

Judge rules for Georgia election workers in defamation case against Rudy Giuliani

Barry Grey
1 September 2023

A federal judge on Wednesday issued a default ruling upholding defamation charges brought by Georgia election workers against former New York Mayor and Trump coup conspirator Rudy Giuliani. The two-term “law-and-order” mayor—who between 1994 and 2001 presided over mass repression, sweeping cuts in social programs and public schools, and tax breaks that fueled a wealth bonanza for millionaires and billionaires in New York City—faces a criminal trial in Atlanta, Georgia, and is an unindicted co-conspirator in the federal criminal case against Donald Trump’s attempt to overturn the 2020 election.

US District Judge Beryl Howell ruled that Giuliani had willfully refused to turn over documents requested under discovery by lawyers for Ruby Freeman and her daughter, Wandrea ArShaye Moss. The two filed a civil defamation suit in December 2021 against Giuliani for his vicious and fabricated public attacks on them in December of 2020, following Trump’s election loss to Joe Biden.

Freeman and Moss were among those workers checking absentee and mail-in ballots at the State Farm Arena in Atlanta on Election Day, November 3, 2020. Biden narrowly won the state, one of six key swing states that gave him his winning margin in electoral votes. The Democratic candidate handily won the popular vote by more than seven million.

Giuliani, Trump’s personal lawyer and political adviser, played a leading role in the ex-president’s conspiracy to overturn the presidential election and remain in power as a de facto dictator. In particular, he personally intervened with Republican lawmakers in Georgia and other swing states won by Biden to reject the elector slates that had been certified and submit fake slates of pro-Trump electors.

This was part of a far-reaching scheme, involving Republican House and Senate members in Washington, high-level military officials, elements in the police and intelligence apparatus, right-wing media outlets, and at least two members of the US Supreme Court (Clarence Thomas and Samuel Alito), to block the official counting of the electoral vote by Congress on January 6, 2021 and invoke emergency powers, to be enforced by the military, to keep Trump in power.

The plot culminated in the fascist storming of the US Capitol on January 6 by militia forces and insurrectionists summoned

by Trump and Giuliani, in what the former New York mayor called “trial by combat” at that morning’s “Save America” rally at the Ellipse in Washington D.C.

In a December 2020 appearance before a committee of the Georgia state legislature, Giuliani said that a video circulating widely online showed “Ruby Freeman and Shaye Freeman Moss ... quite obviously surreptitiously passing around USB ports, as if they’re vials of heroin or cocaine.”

Trump himself, in his infamous January 2, 2021 telephone call to Georgia Secretary of State Brad Raffensperger urging Raffensperger to conjure up the 11,780 votes Trump needed to overcome Biden’s margin of victory, singled out Freeman, by name, 18 times. He called the 62-year-old temp worker a “professional vote scammer,” a “hustler” and a “known political operative” who “stuffed the ballot boxes.”

The Georgia Elections Board subsequently found these allegations “false and unsubstantiated.” But the two women, who are African American, endured a nightmare of right-wing and racist threats triggered by Giuliani’s and Trump’s lies.

Freeman made a series of 911 emergency calls in the days after she was publicly identified in early December by Trump’s camp. On December 4, she told the dispatcher she had gotten a flood of “threats and phone calls and racial slurs,” adding: “It’s scary because they’re saying stuff like, ‘We’re coming to get you. We are coming to get you.’”

Freeman quit her temporary election job and moved out of her house. Moss took time off and changed her appearance. After her telephone number was widely circulated online, Moss avoided going out in public. Trump backers threatened Moss’s teenage son by phone in attacks laced with racial slurs, according to Fulton County Elections Director Richard Barron.

In June of 2022, Freeman and Moss testified at a public hearing of the House Select Committee to investigate the January 6 coup attempt. They described the way in which their lives had been devastated by Giuliani’s lies. In a statement on Wednesday, the day of Judge Howell’s ruling, the women said they had endured a “living nightmare” and “wave of hatred and threats” due to Giuliani’s statements.

“Nothing can restore all we lost,” they wrote, “but today’s ruling is yet another neutral finding that has confirmed what we have known all along: that there was never any truth to any of

the accusations about us and that we did nothing wrong. We were smeared for purely political reasons, and the people responsible can and should be held accountable.”

