

Amid media frenzy, Rosenstein to meet with Trump on Thursday

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Deputy Attorney General Rod Rosenstein met with White House officials Monday morning, amid a frenzy of media reports claiming he had resigned or was about to be fired by President Trump. Rosenstein is the day-to-day supervisor of the Russia investigation and the only official with the authority to curb or even remove Special Counsel Robert Mueller.

The day ended with no change in Rosenstein's status. On the contrary, Rosenstein stayed after his discussions with White House Counsel Don McGahn and White House Chief of Staff John Kelly to attend a "deputy principals" meeting—a regular gathering of the number two officials at federal departments.

Kelly then made a public gesture of walking out of the building with Rosenstein and warmly shaking his hand as television cameras rolled. The White House later revealed that Rosenstein would meet face-to-face with Trump on Thursday, after the president's return from the United Nations in New York, where he is to address the General Assembly and chair a meeting of the Security Council.

Rosenstein has been the target of all-out attack in the far-right press since the *New York Times* published a report September 21 claiming that in May 2017 he had suggested that cabinet members should seek the removal of Trump under the 25th Amendment to the US Constitution, on the grounds of mental incompetence. He had also spoken of "wearing a wire" to record the president's ranting at private meetings, the newspaper claimed.

The deputy attorney general flatly denied the *Times* account of discussions on the 25th Amendment, and claimed that the remark about "wearing a wire" was a sarcastic rebuttal to another official in the course of a heated argument. The other official is widely reported to be Andrew McCabe, then-acting director of the FBI

after Trump's firing of James Comey, the event that touched off the discussions within top Justice Department and FBI circles about what to do about the president.

Trump supporters and would-be advisers among right-wing media pundits have been sharply divided over whether to fire Rosenstein now, with many warning that the *Times* article was likely a deliberate effort to incite such an action in the weeks leading up to the midterm elections, which could inflame anti-Trump sentiment and insure a larger than expected victory for the Democrats in both the House and Senate.

That this assessment was very likely correct is indicated by the media response to the reports, citing sources in the Justice Department, that Rosenstein had resigned or was about to be fired. Coverage of all other topics ceased on CNN and MSNBC, as anchors and pundits discussed the presumed parallel to the "Saturday Night Massacre" in the Nixon administration, which led directly to impeachment proceedings and Nixon's forced resignation from office in the Watergate scandal.

There was disappointment and obvious confusion when Rosenstein emerged from the White House intact, smiling, and got into his armored limousine to return to the Department of Justice.

There is little doubt that Trump intends to remove Rosenstein from office, but this action faces two major obstacles, both political. Firing Rosenstein now, before the November 6 midterm elections, would allow the Democratic Party to revive the Russia investigation as an electoral issue, where it has proved up to now to have no popular support. No one believes that the billionaire con man and reactionary is secretly an agent of Moscow. He is all too obviously the instrument of the most rapacious circles on Wall Street, who are

celebrating the trillions they have gained from his tax cuts and slashes in regulations.

Then there is the thorny question of naming a replacement, and getting that nominee confirmed by the Senate, particularly if Trump also discharges Rosenstein's boss, Attorney General Jeff Sessions, who is widely expected to leave after the election. If the Democrats win control of the Senate, giving them the ability to block a nominee, Trump could seek to push through nominations of replacements for Sessions and Rosenstein in a lame-duck session in December, although there is little precedent for such an action.

Sessions alienated Trump, apparently permanently, despite his vicious enforcement of Trump's orders to attack and persecute immigrants, because he recused himself from supervision of the Mueller investigation. That Sessions was legally bound to do this since he had been a prominent part of the Trump campaign, whose alleged relations with Russia Mueller was to investigate, cut no ice with Trump, whose only criterion for subordinates is slavish loyalty.

If Trump does fire Rosenstein, or force his resignation, the supervision of the Mueller investigation will pass to Solicitor General Noel Francisco, an ultra-right lawyer educated at the University of Chicago, who clerked for Supreme Court Justice Antonin Scalia before working at the Justice Department during the Bush administration, in the Office of Legal Counsel, then engaged in dreaming up legal rationalizations to justify torture at secret CIA prison camps.

Francisco's former law firm, Jones Day, is representing Trump in the Mueller investigation, creating yet another apparent conflict of interest.



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