

Politics Is Not an Entertainment Event

Scenarios in the Clinton Case

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If men were angels, no government would be necessary.

If angels were to govern man, neither external nor internal controls in government would be necessary.

James Madison

Federalist Papers

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Oscar Amerringer writes that politics is the art of obtaining money from the rich and votes from the poor, on the pretext of protecting one from the other (Colin Bowles, *Wit's Dictionary*, 1984). Today we could add it is also the tactic of obtaining legitimacy from other people's work and credibility from the majority opinion, on the pretext of safeguarding each side's moral conscience.

In politics, no player can be greater than the game itself. On the other hand, the game is more attractive and explicit the greater the contenders' intelligence and skills—expressed in the results of the challenges—based on criteria used by the founders of the United States of America when they drafted the Constitution as the supreme law of the land and which as of 1790 was accepted by the 30 states that joined the union.

The rules are established before the game begins, and it is important that they

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be clear and few in number, but that they especially guarantee the players equal opportunities to win. Problems arise when the rules are undermined or modified in mid-game; they are subject to interpretation by those under whose jurisdiction they fall and when some of the players arbitrarily narrow the previously-agreed-on playing field where their adversary is acting.

Several lessons that bring together both irony and the seriousness of the socio-political effects of this situation can be noted in the political/media development of the events surrounding the U.S. chief executive in recent months.

The first lesson is framed by the end of the Cold War, which changed the socio-cultural landscape of U.S. society. This is particularly the case on two levels, which share a passion for the meticulous staging of entertainment for public consumption but at the same time seek objectives in different fields. On one level, the target consists of appropriating products by selling illusions: the film industry's market. On the other level, there is an attempt to appropriate consciences with the pretext of offering realities: the political market.

Whoever wins on the first level increases his particular collection of objects; whoever makes it on the second level boosts his or her collection of followers. But on the other hand, whoever has failed in the former, simply has made a bad business deal, but whoever loses in the latter affects the expectations of millions of people.

Lately U.S. cinema has fed off a web of apocalyptic visions in which the foreign enemy has been supplanted by aliens. Meanwhile, domestic politics, as a consequence of openly biased news-informational coverage in a good part of the

media, in cahoots with influential political circles (perhaps less creative in their arguments, but more dangerous with respect to the impact of their decisions) and given the absence of external enemies, has sought such an enemy, no matter what, on the home front.

The situation lacks historical originality. All great empires have succumbed before internal adversaries, falling apart from within. What Alexander Hamilton or James Madison were unable to anticipate, for obvious reasons, was the scale of technological development that places political work under daily public scrutiny. In short, what throughout recent months President Bill Clinton's detractors insist on denying is that people can go about their daily business, and even support or dissent from the relevance of the story, the cast, and the truthfulness of the script, but seem to resist denying the concrete evidence, that this entire synopsis that merges moral and legal virtualities is nothing more than a staged situation whose consequences might well crash into their lives.

POLITICAL SUBSTANCE AND PUBLIC OPINION: THE FACTS

To understand public support for the Clinton administration (in other words, the reasons that made for a political mood in which the public makes a distinction between approving the president's performance, regardless of whether they agree with his record, and his private life, or in any case, the effects of his pronouncements when confronted with frankly implausible news coverage) some clarifications are needed.

President Bill Clinton's socioeconomic strategy has three mainstays: reducing the

deficit, investing in social programs that benefit the population, and opening markets to place U.S. products abroad. The results speak for themselves: 14 million new jobs, the largest reduction in unemployment levels since the 1970s, the most significant declines in inflation in the past 30 years and policies that have managed to spur the highest sustained economic growth rate in the decade, backed by a reduction in the public deficit, which has gone from 290 billion dollars in 1993 to just 10 billion dollars in February 1998.

This has allowed not only for producing the first balanced budget in 30 years, but also favors the objective conditions for unprecedented public investment earmarked for assistance and social security programs, retirement funds, health insurance and especially for shoring up the educational system. These factors, plus the continual decline in crime rates in a general climate marked by peace and moderation in public discourse, rising above radical ideological stances, help us understand why there is a gap between the information proffered by the media and statistics provided by those in charge of surveying public opinion. Furthermore, if we base our judgments on the results of the polls, it seems clear that the U.S. public's perception is oriented toward making a priority of the key questions in the world of politics.

