

Congressional McCarthyism

A congressional hearing is a poor substitute for a court of law. Although both suffer from imperfections, the rules of evidence, the right to counsel, and the risk of appellate courts overturning lower courts create an environment far more conducive to justice than exists in congressional hearings where virtually no constraints exist on abuse of power. We once again see stark proof of political destruction of justice in the confirmation hearings of Jeff Sessions and Neil Gorsuch and in the endless quest to condemn Donald Trump for ties to Russia without the slightest evidence in support.

Those of us who have represented parties in congressional hearings must face the sad reality that political grandstanding to make a public spectacle for the evening news is often of far greater import to members of Congress than maintaining any semblance of impartiality, of search for truth and justice, of defense of the rule of law, or of a presumption of innocence in the absence of a conviction.

Although some members do not fit the mold, the typical member uses each moment in the spotlight to grandstand, to ask loaded questions, and to inveigh against people and positions to please particular special interests. Politics in the congressional hearing environment is often vile with members engaging in character assassination, assertion of false charges, distortion of the facts, and abuse of power without a second thought as to the ultimate consequences that stem from such conduct.

The endless search for an illegal connection between the Trump campaign or Administration and the Russian government reveals the worst in political behavior. Without any hard facts to establish an effort by Donald Trump to involve the Russian government in influencing the outcome of the American elections, members complain loudly that the association is a

fact, that Trump is an agent of Putin doing his bidding against the interests of the American people, and that Trump may even be a victim of blackmail with Putin using Trump's tax returns as leverage to manipulate him. All of this is hokum, not only grossly speculative but directly contrary to evidence that has been adduced. For the prescient listener and observer, resort to these tactics to disparage the President reveals the moral bankruptcy of the pols who make the assertions. Senator Charles Schumer, for example, prefers to jump right to the conclusion that probable cause exists of criminal collusion before a shred of supportive evidence has come to light. He calls for a special prosecutor to investigate without a scintilla of evidence that a crime has been committed.

Hypocrisy reigns supreme in these efforts as many of the members of Congress have far more close knit connections with operatives of the Russian government than Donald Trump or anyone else in his administration. While labeling Trump a partisan buoyed by Putin, they completely ignore the far more substantial charges against Hillary Clinton for conflicts of interest. When Clinton facilitated the transfer of 20% of U.S. Uranium reserves to Uranium One, a corporate entity that serves the Russian government, no Democrat howled and, to this day, not a single Democratic leader has cried foul or called for an investigation.

The efforts to sink Trump, Attorney General Jeff Sessions, and Judge Neil Gorsuch smack of desperation but they also tell us about just how far the Democratic leadership is willing to go into the mire of falsehood and innuendo to bring down their opponents. The public should be wary and should respond in 2018 by voting out of office those who support these sordid tactics. Indeed, it is this rank speculation followed by demands for legal prosecution that led the Massachusetts Bay Colony to execute those it deemed "witches." It is rank speculation followed by demands for prosecution that led the

United States government to place Japanese Americans in internment camps during World War II without probable cause that those interned had conspired with the enemy and with the overwhelming majority harboring a love of the United States to the point of being willing to fight and die for the nation. It is rank speculation followed by demands for legal prosecution that led former Senator Joseph McCarthy to destroy the reputations and livelihoods of many fine Americans whose only true fault was to land on McCarthy's list of communist sympathizers without any proof, as in the case of Donald Trump, that they were agents of a communist power.

Senator Charles Schumer and Congresswoman Nancy Pelosi are now a part of this vile legacy of McCarthyism. They are modern day witch hunters, fear mongers, and McCarthyites. The very prejudice they loudly condemn as they bang their drums against racism, sexism, etc., they adopt and further themselves when they attack Trump falsely for ties to Russia, when they condemn Trump supporters falsely as racists, and when they besmirch the well-deserved good reputations of men of the utmost character and integrity like Jeff Sessions and Neil Gorsuch.

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