

The anti-democratic agenda behind the US attorney firings

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It is becoming increasingly clear that the firing of eight US attorneys was part of an illegal conspiracy whose principle aim was to maintain Republican power by suppressing the votes of working class and minority voters and using trumped-up voter-fraud prosecutions to manipulate elections and reverse close ones that went to the Democrats.

The intention was to use the vast powers of the federal prosecutorial and judicial system to subvert democratic processes, while providing a legal gloss for the process. Under conditions of growing popular opposition to the Iraq war and the policies of the Bush administration as a whole, the White House and its co-conspirators in the Justice Department were determined to purge any federal prosecutors who might stand in the way of their machinations.

Two of the fired federal prosecutors, David Iglesias in New Mexico and John McKay in Washington state, were targeted for refusing to pursue voter fraud prosecutions against Democrats which were sought by the White House and Republican congressmen in connection with closely contested electoral races. Two others, Carol Lam of California and Paul Charlton of Arizona, were fired after conducting corruption cases against sitting Republican congressmen. Others of the purged US attorneys resisted demands by Bush and Gonzales that they seek the death penalty in criminal cases.

US Attorney Bud Cummins of Arkansas was fired to make way for Tim Griffin, an aide to Bush's chief political adviser Karl Rove. Griffin had previously served as the lead political investigator for the Republican National Committee, where his job was to dig up dirt against Democratic opponents. He played a major role in the Republican effort during the 2004 election campaign to intimidate and disqualify working class and minority voters, under the pretext of fighting voter fraud.

The burgeoning scandal has already shattered the attempts of the White House and Attorney General Alberto Gonzales to present the firings as a routine "personnel matter," in which neither Bush nor Gonzales were intimately involved. Previous statements by Gonzales and other top Justice Department officials to this effect, in both sworn congressional testimony and public remarks, have been exposed as lies by emails and other material contained in thousands of pages of documents released to congressional investigators (see "New documents expose White House, Justice Department lies in firing of US attorneys").

The evidence increasingly indicates that the conspiracy was centered in the White House, with Bush's chief political adviser, Karl Rove, playing the central role, and two fellow Bush loyalists going back to the president's term as governor of Texas, Gonzales and former White House counsel Harriet Miers, who left her White House post in

January, overseeing the US attorney purge.

The scandal stands to spread with the testimony today of D. Kyle Sampson, Gonzales' former chief of staff, before the Senate Judiciary Committee. Sampson resigned March 12 after Gonzales and Deputy Attorney General Paul McNulty attempted to make him the fall guy, claiming that their misleading testimony and statements occurred because Sampson, who coordinated the firings, failed to keep them properly informed.

Sampson has publicly refuted the claims of his superiors at the Justice Department. The *Washington Post* reported March 27: "Sampson is expected to testify that 'the fact that the White House and Justice Department had been discussing this subject for several years was well known' to many senior Justice officials, including [senior Justice Department counsel and White House liaison Monica] Goodling and others who had briefed department witnesses, according to a statement issued by his attorney March 16."

Goodling had also been summoned to testify, but on Monday her lawyer informed the Judiciary Committee that she would refuse to answer questions on the grounds of her Fifth Amendment right against self-incrimination. The invocation by a top Justice Department official of the Fifth Amendment is itself an extraordinary development, and is all the more ominous, from the standpoint of the Bush administration, coming from the individual who played the central role in coordinating the actions of the White House and the Justice Department.

By taking the Fifth, Goodling is for the first time implicitly suggesting that the firing of the US attorneys may involve violations of the law. In justifying the decision, her lawyer charged that the Democratic-led Judiciary Committee is biased against his client and is conducting a politically-motivated exercise. He said that Goodling had ample reason to fear that her testimony would be used to charge her with perjury or obstruction of justice, and cited as precedents the convictions of Reagan aides John Poindexter and Oliver North in the Iran-Contra affair and the recent conviction of Vice President Dick Cheney's former chief of staff I. Lewis Libby for lying to a grand jury investigating the outing of CIA operative Valerie Plame Wilson.

Citing these precedents, however, suggests that were Goodling to testify, she would make false statements to the committee, raising the question: Whom is she protecting?

Another indication that the scandal is assuming the proportions of a full-scale crisis for the White House is the announcement Monday by the government reform committee of the House of Representatives directing "the Republican National Committee [RNC] and the Bush-Cheney '04 Campaign to preserve the emails of White House officials and to meet with committee staff to explain how the accounts are

managed and what steps are being taken to protect the emails from destruction and tampering.”

In issuing the order, Committee Chairman Henry Waxman (Democrat of California) cited evidence that senior White House officials involved in the firing of the federal prosecutors used Republican National Committee and other political email accounts to avoid leaving a record of official communications.

