simply been in denial about his extra marital affair.

Most probably, Clinton calculated that, even though he was guilty, the furor of interest would gradually fade if he could overcome the initial interest and exposure in the first few weeks. Unaware of the tapes and the blue dress he assumed that without the discovery of solid evidence the public would become tired of stories if they were met with denials from himself and Lewinsky.

To a point, Clinton correctly predicted that the public would become apathetic to continual scandal coverage. Yet, he may have not expected that the apathy was directed at the *endless* stories of scandal and partisanship in the months after the scandal was revealed. Once Starr reported to congress with impeachment charges and partisan fighting infiltrated the process, the White House's strategy was clear. They were intent on maintaining the focus on Clinton's affair and that he had caused emotional pain to his family, not on how he would approach charges of perjury and obstruction of justice. Clinton, portrayed as a fallible human being who made a mistake, made his opponents seem as though they were trying to impeach the President for having a sexual affair; charges of perjury and obstruction of justice therefore became increasingly lost in the public's subconscious. The White House also capitalized on favourable political conditions. The buoyant economy and low unemployment kept the President's approval ratings high through the entirety of the scandal.

To the dismay of the Republicans, who were emphasising morality and the search for the truth, the public's perception was that the administration should be left to ensure the favourable conditions that they were experiencing. Of course, if the United States had been experiencing recession, high crime and moral decay during the scandal, then Clinton's philandering may have been seen more negatively and the perception would

have grown that he was too busy involved with women to look at the country's problems. Luckily for the President, his political skill was never in question and, crucially, when the impeachment process reached Congress, the positive state of the nation meant that Democrats could support him, standing up to the Republicans in the knowledge that they themselves were not in danger of being dragged into a debate on the state of the country. Once he knew he had the support of the majority of Democrats, Clinton could climb above the partisanship and appear to the public to be trying to focus on governing. The country wanted the President to continue his good work rather than be persecuted for a private mistake by the OIC and Republicans. Aware of the mood of the country, the White House never deviated from highlighting any instances of partisanship and was backed by almost all House and Senate Democrats who stood firm and aided the strategy in Congress and in the press. Although Clinton may have been naïve to believe that no solid proof would be found of his relationship with Lewinsky, he and the White House subsequently showed their experience in handling the investigation and tirade of interest at the height of the scandal. Well orchestrated public statements, such as Clinton's statement from the Rose Garden following the House's vote to impeach, made it increasingly difficult for Republicans to shift the spotlight to the legal arguments. In a sense the constant interest in every detail of the affair from the media, the *Starr Report,* and White House rebuttals meant that, for the public, the Lewinsky affair was ultimately about sex.

By the time Congress became involved, there was no reason for the White House to change tack. With support from Democrats, they knew that in removing the President from office by a two thirds majority, there would have to be a considerable bi-partisan agreement in the Senate. Yet, the White House was certainly still under threat. The seemingly unlikely set of events that led to impeachment meant that they remained vigilant and focussed on handling the scandal. In this sense, it was even more in the

White House's interest to highlight any indication of partisanship. Not only would it reinforce public opinion, but it would also act as a rallying call to Democrats on the hill to stand with the President against Republicans who wanted to return America to the past.

This message ultimately resonated with voters in the mid-term election. House gains for the Democrats were another blow to any Republican hopes that they could remove the President. As the Senate trial approached it was increasingly recognised that the President would survive and conservative majority leader of the Senate Trent Lott clearly wanted the trial to end so that the Republicans could shift focus. From then on, the trial descended into what was little more than a formality and, predictably, the Republicans were 12 votes short of convicting the President.

In similar form to Whitewater, the Lewinsky scandal was engulfed in partisanship from beginning to end. The only significant conclusion may be that the Constitution appeared to work. Partisanship meant that Clinton was impeached, yet the Founding Fathers, by placing a two thirds majority to remove the President, were seemingly wary of party division and ensured that there had to be widespread agreement to convict a President. Undoubtedly aware of this, the White House knew that convicting a President over a sexual misdemeanour would be far more difficult than for charges of perjury and obstruction of justice. Therefore, they formed and executed a multi faceted strategy. By using all political, legal and media channels at their disposal, they simultaneously retained the focus on the issue of sex, highlighted any instance of partisanship while drawing attention to the political accomplishments of the White House. After months of political struggle, the administration succeeded in winning the battle for public and political opinion which, in the end, saved the President.

Conclusion

Any examination of President Clinton's years in office will involve recognition of the importance of political scandal. As a testament to the impact of scandal, confirming Williams's statement that scandal is more than the 'froth on the political cappuccino,'[297] is the newly opened Clinton Presidential Library that has dedicated a section to both Whitewater and Monica Lewinsky. Irrespective of any partisan slant that may be found within the Library's displays, the sheer recognition of the impact of political scandal, in a museum which is undoubtedly focussed on Clinton's governing achievements, is significant.

In this study, Whitewater and Monica Lewinsky have been divided into two more manageable parallel timelines in separate chapters. Yet, both scandals are undeniably connected. The changing and rolling elements that comprised Whitewater, eventually wound up with a shift in focus to Monica Lewinsky and her sexual relationship with the President. Both these mutating controversies, particularly more latterly with Lewinsky, are the embodiment of modern scandals. As both scandals developed, the White House felt the full force of a new media penetration. Dedicated news channels, talk shows and websites aired and posted stories with comment and debate twenty-four hours a day that would be reported worldwide instantaneously. In the case of Monica Lewinsky, for the first time, a major scandal first appeared on an internet site.