In July, Giuliani conceded that his public statements about Freeman and Moss were false but contended that they were protected by First Amendment guarantees of free speech.

In keeping with the general line of the Trump camp, including the bulk of the Republican Party, on the prosecutions of Trump and his co-conspirators, Ted Goodman, a political adviser to Giuliani, called Wednesday’s ruling “a prime example of the weaponization of the justice system, where the process is the punishment.” Claiming Giuliani could not produce the documents requested by the claimants’ lawyers because the FBI had seized his computer files, Goodman declared, “This decision should be reversed.”

While Wednesday’s ruling pertains to a civil, rather than a criminal case, it is indirectly but closely linked to the criminal case against Trump and 18 co-defendants, including Giuliani, brought by Fulton County District Attorney Fani Willis. The slander against Freeman and Moss figures prominently in the indictment charging the 19 defendants with involvement in a Racketeer Influenced and Corrupt Organizations (RICO) conspiracy to overturn Biden’s election victory in Georgia. Giuliani’s public attack on the two election workers is cited as one of the “overt acts” in the conspiracy, as is an attempt by three Trump backers to pressure Freeman to falsely confess to committing vote fraud.

Discovery documents turned over to the lawyers for the two plaintiffs by Giuliani’s lawyers could provide potentially incriminating information useful to prosecutors in the Georgia criminal case. Judge Howell alluded to this connection as one motive in Giuliani’s refusal to turn over all but a handful of requested documents. She said: “Perhaps he has made the calculation that his overall litigation risks are minimized by not complying with his discovery obligations in this case. Whatever the reason, obligations are case-specific and withholding required discovery in this case has consequences.”

The judge, who had previously ordered Giuliani to pay the legal expenses of Freeman and Moss, increased the required sum to \$130,000. Her decision moves the case toward a trial in Washington to determine the additional amount Giuliani must pay in punitive damages. Judge Howell asked the parties to file briefs and wrote that a trial to determine the full scope of the damages will take place later this year or early next year.

Howell dismissed Giuliani’s claims that he cannot afford to reimburse the plaintiffs, noting that he recently listed his Manhattan apartment for \$6.5 million and was reported to have flown in a private jet to Atlanta to surrender to charges there.

The defamation case against Giuliani, while just one aspect of the far broader and ongoing attack on democratic rights embodied in the far-right insurrection of January 6, crystallizes the fear and hatred of the working class that underlie the fascist transformation of the Republican Party. Giuliani, with his well-

known Mafia links, encouragement of police violence and open subservience to the financial aristocracy, personifies the decomposition of American democracy and turn to authoritarian forms of rule.

This includes open appeals to racism, antisemitism and all of the most odious forms of political reaction. It is no accident that following the issuing of the Georgia election interference indictment, Trump denounced it as a defense of election “RIGGERS,” a term that went viral on far-right social media platforms.

But as the working class moves into ever more explosive and powerful struggles in the US and internationally, it must break with any illusions that its democratic rights will be defended by the Democrats and that fascism can be defeated through the courts or other state institutions of capitalism. Biden and the Democrats have systematically sought to conceal the real scope of the ongoing attack on democratic rights that found an initial expression on January 6.

Instead, they pretend that it involves just Trump and a small circle around him, a fiction that was shattered by last week’s gathering of fascists at the Republican presidential debate. The Democratic Party’s concern is not the democratic rights of the working population but the maintenance of the two-party duopoly to escalate the war in Ukraine against Russia and prepare for war against China, posing the mounting danger of nuclear annihilation.

It must be recalled that not so long ago, after the terror attacks on September 11, 2001, the entire political and media establishment declared Giuliani “America’s mayor.” He was named *Time* magazine’s “Person of the Year” for 2001 and given an honorary knighthood in 2002 by Queen Elizabeth II. When, in 2004, then-President George W. Bush nominated Giuliani’s former police chief, body guard and fellow mob ally Bernie Kerik—today an unindicted co-conspirator in the Georgia election interference case—to head the Homeland Security Department, among his endorsers were New York’s two Democratic senators, Hillary Clinton and Charles Schumer.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact