



by Stuart Reid

The Bloody Hand of History

Two cheers (at least) for the Good Friday peace accord.

When Tony Blair flew into Northern Ireland on the wings of a dove on Tuesday in Holy Week he came straight to the point. "This is not the time for soundbites," he said. "...I feel the hand of history on our shoulders." Bingo! The hand of history duly became the phrase of the day, and of the week. On Good Friday, following President Clinton's last-minute intervention, history obligingly handed Northern Ireland a peace deal: the Protestant unionists and the Catholic nationalists agreed to share power in an elected assembly and to work with the Republic of Ireland in establishing a cross-border authority.

The Queen was delighted. So was the Pope. So were John Major and William Hague, his successor as Tory leader. So was Colin Parry, whose son was murdered by an IRA bomb in Lancashire in 1993. (He wept when he heard the news, and said: "It rekindles my faith in human nature that good can overcome evil.") It goes without saying that George Mitchell was delighted too. He had been chairing the peace talks for four years and now, at last, had the chance to get home to his lovely wife. As for Sinead O'Connor, that fearless champion of Catholic rights (and enemy of the Catholic Church) spoke from what we must assume was her heart when she said: "The whole of Ireland and the whole of the music world are united in calling Ulster a great country on the dawn of a new era of peace."

But in spite of Ms. O'Connor's intervention—and for that matter Blair's disin-

genuous grandstanding—something important, and good, happened in Belfast on Good Friday. Naturally, however, not everyone joined the general mood of euphoria. There is nothing like the prospect of peace to lower the spirits of those who have invested all their intellectual capital in the proposition that the tribal differences in Ulster are irreconcilable, that the British government has a sacred duty to maintain the union with Northern Ireland and that—failing a renunciation by the Catholics of their nationalist aspirations—the war must, and will, go on.

Such people are hopeless romantics and deserve our sympathy. Yet they need not despair entirely: the peace deal does not mean the end of conflict. Though all parties to the negotiations—including Sinn Féin, the political wing of the IRA—reaffirmed their commitment to disarming, not one baseball bat or Black and Decker drill has been handed in; and the IRA has said that it has no intention of surrendering its weapons. In the next two years, furthermore, hundreds of terrorists are due to be released from jail. Some may end up in a reconstituted Ulster police force. Things could still fall apart.

But if there is hope yet for the pessimists, there is even more for the optimists. The deal does not guarantee peace, but it does mean—and by any rational test this is triumph enough—that the peace "process" will continue; that, except on the fringes, the paramilitary cease-fires will hold for the time being; and that the politicians of Dublin and London will be able to have a quiet drink and cynical chat—indulge, that is, in creative cronyism—without worrying overmuch when some demented Presby-

terian in Antrim starts bawling about the Whore of Babylon. There are not many votes these days in that old bitch.

It would be unkind, however, to cry over the discomfort of Protestant bigots, for no other reason than that bigots are people too, and often morally serious people. Nor would it be right to suggest that Northern Protestants who oppose the deal are bigots. There are among them unyielding men of principle—victims, almost, their own integrity—who believe that the Government of the United Kingdom of Great Britain and Northern Ireland, which is charged with upholding the union, has betrayed them. And they are right. They have been betrayed. The peace process implicitly recognizes that the Protestant British statelet in the North is an anomaly, and that eventually it must be disbanded. History is running against British Ireland, and some form of Irish Ireland—possibly an Ireland of the regions within united Europe—now seems inevitable.

Many Protestants are beginning to accept that inevitability. Indeed, they show every sign of being prepared to acquiesce in their own betrayal. They know that before long they will be outnumbered by the Catholics who, being more frightened of God than of AIDS, tend not to practice safe sex. As accommodation is therefore a Darwinian necessity, David Trimble, leader of the Ulster Unionist Party and the De Klerk of Northern Irish Protestantism, must sense this. Officially, he says that the Good Friday deal strengthens the union. In fact, he must realize, it does no such thing; but it does strengthen the position of the unionists, by providing them with a guarantee of continued power in Ulster. They are being made an offer they can't refuse: peace and prosperity—the continu-

fruits of the cease-fires—in return for a willingness to be subsumed in some form of united Ireland at some unspecified future date—and even then, only if the majority in the North agrees. But the key point here is that the majority *will* agree. The sterner Thatcherites and the wilder Ulster Protestants object that this is not peace with honor—which they believe can only come about if Sinn Fein-IRA is defeated—but merely the absence of war.