Undoubtedly, the media has influenced political scandal. Instant global communications have created the equivalent of pure oxygen around the spark of political scandal that quickly becomes a firestorm that is impossible for those involved to control. However,

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[297] Williams, *Political Scandals in the USA,* p131

one has to be careful not to overemphasise the media's importance. The media's often dramatic ability to fan the flames of scandal can mean that scholars turn to placing the media as a central element in creating more political scandals. As we have seen, Thompson describes 20th century advancements in media that have facilitated and increased the likelihood of a 'mediated scandal'[298]. These occur from politicians exploiting the media to mould their own personal image, but in doing so, they open the door to greater media scrutiny and the possibility that previously hidden information may become public. In Thompson's words, there is a greater chance for there to be leakage from a politician's private 'back regions' to their public 'front regions', giving rise to scandal.

Both Whitewater and Monica Lewinsky received unprecedented exposure through the media. Yet, describing both Whitewater and the Lewinsky affair as a 'true media scandal'[299] flatters the impact of the media on the direction of both scandals.

Similarly, Thompson, by remaining committed to an analysis of transgression followed by public disclosure and then censure, within the competitive structure of the political field, neglects the possibility, as Welch and Williams suggest, for the so called *facts* of a scandal to be politically contested alongside the more acknowledged debate over norms and values. For Thompson, it is the struggles over 'symbolic power', effectively a battle over trust and reputation, between individuals within the institutions of the state which make a scandal political and decide its direction. I argue, like Welch and Williams, that this analysis is too restrictive and locational which arbitrarily excludes many scandal dynamics.

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[298] Thompson, *Political Scandal* p31
[299] Thompson, *Political Scandal* p157

In the introduction we set out questions that would be applied to detailed case studies of Whitewater and Monica Lewinsky to test the usefulness of Thompson's theory. Examining the unpredictable and complex Whitewater and Monica Lewinsky scandals has provided a suitable foundation to offer considered answers to these questions. The combination of a closer examination of detail, real time reports and the hindsight offered by scholars and the individuals involved has allowed greater acknowledgment of the political context which surrounded both scandals. The political context, in my view, is a crucial element that highlights the shortcomings within Thompson's analysis. While the case studies have already indirectly inferred these inadequacies, it is important that we refer back to both Whitewater and Monica Lewinsky so we can now apply the findings of the case studies to the theory.

Whitewater began with an investigative report by Jeff Gerth in the *New York Times*. Thompson may consider this to be an example of the beginnings of a 'mediated scandal' but exploring the political context provides a different conclusion that may be more appropriate. Gerth felt that the *Times* had not devoted enough exposure to the Savings and Loan fiasco and therefore wanted to investigate the financial dealing of the Clintons, especially in the small state of Arkansas. Rather than the *Times* seemingly discovering the Clintons' dealing with James McDougal and Madison Savings and Loan, Gerth's prime motive was located in his previous work on S&Ls and the involvement of Jeb Bush in one particular collapse. Therefore, I argue that the beginnings of Whitewater were not a clear example of a 'mediated scandal'. There is nothing to suggest that the developments in media facilitated the discovery of Clinton's dealings with McDougal which otherwise would have remained hidden.

Gerth's article also provides an example of Clinton's capacity to adapt to scandalous allegations. The Clintons employed Colorado lawyer James Lyons to research their financial dealings and produce a report on the Whitewater land deal. Lyons found that the Clintons lost money on the Whitewater deal effectively killing the story because the press lost interest in pursuing an allegation that failed to deliver any indication of illicit profit for the Clintons. Rather than continue to doggedly investigate, the press accepted what was written in the Lyons Report. Gerth highlighted the possibility of financial impropriety between Clinton and James McDougal but the Lyons report was an adequate response to make the allegations seem hollow because of the money the Clintons lost in the deal. Rather than a moral debate centred on whether Clinton should have been involved closely with a friend who owned a State regulated Saving and Loan, the allegations were adjusted to emphasise lack of profit.

Thompson does not state the exact parameters of his political field except that it is the 'field of action and interaction which is shaped by the institutions of the state'[300]. According to this definition, James Lyons was an individual outside of the political field who, through his report, reduced the intensity of the scandal and altered its course. In contrast to Thompson, Lyons could be considered an outsider interacting within the political field. Clinton, by employing a lawyer and detaching it from his campaign, gave the report more independent credibility making it more readily accepted.

A more pertinent question to test Thompson's theory is why the press did not continue to investigate the issue of financial impropriety during the election campaign. Both Bush and Clinton were connected to the S&L fiasco and held back from using it to attack each

[300] Thompson, *Political Scandal* p97

other, yet, the press appeared to follow the lead of the politicians by not exploring the story.

The role of the Resolution Trust Corporation and employee Jean L. Lewis also had a bearing on the scandal. Her inquiries led her to the centre of a partisan battle. She was a politically motivated scandal-monger to Democrats, but to Republicans she was a heroine who, despite obstacles from the FBI and U.S. Attorneys, continued the search for the truth. Again, I would argue that Jean L. Lewis was an individual who had significant influence on the development of scandal and whose evidence and character was debated and disputed. Lewis was also not a media discovery. She was an individual working in an independent organisation whose job it was to investigate the S&L crash which was reported as details gradually began to leak about the Whitewater scandal.

