

Tab 43

ation
25/98 WASHPOST A02
3/25/98 Wash. Post A02
1998 WL 2475125

Found Document

Rank 1 of 1

Database
WP

The Washington Post
Copyright 1998, The Washington Post Co. All Rights Reserved

Wednesday, March 25, 1998

A Section

Clinton Finds There's No Escape; In Africa, President Sidesteps Executive
Privilege Questions
John F. Harris
Washington Post Staff Writer

Yes, President Clinton acknowledged today, he had heard something about a controversy involving executive privilege back in the United States.

And no, he had nothing to say about it.

Seven time zones away from Washington, the uproar about Clinton's decision to invoke privilege -- sparking a legal fight over that testimony a grand jury will hear from top White House aides -- caught up with the president in a photo session with Yoweri Museveni, the president of Uganda.

Clinton, who has yet to acknowledge publicly even that he is asserting executive privilege, was pressed by reporters to explain why he is trying to block testimony. His voice curt and his expression cold, the president responded as though he were a bystander in the controversy, rather than its central character.

"All I know is, I saw an article about it in the paper today," said Clinton, referring to the packet of news clippings faxed each morning to him when he is on the road. "I haven't discussed that with the lawyers. I don't know. You should ask someone who knows."

Specifically, Clinton was responding to a question about why White House lawyers have invoked executive privilege for conversations between first lady Hillary Rodham Clinton and aide Sidney Blumenthal. But he took the same tone on every other question relating to independent counsel Kenneth W. Starr's investigation into the Monica S. Lewinsky controversy.

Even as the president was sidestepping the issue in Africa, his lawyers back in Washington returned to federal court for a second day of arguments with Starr's attorneys about the privilege dispute.

Copr. © West 1998 No Claim to Orig. U.S. Govt. Works

3/25/98 WASHPOST A02

During a 90-minute, closed-door hearing before Chief U.S. District Judge Norma Holloway Johnson, attorneys continued their discussion about whether executive privilege or attorney-client privilege should prevent Starr from asking certain questions of Blumenthal, White House deputy counsel Bruce R. Lindsey and possibly others.

On another floor of the courthouse, the grand jury looking into the Lewinsky matter had a slow day, with no witnesses known to have appeared. On Wednesday, however, one of the key witnesses is scheduled to return, according to a source familiar with the matter. Marcia K. Lewis, Lewinsky's mother, appeared for two days last month before suffering what associates called severe emotional distress that caused a halt to her testimony. Lewis and Lewinsky share an apartment at the Watergate and are close confidantes.

In Little Rock, another grand jury that has looked into Whitewater for four years is set to expire in May and Starr said yesterday that he may not convene a replacement. Talking with reporters outside his Arkansas office, Starr said the cooperation of former governor Jim Guy Tucker under a recent plea agreement may speed the conclusion of the probe there.

"This investigation could conclude quickly if all persons who are relevant and material information would come forward and cooperate with the grand jury," Starr said.

As a general proposition, White House aides often cringe when asked about domestic uproars while overseas -- an anxiety they are feeling even more acutely on Clinton's six-nation, 11-day African tour. It is Clinton's first foreign trip since the Lewinsky controversy broke two months ago, and the president seemed to be forcibly restraining his temper during a brief session with reporters at the State House Lodge here in the Ugandan capital.

A reporter asked why people should not conclude that Clinton's assertion of privilege was "an effort to hide something from them."

"Look, that's a question that's being asked and answered back home by the people who are responsible to do that," Clinton responded. "I don't believe I should be discussing that here."

But as White House press secretary Michael McCurry acknowledged, it's actually a question that is being asked but not answered back home. The White House contends that because Judge Johnson has placed the legal proceeding under seal, Clinton and his lawyers cannot say anything about it -- nor offer a public justification for why he may be provoking a constitutional showdown over the scope of his presidential powers. Other legal specialists, however, have said such a situation would not preclude the president from acknowledging

3/25/98 WASHPOST A02

Publicly that he is asserting the privilege.

Political advisers in and out of the White House have been uncomfortable about Clinton's use of privilege to shield his aides because of the inevitable comparisons with Richard M. Nixon, who lost his battle during Watergate to assert executive privilege, leading to the disclosure of secret White House tapes and, in the end, to his resignation.

Earlier this month, McCurry said at his daily briefing that if Clinton did assert privilege, "I think the president would want the American people . . . to understand why he would make such an assertion."

Should Clinton be prepared to make such an explanation, it could come on Friday in South Africa. In the only full news conference of his trip, Clinton and South African President Nelson Mandela will face reporters in Cape Town.

Clinton aides said they have dreaded the potential spectacle of Clinton fielding -- or ducking -- questions about his legal controversies and alleged sexual misconduct standing beside one of the world's most respected leaders. But one adviser said the Clinton team has concluded that such a scene, if it comes, will not hurt Clinton at all -- since viewers might resent reporters for asking questions they consider impertinent.

Clinton scoffed at a suggestion that, with Washington so hostile, he would rather be in Africa. "I've looked forward to this [trip] for years," he said testily. "And I think most Americans want me to do the job I was elected to do."

Staff writers Lena H. Sun, Susan Schmidt and Peter Baker contributed to this report from Washington.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

CAPTION: The president's lawyer, Robert S. Bennett, waves to his driver after leaving the federal courthouse.

---- INDEX REFERENCES ----

KEY WORDS: NATIONAL
 STORY ORIGIN: KAMPALA, UGANDA, MARCH 24
 EDITION: FINAL

Word Count: 947

Copr. © West 1998 No Claim to Orig. U.S. Govt. Works