That, however, has been the goal of all British governments since the Troubles began in 1969. Even Margaret Thatcher, the most resolutely anti-nationalist of Prime Ministers, tried her hand at appeasement. In 1985 she signed the Anglo-Irish Agreement, which gave the Irish Republic a direct input into the affairs of Ulster. Unionists, who were among her strongest supporters, were horrified. Then, in 1989, her administration put out signals to the IRA that it was prepared to talk. John Major went further, replacing signals with secret contacts. In the Downing Street Declaration of December 1993 he insisted that Britain had “no selfish strategic or economic interest in Northern Ireland.” Once again, the unionists were horrified; so were the Thatcherites, for whom Major’s declaration was further evidence that he was not just a South London suburbanite with a dodgy accent but a weakling, prepared to surrender not only to Brussels but to Dublin as well.

Blair has continued the policies of Thatcher and Major. Last December he invited Gerry Adams, president of Sinn Fein, to No. 10 Downing Street, and shook his hand. No doubt he thought of it as the handshake of history, though he was too smart to offer that up as a soundbite. There were no cameras present, but terrorism now had its combat boot in the door of power. The heavens did not fall. Adams, whose comrades have spent the past thirty years maiming and murdering indiscriminately, is widely loathed on the mainland, but there is no love of Northern Irish Protestants, either. The Rev. Ian Paisley, in many ways an engaging fellow, is probably held in as much contempt (though not in as much hatred) as Adams. The English are bored, indifferent, irritated. Screw the Irish, is the attitude in the pubs and sushi bars of London. If a handshake will get rid of the prob-

lem, shake away: after all, the hand of history was eventually offered to Menachem Begin, Yasir Arafat, Jomo Kenyatta, Nelson Mandela...even to George Washington.

Perhaps the English are indifferent to matters of principle. They are not a religious people—the Church of England has seen to that—and they can’t see what all the fuss is about. Increasingly, however, the same may be said of the Irish. Historically, the nationalists have a case and a cause. The English Protestants, and the Scottish Presbyterians who colonized Ulster, treated Irish Catholics abominably. Crimes were committed that cannot be erased from the folk memory. But it is some years since the Catholics in Ulster suffered any social or political discrimination. Outside the ranks of the psychopaths, Irish nationalists are prepared to wait for a united Ireland.

When it comes united Ireland will not, of course, be the Ireland of idle conservative dreams—an Ireland in which only Gaelic is spoken, an Ireland of giants and elves and superstition, of wayside shrines and censorship, of donkeys, poteen, and the shriving stool, an Ireland in which condoms and television are banned, and where adolescent boys stutter and blush if they get within fifty feet of an Afro-Asian female mud wrestler. No, it will be an Ireland of clean rest rooms, Burger Kings, and Jerry Springer. Poor Ireland, you may say; but you can’t muck with manifest destiny, and you can’t, or shouldn’t, blame the people for wanting peace.

All this means trouble for the Tories, however. Ireland is becoming for William Hague what Europe was for John Major. To Thatcherites, Irish unity and European integration are symbols of the war against the *United* Kingdom, whose interests they claim to represent. Most people in the UK, however, are quite relaxed about the apparent disintegration of the union. They have accepted the devolution of power to Scotland and Wales, and seem resigned to the eventual transfer of power to Dublin. By opposing Major over Europe last year, when there was no burning anti-European mood in the country, the Thatcherites appeared obsessive and helped make the Tories unelectable. By doing the same with Hague now over Ireland, when most people support the Good Friday deal, they are making Labour unbeatable.

