

Democrats subpoena former White House officials in probe of US attorney firings

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The Democratic chairmen of the House and Senate judiciary committees on Wednesday issued subpoenas ordering two former high-ranking Bush White House officials to testify on White House involvement in the firing of nine US attorneys.

Rep. John Conyers of Michigan, chairman of the House committee, executed a subpoena on former White House Counsel Harriet Miers, calling on her to appear before his committee on July 12. Sen. Patrick Leahy of Vermont, the chairman of the Senate committee, issued a subpoena on Sara Taylor, until recently Bush's political director and deputy to White House political director Karl Rove, ordering her to appear before his committee on July 11.

The chairmen also issued a subpoena to White House Chief of Staff Joshua Bolten to produce all White House documents relating to the firing of the federal prosecutors.

These are the first subpoenas issued by the Democratic Congress on the White House and on Bush officials since the congressional investigation into the 2006 purge of US attorneys began five months ago.

Since then, a mass of evidence has been generated from the testimony of Justice Department officials, including Attorney General Alberto Gonzales, documents turned over by the Justice Department, and statements by some of the fired US attorneys showing that the White House oversaw the firings as part of a drive to tilt elections in favor of Republican candidates. The scheme was to pack the US attorney system with Bush loyalists who would file trumped-up criminal "vote fraud" cases against Democratic officials and pro-Democratic voter registration groups, and compel state election officials to purge voter rolls of poor and minority voters.

It has been well documented that most of the nine US attorneys who were fired were removed because they balked at filing politically motivated vote fraud or corruption charges in advance of the 2006 elections. Others who were fired had carried out successful corruption cases against Republican lawmakers.

Just last week six former staff attorneys at the Justice Department's Civil Rights Division, including two former chiefs, issued a statement documenting the systematic efforts of the Justice Department to suppress voter turnout in low-income and minority communities.

A great deal of evidence has merged making it clear that Rove played a central role in the political conspiracy and that Bush himself was involved. Outgoing White House counselor Dan Bartlett, for example, confirmed that Bush discussed firing the prosecutors with Rove and Gonzales.

In a letter to the current White House counsel, Fred Fielding, Rep. Conyers cited the case of David Iglesias, who was fired from his position as US attorney in New Mexico. Conyers wrote that Iglesias

was put on the firing list only after Rove relayed complaints about him to the White House counsel's office. That happened, Conyers said, "only after Mr. Rove was specifically enlisted by several prominent New Mexico Republicans in their effort to have Mr. Iglesias fired." The unnamed New Mexico Republicans included Senator Peter Domenici.

These Republicans wanted Iglesias to return corruption indictments against Democrats before the 2006 elections.

Rove was said to be preparing an even more ambitious campaign to influence the result of the 2008 presidential election, and sought to get compliant prosecutors in place. Hence the dismissals in key battleground states like New Mexico, Arizona, Nevada, Washington, Michigan, Arkansas and Missouri.

Bush has repeatedly stated that he will not permit any current or former White House officials to testify under oath and in public before the congressional committees, promising to invoke executive privilege if necessary. He has also declared his confidence in Gonzales, who was his White House counsel before becoming attorney general and himself played a direct role in launching the plan to purge the US attorney system after the 2004 presidential election. Both Democratic and some Republican lawmakers have called for Gonzales to resign.

The Democrats have up to now avoided issuing subpoenas to White House officials, despite five months of stonewalling by the Bush administration, which has refused to hand over documents requested by the two committees. On Monday, Democratic senators failed in an attempt to obtain a symbolic vote of "no confidence" in Gonzales, a political maneuver they had hoped would lead to Gonzales's resignation and allow them to avoid a direct clash with the White House.

The fact that they did not subpoena Rove or any other current White House officials suggests that they are still looking for some kind of compromise. On April 1, Democratic Senator Charles Schumer of New York, who has been leading the investigation in the Senate Judiciary Committee, offered on the CBS News program "Face the Nation" to allow White House officials to meet with the committee behind closed doors without being sworn in, in lieu of giving public testimony under oath. This met two of the conditions demanded by the White House, but Schumer balked on the third: that there be no transcript of the proceedings. The White House immediately rejected his proffered compromise.

CNN's web site cited a statement from an unnamed Democratic congressional source on Wednesday that reflected the thinking among Democratic lawmakers on the subpoenas they had just issued: "The reality is that this will end up in a constitutional showdown and they will never get a chance to talk to any of the White House witnesses."

Nevertheless, the issuing of the subpoenas sets the stage for a possible constitutional confrontation between the executive and legislative branches of the government.