Jean L. Lewis became part of a renewed media and political interest following the death of Vincent Foster. While Thompson would suggest that the media came close to 'inventing Whitewater'[301] with constant reporting, debate and gossip, I would argue that the media, rather the creating scandal, in this case only inflamed it. The death of Vincent Foster and then David Hale's statements gave an opportunity for conservative sections of the press to fuel conspiracy theories surrounding Foster's death and to attack the President. However, the White House provided the initial sparks through Filegate and Travelgate and then by removing files from Foster's office. The media then created a firestorm of interest. Yet, without the death of Vincent Foster, the Whitewater scandal may not have reoccurred after the initial rebuttals from the White House following Gerth's original article. The press were an important secondary element that developed the impact and seriousness of the scandal. Clearly, Foster's suicide demonstrates the

[301] Thompson, *Political Scandal* p194

unpredictable twists of political scandal. Once the press discovered that the White House removed files from his office, they rediscovered their interest in the Clintons, the McDougals and Madison S&L, even questioning whether Foster had actually committed suicide. Clinton's staff were in a battle that pitted their reasons for moving files from Foster's office against the allegations from opponents and the media's own interpretations which, in some cases, included inflammatory conclusions.

The appointment of a Special Prosecutor (later Independent Counsel) is of critical importance to scandal, Clinton himself described his decision to allow the appointment as the 'worst Presidential decision I ever made.'[302] Fiske's appointment temporarily satisfied Republicans but his own investigation was allegedly cut off by the Republican enemies that he had made under Reagan's Administration.

The midterm election results again changed the direction of the scandal as Republicans appointed the aggressive conservative Kenneth Starr. In addition, they could renew the process of Congressional investigation with their own party holding the majority.

The report commissioned by the RTC on Whitewater by law firm, Pillsbury, Madison and Sutro effectively cleared the Clintons as passive investors, yet, it was not well reported in the media and did not alter the course of the scandal. There are a number of plausible reasons for this reaction. Once again, the contents of the report were up against political contestation from members of Congress who leaked their reactions to the press. Democrats read the report and claimed that, because it stated the President and First Lady were passive investors, it vindicated their account and cleared them of wrongdoing. Republicans were sceptical because the report did not include direct interviews with

[302] Clinton, *My Life,* p574

either of the Clintons. This was against a wider picture of Kenneth Starr continuing his investigation. He had indicted both James and Susan McDougal and Jim Guy Tucker for bank fraud and would be likely to call Mrs Clinton in front of a Grand Jury. Furthermore, the Republicans were enjoying their dominance on the hill and were moving toward new investigations of their own, neutralising any minor effect of 'closure' the report would bring to the scandal. The political context again demonstrates that it was not a set of norms and values or the reputation of Bill and Hillary Clinton being debated but the actual contents of the report. It was produced by lawyers outside of the political field but discussed and debated *by* politicians. The media gave the report little exposure because they remained selective. The OIC remained suspicious which was more newsworthy, particularly for conservative newspapers, which pushed aside the law firm's findings. With Kenneth Starr yet to report and Congressional investigations approaching, it was understandable that the media perpetuated scandal knowing there was potential for further scandal revelations appearing in the future.

Partisanship in Congress reached a focal point with Senator D'Amato's Congressional investigation. Although both sides heard the same evidence, the difference between the Majority and Minority interpretation of the facts could not be starker. Such was the disagreement that the impact of the committee was almost totally neutralised. Democrats and Republicans, with their behaviour, contributed to the continuous stories of partisanship and conspiracy in the media. Republicans were clearly suspicious that the Clintons had committed some prior misdemeanours and demonstrated their sentiments in their congressional report. The Minority felt that the new Republican Majority was orchestrating an election season witch-hunt and it was their duty to protect their President. The media was simply left to echo the political split. Conservative publications such as the *Wall Street Journal, Washington Times and Pittsburgh Tribune-Review* had little

reason to stop supporting and reinforcing Republican suspicion. More neutral or liberal leaning publications such as the *Washington Post* and *Atlanta Journal and Constitution* merely reported political bickering to the dismay of an increasingly scandal weary public.

Starr's investigation only served in perpetuating the Whitewater scandal and he reflected many of the Republicans sentiments in Congress with the style of his investigation. The remit of the OIC inevitably meant that Whitewater and associated scandals were heavily scrutinized. Kenneth Starr ensured that he conducted as thorough examination as was possible of the Clintons, preventing any possibility of a swift conclusion. In this sense, Garment's 'scandal machine'[303] adequately describes Starr's investigation as it could not be stopped by the White House. Until he reported, the press could still feed off any leaks or statements from the OIC.

During an investigation by the Independent Counsel, the White House finds itself under pressure to meet demands to provide any number of documents that are requested. Whitewater proved that there can be court battles over the release of the documents themselves and there were also instances where the Clintons and the White House appeared to be unresponsive to Starr. The sudden discovery, after two years, of a memo relating to the 'Travelgate' affair and the discovery of Hillary Clinton's Rose Law Firm billing records, both subpoenaed by Starr, heightened suspicion. It is irrelevant whether the White House's lax record keeping was accidental. In an environment that is already beleaguered with partisanship, the Clintons were inevitably going to be judged negatively by Starr, Republicans and elements in the media as having something to hide.

