



10 QUESTIONS

for

Dean Ken Gormley

INTERVIEW BY PETER F. VAIRA

Ken Gormley, dean of the Duquesne University School of Law, is the author of the bestselling book, *The Death of American Virtue: Clinton vs. Starr*, a review of the Clinton impeachment. Aside from the very scholarly research, the book is noteworthy for Gormley's ability to obtain personal, lengthy interviews with key persons involved in the impeachment, and the events leading up to the impeachment. The information provided by the participants is not only historically correct, it is at times startling. The book and its accompanying notes are primary historical sources. The book is not only a good read, it is good history. Dean Gormley is also the author of *Archibald Cox: Conscience of a Nation*, about the Watergate scandal.

PETER VAIRA: A great deal of your book and a great deal of the credibility of your work is the result of your personal interviews with key players in the investigation and impeachment process. How did you approach them, as a journalist, a historian or investigator?

DEAN GORMLEY: A combination of them all. I have journalistic experience from college and law school. I was also a litigator for several years. Putting together a book of this sort, going through documents and interviews, is much like preparing a massive case for trial. I let the individuals tell their stories. I was not under a deadline, and could afford multiple interviews. [They were always approached] through an intermediary they trusted. Quite often it was through their attorneys. I would never have gotten anywhere with a cold call.

How did you get to Monica Lewinsky and how did you gain her confidence?

Her attorney, Plato Cacheris, urged her to meet with me. He told

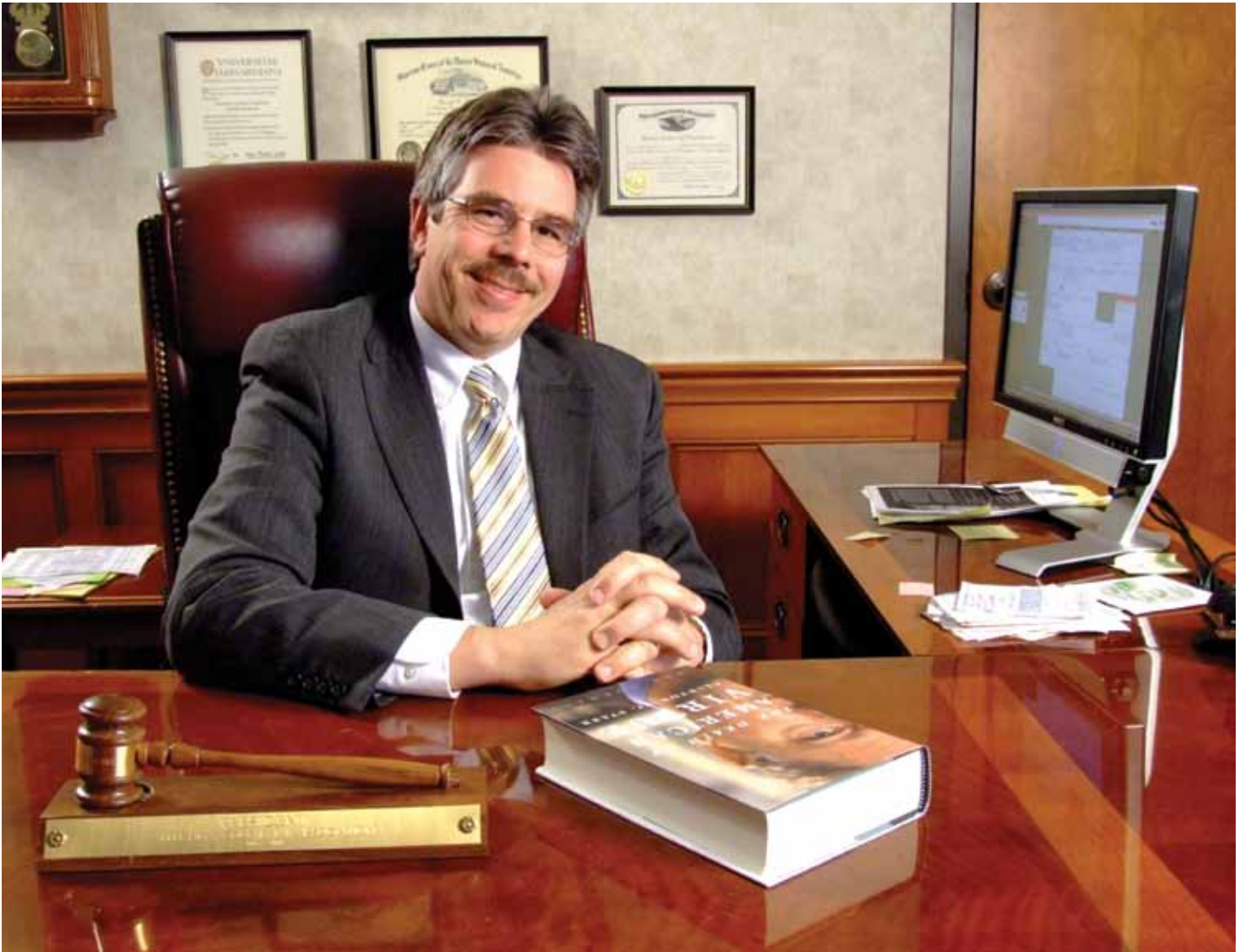
her it benefited her by talking with me. It took a great deal of time to gain her confidence. This developed over a period of time. She was very leery of me at first, because she had been burned by many writers. I also spent a lot of time with her father and mother.

