

Contempt of Congress

Contempt! I'll show you contempt! Executive privilege is not warmly received by the Congress. The battle lines are being drawn. It looks like the US Supreme Court will need to decide the scope of executive privilege. My feeling is that since Bush handpicked Chief Justice Roberts and Justice Samuel Alito Jr the assertion of Executive Privilege will rein Supreme but you never know.

Harriet E. Miers was a low-profile member of President Bush's team of Texas confidants, rising to the post of White House counsel, until October 2005, when Mr. Bush sought to raise her even higher by nominating her to the Supreme Court. an effort that quickly collapsed. Ms. Miers asked that the nomination be withdrawn in the face of outrage among conservatives that Mr. Bush had not chosen someone more clearly committed to ending abortion and more clearly qualified. Ms. Miers returned to serving quietly as counsel before resigning in January 2007 and disappearing from public view until the White House's confrontation with Congress over investigations into the firing of United States attorneys brought her back to center stage. She could not sneak off quietly into the good night.

An e-mail released by the Justice Department showed that D. Kyle Sampson, the chief of staff to Attorney General Alberto R. Gonzales, was in touch with Ms. Miers as early as January 2006 about a plan to fire a large number of prosecutors. Administration officials later said that Ms. Miers had originated the idea of dismissals, suggesting in January 2005, shortly after Mr. Bush began his second term, that all 93 United States attorneys be dismissed, an idea rejected by Mr. Sampson as impractical.

In July, she and former White house chief of staff, John Bolten refused to appear before the House Judiciary Committee, citing executive privilege shielded her and from testifying The committee responded by finding her and White House Chief of Staff Josh Bolten in contempt of Congress in a party-line vote. The 22-17 vote -- which would sanction for pair for failure to comply with subpoenas on the firings of several federal prosecutors -- advanced the citation to the full House. A senior Democratic official who spoke on condition of anonymity said the House itself likely would take up the citations after Congress' August recess.

http://topics.nytimes.com/top/reference/timestopics/people/m/harriet_e_miers/index.html?inline=nyt-per

Remember the Bush administration had offered to allow both of these people to testify privately off the record, instead of publicly under oath. If they have nothing to hide, why try so hard to keep their testimony hidden? If they have something to hide then they need to come clean. Apparently Congress was not impressed by that offer.

I wonder what would happen If I offered to have one of my clients testify privately off the record instead of under oath? Once the Judge stopped laughing, he or she might hold me in contempt. For the record, I've never been held in contempt, but I've been warned. One judge told me if I objected once more I would be hanging by my exhibits. Of course I objected to that ruling. But that is a long story that we don't have the space to discuss.

Speaking of secrecy, the Nevada Commission on Judicial Discipline has handled District Court

Judge Elizabeth Halverson's hearings in secret. While the hearings were going on, the public was barred and any witnesses were not allowed to discuss their testimony. It was similar to a Grand Jury proceeding. But on Wednesday July 25th the Commission suspended Halverson because "...she poses a substantial threat of serious harm to the public and a substantial threat to the administration of justice..." said the order signed by Commission Vice Chairman Daveen Nave.

On July 27th, The Nevada Supreme Court ruled that Clark County's chief district judge, Kathy Hardcastle had the authority to appoint a three-judge committee to work with Halverson and to reassign Halverson's criminal cases to another judge. This has not been a good week for our favorite embattled judge. The saga continues.

Another Secret meeting on behalf of a secret client which may or may not have been requested by our not so secret President took place a while back. James Comey, former Deputy Attorney General under John Ashcroft, provided *evidence* that Bush had ordered his then counsel Alberto Gonzales and adviser, Andrew Card, to the sick bed of an ailing and sedated John Ashcroft. Their mission was to obtain Ashcroft's signature authorizing warrant-less surveillance of Americans.

Ashcroft had stepped down temporarily due to his pending hospital stay. His deputy, James Comey, became acting Attorney General. Comey (to his credit) had refused to sign the authorization since he, Ashcroft and senior Justice Department lawyers found it highly objectionable. Over the objection of Ashcroft's wife, the two entered the hospital room and made their case. Ashcroft rose from his sick bed to refuse. Gonzales and Card failed in their mission.

During the Justice Department Over site Hearings, by Senate Committee on the Judiciary. July 24, 2007, Senator Charles Schumer (D-NY) questioned U.S. Attorney General Alberto Gonzales. His answers were a shining example of evasion. IF a client of mine ever gave similar answers to a DA's questions, I think the jury would find him guilty in less than 10 minutes.

Schumer: Let me ask you this. Who sent you to the hospital?

Gonzales: Senator what I can say is we had a very important meeting at the White House over one of the most important...

Schumer: I didn't ask you that.

Gonzales: I'm answering your question senator if I could?

Schumer: Who sent you? Did anyone tell you to go?

Gonzales: It was one of the most important programs for the United States. It had been authorized by the president. I'll just say that the chief of staff to the President of the United States, the counsel for the President of the United States went to the hospital on behalf of the President of the United States.

Schumer: Did the president ask you to go?

Gonzales: We were there in behalf of the President of the United States

Schumer: I didn't ask you that. Did the president ask you to go?

Gonzales: Senator we were there on behalf of the President of the United States

Schumer: Why can't you answer that question?

This tap dance by Gonzales goes on and on. Our esteemed Attorney General is not going to say that the president asked him to go. Schumer is relentless!

Schumer: Did you talk to the president about it beforehand?

Gonzales: Senator, obviously there were a lot of discussions that happened during that period of time. This involved one of the president's premier programs.

Schumer: But sir you're before this committee. You are before this committee. You are supposed to answer questions. You've not claimed any privilege. I don't think there is any here, and I asked you to answer and you refuse to answer it. Why?.

Schumer focused on who ordered the visit. He is a cross examiner after my own heart! Gonzales was damned if he answered and damned if he didn't. Had he said "Well attorney client privilege applies," Schumer might have responded: "So the president told you not to answer any questions about his ordering you and Card to the hospital to Ashcroft's sick bed in order to obtain a signature from a highly sedated man who was not in a position to sign legally in the first place."

By not asserting the attorney-client privilege excuse, Gonzales looks like a fool to the public. "Why won't he answer those questions,,". It simply looks like Gonzales is a slippery character, one I certainly don't particularly trust in the first place.

Here's Why Gonzales Won't Answer

Obviously Bush ordered the visit to get the signature. Card and Gonzales would have broken the first rule of the Bush White House, disloyalty to the boss. Is there anyone in America who has been awake for any of the past seven years who thinks that they would free lance, cross the boss? Since Bush did order the visit, he's part of a group action, also known as a conspiracy, to commit illegal acts

Senator Charles Schumer's questioning of Gonzales lays the groundwork for impeachment of the president based on the most odious crime imaginable, trying to take advantage of a sick man, a man recovering from surgery, a man whose wife has insisted that there be no visitors. It's not only a "high crime," it's a heinous one as well. "Things just get Curiouser and Curiouser As Alice in Wonderland would say if she was commenting on the above slippery, shady, shenanigans. Till next time!

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