

As Senate confirmation hearings begin

Trump names son-in-law to White House post

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In an action that demonstrates both the arrogance of the incoming Trump administration and its oligarchic character, the real estate billionaire has named his own son-in-law, Jared Kushner, to the powerful position of senior White House adviser.

The selection of Kushner is arguably illegal, violating the 1967 anti-nepotism law passed in response to President John F. Kennedy's selection of his brother Robert as US attorney general. The law forbids the president from appointing relatives to agencies he supervises or controls, and son-in-law is explicitly enumerated as one of those forbidden.

Spokesmen for Trump and Kushner claim the anti-nepotism law does not apply to the White House, arguing that it is not an "agency" as defined in the law. Kushner's attorney, former Clinton administration deputy attorney general Jamie Gorelick, said Trump would seek an advisory opinion from the Department of Justice's Office of Legal Counsel (OLC) on the legality of the appointment.

As with Obama, who used the OLC to rubberstamp the legality of drone-missile assassinations, and Bush, who had the OLC draft legal opinions approving torture, Trump can be confident that lawyers he appoints will give him the answer he requires.

It is nonetheless significant that in Trump's case, the rigged legal finding will concern his own family, not government policy. This demonstrates the inbred and personalist character of the incoming government, which has more the character of a Mafia than an administration.

Added to this is the fact that Kushner is the seventh billionaire to take a top position in the Trump administration, joining Trump himself, cabinet nominees Wilbur Ross (Commerce), Betsy DeVos (Education) and Steven Mnuchin (Treasury), as well as Deputy Commerce Secretary Todd Ricketts and regulatory adviser Carl Icahn. Two other nominees, Exxon Mobil CEO Rex Tillerson, named as secretary of state, and Gary Cohn of

Goldman Sachs, to head the National Economic Council, each have fortunes approaching half a billion dollars.

Kushner, who turns 36 today, is the scion of a super-rich family with vast holdings in New York City and New Jersey, although it was aligned politically with the Democratic Party until Kushner's marriage to Ivanka, Trump's oldest daughter, in 2009. (Democrat Charles Schumer, the incoming Senate minority leader, has a close relationship with the Kushner family).

According to press accounts, Kushner was admitted to Harvard and New York University Law School despite a mediocre academic record after his father, Charles, gave a large donation to each institution. When Charles Kushner went to prison in 2005 after being convicted for illegal campaign contributions—mainly to Democrats—and obstruction of justice, Jared Kushner took over the leadership of the family real estate firm.

Later, as a 2016 campaign adviser, Kushner blocked the selection of New Jersey Governor Chris Christie as Trump's running mate in favor of Indiana Governor Mike Pence. Christie was the federal prosecutor who sent Charles Kushner to prison. Kushner reportedly also played a key role in replacing Christie with Pence as the leader of Trump's transition team.

According to one Trump aide, Kushner will be "first among equals" among the four top aides in the Trump White House, including chief of staff Reince Priebus, political adviser Stephen K. Bannon, former head of the fascistic Breitbart News, and communications adviser Kellyanne Conway. There is no parallel in modern US history for such an overt role for a close family member.

The naming of Kushner comes on the eve of the opening of Senate hearings on Trump's cabinet nominees. Senator Jeff Sessions, nominated for attorney general, appears before the Senate Judiciary Committee, of which he is a member, on Tuesday. Retired General John Kelly appears before the Senate Homeland Security Committee as the nominee for secretary of the

Department of Homeland Security.

Seven other nominees face Senate hearings during the week, including Tillerson, DeVos, Ross, Representative Mike Pompeo, nominated as CIA director, fast food mogul Andy Puzder to head the Department of Labor, Ben Carson to head the Department of Housing and Urban Development, and Elaine Chao, the wife of Senate Majority Leader Mitch McConnell and secretary of labor in the Bush administration, who is nominated to head the Department of Transportation.

The same lack of scruples about ethical appearances demonstrated so flagrantly in the Kushner appointment prevails in the Senate confirmation process. Many of the cabinet nominees have not yet filed paperwork with the Office of Government Ethics, which conducts routine screening for Congress of White House nominees.

McConnell dismissed objections about the violation of ethics rules, calling them “little procedural complaints” that were the byproducts of the Democrats losing the 2016 election. He said that all the necessary forms would be completed before a final Senate vote to confirm the nominations. At the same time, he predicted that all the nominees would be confirmed.

This political judgment is undoubtedly correct, since Senate Democrats intend to do nothing to stop any of the nominees. They are making the occasional protest over particularly noxious nominations, as in the case of billionaire Betsy DeVos, a longtime enemy of public education and advocate of charter schools, to head the Department of Education, but little more.

Liberal groups have adopted the same policy, as evidenced by the NAACP, which staged a symbolic sit-in at an office of Senator Sessions in Mobile, Alabama at which six NAACP officials were arrested, booked and released.

Sessions has a vicious right-wing record, going back to his days as a federal prosecutor in the early 1980s, when he charged civil rights workers with “vote fraud” for helping elderly African-Americans to vote. He is an implacable supporter of capital punishment, having backed the execution of the mentally retarded and the obviously insane while Alabama state attorney general in the 1990s. He is a longtime advocate of persecuting undocumented workers and rallied to Trump early in the campaign on the basis of a shared anti-immigrant policy.

The only sharp questioning will take place Wednesday when Rex Tillerson, the nominee for secretary of state, appears before the Foreign Relations Committee. He will be grilled by Democrats, and some Republicans, over

Trump’s refusal to condemn alleged Russian hacking of the Democrats during the 2016 campaign and his own generally more conciliatory statements about Russian President Vladimir Putin.

The main Democratic response to Trump’s selection of a cabinet of billionaires, ex-generals and ultra-right ideologues will be an attempt to attack them from the right—from the standpoint of an even more extreme policy of militarism.

McConnell is pressing for confirmation of all Trump’s choices for national security posts, including General Kelly at Homeland Security, Pompeo at CIA and General James Mattis as secretary of defense, by the first day of Trump’s presidency, January 20.

The Mattis nomination is the only one where the Democrats enjoy an outright veto, since the installation of a recently retired general to head the Pentagon requires a legislative waiver of concerns for civilian control of the military, a measure that can pass only with 60 out of 100 votes in the Senate, where the narrow Republican majority is 52 seats.

Senator Jack Reed of Rhode Island, the senior Democrat on the Armed Services Committee, said of a waiver for Mattis, “I admire him immensely, but I think we have to give it a full review.” Only one Democratic senator, Kirsten Gillibrand of New York, has publicly declared she will oppose the waiver.

Most Democrats are expected to back Mattis, viewing him as more favorable to the Obama-Hillary Clinton line in foreign policy, which views Russia as the most pressing adversary of the United States, particularly in the Middle East.



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