

# Hold That Martyrdom

slate.com/news-and-politics/1999/05/hold-that-martyrdom.html

May 19, 1999

## Articles

### Why Kenneth Starr's prosecution of Julie Hiatt Steele was not so ridiculous.

By Mickey Kaus

May 19, 1999 3:30 AM

On May 7 the first (and probably last) trial of Julie Hiatt Steele for lying and obstruction of justice ended with a hung jury. The low-key coverage of the event reflected several pre-established media themes: a) Steele is a "peripheral" figure hounded by a vindictive special prosecutor, Kenneth Starr; b) the Steele trial is a pathetic coda to Flytrap's now-finished symphony ("Starr's Last Gasps," says *Time*); and c) the sole remaining function of the case is to help determine the credibility of Kathleen Willey, the Richmond, Va., socialite who accuses President Clinton of crudely groping her near the Oval Office in 1993.

All wrong, I'd argue. What follows is a short primer on the Steele case for those who, understandably, have been paying more attention to the wars, tornadoes, mass murders, and nuclear espionage that constitute the rest of the news:

#### *Who is Steele?*

Steele is a former friend of Willey's. The issue is whether Steele provided the truth to Starr's grand juries about what Willey told her about Clinton's supposed grope. Steele, it's been alleged, has at various times offered *three* different stories:

Story No. 1: That Willey told Steele of a presidential pass *the very day* it occurred, in November 1993—and that it was a sexual advance that left Willey "humiliated, scared, embarrassed." Steele told this story to *Newsweek's* Michael Isikoff in March 1997 (according to his book *Uncovering Clinton*) after Willey had suggested to Isikoff that he could check out the grope story with Steele.

Story No. 2: That Willey only told Steele "about the incident weeks after it happened, saying only that the president had made a pass at her," not necessarily an unwelcome pass. According to Isikoff, Steele told this version to him in the summer of 1997, just as he was preparing to write up the Willey story for *Newsweek*. Steele at that time said that Story No. 1 was a lie she had told him at Willey's request. Isikoff reported both Steele's initial story and Story No. 2 in his first piece on the Willey episode, published in *Newsweek* in August 1997. Isikoff has reported that Steele repeated Story No. 2 to him as recently as early 1998, and at Steele's trial, two of her friends said she told them something like Story No. 2 before Isikoff even appeared on the scene.

Story No. 3: That Willey “never told [Steele] of any sexual advances made by President Clinton,” even welcome sexual advances, and that the first Steele heard about any such thing was in 1997 when Willey called her and asked her to lie to Isikoff. Steele took this position in an affidavit she signed in February 1998, after the Lewinsky scandal broke. It is the story she told Starr and claims today is the truth. Steele also denies that in recanting Story No. 1 she confirmed to Isikoff that Willey had told her about *any* pass. In effect, Steele says she never told Story No. 2.

President Clinton’s story, which he repeated under oath to a grand jury, is that he never made any sort of pass at Willey (i.e., it jibes with Steele’s Story No. 3). Willey, in her Steele trial testimony, stuck to the story that she told Steele of an unwanted pass the day it happened (Story No. 1), although she said that she only knows she told Steele immediately because Steele once reminded her of it!

The prevailing perception, of course, is that there were only two Steele stories, one pro-Willey, one anti-Willey. Press accounts—even Isikoff’s account in his book—tend to omit Story No. 2, presumably for simplicity’s sake. But Story No. 2 is what makes Starr’s prosecution of Steele seem rational.

*So why has Starr pursued Steele?*

The basic press take is that Starr is pursuing Steele to vindicate Willey. That’s doubtful. Starr might like to believe Willey—and Willey’s story was bolstered more than undermined by the testimony at last week’s trial. (Click to find out why.) Still, Willey’s story has serious problems, quite apart from Steele, as a recent, endless [analysis](#) in *The Nation* makes clear. Starr is much more likely to be interested in Steele herself and in why she changed her story.

This is where Steele’s Story No. 2 becomes important. The key thing about Story No. 2 is that while it helped clear Clinton of the charge of making an aggressive, *unwanted* sexual overture, it still contradicted the Clinton camp’s official line, which was (and is) that there was *no sexual overture at all*, not even a welcome one. Story No. 2 was only semi-exculpatory.

If Steele really changed her story a second time, to Story No. 3, that might suggest she was trying to fall in line with the official White House account, which in turn suggests that someone from Clinton’s side somehow “got” to her. That, at least, is what Starr’s camp seems to believe. Starr’s goal—as Bruce Shapiro, in a perceptive anti-Starr *Salon* [essay](#), recognizes—is most likely not to vindicate Willey but to unravel a presidential cover-up conspiracy.

