

NY Times article questions official explanation of sex probe that forced New York governor to resign

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An article published by the *New York Times* on March 21 raises serious questions about the official explanation given by federal prosecutors for the high-powered investigation into the sexual activities of former New York Governor Eliot Spitzer that led to Spitzer's public humiliation and forced resignation on March 12.

The article, written by David Johnston and Philip Shenon, cites Justice Department lawyers and former federal prosecutors who make it clear that federal criminal investigations into public officials, like Spitzer, who are identified as clients of prostitution rings are extraordinarily rare.

The article also points to anomalies in the 47-page affidavit filed March 5 along with the federal complaint against four employees of the Emperor's Club prostitution ring which Spitzer allegedly patronized. The affidavit lists ten clients of the call-girl ring, but does not name them, referring to them only by number. Spitzer, client number 9, is the only one whose identity was leaked by federal officials to the press.

And, as the *Times* article points out, the affidavit "provided far more detail, some of it unusually explicit, about Client 9's encounter with the prostitute than about any of the nine other clients identified by number in the document."

The implication is that the affidavit was drawn up in such a way as to provide quasi-pornographic grist for a media-promoted sex scandal that would compel the recently elected governor to resign—which is precisely what occurred. Within two days of the first reports of Spitzer's links to the call-girl ring—published by the self same *New York Times*—the governor announced his resignation.

The article underscores the point as follows: "Several current and former federal prosecutors and prominent defense lawyers who reviewed the document said the inclusion of such salacious details about Mr. Spitzer's encounter with the prostitute went far beyond what was necessary to provide probable cause for the arrests and for searches, the purpose of the affidavit."

While questioning the official explanation, the article draws no conclusions as to the motives behind the Spitzer investigation. However, the only plausible interpretation is that the Justice Department/FBI probe was a political operation directed by the Bush administration for the purpose of reversing an election and removing from office the Democratic governor of the third largest state in the country.

This conclusion is reinforced by a March 22 McClatchy Newspapers report that Roger Stone, a resident of Miami Beach and notorious Republican "dirty trickster" since the Nixon era, had a role in the

probe of Spitzer. The *Kansas City Star* reported that Stone's lawyer sent a letter last November to the FBI alleging that Spitzer had hired prostitutes while in Florida.

The letter, released by Stone's lawyer, states: "The governor has paid literally thousands of dollars for these services. It is Mr. Stone's understanding that the governor paid not with credit cards or cash but through some pre-arranged transfer."

Stone, recruited by the 2000 Bush campaign to block a recount of votes in the disputed Florida election, is credited with organizing the near-riot of Republican congressional staff members and other operatives that succeeded in shutting down the vote recount in Miami-Dade County. According to the *Star*, the letter from Stone's lawyer was in response to requests from FBI agents investigating Spitzer to speak with his client.

As the *World Socialist Web Site* has said since the eruption of the Spitzer affair, we have no political sympathy for the former New York governor, a typical American bourgeois politician and multi-millionaire who, in his short term in office, proposed or carried out hundreds of millions of dollars in budget cuts to social programs. Nor are we indifferent to the social issues raised by the purchase of the services of a human being for personal gratification.

However, the essential issue raised in this case is the role of the state apparatus, utilizing the immense financial and technological resources and police powers of the federal government, enhanced by the new domestic spying powers granted under laws enacted in the name of the bogus "war on terror," in manipulating political life and intimidating, silencing or removing those deemed to be political obstacles.

The March 21 *New York Times* article sheds additional light on the scope and intrusiveness of the Justice Department investigation into the former New York governor, and makes clear that it was anything but routine. It begins: "The Justice Department used some of its most intrusive tactics against Eliot Spitzer, examining his financial records, eavesdropping on his phone class and tailing him during its criminal investigation of the Emperor's Club prostitution ring.

"The scale and intensity of the investigation of Mr. Spitzer, then the governor of New York, seemed on its face to be a departure for the Justice Department, which aggressively investigates allegations of wrongdoing by public officials, but almost never investigates people who pay prostitutes for sex.

"A review of recent federal cases shows that federal prosecutors go sparingly after owners and operators of prostitution enterprises, and usually only when millions of dollars are involved or there are aggravating circumstances, like human trafficking or child

exploitation.”

On the massive scale of the dragnet, the article states: “The focus on Mr. Spitzer was so intense that the FBI used surveillance teams to follow both him and the prostitute in Washington in February. The surveillance teams had followed him at least once before—when he visited the city in January but did not engage a prostitute, officials said, confirming a report in the *Washington Post*. Stakeouts and surveillance are labor-intensive and often involve teams of a dozen or more agents and non-agent specialists.”