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[303] Garment, *Scandal: The Culture of Mistrust in American Politics*

Starr had some success with convictions being brought against James and Susan McDougal, Jim Guy Tucker and Webster Hubbell as well as forcing a number of resignations. The convictions and resignations did little to help the Clintons prove their innocence as they became judged by their Republican and conservative opponents as being guilty by association.

Yet, lacking Susan McDougal's cooperation Starr's investigation was dealt a significant blow. She was not involved in a struggle for symbolic power within the political field but she played a significant role in reducing the danger of any further congressional investigations or indictments. Democrats then began mounting pressure, which was subsequently repeated in the media, to bring the OIC's investigation of Whitewater to a close. Starr confirming, as Fiske had, that Vincent Foster's death was a suicide only strengthened the view that he should end his enquiries. He would have most likely complied had it not been for Monica Lewinsky drawing the full force of his investigation in another direction, effectively leaving Whitewater and its associated scandals unfinished.

The dynamics and nature of Whitewater were dictated by that fact it was not one set of allegations relating to the original land deal but many concurrent scandals. The Whitewater generic included, the death of Vincent Foster, Filegate, Travelgate, among others, all rolling along with their own coverage, investigations, and prosecutions developing in the same time frame. We have multiple, seemingly unconnected scandals running parallel to each other. This situation presents an opportunity for political opponents and the media to continually switch focus between scandals depending on which they deem has the greatest potential for damage. Multiple scandals are difficult for the public to follow in any circumstances but, by adding the dimension of politicians and

the press constantly shifting their position, Whitewater was made even more bemusing and confusing.

The nature of Whitewater also hindered the chance for any authoritative resolution. The Lyons Report, The Pillsbury Report, Fiske's report, two congressional committees and Starr either cleared the Clintons or, through lack of evidence, fell short of indictment. Inherent to all of these separate scandals was continual political contestation. When a report was released that appeared to partially clear the Clintons, opponents could easily shift focus to another thread of scandal to maintain suspicion. Disputes over saliency of the evidence, distorted by personal loyalty, ideological divides and battles with the OIC, maintained the cycle of scandal. This atmosphere inevitably placed the White House in a difficult position. To an extent, some of the administration's answers were at times vague but nevertheless, during the multi-faceted Whitewater, a rebuttal to an allegation was rarely enough to satisfy political opponents. Answers often led to further questions as the intrigue and suspicion increased. There were so many individuals affected by Whitewater that their involvement, statements and stories inevitably differed. Naturally, varying answers demanded further clarification. Inconsistent and incompatible statements acted as more fuel to generate theories of conspiracy and darken the cloud of mistrust.

In Thompson's summation of Whitewater he emphasises that the media were the major driving force behind the scandal. Yet, in the same summary he highlights the influence of conservative groups, an aggressive Independent Counsel and the 'partisan character of the political field'[304] as his reasons for Whitewater developing as it did. But, the roots of Thompson's theory are centred upon the 'mediated scandal' and debate over the norms and values within the restricted bounds of the 'political field', from which he even

[304] Thompson, *Political Scandal* p195

separates the Independent Counsel. When this is applied to such a complex scandal as Whitewater, the parameters of his theory leave him with a rigid structure in which to try and fit an amorphous scandal. I agree that both the media and what he considers as the 'political field' play significant roles in scandal but within Thompson's theory they are placed ahead of other factors which I consider to be equally important. The media in particular I argue is often not the source of allegations but can provide important secondary exposure. During Whitewater, journalists such as Ambrose Evans-Pritchard and Christopher Ruddy certainly amplified scandal but most of their stories found their base in the Independent Counsel, politicians, conservative groups and individuals such as Richard Mellon Scaife, who used the press to voice their anti-Clinton agenda. Modern media's aggression, or to use Sabato's analogy of the 'junkyard dog', provided Whitewater with what I would describe as media inflammation as opposed Thompson's definition of a 'mediated scandal'.

In most circumstances, the media found itself towards the end of a scandal chain whose job was to relay events to the public. Prior to this, individuals and groups, both inside *and* outside Thompson's political field provided the foundations and sparks of political scandal. Scandal was prolonged by not only a debate over norms and values but disputes over virtually every piece of evidence that came to light. If it wasn't the actual evidence itself, it was a debate over political motive. If one report yielded little success, the scandal shifted elsewhere.

Ken Starr's investigation of Monica Lewinsky developed out of 'Troopergate' and the Paula Jones sexual harassment case, following a series of tip offs from seemingly unlikely sources. Clinton's opponents were sensitised to sexual scandal early in the primary campaign when Gennifer Flowers came forward with allegations against the then

