

## A CONSIDERED OPINION Thomas E. Mann

### Citizens to the Rescue

**S**urely 1998 will not go down in the annals of American history as a year ennobling for the president, productive for the Congress, or triumphant for the press. To the extent that the health of our democracy depends on the good judgement, restraint, and public regardfulness of political elites, the year was downright depressing. Fortunately, the other key actor in the polity—the citizenry—stepped into the void when no responsible adults were to be found in Washington. Expressing themselves initially through the much-maligned polls and eventually in the November elections, they (as someone clever noted) turned James Madison on his head. Rather than the mob whose passions had to be cooled by their more deliberate leaders, the public refined and enlarged the views of the Washington community and, in so doing, provided some much-needed perspective and incentives for politicians to refocus their attention on matters of genuine importance to the country.

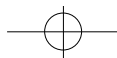


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Until news first broke in January of the president's sexual relationship with a former White House intern and of the investigation by Independent Counsel Kenneth Starr of possible perjury and obstruction of justice in the civil suit brought against the president by Paula Jones, the year had already shown signs of promise, in spite of the lame-duck status of the president. With federal budget deficits rapidly turning into surpluses, the president seemed well positioned to rally his party behind government initiatives on tobacco, education, and health and to begin a national conversation on how best to ensure the long-term financial stability of Social Security.

Clinton's reckless behavior with Monica Lewinsky, his dissembling under oath, and the seven-month lapse between his initial public lie and his ultimate acknowledgment demeaned the presidency, eroded critical privileges of the office, betrayed his staff and allies, squandered his opportunity to shape the congressional agenda, and embarrassed the nation. There is no avoiding the conclusion that Clinton himself is largely to blame for this whole tawdry business.

But unfortunately he had a big supporting cast. The Supreme Court contributed with its inexplicable unanimous ruling that the Jones civil suit could go forward while Clinton served as president. Seldom have the Court's words—"It appears to us highly unlikely to occupy any substantial amount of the president's time"—looked so foolish so quickly. The president's personal attorney can be faulted (whether through misjudgment or insufficient persuasiveness with his client) for failing to settle with Jones, or to plead no contest, and thereby avoid an invasive discovery and deposition. By virtue of its active pursuit of expanded jurisdiction and its aggressive, strong-armed tactics better suited to investigating organized crime than possible lying by the president of the United States in a civil sexual harassment lawsuit, the Office of Independent Counsel Starr managed to raise more questions in the public's mind about the political roots of the prosecution than it answered about the president's misbehavior. The *coup de grace* was Starr's referral to the House, which through its aggressive advocacy for impeachment and numbing detail on



the president's sexual encounters destroyed any hope that the investigation would garner the credibility intended by the Independent Counsel statute.

Then there is the behavior of the press. One hardly knows where to begin. From the breathless forecasts by celebrity journalists of the president's imminent departure from office, to months of weakly sourced "breaking news" stories by Woodward and Bernstein wannabes whose idea of investigative reporting is to be an unfiltered conveyor belt for strategic leaks by the Office of Independent Counsel and White House, to the 24-hour "All Monica, All the Time" cable news entertainment shows featuring partisan food fights among pseudo experts, to the scores of editorials and columns dripping with contempt for the president and the public, media coverage of this presidential scandal and its appropriate place in national politics and policymaking has been a wasteland.

Politicians in Congress only made matters worse. The majority Republicans, content to rest on their laurels and allow the president's scandal to play out over the course of the year, advanced no serious legislative program. Their decision to release Starr's referral immediately, without first reviewing its contents or giving the president an opportunity to respond, raised questions about basic fairness. Subsequent data dumps (including videotapes of the president's grand jury testimony), all rationalized by "the public's right to know," seemed more like an abdication of congressional responsibility, especially in light of later protestations that "we must fulfill our constitutional responsibilities whatever the views of the public."

The hurried decision to open a formal impeachment inquiry, made in the politically charged period just before a national election without any real deliberation on the charges, the evidence, and what constitutes an impeachable offense, certainly reinforced that impression.

Congressional Democrats were hardly the model of dispassionate judgment and stability. After initial disbelief and then disingenuous acceptance of the president's public denial, they reacted angrily to his August 17 speech acknowledging a sexual relationship with Lewinsky. Many spoke emotionally about their feelings of betrayal and shame and contributed to the escalating pressure on the president to resign. Later, when it became clear that the public's resolute opposition to impeachment or resignation was unlikely to diminish, Democrats charted an entirely different course, one seemingly designed primarily to impeach the president's chief accuser.

What is most striking about this entire affair was the certainty among Washington elites that measures of strong public approval of the president's performance, which were remarkably stable throughout the year, could not be taken seriously—either because of the inadequacy of the polls or the likelihood that public opinion would change as details of Starr's investigation became more widely known. But it is now clear that this enlightened Washington perspective was flat out wrong. The public has had no difficulty applauding Clinton's performance as president while disapproving of his marital infidelity and unruthfulness. Their regard for him as a person has diminished during the course of the year while their appreciation of how well

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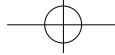
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the country and their families have done under his stewardship has intensified. They have been at least as wary of the dangers to a free society from the abuse of public authority by prosecutors as by presidents. They sense an inappropriate politicization of the legal process—in which investigations become weapons used in combat between competing partisans. At the same time they do not take lightly the president's irresponsible behavior. The point is to find a punishment that fits the misbehavior and limits the collateral damage to the country. In the public's view, that means censure or reprimand (and potential criminal liability after he leaves office), not impeachment or resignation. And importantly it means turning the attention of the policymaking community away from this scandal and back to those matters that affect the lives of American citizens.

Through public opinion polls and the midterm elections, citizens have sent a crystal-clear message to Washington: it's time to bring down the curtain on the national soap opera and get about the task of setting national priorities. ■

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