

Supreme Court hears Paula Jones case

By RICHARD CARELLI
Associated Press

WASHINGTON — The Supreme Court aggressively questioned both sides Monday in a battle over the sexual-harassment lawsuit against President Clinton, expressing skepticism about judges managing a president's time yet leery of having him appear above the law.



Jones was argued just one week before Clinton's second-term inauguration.

A decision, which also could affect future presidents, is expected by July.

The hour-long argument did not address the merits of Jones' allegation that Clinton propositioned her in a Little Rock hotel room in 1991 when he was governor of Arkansas. Clinton has denied her allegation and has said he cannot recall ever meeting the former Arkansas state employee.

Instead, lawyers debated whether any part of the case can proceed during the next four

The justices gave little indication whether they will let Paula Jones' lawsuit go forward while Clinton is in office. The politically-charged case

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JUSTICE ANTONIN SCALIA

years. The court never before has been asked to decide if a sitting president can be sued over acts unrelated to his job, whether they took place before or during his term.

The justices sounded skeptical about arguments from both sides.

Justice Anthony M. Kennedy said allowing judges to decide whether a president is too busy to be entangled in litigation may be too intrusive, and “argues strongly for the absolute privilege that (Clinton's lawyers) are suggesting.”

Justice Antonin Scalia, although saying he

was also concerned about giving trial judges too much authority over a president, voiced doubts about fashioning a blanket rule.

“We see presidents riding on horseback, chopping firewood ... playing golf and so forth. ... The notion that he doesn't have a minute to spare is not credible,” Scalia said.

Justice Sandra Day O'Connor, meanwhile, worried aloud about delaying litigation for some future president sued for child custody or because land he owns “is boiling up with poisons.”

Robert Bennett, Clinton's lawyer, told the justices that if presidents can be sued while in office “any county or state judge could virtually destroy the power of the presidency.”

He added, “We'll give Ms. Jones her day in court, but let's not do it now.”

When Justice Ruth Bader Ginsburg asked whether any of the 50 states offer a governor temporary immunity, Bennett had to concede, “We have found none.”

Acting Solicitor General Walter Dellinger, the Justice Department's top-ranking courtroom lawyer, agreed with Bennett and urged the court not to “enmesh federal and state courts in a politically-charged task” of managing the president's time.

Lawyer Gil Davis, representing Jones, said Clinton's argument “confuses the office of the presidency with the person who holds that office.”

Referring to Clinton as a “citizen who holds

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ROBERT BENNETT
President Clinton's lawyer

the office of president of the United States,” Davis said Clinton “has the same rights and responsibilities as all other citizens.”

A president should be given a postponement only if there is “an actual, imminent interference with his job,” Davis said.

But the argument soon became bogged down when he was asked by several justices how trial judges are to determine whether such a threat exists.

The Supreme Court ruled in 1982 that presidents cannot be sued for damages involving their official duties, even after they leave office. The prospect of such lawsuits could harm a president's decision-making, the court said.

But when Bennett invoked the 1982 ruling, Rehnquist told him, “I don't see how that element is present here.”

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