

# The Real Blame for Deaths in Libya

**Exclusive:** Rep. Darrell Issa and the Republicans are making political hay from last month's killings in Libya of Ambassador Christopher Stevens and three other Americans. But the real blame traces back to Official Washington's endless interventions in the Middle East, says ex-CIA analyst Ray McGovern.

By Ray McGovern

If you prefer charade to reality, inquisition to investigation, trees over forest the House Government Oversight Committee hearing last Tuesday on "Security Failures of Benghazi" was the thing for you.

The hearing was the latest example of the myopic negligence and misfeasance of elected representatives too personally self-absorbed and politically self-aggrandizing to head off misbegotten wars and then too quick to blame everyone but themselves for the inevitable blowback.

"So what's the problem?" a friend asked, as I bemoaned the narrowly focused, thoroughly politicized charges and countercharges at the hearing. "It's just a few weeks before the election; it's high political season; I found the whole farce entertaining."

The problem? One is that the partisan one-upmanship of committee chair Rep. Darrell Issa, R-California, and others soft-pedaled the virtual certainty that the murder of four American officials in Libya on Sept. 11, 2012, was a harbinger of more such killings to come. Worse still, few of the committee members seemed to care.

As I listened to the inane discussion, I wanted to shout: "It's the policy, stupid!" The tightest security measures reinforced by squads of Marines cannot compensate for the fallout from a stupid policy of bombing and violent "regime change" in Libya and elsewhere in the Muslim world.

Rep. Jason Chaffetz, R-Utah, one of Issa's top lieutenants, stated his "personal belief" that "with more assets, more resources, just meeting the minimum standards," the lives of the Americans could have been saved. Unfortunately for Chaffetz and Issa, their star witness, State Department Regional Security Officer Eric Nordstrom, shot a wide hole, so to speak, into Chaffetz's professed personal belief.

While joining with others in bemoaning State's repeated refusal to honor pleas from the field for additional security in Libya, Nordstrom admitted that, even with additional security forces, the attack would not have been

prevented. Nordstrom, a 14-year veteran of State's Diplomatic Security Service, was quite specific:

"Having an extra foot of wall, or an extra half-dozen guards or agents would not have enabled us to respond to that kind of assault," Nordstrom said. "The ferocity and intensity of the attack was nothing that we had seen in Libya, or that I had seen in my time in the Diplomatic Security Service."

For any but the most partisan listener this key observation punctured the festive, Issa/Chaffetz carnival balloon that had assigned most of the blame for the Benghazi murders to bureaucratic indifference of State Department functionaries in Washington.

Also falling rather flat were partisan attempts to exploit understandable inconsistencies in earlier depictions of the Benghazi attack and twist them into a soft pretzel showing that the Obama administration is soft on terrorism or conducting a "cover-up."

There is also the reality that diplomatic service in hostile parts of the world is never safe, especially after U.S. policy has stirred up or infuriated many of "the locals." For decades, as populations have chafed under what they regard as U.S. military and political interference, U.S. embassies and other outposts have become targets for attacks, some far more lethal than the one in Benghazi.

To recall just a few such incidents: Iranian resentment at longtime U.S. support for the Shah led to the seizure of the U.S. Embassy in Tehran under President Jimmy Carter; anger at U.S. involvement in Lebanon led to bombings of the U.S. Embassy and a U.S. Marine barracks killing more than 300 under President Ronald Reagan; U.S. embassies in Africa were bombed under President Bill Clinton; and the violence was brought to the U.S. mainland on 9/11 and also against numerous U.S. facilities in Afghanistan and Iraq under George W. Bush.

### **John Brennan, the Avenger**

However, in this political season, the Republicans want to gain some political advantage by stirring up doubts about President Barack Obama's toughness on terrorism and the Obama administration is looking for ways to blunt those rhetorical attacks by launching retaliatory strikes in Libya or elsewhere.