THE GAME OF POLITICAL INTERESTS MASKED IN LEGAL PHRASEOLOGY: IMPEACHMENT

To understand what is at stake as the basis for a process that brings together political realities and legal virtualities, it is necessary

to indicate the meaning of the deliberate vagueness in the wording of articles in the Constitution that define the division between jurisdictions, as well as the specificities in the attributes and limits of the different branches of the U.S. government.

Article II, section 4 of the U.S. Constitution states, "The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." In other words, the legal foundation for impeachment proceedings is established on the basis of the relation between evidence and facts, in strict accordance with the causal link that would turn a possible offense by the executive branch

into a danger to the institutionality of the political system or public order.

What is important to emphasize is that, beyond a careful reading of the constitution, the nature of the accusation should be put into context, unless we wish to argue that Bill Clinton has offended the American nation as a whole—to whom he has repeatedly offered his apologies—more than his own family, with everything they have had to specifically deal with, or unless we consider the institutional debacle of the presidency's image, with all the resulting collateral fractures within the system, added to the recurring chain of international financial crises incited by rumors of a possible resignation, to be a reasonable cost to pay for something that, in the

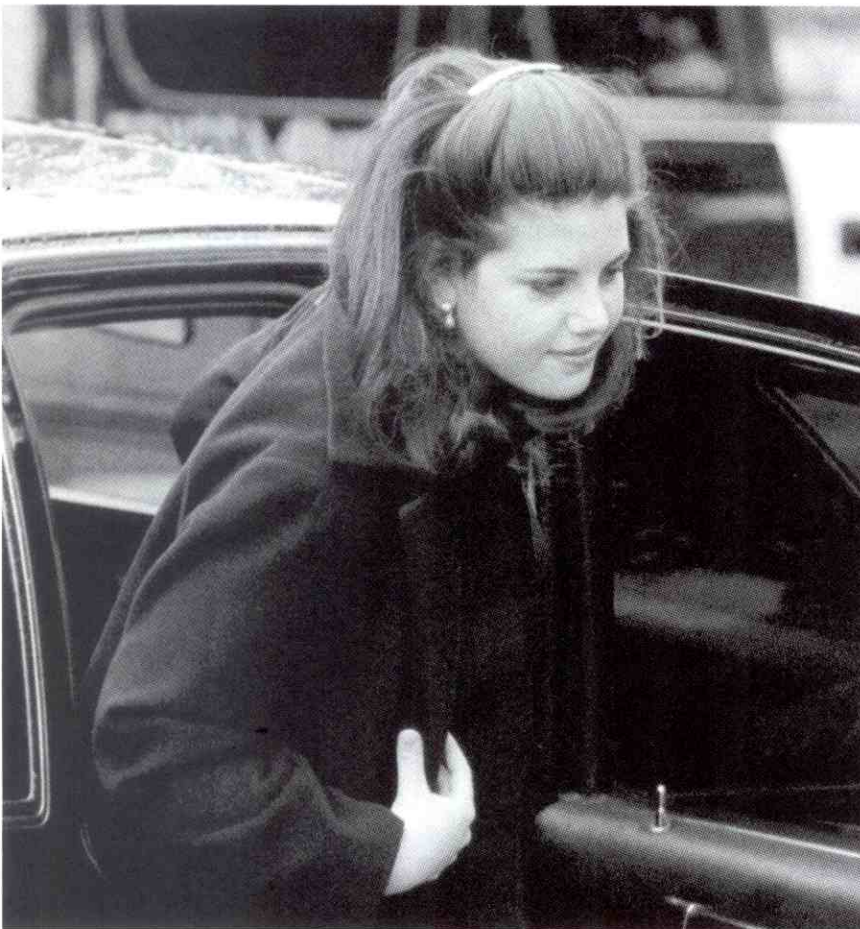
strictest sense, is only part of the president's private life.

When it is said that the president lied concerning having had sexual relations, what is not specified is that the vagueness of the terms in which the question was posed gives rise to ambiguity in possible answers. Any law student knows that the burden of proof lies with the accuser. If I make a charge, I must provide proof; if I question, I must define; this is the essence of the guarantees granted by the legal system to maintain equal conditions among parties.