Governor of Arkansas. Clinton's handling of the scandal was a clear example of a politician's ability to adapt. Sexual allegations raised a debate of marital infidelity but Clinton's carefully worded admission of wrongdoing, combined with the support from his wife, succeeded in diffusing the danger to his campaign. Gennifer Flowers had a double impact on Clinton's Presidency. As Sabato argues, the issue of sex arising during the campaign meant that a more aggressive press were pre-conditioned to publish more incidences of infidelity. Later allegations arising from Paula Jones may have been caused by a hungry press willing to feature her story. Yet, the fact that the public made a conscious choice to elect Clinton, aware of his questionable fidelity, may have significantly reduced the potential damage from future sexual allegations. In a similar vein to my previous arguments, just as the public were already aware of Nixon as a dirty political fighter, Paula Jones, Kathleen Willey and Monica Lewinsky did not shatter an image of idyllic marital life when they were uncovered during the Clinton Presidency. Gambling that Clinton would survive by admitting previous wrongdoing, the campaign presented an image that would reduce future risk. As we have seen, Clinton, in the face of scandal, employed a multitude of strategies to maintain his career. If we were to take the Clinton White House's consistently high approval ratings as evidence of their success then clearly their political manoeuvrings were entirely successful. This evidence also suggests that Thompson has overstated the impact of allegations leaking from 'back regions'. His analysis, based on a straightforward transgression/exposure/censure model leads to a formula where the extent of public outrage determines the impact on the politician involved, ranging from embarrassment to resignation. Unfortunately, this leaves little room to credit the Clinton Administration for managing allegations, forming strategies and their evident success in neutralising allegations.

Like Whitewater, Thompson claims that the Monica Lewinsky scandal was a 'true media scandal...driven by a...multitude of media organizations tripping over themselves to publish the latest revelation.'[305] Thompson would argue that competition and loosening editorials standards were to blame for giving exposure to Paula Jones and Monica Lewinsky. Yet, examining the political context suggests that the media's role has been overemphasised.

Conservative animosity was founded in the partisan atmosphere that surrounded Reagan with Iran Contra, and the nominations of Robert Bork and then Clarence Thomas to the Supreme Court. Personal enemies of Clinton, Cliff Jackson and Peter Smith, had been searching for avenues to attack Clinton from the beginning of his term. The State Troopers were a perfect opportunity to expose Clinton's previous life as Governor which included detailed recollections of sexual relations and a coarse description of Hillary Clinton. The partisan mood meant that there were a number of individuals and groups who were responsive to any hint of allegations that could potentially damage the Clinton Administration. CPAC, LLF, the Rutherford Institute and individuals such as David Brock all had significant impact in attaching sex scandals to President Clinton. While David Brock was an investigative journalist, by his own admission he was entirely focussed on trying to damage the President. He was sceptical of the veracity of the Troopers stories but nonetheless went ahead and published the story in the right-wing *Spectator,* which was financially supported by the likes of Mellon Scaife who also wanted to attack the new administration. Brock's journalistic standards were affected more by his own ideological instincts and feelings than by the competitive development of the press.

[305] Thompson, *Political Scandal* p157

Brock's article received coverage but, once again, Clinton exhibited his ability to respond to the allegations. The main concern was not necessarily the more salacious elements of the article but the allegation that Clinton had offered the troopers jobs in return for their silence. But Betsey Wright's intervention with affidavits detailing that the President had not offered any such rewards was enough to satisfy the press and the story dissipated. Press interest was only re-ignited again following Brock's mistake by using Jones's Christian name in his article and then her subsequent decision to come forward with allegations. Once Jones made herself known, the involvement of individuals and conservative organisations, all outside of Thompson's political field, combined to have a crucial impact on the direction of the scandal. The attacks on Clinton were twofold, to build a court case and get exposure in the media, but both strategies were aimed at embarrassing and discrediting the President. Without question the press were the intended carrier of the attack. Reports of a long court case would be damaging to the President as part of wider coverage of the President's questionable morals. But, the important difference is that the press were often not the source of the scandal. First, opponents were driven by their individual desire to attack the President. They used their resources, which included financial backing, media ownership, lawsuits and lobbying to feed stories to the media. The only advantage that modern technology provided was that the dangerous allegations were spread and repeated worldwide almost instantaneously. But, it is important that this is not confused with the media *starting* the scandal or having the ability to *reveal* previously hidden material. The LLF and the Rutherford institute were undoubtedly the foundations of the scandal; it is difficult to foresee how Paula Jones could have maintained her case and the resulting exposure in the press without their financial backing. Without a court case, the media would have little to report, slowly relegating the issue in the wider public conscious and gradually reducing the danger to the White House.

The Paula Jones case allowed her lawyers and inquisitive journalists to investigate Clinton's background for more examples of sexual misconduct. The Supreme Court decision allowed the case to continue and to the eventual discovery of Monica Lewinsky. Yet, Monica Lewinsky may have remained hidden if it had not been for the actions of Linda Tripp. Tripp is another individual unconnected to the political field who, by taping her conversations and advising Lewinsky not to dispose of the 'blue dress' ensured that there was evidence that proved beyond doubt of the President's relationship with Lewinsky. Her discussion with publisher and journalist Lucianne Goldberg connected her to the press. Once Tripp began to involve the likes of Goldberg, it was inevitable that the OIC would receive a tip off about the President's relationship with Lewinsky.

The scandal broke on the right wing website the *Drudge Report.* While this was a first for a modern scandal, evidence suggests that the OIC, and those involved with Tripp leaked information to the press about Lewinsky and the investigation. Clearly, it would only require one of Starr's staff to talk to an individual in the media and in a short space of time it could be broadcast worldwide. Again, I would question whether the way Monica Lewinsky was revealed to the public fits the description of a 'mediated scandal'. I agree that a new form of media first exposed the scandal but, as far as can be judged, it was the usual process of leaks, tip offs and interviews with those directly involved with Lewinsky that eventually put together a story for Michael Isikoff. The internet's only advantage was its ability to publish the allegations early, free of editorial standards or print deadlines. If the internet had not been involved in breaking the story then it would have been Isikoff's article printed later in *Newsweek* that would have secured the prized scoop.