Thus, it was small comfort to learn that Teflon-coated John Brennan, Obama's counterterrorism adviser, had flown to Tripoli, hoping to unearth some interim Libyan government officials to consult with on the Benghazi attack. With the embassy's help, he no doubt identified Libyan officials with some claim to purview over "terrorism."

But Brennan is not about investigation. Retribution is his bag. It is likely that some Libyan interlocutor was brought forth who would give him *carte blanche* to retaliate against any and all those “suspected” of having had some role in the Benghazi murders.

So, look for “surgical” drone strike or Abbottabad-style special forces attack possibly before the Nov. 6 election on whomever is labeled a “suspect.” Sound wild? It is. However, considering Brennan’s penchant for acting-first-thinking-later, plus the entr e and extraordinary influence he enjoys with President Obama, drone and/or special forces attacks are, in my opinion, more likely than not. (This is the same Brennan, after all, who compiles for Obama lists of nominees for assassination by drone.)

If in Tuesday’s debate with ex-Massachusetts Gov. Mitt Romney, Obama is pressed, as expected on his supposed weakness in handling Benghazi, attacks on “terrorists,” real or “suspect,” become still more likely. Brennan and other White House functionaries might succeed in persuading the President that such attacks would be just what the doctor ordered for his wheezing poll numbers.

But what about tit-for-tat terrorist retaliation for those kinds of attacks? Not to worry. With some luck, the inevitable terrorist response might not be possible until after the voting. Obama’s advisers would hardly have to remind him of the big but brief bounce after killing al-Qaeda leader Osama bin Laden.

Mindless vengeance has been a popular political sell since 9/11. And so have drones. Both dovetail neatly with Brennan’s simplistic approach to terrorism; namely, just kill the “bad guys” the comic-book moniker so often used for “suspected” militants, terrorists, insurgents and still other folks with an enduring hatred for America.

Where is Helen Thomas when we need her! She was the only journalist not to genuflect before Brennan’s inanities, and had the temerity to ask him directly to explain what motivates terrorists.

At an awkward press conference on Jan. 7, 2010, two weeks after Umar Farouk Abdulmuttalab (the so-called “underwear bomber”) slipped through Brennan’s counter-terrorism net and nearly brought down an airliner over Detroit, Helen Thomas tried to move the discussion beyond preventive gimmicks like improved body-imaging scanners and “behavior detection officers” at airports. She asked Brennan about motivation; why did Abdulmuttalab do what he did.

**Thomas:** “And what is the motivation? We never hear what you find out on why.”

**Brennan:** “Al Qaeda is an organization that is dedicated to murder and wanton slaughter of innocents. They attract individuals like Mr. Abdulmutallab and use

them for these types of attacks. He was motivated by a sense of religious sort of drive. Unfortunately, al-Qaeda has perverted Islam, and has corrupted the concept of Islam, so that he's (sic) able to attract these individuals. But al-Qaeda has the agenda of destruction and death."

**Thomas:** "And you're saying it's because of religion?"

**Brennan:** "I'm saying it's because of an al-Qaeda organization that used the banner of religion in a very perverse and corrupt way."

**Thomas:** "Why?"

**Brennan:** "I think this is a long issue, but al-Qaeda is just determined to carry out attacks here against the homeland."

**Thomas:** "But you haven't explained why."

Seldom does anyone have the guts to explain why. There is virtually no adult discussion in our mass media about the underlying causes of terrorism. We are generally asked to take it on faith that many Muslims are hardwired at birth or through appeals to their Islamic faith to "hate America." And, as Brennan would have us believe, that's why they resort to violence.

### **Chickens Home to Roost**

It was no surprise, then, that almost completely absent from the discussion at last Tuesday's hearing was any attempt to figure out why a well-armed, well-organized group of terrorists wanted to inflict maximum damage on the U.S. consulate in Benghazi and kill the diplomats there.