Item: A Mori poll published at the end of April showed that 74 percent of Britons supported Blair on Ulster, and that if there were an immediate election Labour would win a 250-seat majority—71 more than its present lead. ❁

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by Michael Craig

He Talked Too Much

Mr. Clinton was an ideal witness—for the other side.

In the classic black comedy *Dr. Strangelove*, the title character possesses a mechanical arm with a mind of its own—periodically choking the Doctor, for instance, or springing into a Nazi salute. Likewise, at President Clinton's deposition in *Jones v. Clinton*, the witness's mouth seemed to operate of its own accord, running endlessly and practically biting its owner on several occasions.

On January 17, 1998, President Clinton had the distinction of being the first sitting president to be deposed in civil litigation. James Fisher, Paula Jones's attorney, was entitled to take Clinton's testimony under oath and, almost without exception, the president was required to answer the questions as posed.

Bill Clinton seems the kind of witness who would strike fear in the hearts of opposing lawyers: he is charismatic, confident, and used to pressure situations; he looks good in a dark suit; and he is well-educated in the law. Most important, as the president of the United States he can count on the presumptive respect of the average juror.

But depositions are like mug shots: No matter what you do, you cannot look good. I have taken 150 depositions in complex civil litigation, and, in nearly every one, the witness gave up damaging information, often when I was not even seeking it.

The people I have deposed—mostly corporate directors, leveraged buyout artists, and CEOs—are used to being in control and knowing the answers. An experienced lawyer knows how to take advantage of this. The lawyer engages the witness, encourages

him to tell his side of the story; and the more the witness talks, regardless of the content, the more he gives away.

At a deposition, the goal of a witness, especially one being deposed by the opposition, should be to give away as little information as the law requires. The best answers, in increasing order of importance, are "yes," "no," and "I don't remember." The last of these cuts off further inquiry without even preventing the witness from testifying at trial, because his recollection can later be refreshed by counsel. A party gains nothing by talking in a deposition, because helpful information can be provided by a sworn affidavit or at trial.

Trying to persuade opposing counsel is a waste of time; I have never been dissuaded from my theory of a case by a witness's self-serving description of events, and I would be surprised if any lawyer ever has been.

At a minimum, a party trying to tell his story gives the opposition a peek at his trial strategy. Worse, a chatty party witness can blow holes in his own case. It is better to answer questions in a piecemeal fashion than to tell a story. Saying everything at once makes it easier to spot the inconsistencies.

Bill Clinton, surprisingly, came off as an unsophisticated witness, revealing a desire to please the opposing lawyer, and telling prepared stories that suggested he had lots to hide. (Although the deposition was supposed to remain confidential, portions were submitted unsealed as an exhibit in response to defendants' motions for summary judgment. Many news organizations have reproduced those portions, which constitute more than half the deposition, on the Internet.)

Willey Had the Heebie-Jeebies

For example, in his deposition testimony about Kathleen Willey, Clinton had a clear—practically transparent—agenda: paint Willey as so upset and distraught that she could have mistaken his concern for a sexual advance. Repeatedly, even though the questions did not call for it, the president referred to Willey's mental state. Even when asked for dates and times, he responded with gratuitous information about her desperate condition.

Regarding the encounter between the two on November 29, 1993, James Fisher asked: "What, if anything, do you recall being said in that meeting?" The question was potentially open-ended, but a smart witness would have stuck with what he knew, repeating it and otherwise keeping quiet. Clinton gave a long-winded answer including, "but she was, she was very upset that day, I remember this very well, and she didn't stay long, but she was quite agitated."

Fisher soon followed up by asking if the conversation occurred in the Oval Office. This called for a yes-or-no answer, but Clinton used it as an opportunity to re-establish his story: "I think it was partly in the Oval Office and partly in the dining room I have in back, which is—my memory is she was quite upset, I asked her if she wanted something to drink, she said she did, we went back there."

Clinton was asked if Willey had told him that she and her husband had some large debts to pay. After saying "I don't remember that," he went on to remind plaintiff's counsel that "she was obviously agitated" and "clearly upset."

At the end of the questioning about Kathleen Willey, after Clinton denied that he had behaved sexually or improperly toward her, he was asked why she would

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