House managers want Clinton ousted from office

If Clinton is acquited, no other president will ever be impeached, they maintain

By David Espo
The Associated Press

WASHINGTON — President Clinton and House Republicans clashed in impeachment trial papers Monday, the White House claiming perjury and obstruction allegations fall short of high crimes and misdemeanors and GOP lawmakers rebutting: "If this is not enough, what is?"

Clinton denied "each and every allegation" in the House-passed articles of impeachment. The House, in papers filed a few hours later with the Senate, insisted the evidence against the nation's 42nd president "overwhelmingly supports both charges," perjury and obstruction of justice.

The two documents were filed in advance of opening trial arguments, set for Thursday in the Senate with Chief Justice William Rehnquist presiding.

Clinton's lawyers decided to forgo filing a motion seeking to dismiss the case at its inception, although officials suggested they would make that motion after both sides had finished presenting evidence.

The House decided against filing any immediate motions as well, although lawmakers are certain to seek permission from the Senate to call witnesses.

The papers were filed as key House lawmakers met privately to plan the formal presentation of their case.

"We will do a very good job and then when we reach the point of asking for witnesses, we think the senators will be in a more generous mood having heard our case," said Rep. Henry Hyde, R-Ill., point man in the impeachment effort.

In a conclusion to its 105-page filing, the House termed the impeachment battle a "defining moment for the presidency." If Clinton is not convicted, "then no House of Representatives will ever be able to impeach again and no Senate will ever convict. The bar will be so high that only a convicted felon or a traitor will need to be concerned," the GOP prosecutor-lawmakers wrote.

"Can you imagine a future president, faced with possible impeachment, pointing to the perjuries, lies, obstructions and tampering with witnesses by the current occupant of the office as not rising to the level of high crimes and misdemeanors? If this is not enough, what is?"

Several of Clinton's defenders in the House said during the proceedings there that, even if proven, the allegations against Clinton did not warrant impeachment. And even Republican senators concede that a two-thirds majority of the Senate appears unlikely to convict Clinton and remove him from office.

Vice President Al Gore predicted Monday that the Senate would not do so.

"What the president did was wrong," Gore told The Associated Press in an interview. "He's acknowledged that, asked for forgiveness. But what he did falls far short" of misbehavior warranting removal from office.

White House spokesman Joe Lockhart, asked whether the president will personally answer questions at his Senate trial, told reporters, "I have no reason to believe that he will testify."

The 13-page filing from Clinton's lawyers — a joint effort by six private attorneys and five members of the White House counsel's office — was submitted in a sealed envelope received by Senate Secretary Gary Sisco at 11:48 a.m. — 12 minutes before the deadline.

Inside was a two-pronged rebuttal to the charges.

First, that the allegations of perjury and obstruction of justice "do not constitute high crimes or misdemeanors," and thus are insufficient to warrant the "conviction and removal from office of a duly elected president."

Secondly, that Clinton is innocent of the charges lodged, specifically the accusations of perjurious and misleading statements to Independent Counsel Kenneth Starr's grand jury about his relationship with Monica Lewinsky. Clinton also denied committing perjury in answers to grand jury questions about earlier testimony in the Paula Jones sexual harassment lawsuit, in statements he permitted his attorney to make in the case and in his answers to questions about alleged efforts to influence others' testimony.

In response to the second article, which alleged obstruction of justice, Clinton denied that he encouraged Lewinsky to file a false affidavit in the Jones case, encouraged her to testify falsely if called to testify in the Jones case or sought to conceal evidence in the Jones case.

He also denied obstructing justice by trying to help Lewinsky obtain a job, by allowing his attorney to make allegedly false statements, by relating false statements to a potential witness, his secretary, Betty Currie, and by relaying false statements to his aides.

The House replied shortly before its 5 p.m. deadline, countering that the Senate's precedents "establish beyond doubt that perjury warrants conviction and removal." The papers said that during the 1980s "the Senate convicted and removed three federal judges for committing perjury," a reference to Walter L. Nixon, Jr., Alcee Hastings, and Harry E. Claiborne.

"Obstruction of justice undermines the judicial system in the same fashion that perjury does, and it also warrants conviction and removal," the House brief said.

It contended that "judges are impeached under the same standards as presidents" and "these judicial impeachments for perjury set the standard here."

As for Clinton's contention that he is innocent of the charges, Republicans insisted otherwise. The statement Clinton read to the grand jury — which the president cited as evidence he had told the truth — was dismissed in the House papers as containing "totally false assertions and other clearly misleading information."

Hyde said he will make brief comments to the Senate on Thursday, to be followed by an opening argument by Rep. James Sensenbrenner, R-Wis., who will talk for an hour or less. Then, other House members will begin the detailed presentation.

Clinton's lawyers outlined numerous grounds for dismissing the case.

Rather than attempting to conceal his relationship with Lewinsky in his grand jury testimony, the president acknowledged having had "inappropriate intimate contact," the papers said.

In addition, the lawyers contended the first article of impeachment was flawed because it lumped multiple allegations of perjury together. Thus, 17 senators could believe Clinton guilty of one allegation, and a different 17 find him guilty of each of the others. The total would be enough to remove him from office, "even though he would have been acquitted if separate votes were taken on each" allegation, the papers said.