Were it not for Rep. Dennis Kucinich, D-Ohio, impressionable listeners would have been left with the idea that the attack had nothing to do with Washington's hare-brained, bomb-heavy policies, from which al-Qaeda and similar terrorist groups are more beneficiary than victim, as in Libya.

Not for the first time, Kucinich rose to the occasion at Tuesday's hearing:

"You'd think that after ten years in Iraq and after eleven years in Afghanistan that the U.S. would have learned the consequences and the limits of interventionism. ... Today we're engaging in a discussion about the security failures of Benghazi. The security situation did not happen overnight because of a decision made by someone at the State Department. ...

"We owe it to the diplomatic corps, who serves our nation, to start at the beginning and that's what I shall do. Security threats in Libya, including the unchecked extremist groups who are armed to the teeth, exist because our nation

spurred on a civil war destroying the security and stability of Libya. ... We bombed Libya. We destroyed their army. We obliterated their police stations ... Al Qaeda expanded its presence.

“Weapons are everywhere. Thousands of shoulder-to-air missiles are on the loose. Our military intervention led to greater instability in Libya. ... It’s not surprising that the State Department was not able to adequately protect our diplomats from this predictable threat. It’s not surprising and it’s also not acceptable. ...

“We want to stop attacks on our embassies? Let’s stop trying to overthrow governments. This should not be a partisan issue. Let’s avoid the hype. Let’s look at the real situation here. Interventions do not make us safer. They do not protect our nation. They are themselves a threat to America.”

Congressman Kucinich went on to ask the witnesses if they knew how many shoulder-to-air missiles were on the loose in Libya. Nordstrom: “Ten to twenty thousand.”

And were the witnesses aware of al-Qaeda’s growing presence in Libya, Kucinich asked. One of the witnesses, Lt. Col. Andrew Wood, an Army Green Beret who led a 16-member Special Forces security team to protect Americans in Libya from February to August, replied that al-Qaeda’s “presence grows every day. They are certainly more established than we are.”

Bottom line: Americans are not safer; virtually no one is safer because of what the United States did to Libya to remove the regime of Muammar Gaddafi. Q.E.D.

I was able to listen to most of the hearing on my car radio, and found it difficult to contain my reaction to the farce. So I was glad to get a call from RT TV, asking me to come at once to the studio and comment on the RT news program at 5:00 p.m. I cannot say I enjoyed trying to draw out the dreary implications. But, in this case, they were clear enough to enable “instant analysis.” And those ten minutes on camera were, for me, like lancing a boil.

## **Dead Consciences**

We are told we should not speak ill of the dead. Dead consciences, though, should be fair game. In my view, the U.S. Secretary of State did herself no credit the morning after the killing of four of her employees, when she said:

“I asked myself how could this happen? How could this happen in a country we helped liberate, in a city we helped save from destruction? This question reflects just how complicated and, at times, how confounding the world can be. But we have to be clear-eyed, even in our grief.”

But some things are confounding only to those suppressing their own responsibility for untold death and misery abroad. Secretary Clinton continues to preen about the U.S. role in the attack on Libya. And, of Gaddafi's gory death, she exclaimed on camera with a joyous cackle, "We came; we saw; he died."

Can it come as a surprise to Clinton that this kind of attitude and behavior can set a tone, spawning still more violence?

The Secretary of State may, arguably, be brighter than some of her immediate predecessors, but her public remarks since the tragedy at Benghazi show her to be at least as equally bereft of conscience as Condoleezza Rice, Colin Powell, and yes-we-think-the-price-of-a-half-million-Iraqi-children-dead-because-of-our-sanctions-is-worth-it Madeleine Albright.

Like Albright, Clinton appears to suffer from Compassion Deficit Disorder (CDD), especially when it comes to people who do not look like most Americans. (She does make occasional exceptions for annoying people like me who also merit her disdain).