How? By convicting Steele of lying and then getting her to “flip” and finger in the Clinton camp got to her to change her story to version No. 3. Starr’s theory may be a bit florid in its paranoia, but it’s not crazy, given what we already know about current White House operations. Significantly, the White House could have pressured Steele to falsely switch to Story No. 3 even if Willey is lying about Clinton’s grope, and even if Willey at some point asked Steele to lie to Isikoff for her.

*What makes Starr so sure Steele lied?*

He’s got evidence. At the trial, three friends of Steele’s contradicted her account. One said

Steele told him she'd heard Willey's account long before 1997; the other two said she'd actually told them something like Story No. 2 before 1997. All this is quite apart from Willey's testimony and Isikoff's reporting.

*But Steele's still a peripheral figure, right?*

She is now, but she wouldn't be if she flipped and finked. Security guard Christoph Meili was an extremely peripheral figure in the Swiss Holocaust banking scandal until he blew the whistle on the destruction of bank records. Detective would have been a peripheral figure in the O.J. Simpson trial if the defense team hadn't made a big fuss over whether he was or was not telling the truth about his use of a racial epithet.

*Yet Steele had no obvious, sufficient motive for lying ...*

Right, but that's the point. If she did in fact lie, what made her do it? Starr may be wrong in thinking the reason was intimidation by a Clintonite conspiracy. But there's only one clear way left for him to try to find out.

*At least Steele's a sympathetic figure?*

Steele is a divorced single mom (and grandmother) who has had to set up a Web site to solicit money for her "defense fund." On the other hand, her lawyers are representing her pro bono. And of all the "peripheral" figures in the Lewinsky scandal, Steele has been among the most industrious at marketing herself. Indeed, Steele seems to have followed Strout's Law, which summarizes the advice of legendary journalist Richard Strout to "sell every story three times." Long before she was threatened with prosecution, Steele sold a photo of Willey to the *National Enquirer* for \$7,000. (At the same time, she also met with an *Enquirer* reporter.) Then she was paid \$500 for sitting down with Richard Gooding of the tabloid *Star* to see what else she might have to sell. Then, most surprisingly, after the Lewinsky scandal broke she was paid \$5,000 by *Time* magazine. (Click for more on why *Time* is.)

*But didn't Starr threaten to take away Steele's adopted 9-year-old son?*

As even Steele-philes like Jeffrey Rosen of the *New Republic* acknowledge, Starr was trying to find out whether someone in Clinton's camp might have somehow threatened to take away Steele's adopted Romanian son, and thereby gotten her to change her story. So, Starr asked questions about the legality of the adoption. Whether in asking these questions Starr himself was pressuring Steele—and whether that constitutes a "vicious attempt to threaten Steele's adoption" (Shapiro) in "genuine Gestapo fashion" (Al Hunt in the *Wall Street Journal*)—is a question the current criminal proceeding will not answer.

*Sowas the evidence at trial enough to prove Steele guilty "beyond a reasonable doubt"?*

After reading the transcript, I'd say probably not. But that's because Starr, mindful of Justice Department guidelines discouraging compelled testimony from journalists, never even tried to get the testimony of his best potential witness,. Meanwhile, Steele could not be called by the prosecution, thanks to the Fifth Amendment, and did not testify in her own defense. (Her

lawyers rested their case without presenting any evidence of their own.) Only a criminal justice system as sophisticated as ours could hold Steele's trial without hearing testimony from the two most important witnesses.

*In other words, Steele won and Starr lost?*

After the jury deadlocked, Steele proclaimed victory—and victimhood. (“It’s time to start my life again,” she said.) But the Steele jury—unlike the jury in the recent trial of Susan McDougal, with which Steele’s trial is often twinned—did not acquit her of *any* of the four charges against her. Jurors didn’t say which way they were split and vowed not to talk to reporters (though it came out that one thought Willey’s skirt was too short). Starr could seek to retry the Steele case. He hasn’t announced whether he will.

Pssst! If you do, call Isikoff this time!

*Full disclosure:* I worked for *Newsweek* in the second half of 1998 and am still listed on the masthead as a contributing editor. I’m also friends with Isikoff. Steele is suing *Newsweek* and Isikoff, claiming Isikoff broke an “off-the-record” promise. Isikoff denies making any such promise. I suspect Steele’s suit is groundless, but whether it is or is not, it has had the effect of more or less silencing *Newsweek* on the subject of Steele. Starr’s prosecutors told the judge at Steele’s trial that one of Steele’s former friends was ready to testify that Steele said “the lawsuit was filed to shut [Isikoff] up.” The judge did not allow the testimony.

---