

New York Times claims Deputy Attorney General discussed removing Trump

By Patrick Martin
22 September 2018

In a report that caused shock waves throughout Washington, the *New York Times* published an article on its website Friday afternoon alleging that Deputy Attorney General Rod Rosenstein discussed last year urging cabinet members to invoke the 25th Amendment to remove President Donald Trump from office on the grounds of mental unfitness, and offered to secretly record conversations with the president as part of such an effort.

It is a measure of the deep-going political turmoil in US ruling circles that the *Times* could publish such a report, based entirely on unattributed anonymous sources whom the newspaper described as “briefed either on the events themselves or on memos written by F.B.I. officials” about the events. There is no way to determine whether anything in the article is true, except to take on faith the credibility of reporters Adam Goldman and Michael S. Schmidt and their editors.

The article represents another stage in an ongoing conflict within the US ruling elite, in which the *Times* is the mouthpiece for the Democratic Party and substantial sections of the military-intelligence apparatus, at war with Trump, who has behind him significant corporate support as well as the bulk of the Republican Party. The foreign-policy issues around which the conflict revolves, particularly the war in Syria and relations with Russia, are nowhere openly acknowledged, as each side pursues the conflict with the methods of palace intrigue and media scandal.

It is perfectly possible that the *Times* has published an accurate account of the discussions inside the Justice Department which took place in the spring of 2017 after Trump’s summary firing of FBI Director James Comey. The political firestorm that erupted after the Comey firing compelled Rosenstein to appoint former FBI Director Robert Mueller as a special counsel to

continue the Russia investigation, which has expanded greatly over the past 16 months.

It is also possible that the *Times* article is a political provocation, aimed at inciting Trump to fire Rosenstein, an action that would likely lead to a considerable crisis in the Trump administration and the Republican Party. Numerous Senate Republicans have warned Trump previously not to fire Rosenstein, a Republican who was a US attorney in the Bush administration, when all such officials were vetted for political loyalty by Karl Rove.

Attorney General Jeff Sessions had also previously threatened to resign if Rosenstein were fired, although at this point Trump might welcome such a response, given his relations with Sessions, whom he denounces and demeans regularly. The departure of both Sessions and Rosenstein would leave Associate Attorney General Rachel Brand the senior leader of the DoJ and the day-to-day supervisor of the Mueller investigation. Brand is a religious conservative from western Michigan who worked in the Bush Justice Department.

More significant would be the political impact, coming only six weeks before the November 6 mid-term elections, in which the Republican Party appears likely to lose control of the House and could lose the Senate as well if there is a further swing against Trump in media-driven public opinion.

There are reasons to consider the *Times* report questionable, not least of which is the newspaper’s role as the spearhead of the anti-Russia campaign based on bogus allegations that Russian intervention accounts for the election of Trump and the defeat of Democrat Hillary Clinton, the preferred candidate of the *Times* itself, in the 2016 elections. Only the day before the Rosenstein “bombshell,” the *Times* published a special 10,000-word supplement supposedly documenting the

Russian conspiracy to elect Trump, without a single new fact, but adding new libels against WikiLeaks, Green Party candidate Jill Stein, and anyone who protests against social injustice in America—all, apparently, are Russian stooges.

According to the *Times*, Rosenstein was allegedly contemplating rounding up cabinet officers to remove the president of the United States only 12 days after joining the Trump administration as a deputy cabinet officer. The report claims that he named Sessions and then Secretary of Homeland Security John Kelly as likely supporters of a 25th Amendment effort. Kelly is now White House chief of staff, and Trump's dissatisfaction with him has also been reported.

The 25th Amendment was enacted in 1965, in the wake of the assassination of President John F. Kennedy, to provide for the appointment of a new vice president if the elected vice president were compelled to assume the office of the presidency, as Lyndon Johnson did in 1963 after Kennedy's death.

Section Four of the amendment deals with presidential incapacity rather than death. It begins: "Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President."

The process is extremely cumbersome and politically daunting, particularly since the Vice President has a veto over the process. By the text of Section Four, both he and a majority of the cabinet (no "other body" has been provided by Congress) must certify the president's incapacity. The only time there were serious discussions of such a move, in the 53 years since the amendment's ratification, came in 1987, towards the end of the Iran-Contra crisis, when President Ronald Reagan, then age 76, was visibly sinking into what was ultimately diagnosed years later as Alzheimer's disease. No action followed what were said to be informal discussions among White House officials.

Rosenstein predictably denied the *Times* report, although his response came in writing and was

cautiously worded. *York Times* The inaccurate and factually incorrect," his statement read. "I will not further comment on a story based on anonymous sources who are obviously biased against the department and are advancing their own personal agenda. But let me be clear about this: Based on my personal dealings with the president, there is no basis to invoke the 25th Amendment."

An unnamed Justice Department official acknowledged that Rosenstein had spoken of wearing a wire into the White House, but said it was a sarcastic remark made in a heated internal discussion. NBC News reported that the discussion consisted of seven people in a room set aside for secure discussions, and identified two of the participants as Andrew McCabe, then acting FBI Director after Comey's firing, and Lisa Page, then his senior staff attorney. Both have since been fired by the FBI.

The *Times* claimed that Rosenstein had discussed wearing a wire on at least one other occasion, when he suggested that FBI and Justice Department officials interviewing with Trump for Comey's position should tape-record their conversations surreptitiously. The Justice Department has denied this claim as well.

The *Times* article also noted that the unidentified "senior administration official" whose op-ed was published in the newspaper's editorial pages last month had also confirmed discussions among top officials over whether to try to invoke the 25th Amendment against Trump.

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