The Democratic leadership began holding hearings into the firings last January, with the evident aim of using them to give the appearance of a struggle against the Bush administration while they prepared to authorize another \$100 billion in spending for the wars in Iraq and Afghanistan. Even now, they have been reluctant to bring the matter to a head, seeking to avoid a confrontation with the White House over their request for testimony from White House aides, including Rove and Miers. Bush has flatly refused to allow his aides to testify publicly and under oath, citing executive privilege.

While both the House and Senate judiciary committees have voted to authorize the issuance of subpoenas for White House officials to testify, they have held off on executing the subpoenas. Last Friday, Senate Judiciary Committee Chairman Patrick Leahy (Democratic of Vermont) said “I’m in no hurry” to issue the subpoenas.

Gonzales himself has not been called back to testify before the Senate Judiciary Committee, and will appear there only on April 17 for a previously scheduled hearing.

Only a handful of Democrats, and several Republicans, have called for Gonzales to resign, and no prominent politicians of either party have demanded the appointment of a special counsel to investigate the matter.

But political scandals involving serious underlying issues have a logic of their own, and the US attorney affair could well escalate far beyond what the Democrats intend or desire. Already, public demands for the appointment of a special prosecutor are mounting.

The origins of the present scandal go back to the stolen election of 2000, when the Bush campaign and George W. Bush’s brother Jeb, then governor of the pivotal state of Florida, used various illegal tactics to disenfranchise likely Democratic voters, particularly in working class and African-American districts, and then, through the intervention of a Republican majority on the US Supreme Court, blocked a recount of votes that had been ordered by the Florida Supreme Court.

The Democratic Party and its candidate Al Gore, who obtained more popular votes than Bush, conducted no serious campaign against the Republican hijacking of the election and meekly accepted the Supreme Court fiat.

Once in power, the Bush administration initiated a drive to institutionalize the manipulation and subversion of elections by suppressing voting in key Democratic areas and using federal “voter fraud” investigations and prosecutions to disrupt Democratic campaigns and even overturn Democratic victories.

As Jeanne Cummings explains in a March 27 article on the Internet site *The Politico*: “Before the 2002 midterms, then-attorney general John Ashcroft announced a ‘Voting Access and Integrity Initiative’ that directed FBI agents and US attorneys’ offices to investigate allegations of voter fraud. In a letter to Ashcroft, civil rights leaders questioned the objectives of the program and warned that it could intimidate some voters.

“Meanwhile, state party officials experimented with programs aimed at identifying and challenging voters they deemed questionable. In Arkansas, some minority voters were photographed as they went to

the polls. In Pennsylvania, minority voters say big black Suburban trucks pulled up outside voting precincts while men with earpiece walkie-talkies demanded to see their identification....

“Two years later, the Republican anti-fraud operation was ready for the big time, a presidential campaign.”

Cummings writes: “Republican operatives tucked thick folders of newspaper clippings and other fraud tips under their arms and pitched to reporters their claims that the Democrats’ registration program would lead to rampant voter fraud ... What wasn’t mentioned in those conversations with reporters was a Republican National Committee strategy, already underway, to work with state parties to identify and challenge questionable voters at the polling precincts. Among those working at the RNC was Tim Griffin, the former Karl Rove aide who recently replaced fired US attorney Bud Cummins. Then, with the vast federal law enforcement community acting as the new sheriff, Republicans hoped ... for a string of high-profile investigations and convictions....

“At the Justice Department, Ashcroft instructed US attorneys to meet with top election officials and make themselves available for fraud investigations on Election Day, if necessary.”

Within two months of Bush’s reelection, the Bush White House was discussing with newly appointed Attorney General Gonzales whether to fire all or some of the US attorneys. A major reason, it is clear, was to make sure that in future elections the operation would be even more successful.

Indeed, there is every reason to believe that the Bush administration had the 2006 midterm and 2008 presidential elections in mind when it inserted into the 2006 law reauthorizing the US Patriot Act a provision allowing the attorney general to appoint US attorneys on an interim basis without obtaining Senate confirmation. It was under this provision that the purge of federal prosecutors was carried out.

This is confirmed by a commentary published by the McClatchy Newspapers, which notes: “Last April, while the Justice Department and the White House were planning the firings, Rove gave a speech in Washington to the Republican National Lawyers Association. He ticked off 11 states that he said could be pivotal in the 2008 elections. Bush has appointed new US attorneys in nine of them since 2005; Florida, Colorado, Wisconsin, Minnesota, Iowa, Arkansas, Michigan, Nevada and New Mexico. US attorneys in the latter four were among these fired.

“Rove thanked the audience for ‘all that you are doing in those hot spots around the country to ensure that the integrity of the ballot is protected.’ He added, ‘A lot in American politics is up for grabs.’”

Nor can it be an accident that Rove aide and Republican dirty trickster Tim Griffen was installed as US attorney in Arkansas, where the Democratic frontrunner Hillary Clinton spent most of her adult life.



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