

# Testimony by Justice Department official sheds light on White House conspiracy to manipulate elections

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The testimony of a senior Justice Department official before the Senate Judiciary Committee Tuesday provided new insight into the anti-democratic political conspiracy, orchestrated from the White House, that lies at the heart of last year's purge of nine US attorneys.

The main witness at the hearing, Bradley J. Schlozman, has played a significant role in implementing the Bush administration's strategy of packing the Justice Department's legal staff, including the country's top federal prosecutors, with right-wing Republicans for the purpose of disenfranchising Democratic voters, intimidating Democratic-leaning interest groups, and manipulating elections.

The purge of US attorneys was carried out to pursue a policy of bringing trumped-up voting fraud charges to cripple voter registration drives in poor and minority communities and throw likely Democratic voters off of registration rolls in key "battleground" states.

It is an effort to expand on a national scale the methods that were used to disenfranchise working class voters in the disputed Florida election of 2000, which resulted in the theft of the presidential election and the installation of Bush in the White House.

Schlozman, 36, is one of a group of right-wing lawyers who were recruited into the Justice Department after Bush took office and rapidly elevated to high positions. As a top official in the Justice Department's civil rights division—for five months in 2005 he was acting head of the division—Schlozman purged long-time career lawyers and replaced them with lawyers recruited from Republican organizations such as the Federalist Society and the Heritage Foundation.

Joseph D. Rich, a former chief of the civil rights division's voting rights section, told the *Los Angeles Times* earlier this week, "He [Schlozman] viewed me as the enemy. He viewed most career attorneys as the enemy."

Rich said he believed that more than half of the 38 attorneys in the section eventually left. He himself resigned, after 36 years in the department, in the spring of 2005, citing conflicts with Schlozman and other Bush appointees.

By such means, Schlozman worked to shift the focus of the division and its voting rights section from their traditional and legally mandated role of enforcing civil rights statutes banning voter discrimination of blacks, Hispanics and other minorities to

attacking the voting rights of poor people and minorities, in the name of fighting "voter fraud."

This was combined with federal investigations and prosecutions of alleged voter fraud aimed at undermining the campaigns of Democrats and swinging key elections in favor of Republicans.

Among the actions taken by the Justice Department's civil rights division during Schlozman's tenure was a decision to approve plans by Arizona and Georgia to require voters to show official photo IDs at polling stations, a move that was opposed by career lawyers in the division who said it would effectively disenfranchise many poor and minority voters.

One study has found that the Department of Justice has investigated or prosecuted corruption charges against 298 Democrats and only 67 Republicans in the past six years. Likewise, the Justice Department has conducted multiple investigations of alleged vote fraud since 2001, but not a single case involving the denial of the right to vote for black, Hispanic or other minority voters.

After serving a political hatchet man for the White House within the civil rights division, Schlozman was installed in March 2006 as interim US attorney in western Missouri, following the forced resignation of US Attorney Todd Graves. Schlozman was the first interim US attorney to be appointed under a provision inserted into the revised Patriot Act of 2006 allowing the attorney general to appoint US attorneys without obtaining Senate approval.

Graves, a Republican and Bush appointee, had nevertheless provoked the ire of Bush's chief political aide, Karl Rove, and Attorney General Alberto Gonzales by resisting the demand of their agent, Schlozman, that he file suit against Missouri's Democratic secretary of state for allegedly failing to remove illegitimate voters from the state's registration rolls.

Since 2005, Justice Department civil rights lawyers have sued election officials in seven states—Alabama, Georgia, Indiana, Maine, Missouri, New Jersey and New York—and sent threatening letters to others, in some cases demanding copies of voter registration data.

Graves was also unenthusiastic about an investigation, ordered by the civil rights division, into the Association of Community Organizations for Reform Now (ACORN), a pro-Democratic group that was conducting a voter registration drive in Missouri for the 2006 midterm election.

As US attorney in Kansas City, Missouri, Schlozman—who had no criminal or civil trial experience when he took the post—announced a voter fraud indictment against four employees of ACORN less than a week before the November, 2006 election. The politically motivated character of the indictment was transparent.

