

# U.S. Attorneys and Voting Rights: The New Watergate

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The Bush administration is shocked, shocked, that the firing of a few U.S. attorneys has caused such a stir in Washington . After all, the Oval Office says, the President can choose whomever he wants to prosecute federal cases. But the Supreme Court declared in *Berger v. United States* that a prosecutor's job is to see that justice is done, not to politicize justice. The mass ouster of the top prosecutors had more to do with keeping a grip on power - by manipulating voting rights - than with doing justice. And like the Watergate scandal, the evidence points to a cover-up.

This cover-up revolves around efforts by the Bush administration to disenfranchise African-American voters in communities where the vote would likely be close. George W. Bush came to power in 2000 by a razor-thin margin awarded him by the Supreme Court. During the 2004 election, there were allegations of attempts to disenfranchise African-American voters, especially in Ohio . Yet no voting discrimination cases were brought on behalf of African-American or Native American voters from 2001 to 2006.

Instead, the administration instigated efforts that would further disenfranchise these voters. U.S. attorneys were instructed to prosecute "voter fraud" cases. "Voter fraud" has "become almost synonymous with 'voting while black,'" the New York Times' Paul Krugman observed. Also, Republican lawmakers enacted voter ID laws which established new hurdles for voters to jump.

Former staffers in the Justice Department's civil rights division said they were "repeatedly overruled when they objected to Republican actions, ranging from Georgia 's voter ID law to Tom DeLay's Texas redistricting, that they believed would effectively disenfranchise African-American voters," Krugman added.

The administration's effort to prosecute voter fraud is a sham. The New York Times reports that voter experts have found "widespread but not unanimous agreement that there is little polling place fraud." However, the Election Assistance Commission, a federal panel charged with election research, skewed the findings of the voter experts.

The Bush administration has been hyping voter fraud since the last election; Karl Rove called it an "enormous and growing" problem. Two of the fired U.S. attorneys, David Iglesias from Albuquerque and John McKay from Seattle , were dismissed because they refused to file voter fraud charges after being warned to do so by well-placed Republicans. Others were fired for pursuing investigations of Republicans.

Kyle Sampson, Alberto Gonzales' former right-hand man, wrote in an email that the qualification to be a U.S. attorney was to be a "loyal Bushie."

Shortly after the Watergate break-in, President Richard Nixon and his loyal chief of staff H.R. Haldeman spoke in the old Executive Office Building . Their conversation was taped, but 18.5 minutes were erased. This gap incriminated Nixon in the cover-up which eventually led to his impeachment and resignation.

Likewise, there is a suspicious 16-day gap in the email records between the Justice Department and the White House just before seven of the U.S. attorneys were fired in December. Moreover, many of the communications about the matter were conducted using email accounts of the Republican National Committee instead of government accounts, possibly in violation of the Presidential Records Act.

The Los Angeles Times reported that senior Justice Department officials prepared documentation to justify the firings after the dismissals. One Justice Department official threatened to “retaliate” against the eight fired U.S. attorneys if they continued to publicly speak about their dismissals.

Attorney General Alberto Gonzales, who heads the Justice Department, denied he was involved in discussions about the firings. But Sampson testified that Gonzales was consulted at least five times and signed off on the plan to fire the U.S. attorneys. “I don’t think it’s entirely accurate what he [Gonzales] said,” Sampson told the Senate Judiciary Committee.

Gonzales is reportedly sweating bricks over his own testimony before that Committee, slated for April 17. As a result of Gonzales’ stonewalling in response to the House Judiciary Committee’s request for documents, committee chairman Rep. John Conyers has subpoenaed the records. If the Justice Department defies the subpoena, the Judiciary Committee, and the full Congress, could cite the department for contempt of Congress, and a federal grand jury could issue criminal indictments for obstruction of justice.

The White House has indicated it will not allow Karl Rove and former White House Counsel Harriet Miers to testify under oath. Why the resistance unless they intend to lie?

Alberto Gonzales should be fired, not just for malfeasance in the U.S. attorney affair, but also for advising Bush to violate the Geneva Conventions which led to torture and abuse of prisoners in U.S. custody. Recall that Gonzales told Bush the Geneva Conventions were “quaint” and “obsolete.” Those were the same words the Nazi lawyers used at Nuremberg to describe the Geneva Conventions.

Firing Gonzales may temporarily stanch the flood of accusations about the U.S. attorney matter. But the corruption, the lawbreaking, and the cover-up go deeper – all the way up to the Oval Office. Hopefully, Nancy Pelosi and John Conyers will put impeachment back on the table.

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