Even if we were predisposed to justify the motives that led Kenneth Starr to publish a report that adds soap opera-like melodramas to descriptions more worthy of a pornographic lampoon than a legal document, we cannot fail to suspect that making a priority of a sexual scandal, when the objective of the formal accusation is to begin impeachment proceedings, only serves to hide the inconsistency of the legal argument and the inquisitorial character of a persecution that has taken several years and millions of taxpayers' dollars.

With respect to the alleged obstruction of justice, it is worth inquiring if the president's silence about all the facts takes on the character of evidence, or what is the same thing, if what was not presented can be used as evidence, or finally, if what has been fabricated by wild imaginations can be introduced as evidence.

Looking at the other side of the coin undoubtedly the president has been denied his right to a hearing. The timing with which the report was presented to the House of Representatives has also been manipulated with the aim of blocking a prompt response from the Oval Office staff. At the same time, this contributed to



Monica Lewinsky, main witness in the case.

creating a climate of suspense that keeps public opinion morbidly fascinated and sustains the ambitions of the president's political enemies. All this emanates from a case based on declarations of a witness whose credibility is openly in doubt. She is a perjurer opening the door to accusing another citizen of perjury, with a prior negotiation of immunity.

In brief, in the U.S. legal system, everyone is presumed innocent until proven guilty. Therein lies the seriousness encompassed by the negligent verbal and written pyrotechnics with which the legally unsubstantiated accusations are embellished, based on the deliberate oversight of this inherent principle of U.S. law, and on the other hand, the constant invasion of the privacy, the respect and dignity of a president and his family, which independently of their political qualities, continue to have rights as individuals.

FUTURE EVENTS:
BETWEEN THE POSSIBLE
AND THE PROBABLE

The Political Sphere. The legal process that could lead to impeachment proceedings began with the preliminary review conducted by the House of Representatives Judiciary Committee, comprised of 21 Republicans and 16 Democrats. The expected procedure is for the committee to call witnesses and hold hearings, based on the argument of the need to clear up relevant aspects of the case, that function as vehicles for airing the advantages and disadvantages of continuing the tactic of weakening the presidential image in an effort to buttress an image with little moral credibility in the profile that the Demo-

cratic candidates will present leading up to the November elections, when part of the seats in the House of Representatives will be up for election.

If this happens, after January a date will probably be chosen in which the case will be brought to a vote in the House, in which only a simple majority is required to approve an investigation. Later, the issue will be placed before the Senate, where the law stipulates that a two-thirds vote of the 100 senators is needed to depose a president.

In the past, 16 such impeachment proceedings have taken place: most of the accused have been judges. Only one—in May 1868—involved a president in office, Andrew Johnson, accused of obstructing

the reunification of the nation following the Civil War. The procedure made it through the House of Representatives, but when it was submitted to the Senate the president won by one vote.

A second reading would take into consideration the induced, but no less real, weakness of the presidential image, revealed as an inevitable breakdown of the institutional leadership and strength indispensable for controlling effective margins of negotiation, particularly in the framework of the most serious financial crisis in the era of the globalization of finance capital and the opening of the emerging economies.

Here the situation, in fact already present, could enter into a phase of continuous tension produced by the paradox fac-



Special Prosecutor Kenneth Starr.

ing those legislators who call for the president's resignation or are harboring the idea of impeachment proceedings, but who have shown themselves incapable of creating the ideal mechanism for withdrawing support for the president without provoking adverse effects at the polls.

Using the argument of safeguarding national interests over and above partisan positions, Clinton will probably be urged to offer an apology to the House of Representatives, which would respond by censuring his behavior.

Another reading involves the scenario wherein, if the effects of the media campaigns on the issue result in a drop of public support for the chief executive—something that has basically not happened so far, but which could slowly take place as a result of the public being oversaturated with the question—are added to the narrow room for maneuver available to the president to carry out his governmental plans, could poison the political climate to the degree that Bill Clinton might decide to resign.

He might do this before submitting to a humiliating trial which, as he knows better than anyone else, would have no legal substance. This would set a precedent of unimaginable scope in terms of the political influence that the radical conservative interest networks are capable of exercising. Through running an irresponsible media campaign, they have organized and maneuvered the time frames in this gigantic theater of simulations.

The Legal Framework. Any public official can be subject to impeachment, except a member of either of the houses of Congress. Filing the charges is an exclusive prerogative of the House of Representatives and the trial that follows, a prerogative of

the Senate, where a two-thirds vote is needed to pass an impeachment motion.

