

Washington political warfare intensifies with lawsuits, looming contempt charges

Patrick Martin
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Political and legal conflicts between the Trump White House and the Democratic-controlled House of Representatives are escalating in the wake of the decision by Attorney General William Barr not to appear before the House Judiciary Committee on Thursday.

Barr's refusal to testify, as well as his declaration that he will not turn over an unredacted copy of the report by Special Counsel Robert Mueller into alleged Russian interference in the 2016 presidential election, led to numerous calls by congressional Democrats and Democratic presidential candidates for Barr to resign or be impeached.

In a formal letter to Barr on Friday, House Judiciary Committee Chairman Jerrold Nadler set a 9:00 am Monday deadline for the Justice Department to comply with a committee subpoena for the unredacted report as well as the underlying documents supporting Mueller's 448-page narrative.

After that, the letter warns, the committee will cite Barr for contempt of Congress for failing to meet the committee's May 1 deadline for delivery of the various documents.

Assistant Attorney General Stephen Boyd sent a letter to Nadler earlier in the week declaring that Congress was not entitled to the information because the committee's request was "not legitimate oversight."

The Trump administration has rejected a range of congressional subpoenas and document requests over the past two weeks, complaining that they were not related to a genuine legislative purpose or to congressional oversight of the executive branch, but were rather intended to expose Trump's private business dealings or the operations of his election campaign—both nongovernmental activities—to public scrutiny.

House Speaker Nancy Pelosi was uncharacteristically blunt in a press statement Thursday, in which she said that Barr lied to Congress last month in appearances before the

House and Senate to discuss the release of the Mueller report. In both hearings he made no mention of a March 27 letter from Mueller objecting to Barr's own letter notifying Congress of the completion of the report.

"He lied to Congress," Pelosi said during her weekly news conference Thursday. "That's a crime."

Pelosi also appeared to soften in her opposition to impeachment proceedings against President Trump, telling a private meeting of House members, in remarks noted down and then leaked to the press, as she clearly intended, "Ignoring subpoenas of Congress, not honoring subpoenas of Congress—that was Article III of the Nixon impeachment." Referring to Trump, she continued, "This person has not only ignored subpoenas, he has said he's not going to honor any subpoenas. What more do we want?"

House Judiciary Committee Chairman Nadler said the stonewalling by the Trump administration threatened democracy. "The challenge we face is that the president of the United States wants desperately to prevent Congress, a coequal branch of government, from providing any check whatsoever to his most reckless decisions," he said. "The very system of government of the United States, the system of limited power, the system of not having a president as a dictator, is very much at stake."

Another top House Democrat spoke in the same vein. "What we are witnessing is the slow loss of our democratic republic and we can either allow it to happen or we can stand up against it," said Representative Hakeem Jeffries of New York, chairman of the House Democratic Caucus. "We are not going to allow the notion of a presidential dictatorship to take hold."

Trump has fired back against the Democrats, both in his Twitter rants and in legal motions filed in federal court. The House Government Oversight Committee, chaired by Democrat Elijah Cummings, has subpoenaed business

records of two lenders to the Trump Organization, Deutsche Bank and Capital One Financial Group, and Trump's accounting firm, Mazars USA. Trump's personal lawyers filed lawsuits this week opposing all three subpoenas.

Attorneys for the committee responded with a court filing Wednesday declaring that Trump's lawsuit "would directly impede ongoing congressional investigations of national importance and threaten the constitutional system that separates and divides power between the branches of government..." The result would be to block probes into "numerous and serious constitutional, conflict of interest, and ethical questions raised by the personal financial holdings" of the president.

The first court proceeding in these cases will come May 14 on the subpoena of Mazars, which prepared unaudited financial reports for the Trump Organization that were used in obtaining bank loans.

In a partial climbdown, the White House permitted former security director Carl Kline to testify before the House Oversight Committee Wednesday. Kline discussed the general procedures for reviewing and approving security clearances for White House staff, but refused to discuss particular cases, such as Trump son-in-law Jared Kushner, when asked by Democrats. Kline awarded a top-level clearance to Kushner over the objections of lower-ranking officials, but he denied that any White House official had asked him to award a security clearance to any individual.

Trump also declared Thursday that he would not allow former White House counsel Don McGahn to testify, claiming executive privilege, although he previously waived privilege in allowing McGahn to testify before the Mueller investigation for nearly 30 hours. White House attorney Emmett Flood wrote, in a letter made public Thursday, that Trump's decision to waive privilege for the Mueller investigation did not prevent him from invoking privilege in relation to a congressional investigation.

Flood sent a separate letter, dated April 19, to the Justice Department objecting in broad strokes to much of the Mueller report, claiming that it had provided far too much detail about the Trump 2016 campaign and about Trump's various responses to the launching of the Russia investigation. Ten separate episodes are examined in the report as possible instances of obstruction of justice.

The most confrontational response to the battery of Democratic investigations came from Republican House Minority Leader Kevin McCarthy. Appearing at a

Washington Post live event on Thursday morning, McCarthy declared that the FBI's launching of an investigation into the Trump campaign during the 2016 campaign was motivated by political hostility to Trump, citing email exchanges between FBI investigation leader Peter Strzok and his girlfriend, FBI attorney Lisa Page. "Their actions are a coup," McCarthy said. "I do not believe they were abiding by the rule of law."

Despite the rival claims of fighting against a would-be "dictator" and opposing a "coup" by the security agencies against an elected president, neither side in the conflict in Washington is defending democratic rights or constitutional principles. Both sides, the congressional Democrats, who are allied with the intelligence agencies, and the White House, supported by sections of the military, the police and fascist elements, are profoundly antidemocratic and politically reactionary.

The Democrats have not sought to remove Trump over his racist attacks on immigrants, his lavishing of favors on the corporate elite through deregulation and tax cuts, or his open consorting with fascistic elements, making him a political sponsor of such atrocities as the attacks on synagogues in Pittsburgh and San Diego and on mosques in New Zealand.

The political axis of the Democratic campaign against Trump is opposition to any relaxation of the ferociously anti-Russian foreign policy adopted during the second term of the Obama administration, inaugurated with the 2014 US-backed ultra-right political coup in Ukraine.

The author also recommends:

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[29 April 2019]

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