Given that she is plagued with CDD, it would have been too much to expect, I suppose, for Clinton to have taken some responsibility for the murder of four of her employees much less the killing, maiming and destruction caused by the illegal attack on Libya. But if she really wants to get "clear-eyed," holding herself accountable would be a good start.

Was it dereliction of duty for Clinton to have failed to ensure that people working for her would honor urgent requests for security reinforcement in places like Benghazi? I believe it was. The buck, after all, has to stop somewhere.

In my view, counterterrorism guru Brennan shares the blame for this and other failures. But he has a strong allergy to acknowledging such responsibility. And he enjoys more Teflon protection from his perch closer to the President in the White House.

The back-and-forth bickering over the tragedy in Benghazi has focused on so many trees that the forest never came into view. Not only did the hearing fall far short in establishing genuine accountability, it was bereft of vision. Without vision, the old proverb says, the people perish and that includes American diplomats.

The killings in Benghazi on Sept. 11, 2012, validate that wisdom. If the U.S. does not change the way it relates to the rest of the world, and especially to the Muslim world, more and more people will perish.

If we persist on the aggressive path we are on, Americans will in no way be

safer. As for our diplomats, in my view it is just a matter of time before our next embassy, consulate or residence is attacked.

### **Role of Congress**

It is a lot easier, of course, to attack a defenseless Muslim country, like Libya, when a supine House of Representatives forfeits the prerogative reserved to Congress by the Constitution to authorize and fund wars or to refuse to authorize and fund them.

At Tuesday's hearing, Kucinich noted that in Libya "we intervened, absent constitutional authority." Most of his colleagues reacted with the equivalent of a deep yawn, as though Kucinich had said something "quaint" and "obsolete." Like most of their colleagues in the House, most Oversight Committee members continue to duck this key issue, which directly involves one of the most important powers/duties given the Congress in Article I of the Constitution.

Such was their behavior last Tuesday, with most members preferring to indulge in hypocritical posturing aimed at scoring cheap political points. Palpable in that hearing room was one of the dangers our country's Founders feared the most that, for reasons of power, position and money, legislators might eventually be seduced into the kind of cowardice and expediency that would lead them to forfeit their power and their duty to prevent a president from making war at will.

Many of those now doing their best to make political hay out of the Benghazi "scandal" are the same legislators who appealed strongly for the U.S. to bomb Libya and remove Gaddafi. This, despite it having been clear from the start that eastern Libya had become a new beachhead for al-Qaeda and other terrorists. From the start, it was highly uncertain who would fill the power vacuums in the east and in Tripoli.

In short, Oversight Committee members were among those in Congress who thought war on Libya was a great idea, with many criticizing Obama for not doing more, sooner, for "leading from behind" rather than "leading from the front." Now, they're making cheap political points from the consequences of a war for which they strongly pushed.

### **War? What War?**

As Congress failed to exercise its constitutional duties to debate and vote on wars Obama, along with his Defense Secretary Leon Panetta and Hillary Clinton, took a page out of the Bush/Cheney book and jumped into a new war. Just don't call it war, said the White House. It's merely a "kinetic humanitarian action."

You see, our friends in Europe covet that pure Libyan oil and Gaddafi had been a problem to the West for a long time. So, it was assumed that there would be enough anti-Gaddafi Libyans that a new “democratic” government could be created and talented diplomats, like Ambassador Christopher Stevens, could explain to “the locals” how missiles and bombs were in the long-term interest of Libyans.

On Libya, the Obama administration dissed Congress even more blatantly than Cheney and Bush did on Iraq, where there was at least the charade of a public debate, albeit perverted by false claims about Iraq’s WMD and Saddam Hussein’s ties to al-Qaeda.

And so Defense Secretary Panetta and Secretary of State Clinton stepped off cheerily to strike Libya with the same kind of post-war plan that Cheney, Bush, and then-Defense Secretary Donald Rumsfeld had for Iraq none.

Small wonder chaos reigns in Benghazi and other parts of the country. Can it be that privileged politicians like Clinton and Panetta and the many “one-percenters” in Congress and elsewhere really do not understand that, when the U.S. does what it did to Libya, there will be folks who don’t like it; that they will be armed; that there will be blowback; that U.S. diplomats, given an impossible task, will die?

### **Libya: Precedent for Syria**

Constitutionally, the craven Congress is a huge part of the problem. Only a few members of the House and Senate seem to care very much when presidents act like kings and send off troops drawn largely by a poverty draft to wars not authorized (or simply rubber-stamped) by Congress.

Last Tuesday, Kucinich’s voice was alone crying in the wilderness, so to speak. (And, because of redistricting and his loss in a primary that pitted two incumbent Democrats against each other, he will not be a member of the new Congress in January.)

This matters and matters very much. At a hearing of the Senate Armed Services Committee on March 7, Sen. Jeff Sessions, R-Alabama, pursued this key issue with Panetta and Joint Chiefs Chairman Gen. Martin Dempsey.

Chafing *ex post facto* at the unauthorized nature of the war in Libya, Sessions asked repeatedly what “legal basis” would the Obama administration rely on to do in Syria what it did in Libya.

Watching that part of the testimony it seemed to me that Sessions, a conservative Southern lawyer, was not at all faking when he pronounced himself “almost breathless,” as Panetta stonewalled time after time. Panetta made it



explicitly clear that the administration does not believe it needs to seek congressional approval for wars like Libya. At times he seemed to be quoting verses from the Book of Cheney.

**Sessions:** “I am really baffled ... The only legal authority that’s required to deploy the U.S. military [in combat] is the Congress and the President and the law and the Constitution.”

**Panetta:** “Let me just for the record be clear again, Senator, so there is no misunderstanding. When it comes to national defense, the President has the authority under the Constitution to act to defend this country, and we will, Sir.”

(If you care about the Constitution and the rule of law, I strongly recommend that you view the entire [7-minute video clip](#).)

Lawyers all: Sessions, Panetta, Hillary Clinton, Obama. In my view, the latter three need to be called out on this. If they see ambiguity in Article I, Section 8 of the Constitution, they should explain the reasoning behind their flexible interpretation.

Cannot the legal profession give us some clarity on this key point before legally trained leaders with a penchant for abiding by the Constitution only when it suits them take our country to war in Syria without the authorization of our elected representatives?

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## Science Dispute in Heated Arizona Race

A dispute over President George W. Bush’s politicizing of science is reverberating in a close Arizona Senate race. The Republican is highlighting a personal attack against Democratic candidate Richard Carmona that was first raised to blunt his criticism of Bush’s politicization, writes William Boardman.

By William Boardman

The 30-second [attack ad](#) begins with a shot of the U.S. Senate candidate

approving it. The rest of the ad is a close-up showing a composed, mature woman making an unsupported, inaccurate, inflammatory, scripted, personal attack on the candidate's opponent. The complete text:

"There was an angry pounding on the door, in the middle of the night. I'm a single mom. I feared for my kids and for myself. It was Richard Carmona and I was his boss. Carmona is not who he seems. He has issues with anger, with ethics and with women. I have testified to this under oath to Congress. Richard Carmona should never, ever be in the U.S. Senate."

The candidate approving the ad is six-term Rep. Jeff Flake, R-Arizona, 50, who put up the ad statewide in Arizona, in Spanish as well as English, on Oct. 11, at a time when he appeared to be about three points behind in the polls. Amplified by a national Republican website, this is the harshest attack so far in an increasingly vituperative campaign. And despite its falsehoods (see below), media outlets like USA Today continue to give it free, uncritical, and unrebutted replay.

The candidates for Arizona's open Senate seat are competing hard for the women's vote as well as the Latino vote, giving the ad particular potency as it pits a woman of Cuban heritage against a Democrat who is a man of Puerto Rican descent.