ACORN had voluntarily informed state authorities that the four individuals had submitted false voter registrations, and was cooperating in an ongoing investigation. Moreover, Justice Department regulations strongly warn against federal prosecutors bringing voter fraud cases in pre-election periods, lest they unduly influence the outcome.

But Missouri's incumbent Republican senator, Jim Talent, was in a close race with Democrat Claire McCaskill, and it was clear that the outcome could determine whether the Republicans would maintain control of the Senate. The Missouri Republican Party immediately seized on the indictment of ACORN to charge McCaskill and the Democrats with trying to "steal" the election. In the event, McCaskill won a narrow victory, helping to swing control of the Senate to the Democrats.

Schlozman was in such a rush to obtain the ACORN indictment before Election Day that he misnamed one of the defendants. In April of this year, the suit was dismissed by a federal judge, who ruled that the government failed to produce any evidence of fraud.

Schlozman left his post as US attorney in April and currently works in the Justice Department office that oversees US attorneys.

Tuesday's hearing was boycotted by the Republican members of the Senate Judiciary Committee, and only five of the Democratic members attended. Schlozman's testimony, transparently dishonest and evasive, was riddled with contradictions.

He admitted having bragged about recruiting partisan Republicans into the civil rights division of the Justice Department and altering the performance reviews of career lawyers who were not Bush loyalists. But he denied that he had violated civil service laws that prohibit asking applicants about their political affiliations.

He repeatedly avoided giving the actual names of Justice Department and other Bush administration officials with whom he collaborated in various schemes to influence elections and intimidate Democratic voters. Only when pressed did he name names.

Asked by Senator Patrick Leahy, the Vermont Democrat who chairs the committee, to provide emails and other communications, he repeatedly said he would be glad to "request permission" from Attorney General Gonzales for permission to do so, prompting Leahy to issue multiple threats of subpoenas.

At one point, Schlozman denied having known anything about ACORN's political leanings.

The Democrats on the panel took turns waving a Justice Department manual and quoting a section that says "most, if not all, investigations of an alleged election crime must await the end of the election to which the allegation relates." They further cited Justice Department guidelines that state: "Federal prosecutors and investigators should be extremely careful not to conduct overt investigations during the pre-election period or while the elections are underway."

When asked to explain the ACORN indictment in light of these rules, Schlozman replied, "I didn't think this was going to have any impact on any election."

Senator Russell Feingold (Democrat of Wisconsin) then read a news release issued by the Republican Party in Missouri just after the case was filed, which accused ACORN of trying "to cause chaos and controversy at the polls in order to help Democrats to try to steal next week's elections."

"Would you say that this statement was intended to effect voters' decisions?" Feingold asked.

"Senator, I can't speak for anyone else," Schlozman answered.

Schlozman was asked to explain his refusal in the fall of 2004 to investigate a complaint from a US attorney that Native Americans were facing voter discrimination because of a decision by Minnesota's Republican secretary of state. Having just defended his election eve indictment of ACORN, he now declared, "Anytime we're doing anything in a pre-election situation... we want to make sure we don't go off half-cocked."

Following Schlozman's testimony, the man he replaced as US attorney, Todd Graves, appeared before the committee. On the ACORN indictment, Graves said, "It would have been my understanding that you would not do that... It surprised me that they'd been filed that close to an election."

He also recalled a conflict with Schlozman that reveals much about the political and social outlook of the Bush-Rove stooges at the Justice Department. It involved a cross-burning case in Missouri brought by his office, in which the civil rights division of the Justice Department pressed him to remove punitive measures against the perpetrator. Graves refused.

Tuesday's hearing, the latest in a series of congressional hearings on the US attorney purge, added to the mountain of evidence of criminality in the White House and the Justice Department. Attorney General Gonzales himself has been caught in numerous lies, as have other top department officials, including statements given to Congress under oath.

Bush not only continues to defend Gonzales, but has flatly rejected demands by Democratic congressional leaders that White House aides such as Rove provide sworn, public testimony about their involvement. The Democrats, for their part, have refused to issue subpoenas to compel Rove and others to testify.

They are playing a cynical and cowardly game, seeking to avoid a confrontation with the White House while exploiting the scandal to provide themselves with political cover for their complicity in the war in Iraq and the Bush administration's onslaught on democratic rights.



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