

Bush Justice Department cover-up unraveling

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The resignation of deputy attorney general Paul J. McNulty Monday is another blow to the Bush administration's efforts to maintain the cover-up of the circumstances behind the firing of eight US attorneys and the forced resignations of several others. The resignation came only hours after the *Washington Post* reported new evidence that the US attorneys were fired as part of a deliberate campaign by Republican political operatives to instigate phony "vote fraud" prosecutions and intimidate Democratic voters.

While McNulty made the politically obligatory claim that he was leaving his position after only 18 months on the job because of the "financial realities" of putting his children through college, there is no doubt that his departure is directly connected to the mushrooming scandal over the firing of the federal prosecutors, and the ensuing finger-pointing within top administration circles.

With his departure, every top Justice official directly involved in the firings last December has left the department, with the exception of their ultimate boss, Attorney General Alberto Gonzales. McNulty ran the day-to-day operations of the department and participated, along with Gonzales, in the December 8 meeting that ratified the list of seven prosecutors to be dismissed (an eighth was removed earlier).

His resignation follows the ouster of Kyle Sampson, Gonzales' chief of staff, who drew up the list to be fired; Monica Goodling, Gonzales' counselor, a 31-year-old Christian fundamentalist who served as the main liaison between Gonzales and the White House; and Michael Battle, the Justice Department official who worked as the direct supervisor of the 93 US attorneys and actually carried out the firings. According to a confidential memorandum leaked to the press last week, Gonzales delegated his hire-and-fire authority for most political appointees to Sampson and Goodling, both young and inexperienced in legal affairs, but well connected in right-wing Republican circles.

The next step in the investigation is likely to be congressional testimony by Goodling, who had refused to answer any questions, citing her Fifth Amendment right to avoid self-incrimination. The House Judiciary Committee approved a grant of immunity, with the support of 32 of the 40 members, an indication of widespread disaffection with Gonzales even among congressional Republicans. A federal judge ratified the grant of immunity May 11, and Goodling is expected to testify before the Memorial Day recess.

Democratic congressional leaders have focused attention largely on the actions taken by Justice Department officials in carrying out the firings, including conflicting and obviously false statements, rather than exploring the actual political purpose of the purge. This is in part due to the systematic refusal of Gonzales and other officials to admit the US attorneys were dismissed for political reasons. But it also reflects Democrats' fear of raising

fundamental issues of democratic rights that might spark much broader public interest in the scandal. Most press coverage has followed suit.

The *Washington Post* article published Monday, under the headline, “Voter-Fraud Complaints by GOP Drove Dismissals,” is an exception to that pattern. The article—not placed on page one, despite its explosive political thrust—began, “Nearly half the US attorneys slated for removal by the administration last year were targets of Republican complaints that they were lax on voter fraud, including efforts by presidential adviser Karl Rove to encourage more prosecutions of election-law violations, according to new documents and interviews.”

The article noted that Rove and other officials had targeted five US attorney districts, all in key battleground states, where aggressive prosecution of vote-fraud cases, whatever the merits of the charges, might serve Republican political interests. The five were Kansas City, Missouri; Milwaukee, Wisconsin; New Mexico; Nevada; and Washington state. Three of the five US attorneys were fired and a fourth, Todd Graves of Missouri, was forced to resign. Only the US attorney in Milwaukee, Steven Biskupic, kept his job, because he had a powerful Republican patron, Congressman James Sensenbrenner, then chairman of the House Judiciary Committee.

The *Post* article notes that state Republican parties and the White House have pushed aggressively for stricter voter-identification requirements and other rules restricting access to the franchise throughout the period since the 2000 presidential election.

Such tactics contributed heavily to depressing the Democratic vote in Florida, bringing Bush close enough to carrying the state that the Supreme Court could intervene and tip the election to the candidate who actually lost it. And they played a role in Bush’s reelection victory in 2004, particularly in Ohio. Republican operatives hoped to use similar methods to turn anti-Bush voters away from the polls in the November 2006 congressional election.

While the issue of failure to prosecute vote-fraud cases was known to have played a role in the firing of two of the US attorneys, the *Post* noted, “it was not clear until last week that Biskupic came close to being fired, that Graves had been asked to resign or that Justice officials had highlighted Nevada as a problem area for voter fraud.”

The article continued, “New information also emerged showing the extent to which the White House encouraged investigations of election fraud within weeks of November balloting. Rove, in particular, was preoccupied with pressing Gonzales and his aides about alleged voting problems in a handful of battleground states, according to testimony and documents. Last October, just weeks before the midterm elections, Rove’s office sent a 26-page packet to Gonzales’s office containing precinct-level voting data about Milwaukee.”

As it happened, no immediate action was taken, at least in part because of Justice Department rules barring the public launching of cases just before an election that might have an effect on its outcome—which clearly was the purpose of Rove’s intervention. But only a month after the Republican electoral debacle, the politically-suspect US attorneys were purged *en masse*.

Deputy attorney general McNulty served as a right-wing legal thug for two decades, including chief counsel and communications director for the House impeachment proceedings against President Bill Clinton, then chief advocate for the confirmation of John Ashcroft as attorney general in 2001. Ashcroft then appointed him US attorney for the

eastern district of Virginia, where he handled the high-profile prosecutions of John Walker Lindh and Zaccarias Moussaoui, before being promoted to the number two spot in the Justice Department.

That even such a figure should run afoul of the White House is an indication of the insularity of the clique running the Bush administration.

McNulty is blamed for having inadvertently instigated a political firestorm around the firings when he told a congressional committee in February that the dismissed US attorneys had been removed for “performance issues,” suggesting they were fired for incompetence. This comment provoked the fired prosecutors, who had largely remained silent, to begin speaking out, triggering extensive media coverage and further congressional hearings.

The deputy attorney general particularly angered the White House when he admitted that the US attorney for Little Rock, Arkansas had been removed, not for performance, but because Karl Rove wanted to fill the post with a political crony.

Now that he has chosen to leave, the Bush administration has lost not a moment in seeking to scapegoat McNulty for the firings. Within hours, Gonzales was telling reporters that McNulty had the main role in selecting those to be discharged. This followed weeks in which Gonzales has claimed—repeatedly and under oath—that he could not remember who had drawn up the list for the purge, except that he was sure it was not Bush, Cheney or Rove!

According to the transcript of his comments Monday, Gonzales now says, “you have to remember at the end of the day, the recommendations reflected the views of the Deputy Attorney General. He signed off on the names, and he would know better than anyone else, anyone else in this room. Again, the Deputy Attorney General would know best about the qualifications and experiences of the minds—it’s a community—and he signed off on the names.”

At a May 10 hearing before the House Judiciary Committee, Gonzales testified under oath that he had no idea who selected the names on the list submitted to him by his chief of staff Kyle Sampson.

This stance provoked a question from committee chairman John Conyers of Detroit: “Tell me, just tell me how the US attorney termination list came to be and who suggested putting most of these US attorneys on the list and why? Now, that should take about three sentences.”

Gonzales replied that Sampson “presented to me what I understood to be the consensus recommendation” of the department’s “senior leadership,” but refused to name a single name. Only four days later, however, Gonzales announced to the world “McNulty made me do it,” after his deputy submitted his resignation.

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