It is important to emphasize that Vice President Al Gore, even though constitutionally the president of the Senate, would not preside in the event of an impeachment trial of Clinton. This function would fall to the president of the Supreme Court, William H. Rehnquist.

The line of presidential succession is the following: 1) Vice President Al Gore; 2) the Speaker of the House of Representatives, Newt Gingrich, (Republican); 3) the president pro tempore of the Senate—in this case, the logical candidates would be the majority leader and his alternate, Republican Senators Trent Lott and Don Nickles; 4) Secretary of State Madeleine K. Albright; 5) Secretary of the Treasury Robert E. Rubin; 6) Secretary of Defense William S. Cohen; 7) Attorney General Janet Reno; 8) Secretary of the Interior Bruce Babbitt; 9) Secretary of Agriculture Dan Glickman; 10) Secretary of Commerce William M. Daley; 11) Secretary of Labor Alexis M. Herman; 12) Secretary of Energy Bill Richardson; and 13) Secretary of Education Richard W. Riley.

In sum, if the political interests of those who insist on impeaching the president prevail, Al Gore would fulfill to the letter of the law amendment 25, section 1, which clearly states that if the president is removed from office, dies, or resigns, the vice president will occupy the post.

However, the way events have evolved leads to considering other possibilities beyond the legal sphere.

The Options. It should be remembered that Vice President Al Gore has a trial pending for illegal management of funds during the last presidential campaign. Attorney General Janet Reno has even

been strongly questioned for having refused to approve an independent prosecutor to investigate the case. Given the current situation, if the president resigned, there is nothing to guarantee that the same political group that has promoted impeachment of Clinton would be satisfied with his removal and would not seek to negotiate the vice presidency in case Gore becomes president.

If we consider the second scenario—a Republican Congress and vice president—the prognosis is not difficult: limitations on the presidency and a situation of un-governability.

But President Clinton can still play cards that have proven effective in the past. Let us examine three options that flow from a careful reading both of his statements as well as of those heading up his defense in the media.

The first option can be deduced from observing that during recent months, and taking into account the evolution of the scandal, the first lady's image has become marginal. With the exception of a television appearance in January supporting her husband and motivated by the suspect publicity already emerging at the beginning of the Lewinsky case, the defense of the president by his own wife resulted in a more than notable increase in the president's popularity. However, following that television appearance, Hillary Clinton has practically disappeared from public life.

It is worthwhile to recall that in her comments, the first lady denounced the scandal as a plot against her husband and named names: Jerry Falwell; the Republican senators from North Carolina, Jesse Helms and Lauch Faircloth; and of course, Kenneth Starr.

To assume that from late January to today this list has not gotten longer, or that the Oval Office's own investigations concerning the case have not continued, would be the height of naiveté. Most likely, the White House is preparing an offensive headed up mainly by Hillary Clinton. While she had previously been recognized for her intelligence and ability, discretion will now be added to these qualities. It is logical to conclude that there will be an increase in general sympathy for Clinton as a result of the dignity and character with which Hillary has faced the attacks on herself and her family.

The second option is derived from the presidential tactic of offering repeated apologies to the American people, producing an extremely conciliatory image by including Miss Lewinsky in them. If we

add the leaks that are beginning to take place concerning the questionable moral integrity of the private lives of some of the accusers, the most sensational of them involving the president of the House of Representatives Judiciary Committee, everything seems to indicate that a meticulously compiled informational packet is ready and waiting for the right moment to be released.

This would free the president from any suspicions of vengefulness and, at the same time, would show the world the true motives and names of those who mounted and today sustain the campaign against him.

The third option has already been foreshadowed by the media silence following the U.S. reprisal for the terrorist acts against two of its embassies. This tactic

has the advantage of following in the footsteps of other U.S. presidents who built up a common front around them, on the pretext of safeguarding the interests that affect national security as a whole. It would not be strange, then, to expect military deployment in the not-too-distant future with the very objective of fabricating a climate of nationalist cohesion around the president.

These options may move forward simultaneously or in different ways and at different times. The fact is that, contrary to what some take for granted, and given the possibility that some of the players, thinking they were moving ahead, perhaps have only rushed matters or even gone overboard in their pressure to conclude the case, the signs indicate that this game still has a lot to offer in the future. **MM**