In the months after January, Clinton's opponents sparred with the White House through and with the media. Yet, Clinton's denials quickly closed in on him once DNA evidence, in combination with testimony from Lewinsky, confirmed a sexual relationship. From the outset, this was not the evidence the OIC sought to build a case against the President but nonetheless, it was widely accepted that the blue dress constituted the coveted 'smoking gun' that proved Clinton's guilt that he perjured himself denying the relationship. However, as the scandal continued, the discovery of the blue dress resolved little. The 'smoking gun' did not bring closure to the scandal in the form of convictions or resignations.

Zaller suggests that Clinton's survival can be attributed to his accomplishments in office and the healthy state of the country. Rather than be persuaded by Clinton's defence, the public wanted to believe his rebuttal because of his political success.[306] Certainly I would agree with Zaller that the favourable political context provided the President with a healthy foundation to fight the scandal. But, in addition, the White House strategy to combat allegations was highly effective.[307] By 1998, the President's marital life had been widely discussed following sporadic disclosures and allegations of his infidelity. For the public, the issue of sex was becoming an increasingly normal by-product of his tenure in office. The White House was also aware of the public's growing disquiet over the conduct of the OIC in the previous Whitewater investigation and the rabid partisanship that had infiltrated politics. Yet, allegations of perjury and obstruction of justice were a new problem for the White House. The partisan battle over allegations took an inordinate amount of time and caused damage and distraction to the political system. However, they formed an intriguing example of political contestation.

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[306] John R. Zaller, 'Monica Lewinsky's Contribution to Political Science' *PS: Political Science and Politics* (1998) 182-189. p184

[307] Busby, *Defending the American Presidency,* p215

It is possible, as David Brock intimated, that Clinton was set up in his Paula Jones testimony as the OIC had prior knowledge of his relationship with Lewinsky. The evidence was then put together with the sole intention of damaging Clinton, claiming that he committed perjury and obstruction of justice.

However, the White House was equally combative in their response to the allegations. It is argued that Clinton's Presidency can be described as 'postmodern'. Schier argues that Clinton's administration lacked a consistent ideology preferring measures of public opinion - focus groups and opinion polls to adapt to the political situation. The result was often an administration that was seen to be sidestepping political difficulties by creating a smoke screen of confusion and ambiguity.[308]

From the outset, the White House attempted to ensure that the issue of sex remained front and centre. Kenneth Starr inadvertently aided this strategy with his explicit report to Congress, but the allegations of perjury and obstruction of justice were re-packaged by the White House into a personal and private family struggle of overcoming marital infidelity in the face of an attempted 'right wing conspiracy'. What became increasingly absurd to the public is that the debate even went as far as semantics over words such as 'sex' and 'is' but nonetheless, they indicate the extent to which there can be ambiguity within almost every sentence.[309] Such disagreement over the true meaning of words, where clarifications is constantly required, was a laborious process which the public quickly tired of.

The existence of a 'smoking gun' was dependent on interpretation. Clearly, Kenneth Starr and his supporters were of no doubt that the President had committed perjury and

[308] Steven E. Schier, *The Postmodern Presidency: Bill Clinton's Legacy in U.S. Politics* (Pittsburgh, University of Pittsburgh Press, 2000)
[309] Welch and Williams, 'Nature and Dynamics' p 15

obstructed justice but they were faced with a White House and sympathetic supporters who were equally belligerent in Clinton's defence. Therefore, the 'smoking gun' became almost dependent on who won the political battle. As we have seen, the political contest took place on numerous levels. Powerful individuals, who absurdly even included pornographer Larry Flynt, and groups such as AIM and Citizens United, unrelated to government, used the press to push their agenda. Challenges and endless questions in the media had to be carefully answered by Mike McCurry and the White House throughout the duration of the scandal. A three-way contest took shape between lawyers representing Clinton, Lewinsky and the Independent Counsel. In Congress, Republicans and Democrats bitterly fought and partisan lines remained intact. These examples only further confirm that the Monica Lewinsky scandal was not 'self-perpetuating...fuelled by media personnel'[310] but far from it. Without question, modern media has allowed for unprecedented exposure and it is a vital ingredient of scandals but, in the case of Monica Lewinsky, the media did not circumvent the importance of the political. Rather, from the evidence in the case study, I would argue that the wider political context and interaction remained dominant and in control of what appeared in the press.

In virtually every twist of the scandal, the press remained secondary and were driven by the political context. The discovery of the blue dress was met with glee in Republican circles as final confirmation of Presidential guilt. This was reflected in the media with Republicans projecting an atmosphere of doom around the White House. Yet, consistent White House strategy combined with public support gradually began to dissipate the predictions of the scandal being fatal. The mid-term election success was another clear indication of a changing tide in favour of the President, again, reflected in the media with only conservative sections of the press remaining loyal to impeachment. Republicans

[310] Thompson, *Political Scandal* p157

found it increasingly difficult to continue their arguments in the face of mounting pressure to end the investigations. Predictions of impeachments from Republicans gave way to a debate over the merits of censuring the President. As the scandal drew to a close the media was dominated by reports of the fierce partisanship and distrust of Congress and inevitability that the President would escape conviction.