On the extraordinary nature of the Justice Department decision to pursue a criminal investigation into Spitzer’s use of call-girl services, the *Times* cites Bradley D. Simon, described as “a veteran Justice Department trial lawyer who was federal prosecutor in Brooklyn throughout the 1990s.” The newspaper writes:

“Mr. Simon said it was unusual for the department to bring criminal charges in a prostitution case in which there was no allegation of the exploitation of children, human trafficking or some more serious crime.

“He said that in his eight years in the Brooklyn office in the 1990s, he could not recall a single major criminal case that centered on prostitution charges. ‘There were a lot of serious crimes—organized crime, narcotics cases, major financial crime investigations,’ he said in an interview. ‘Prostitution was not a high priority.’”

The article concludes: “Justice Department officials insist that it has a strong record of breaking up large prostitution rings around the country, but many of the cases they cite involve cases brought several years ago, especially before the Sept. 11, 2001 terror attacks; after that, the department vowed to focus its attention on national security threats.

“And for years, they acknowledge, the department has rarely, if ever, prosecuted or even identified the clients of a prostitution ring.”

The *Times* cites unnamed government officials who defend the Spitzer investigation and repeat the official story that it began when one of the then-governor’s banks filed reports with the US Treasury Department of suspicious transactions in his account. “The reports suggested to investigators,” the newspaper writes, “that Mr. Spitzer might have been trying to keep anyone from noticing transfers of his own funds. That is the kind of activity that can bring an investigation of the possibility of corruption.”

However, even if this account of the origins of the investigation is true, it does not explain why a decision was made by the Department of Justice’s Public Integrity Section and the US attorney of the Southern District of New York to continue the probe after no evidence was found of bribery, influence-peddling, illegal use of campaign funds or any other form of political corruption.

The *Times* article cites the unidentified government officials as saying that “once they learned that such a prominent figure was involved in soliciting prostitutes, and had seemed to be arranging sex in violation of the statute that prohibits travel across state lines to engage in sex, they wanted to follow the evidence.”

Why? At the point where no evidence was found of corruption, there was no legitimate reason for the Justice Department to press ahead with a criminal investigation of the governor of New York.

The statute referred to is a 1910 law known as the Mann Act, banning the interstate transport of females for “immoral purposes.” This federal law has been used numerous times for reactionary purposes, including the cases of black boxer Jack Johnson, Charlie Chaplin and singer Chuck Berry. The Justice Department and FBI had to invoke this law to justify a federal probe of Spitzer’s sexual

activities.

But none of the Public Integrity Section reports for 2004, 2005 or 2006, which cite dozens of cases of bribe-taking and influence-peddling by public officials, have a single reference to prostitution or the Mann Act.

The *Times* cites “senior political appointees” at the Justice Department in Washington as saying they had “little involvement in the case,” and asserts that Attorney General Michael Mukasey, a former federal judge in New York, was not even told about the case until shortly before March 5, when the complaint was filed against four of the prostitution ring’s employees.

This flatly contradicts previous reports that Mukasey signed off on the Spitzer probe. Moreover, it is wholly unbelievable that top officials in the Justice Department would not have been consulted about a criminal investigation of a powerful and nationally prominent elected official.

The information contained in the *New York Times* article confirms the analysis made by the *World Socialist Web Site* and a number of legal experts that the investigation of Spitzer was a politically motivated dragnet organized by the Bush administration for reactionary and anti-democratic ends.

It was well known that Spitzer had presidential aspirations. He had also made many enemies on Wall Street, because of his well-publicized investigations, during his time as New York State attorney general, of prominent bankers and stock market officials.

A political “hit” against Spitzer would be entirely in line with the modus operandi of the Bush administration, which came to power on the basis of electoral fraud and the suppression of votes, and continued its anti-democratic and conspiratorial practices by dragging the country into war on the basis of lies and using the Justice Department to carry out trumped-up voter fraud prosecutions of Democratic candidates and their supporters, as revealed in last year’s scandal over the firing of nine US attorneys.

In a country wracked by political and economic crisis and dominated by an ever-widening chasm between a financial oligarchy and the working class, the methods of conspiracy and provocation, including the use of sex scandals as an instrument of political manipulation, become increasingly pervasive.

The ultimate target is not the Eliot Spitzers of the world, but the democratic rights of the American working class.



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