Was Ken Starr over his head as the special counsel? What about his staff? Some persons have criticized them as not

being highly qualified. I have read Scott Turow's op-ed article in *The New York Times* criticizing them.

I think he was miscast as a prosecutor. He is a phenomenal lawyer. He was the Solicitor General of the United States, and sat on the federal D.C. circuit. He was by training more of an appellate judge. He did not have the experience or the innate disposition to think like a prosecutor. He tended to refer to his subordinates, and didn't appreciate the lead prosecutor position. I recall reading that article. I interviewed Starr's staff members many times. They could have easily dismissed me as the enemy, but they cooperated. I respected Jackie Bennett and Hickman Ewing. They came to feel very strongly that the Clinton White House was stone walling and didn't help itself. They were naturally aggressive, and over time came to have a deep disdain for President Clinton.

You said that you had another observation regarding the Starr staff, relating to its depth of experience?



Yes, there is another important factor about Starr's staff that has received little attention. What many observers have not appreciated is that Starr did not have any persons running the investigation who had any relationship with the major players in the Washington legal community. What helps in a high-profile case of this sort is well respected persons who could call lawyers representing witnesses and President Clinton and talk lawyer to lawyer in order to avoid stand offs and train wrecks. Starr was not a prosecutor and he did not have heavyweights of this stature on his staff. He needed someone like Chuck Ruff or Dave Margolis, well known in Washington, who could make a call to the White House and work out problems.

What about the dismissal of Robert Fiske as the independent counsel, and replacing him with Starr?

That was unfortunate. Bob Fiske was the perfect person for the job. Unlike Starr, Bob had spent a long time in the federal prosecutor's office. He was the former United States Attorney for the Southern District of New York. He treated the investigation like a special prosecutor should. He moved to Arkansas and quit his law firm job. Fiske's position was that when you are investigating the President of the United States your obligation as special counsel is to get in there and get the job done. Fiske's prosecutors told me that if Fiske was the special counsel he would have never touched the Monica

Lewinsky matter. On top of that, Fiske would have wrapped up his investigation before Monica ever entered the scene.

You mentioned in your book that you discovered a proposed indictment of Hillary Clinton?

I am one of the few persons to have ever seen it. I am quite sure that President and Mrs. Clinton have never seen it. It was a proposed indictment of Hillary Clinton and Webster Hubbell. I found it among some documents where it should not have been. Given the location where I found it, it was very clear that it was authentic. Although there were some members of Ken Starr's staff who favored indicting Mrs. Clinton, the staff eventually turned it down. What was intriguing was the timing — it was clear that this was a tactic to bring pressure on the Clintons when Monica Lewinsky was not cooperating, to cause someone to crack in order to make the criminal case against the President.

How did Monica Lewinsky decide to cooperate with the Starr prosecutors?

She hired Plato Cacheris and Jake Stein as her lawyers. They were experienced professionals and made it clear they would not engage in a media circus as did her first attorney Bill Ginsburg. Cacheris and Stein did not engage in games with the prosecutors either. Ginsburg is

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a colorful character. His specialty is medical malpractice and not criminal defense. The Clinton people complimented him for tying the special prosecutor's staff in knots and keeping Monica out of the grand jury for six months, largely through playing the media. Plato Cacheris was all business and made it clear he was representing Monica Lewinsky, and that was his only job.

In the book you describe Dave Schippers, the attorney for the house impeachment team, as being a vigorous prosecutor. Curiously, Schippers is a very strong Democrat. You state that Schippers had a plan to subpoena material from Janet Reno, the Attorney General. What was that plan?

Dave had his own game plan for prosecuting the case. He was very firm in wanting to go full steam ahead with the impeachment effort. Both Schippers and Congressman Henry Hyde were trying to expand the articles of impeachment to include allegations involving President Clinton's and Vice President Al Gore's fundraising activities in the White House. Janet Reno would not pursue the allegations. Schippers told me that they were prepared to issue a subpoena from the impeachment committee to Janet Reno. If she refused to appear or produce documents they would have moved to hold her in contempt and hold her in a jail-type facility until she complied. Congressman Hyde gave Schippers permission to proceed in this fashion, but the Senate refused to expand the investigation in this fashion.

In all this, were there any persons who deserved a John Kennedy – Profile in Courage Award?

Judge Susan Webber Wright, the District Court judge in Arkansas who handled the

Paula Jones case, was one. She handled the case very professionally. Ken Starr's group came swooping in and interfered with her case. Congress then launched the impeachment proceeding. She stayed away from politics and waited until the entire political matter was settled. She then held Clinton in contempt for lying under oath and fined him. Curiously, Ken Starr and the House of Representatives had cajoled an impeachment vote before any court had found that Clinton's perjury was material, which would have potentially provided a basis for impeachment. There was no evidence to back up that impeachment charge. When it all died down, Judge Wright found his false statements warranted a relatively small fine, and treated him like any other civil litigant who had failed to tell the truth in her civil proceedings.

Finally, I believe that the American public deserves a Profile in Courage Award for letting the Senate know that this was overblown and they wanted to end it. Opinion polls and letters told the Senators how the public felt.

What will you do with the massive amount of resource material you have obtained? I believe a great deal of it is what historians call original source material.

Eventually I plan to donate it to the Library of Congress or some educational institution so that it will be available to historians, educators, political scientists and future generations of citizens interested in this difficult but fascinating period of American history. ■

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