In a joint press statement issued Wednesday by Conyers and Leahy, Conyers declared, "Let me be clear: this subpoena is not a request, it is a demand on behalf of the American people for the White House to make available the documents and individuals we are requesting to help us answer the questions that remain." He added, "The breadcrumbs in this investigation have always led to 1600 Pennsylvania [the address of the White House]."

Leahy said, "The involvement of the White House's political operation in this project, including former Political Director Sara Taylor and her boss Karl Rove, has been confirmed by information gathered by congressional committees." In a letter to White House counsel Fielding, Leahy wrote, "The White House's continuing stonewalling leads to the obvious conclusions that the White House is hiding the truth because there is something to hide."

The White House immediately issued a statement making clear its intention to fight the subpoenas. Tony Fratto, the president's deputy press secretary, said the White House will "review the subpoenas and respond accordingly." He then said the White House had been forthcoming in offering documents and interviews, "But it's clear that Sen. Leahy and Rep. Conyers are more interested in creating a media drama than getting the facts."

Miers, who resigned as White House counsel in January of this year, was intimately involved in the firing of the federal prosecutors. Thousands of pages of Department of Justice documents and hours of testimony before the committees have revealed that Miers first approached the Justice Department in February 2005 and suggested that all 93 federal prosecutors be fired. That idea was rejected, but it initiated the process that eventually led to the forced resignation or firing of two US attorneys in March and June of 2006, and the dismissal of seven more on December 7, 2006.

For the next two years, Miers was in regular contact with D. Kyle Sampson, Gonzales's chief of staff, who coordinated the dismissals. Forty-six additional documents released by the Justice Department Tuesday shed further light on Miers's role. They show that she was involved in administration discussions over how to respond to the growing furor over the dismissals earlier this year, and that she opposed briefing lawmakers about the reasons for them.

The newly released records also provide information about the role of former White House political director Sara Taylor, who resigned her post on May 30. An email she sent on February 16 to Sampson shows her involvement in the firing of Arkansas US Attorney Bud Cummins in June of 2006 and his replacement by Tim Griffin.

Griffin, a protégé of Rove and former official with the Republican National Committee and President Bush's 2004 election campaign, was installed as interim US attorney in Little Rock after Cummins resisted pursuing vote fraud cases against Democrats. Griffin recently resigned his US attorney post.

In the email, Taylor complains of congressional testimony given by Deputy Attorney General Paul McNulty, in which McNulty acknowledged that Cummins was fired at the urging of Miers to make way for Rove's associate, Griffin.

"McNulty refuses to say Bud is lazy—which is why we got rid of him in the first place," Taylor writes.

The case of Tim Griffin is indicative of the methods that were employed by the White House to disenfranchise likely Democratic voters. Working for Bush's 2004 reelection campaign, Griffin headed

up a program to prevent poor and minority people from voting that is known as "vote caging." It involves sending registered mail to minority voters, asking for a reply, and if no reply comes back, attempting to remove the individuals from voter rolls, usually without their knowledge, or challenging them when they show up at the polls.

In 2004, such registered letters were sent to the home addresses of tens of thousands of African-Americans in Ohio, Florida, Nevada, Wisconsin and elsewhere.

On May 24, reporter Greg Palast published on his blog an email from Griffin to state Republicans leaders from August 2004 under the subject "caging." The email had an attachment of lists of "caged" voters, presumably to be challenged when they went to vote.

If the conflict between the White House and Congress over the subpoenas is not resolved, the matter could end up in the federal courts.

White House officials have routinely testified under oath before Congress in previous administrations. During the Clinton administration, the Republican-controlled Congress repeatedly subpoenaed White House aides in connection with the series of bogus scandals concocted to disrupt and even bring down the administration, from Whitewater to the Monica Lewinsky affair.

But the Bush administration, in line with its assertion of unchecked executive power and contempt for the constitutional separation of powers, refuses as a matter of policy to allow White House officials to be questioned under oath by Congress. In this case it is all the more adamant, since such testimony could expose its illegal and anti-democratic activities.

There is no reason to believe that the Democrats have either the intention or the political will to seriously oppose the administration's stonewalling. They have throughout their investigation downplayed the most serious aspect of the US attorney firings—voter suppression and the manipulation of elections. Instead, they have sought to use the probe to provide political cover for their complicity in the continuation of the war in Iraq.

As for the White House, it announced over the weekend that nine new attorneys have been hired for White House counsel Fielding's office, a clear signal that any subpoenas will be litigated all the way to the Supreme Court.



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