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National News

Live testimony may prolong trial

The Senate fears loss of control over President Clinton's impeachment trial proceedings

By Larry Margasak
The Associated Press

WASHINGTON — The Senate's Democratic leader conceded on Monday that witnesses "may be inevitable" in President Clinton's impeachment trial but said that once live testimony starts the Senate could lose much of its control over the proceedings.

A Republican victory on calling Monica Lewinsky and others could extend the trial indefinitely, said Sen. Tom Daschle of South Dakota. And he speculated that it also could lead to a Senate-floor spectacle of 100 senators watching her "point to where the president touched her."

Republican Sen. Jon Kyl of Arizona dismissed the warning as "all-or-nothing" scare tactics — "just not true."

As Daschle commented, White House lawyers honed the defense presentation they will begin Tuesday. It will focus on conflicts in testimony — a strategy that would be aimed at undercutting House charges of perjury and obstruction of justice but that also could open the way to Republican demands for witnesses to help resolve the disputes. The White House has been fighting that demand, but it now expects witnesses, officials said.

White House Counsel Charles F.C. Ruff will spend several hours presenting opening defense arguments before the trial recesses for Clinton's State of the Union address in the House chamber where the president was impeached.

The Clinton lawyers have expressed interest in some Democrats from the House Judiciary Committee becoming part of the defense team, according to officials familiar with the White House discussions. However, there was no indication the White House would adopt the proposal or that the House Democrats would agree to take part.

Meanwhile, Senate Republican aides, speaking on condition of anonymity, said GOP leaders would prefer that senators adopt the demeanor of Supreme Court

justices in the audience and not express themselves during the State of the Union address.

The lead prosecutor, Rep. Henry Hyde, R-Ill., has said he will not attend the speech, but his absence won't be related to the trial. The lawmaker said he prefers to avoid the crowds and has missed the address in previous years.

Daschle, in an interview with The Associated Press, acknowledged the Democrats apparently have lost their fight with majority Republicans to conclude the trial without live testimony from witnesses.

But the potential results were still being hotly disputed.

"Once we say we have to have witnesses, then it seems to me we've given up the ability to tell the House or White House how to present their case," Daschle said.

White House Press Secretary Joe Lockhart said anew that the Clinton side is ready to argue its case without witnesses even though live testimony might bring "exculpatory information" to the Senate. "I'll repeat again, the one thing that bringing witnesses into this case will definitely do is extend and delay this process," he said.

Kyl, who said he believes other Senate Republicans would endorse his views, called Daschle's comments "totally inconsistent with the rules. ... He appears to say it's all or nothing — if witnesses are called, there's not much the Senate can do about controlling it. That's just not true."

The Arizona Republican said the Senate could reject witnesses and added, "There clearly were discussions in our conference about ways salacious material could be handled. The Senate has the ability to set limitations on that."

"I cannot believe the White House will engage in tactics that would deliberately and obviously delay the process. I think it's more of a bluff and bluster," Kyl said.

Meanwhile, fresh polling indicated most Americans are not impressed by any of the situation.

According to a survey released Monday by the Pew Research Center for the People & the Press, a steady two-thirds of Americans want it all to end with Clinton still in office and less than one-third

are paying close attention. The only participant who got even a 50 percent approval rating for his handling of the process was Chief Justice William Rehnquist — and only 19 percent could identify him by name.

Daschle said in his interview that witnesses "may be inevitable," a reference to the 55-45 majority held by Republicans, who favor witnesses.

He added that once a decision is made to have witnesses, "who are we to tell either the House or the White House how they're going to run their case?" He predicted that the Senate couldn't keep "salacious details" out of the trial if Ms. Lewinsky testified.

"That will happen. That is really one of the only questions in dispute, whether she touched him or he touched her," Daschle said. "We will have 100 senators watching Monica Lewinsky point to where the president touched her."

After the White House finishes its presentation Friday or Saturday, the Senate will submit questions in writing to both sides, to be read by Rehnquist as presiding trial officer.

Majority Leader Trent Lott, R-Miss., and Daschle have agreed on a format that would divide the time for questions — limited to 16 hours — equally between Republicans and Democrats, switching back and forth between the two sides every two hours, according to a Lott aide.

The questions will be reviewed by each party to avoid at least some repetition. Before each question, Rehnquist is expected to name the senator who asked it.

The trial rules provide for a two-step process on witnesses. Each side would submit a proposed list of those to be questioned in depositions — and each list could be accepted or rejected in its entirety. In the second step, there would be a vote on each deposed witness to decide whether he or she should testify before the Senate.

Clinton's lawyers will use past testimony, federal laws and the Founding Fathers' own words to dispute the prosecutors' case that the president lied under oath or obstructed justice and should be removed for it, administration officials said.

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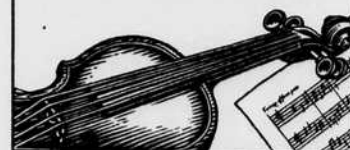
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