Clinton may be asked to postpone State of the Union address

By Sandra Sobieraj
The Associated Press

WASHINGTON — On one level, the state of the union is a breeze. "In a sentence, here's how I assess our present condition: America is working again," President Clinton says. Capitalize the letters — as in, State of the Union — and things get complicated.

With official Washington tied up in knots over Clinton's impeachment trial, some in Congress have called for a postponement of his annual prime-time speech to a joint session of the House and Senate. But the congressional leadership has not officially asked Clinton to put it off.

White House aides are emphatic that the show will go on Jan. 19 even though that is the day Clinton's lawyers are scheduled to open his defense in the Senate trial on charges stemming from the Monica Lewinsky affair. Senate Minority Leader Tom Daschle, D-S.D., said Sunday that Clinton should give the address, even though it may be "uncomfortable."

Many of the president's political advisers view the speech as an immensely important opportunity to convince Americans that he can still lead. A high job approval rating is his best defense against a Senate conviction, they say, and Clinton's poll ratings generally improve after State of the Union addresses.

"Our objective is to show continued vitality and energy," said White House deputy chief of staff Maria Echaveste. "We have a lot of work to do."

Over the weekend, Clinton scribbled a 20-30 page, double-spaced second draft of the speech. Another revised draft or two, and he will begin rehearsing in the White House family theater.

Whether Clinton directly addresses the Lewinsky matter when he faces lawmakers and TV cameras in the House chamber is largely a personal decision and "one that most likely will be put off until the end," press secretary Joe Lockhart said. The president didn't mention the scandal last year, days after it surfaced, and his poll numbers jumped.

The president has been publicly working out the rhetoric and policy of the speech.

To the Democratic Leadership Council, he spoke of a "Third Way" alternative to the old, ideological lines of conservatives and liberals.

Addressing the Detroit Economic Club last Friday, he tested the catch phrase "American economic renaissance," which echoed of the "New Covenant" from his 1995 State of the Union address.

The sound bite from Clinton's Jan. 6 celebration of a $76 billion surplus — "We can say the era of big deficits is over!" — rang like the headlines from his 1996 State of the Union when he proclaimed, "The era of big government is over."

"This president's got an awful lot he wants to accomplish," said White House communications strategist Paul Begala. "He's going to challenge the country and the Congress to address" those issues.

Aides acknowledged that much of this year's speech is likely to ring of the unfinished business from last year's address: national education standards and testing; child care; school construction; the anti-tobacco campaign against youth smoking.

"We hope the new Congress will take the lessons of the election to heart and try to get a lot more done than the last one," said domestic policy chief Bruce Reed.

SEC hits alleged price-fixing Nasdaq brokerages with heavy fines

Fifty-one traders faced charges and suspension, a strong message on the street to bilking traders

By Marcy Gordon
The Associate Press

WASHINGTON (AP) — Closing a 5-year-old case in which big Wall Street firms were accused of cheating investors out of billions of dollars, federal regulators are fining 28 brokerages more than $26 million for alleged price-fixing on the Nasdaq Stock Market.

The Securities and Exchange Commission has been negotiating the industrywide settlement with the brokerage firms for months. The agreement announced Monday involves many of Wall Street's biggest names, including PaineWebber Inc., J.P. Morgan & Co. and Merrill Lynch & Co.

The case stretches back to 1994, when the SEC and the Justice Department alleged that major dealers on the electronic Nasdaq market conspired in a form of price-fixing that cost ordinary investors billions of dollars on their stock trades.

Under the settlement, the brokerage firms with the most alleged violations agreed to pay higher fines. In addition to $26.3 million in civil fines, the firms also agreed to pay back alleged illegal profits totaling $791,525.

The SEC also brought civil charges against 51 individual traders for the brokerage firms, temporarily suspending them from the securities business. The brokerage firms and the traders, who agreed to the sanctions, neither admitted nor denied wrongdoing.

The charges against the traders "would send a very strong message on the Street that you cannot hide under cover of your" brokerage firm, said Robert Skirnick, a securities attorney.

Skirnick represented investors who sued the brokerages in a 1994 class action and won $910 million from 30 firms in a settlement a year ago — the largest ever for such a civil antitrust suit.

The settlement also requires the firms to improve their trading policies and procedures, SEC officials said.

Among those penalized were PaineWebber, J.P. Morgan, Prudential Securities Inc., Salomon Smith Barney Inc., Morgan Stanley Dean Witter & Co., and Merrill Lynch.

PaineWebber said it has "cooperated fully with regulators and has instituted policies and procedures to address the issues raised in their investigation."

But Alan Davidson, president of a small brokerage firm and of the Independent Broker-Dealer Association, said the fines in the new settlement may have been insufficient for Wall Street giants with billions in earnings.

"I'm not so sure that the punishment equated to the crime," said Davidson, a longtime critic of the National Association of Securities Dealers who recently won election to its board of governors. The NASD, a self-policing body, operates the Nasdaq market.

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