The detailed analyses of scandal within the narratives of Whitewater and Monica Lewinsky have provided specific examples that challenge the main tenets of Thompson's theory of political scandal and serve in answering the research questions that we have already set out. We are now in a position to offer more definitive answers to those questions, under the headings that demonstrate the two main points of difference with Thompson's theory.

The Adequacy of the Political Field

Does interaction and development of scandal only take place between politicians within the institutions of the state, essentially within the boundaries of Thompson's political field?

I agree that Thompson is correct to challenge Markovits and Silverstein's 'due process' theory of political scandal but, in developing an alternative theory, he ends up, as Welch and Williams suggest, in an equally restrictive position. For Thompson, the 'political field...constitutes a political scandal as political.'[311] Yet his 'political field' is restricted to

[311] Thompson, *Political Scandal* p96

only include the institutions of state. Both Whitewater and Monica Lewinsky involved groups and individuals who were inherently involved in the political process and influenced the direction of scandal but would not fit within the bounds of Thompson's definition of political field. It is even unclear as to whether the Office of the Independent Counsel is included, if it is not then this is an oversight considering the influence and impact the OIC can have on political scandal. With Whitewater and Monica Lewinsky, it is difficult to create a boundary that would fit all eventualities due to their unpredictable nature. One only has to look at the series of unlikely events that included, Paula Jones, Linda Tripp and Monica Lewinsky herself that dictated the unlikely direction of the scandal. These individuals were outside of the 'political field' but without question, the scandal remained *political.* Therefore, placing a definitive boundary on a political scandal causes severe restrictions in application and analysis.

The Importance of the Media Vs Political Contestation:

Does political contestation remain focussed on a traditional base of cultural norms and values or, as Welch and Williams have stated, do the discovered evidence and facts also involve contestation?

Does political scandal originate in and begin *because* of the media, proving that the mediated scandal is a useful description of modern scandals?

Can a politician adapt to scandalous allegations and succeed in moderating or neutralising their impact, or do allegations remain effectively out of their control?

The foundation of Thompson's theory rests upon a transgression/public disclosure/disapprobation[312] formula that remains attached to the importance of the norms and values, unaltered by the influence of the political. Evidence of wrongdoing only becomes scandalous once it is revealed to the public. Once disclosed, the facts of the scandal move into another phase where norms and values are applied which determines the impact on the politician involved.

Using this premise, Thompson overemphasises the influence of the evidence that is revealed in a political scandal. This becomes very apparent in both Whitewater and Monica Lewinsky with the search for and supposed discovery of the 'smoking gun'. During Whitewater, the search for the conclusive evidence proved to be elusive. On occasion, such as the discovery that documents had been removed from Foster's office, the President's opponents were convinced that evidence proving that the Clintons had been involved in financial impropriety existed. Yet, with every new discovery, it was met with contestation that neutralised its importance.

Monica Lewinsky provides the best example because at the time it was widely accepted that a 'smoking gun' *had* been discovered. For Thompson, the discovery of the blue dress remains the 'smoking gun' of proof as he is fixed on the transgression/disapprobation model aligned to the application of norms and values. Without significant consideration of the political, this leads to a conclusion deeming that the public judged the 'seriousness of the offences...were not ...sufficient...to warrant resignation or impeachment.'[313] I argue that charges of perjury and obstruction of justice *are* serious offences that had the

[312] Thompson, *Political Scandal* p24
[313] Thompson, *Political Scandal* p158

potential to be fatal to the Clinton administration. Yet, without exploring the political, it limits Thompson from investigating the factor of contestation.

The White House succeeded in an ongoing political battle by re-packaging perjury and obstruction of justice into marital infidelity and sex. The effect of the blue dress was, in hindsight, not crucial to the outcome of the scandal. This was part of a wider context of fierce partisanship on all levels that became part of the scandal dynamic that eventually played in the White House's favour. Political contestation provided differing interpretations of evidence in both Whitewater and Monica Lewinsky. They were unable to reach a swift conclusion or reach a point of closure because both sides disputed and challenged every piece of evidence or report that was released. Rather than the media, politicisation was an overriding driving force behind the continuance of scandal. On occasion, a piece of evidence, such as the discovery of Oval Office tapes during Watergate, has proved decisive but the Whitewater and the Lewinsky scandals suggest this analysis should not be extended to political scandals in general.

The final part of Thompson's media theory involves the development of the 'mediated scandal'. In the context of Whitewater and Monica Lewinsky, the media devoured both scandals and were incessant in their coverage and exposure. This inevitably commanded considerable attention from all branches of government, the Independent Counsel and the public. The mass media also has influence in reflecting and defining political culture but this does not mean that the influence of the political is relegated to secondary importance. From the evidence of the case studies I would argue that almost the opposite is true. I agree with Zaller that politics remains dominant over the media.[314] At the very least, detailed analysis has shown that Thompson's media theories do not fit either the

[314] Zaller, 'Monica Lewinsky's Contribution to Political Science' *PS: Political Science and Politics.* p187

Whitewater generic or Monica Lewinsky. Politicians adapt, giving them the ability to neutralise allegations. Secondly, there is little evidence that any part of either scandal was created by the media. Rather it was the familiar set of tip offs and investigations, influenced by political context, that led to allegations appearing in the press.

Thompson's theory is tied together by his assertion that politicians' capacity to govern is dependent on their 'symbolic power'. Therefore, scandals effectively become a battle of reputation and trust that occurs in the political field and through the media. Scandals play a vital role as they have the capacity to damage reputation and trust, thus compromising the effectiveness of a politician's ability to govern. However, this conclusion remains limited because the restrictions within his original theory deem that contestation of the facts and interactions of those outside of the political field are excluded. Clearly, both Whitewater and Monica Lewinsky have highlighted inherent political complexity that challenges Thompson's theory. While it may be possible to apply his theory to both scandals if there is only a superficial examination of events, the more detailed the analysis, the harder it is to place the scandals within his theory.

Both case studies have suggested that the processes and dynamics of political scandal are more complex than Thompson's theories are willing to allow for. It is not the media but the political that makes them so. Political scandals are elaborate structures. They not only involve a straightforward discovery of evidence and facts but the formulation of those findings is dependent on interpretation. This process can involve all participants in the scandal. The political dominates the media and complexity dictates that closure is often difficult to achieve. It is these factors that separate political scandal from more general celebrity scandal.[315] Political scandals become protracted affairs because the importance

[315] Welch and Williams, 'Nature and Dynamics'

of the issues leads to contestation at every step. Celebrity scandals often flame out as less substantive allegations, with fewer potential ramifications, are devoured by the press.

Having suggested that the models and theories developed thus far have been inadequate to apply to Whitewater and Monica Lewinsky and, while this study does not attempt any full alternative theory, a tentative look towards another theory is warranted.

After exploring the shortcomings of media analysis, we should return to a political foundation. Williams has previously given some attention to partisanship but this was not developed into a full theory of political scandal. Furthermore, Welch and Williams have offered the beginnings of what they describe as a 'political constructionist theory' of the nature and dynamics of political scandal.[316] In many respects, the detailed case studies within this study support their suggestions that the contestation of the facts and political competition, leads to differing interpretations and lack of closure, even when aspirations for a decisive resolution exist. However, their theories again remain undeveloped and, by their own admission, form a starting point for further study.

Based on the analysis within this study, it seems apt to conclude that a greater understanding of political complexity and contestation, along the lines of Welch and Williams, remains a suitable starting point. To develop this, I would argue that investigating political scandal in the historical context may provide revealing conclusions. Until now, broad theories, such has Thompson's media hypotheses, have failed to show why the United States has experienced phases or cycles of political scandal activity. For example, why was political scandal prevalent in both the late 19th and 20th centuries yet in between, the sexual affairs of Franklin Roosevelt and John F. Kennedy remained

[316] Steven Welch and Robert Williams, 'Political Scandal in the United States: Towards a Theory', (unpublished research paper, Annual Conference of the British Association for American Studies, Oxford University, April 2002.)

undisclosed? Examining political scandal historically in the United States would allow for a wide range of cases to be studied which would highlight any intensifying, declining or even cyclical patterns. Yet, the above examples demonstrate, that the intriguing question as to why political scandals seem to go through phases of activity has yet to receive considerable investigation and remains unexplained. As a speculative hypothesis it could be suggested that, as Schlesinger has with his Cycles of American History[317], that parallels and patterns *do* exist in the political context throughout the historical time line.

It is now relatively accepted that political scandal plays a significant role in American politics but I would tentatively suggest that not only do political scandals have a deep impact on the political system but their phases and patterns of development may go further to act almost as a barometer or indicator of the political context. The Clinton Administration was plagued by scandal but this coincided with a period of national peace and stability, favourable economic conditions and a lack of distinctive political ideology. Political scandal therefore became a means by which to distinguish the parties. The characters of individuals became the focus of attention rather than trying to find minor differences in policy. The press, hungry to sell newspapers, are attracted to controversy and, without significant political debate to report, they turn to the characters of individual politicians to feed their demand. Even if we only superficially compare Clinton to the Presidency of Franklin Roosevelt then immediately an entirely different political context that is decidedly more unstable is apparent. War, instability and ideological polarisation dominated the political context. There were far greater and more serious issues which by priority would have been placed above the details of a Presidential extramarital affair. Political contestation may have been focussed on deciding a crucial political course in unstable times rather than debating every tenuous piece of evidence related to a sexual

[317] Arthur M. Schlesinger Jr, *The Cycles of American History* (Boston , Houghton Mifflin, 1986)

affair. A similar argument can be made for John F. Kennedy. The Bay of Pigs, the Cuban Missile Crisis and the ever-present threat of the Cold War relegated Kennedy's womanising to secondary importance. While, in recent years, Sabato highlights a consistent stream of scandals that have captured the media attention, they have significantly varied in length and impact[318]. This alone warrants an investigation of the wider political context to judge scandals' impact and whether it can be considered as an effective barometer of the political situation.

Clearly, the historical political context, based on the conclusions of political contestation and competition within this study, provide a worthwhile framework from which to investigate much further into the patterns, cycles, dynamics and the meanings of political scandal in the United States.

[318] See table 1.1 in Sabato, *Feeding Frenzy* p7

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