The ad's target is Dr. Richard Carmona, 63, who was President Bush's Surgeon General for one term (2002-2006) and who is running as a Democrat in his first bid for elected office. In 2006, Republicans asked him to be their candidate for Congress and he refused. The seat was won by Gabrielle Giffords, D-Arizona, who was severely wounded in a 2011 assassination attempt and subsequently resigned from Congress.

The day after the Flake campaign ad launched, Dr. Carmona responded at a news conference that his accuser had "lied." And in an 11-minute interview with a quietly hostile and uninformed interviewer on Arizona Republic's Channel 12 in Phoenix, Dr. Carmona calmly rejected all allegations and called on Rep. Flake to pull the ad "because it's false." The Arizona Republic has endorsed Rep. Flake.

### **Colleagues Under Bush**

The woman in the ad is Dr. Cristina V. Beato, a former Bush administration Acting Assistant Secretary of Health, U.S. Health and Human Services Department (HHS) (2003-2005), when she was Dr. Carmona's superior and supervisor most of that time. Her nomination to be full Assistant Secretary stalled in 2004 over the reliability of her resume. Given the number of apparently false claims in the resume, the Senate never formally considered her nomination.

Dr. Beato has alleged that, during 2003-2005, when both doctors lived near each

other on the campus of the National Institutes of Health in Bethesda, Maryland, Dr. Carmona came “pounding” on her door at night on two occasions. She does not specify dates or times, or much other detail, and she made no formal complaint at the time.

She first reported the alleged events to five congressional staffers in a secret two-and-a-half hour interview session in November 2007, with no congressmen present. This was part of a congressional investigation into alleged manipulation of science for political ends during the Bush administration, in which Dr. Carmona was a prime accuser.

Congressional staff assured Dr. Beato in 2007 that her interview would not become public. Politico obtained and published a copy of the transcript in May 2012.

Both the Flake campaign and the National Republican Senatorial Committee (NRSC) refer to this staff interview as if it had been before the House Oversight and Government Reform Committee, which never called Dr. Beato as a witness.

### **Not “Under Oath”**

Both the Flake campaign and NRSC refer to Dr. Beato’s interview as sworn testimony. Dr. Beato says in the ad, “I have testified to this under oath to Congress.” But as the transcript shows (page 4), attorney Naomi Seiler, the committee’s counsel, advises Dr. Beato: “Because this is not a deposition, you will not be placed under oath, but you are required to answer questions from Congress truthfully.”

But at the time of the interview, it was already four months *after* Dr. Carmona had made headlines by criticizing Bush administration political appointees in HHS for trying to make the agency’s science fit their political agenda. Although Dr. Carmona refused to name anyone, the New York Times reported in early July 2007 that: “more than a half-dozen former top health officials said in interviews that the official most likely to have interfered was Dr. Cristina V. Beato.”

The Times also reported that former officials were saying that “Dr. Beato was widely seen within the department as trying to advance conservative agendas” and that “Dr. Beato was more ideological and more right-wing, less objective and more political [than Dr. Carmona].”

Later in July 2007, the Washington Post reported that a different Bush political appointee had suppressed another Surgeon General’s report that called on Americans to help solve global health problems. Dr. Carmona had commissioned that 65-page report and testified to a House committee that the Bush political

appointee told him that the report would either become a political document, or it would not be released.

Ultimately, the House committee looking into politicization of the Surgeon General's office issued no report, nor did it reach any conclusion on Dr. Beato's allegations about Dr. Carmona. Rep. Henry Waxman, D-California, who chaired the committee, later said the committee was aware of the allegations but could not confirm them. Dr. Beato's allegations have no known independent support.

When congressional investigators interviewed Dr. Carmona, he denied that the events Dr. Beato described had ever happened. So far, everyone who has come forward with personal knowledge of circumstances at HHS during 2003-2005 agrees that, at best, Dr. Beato and Dr. Carmona did not get along well.

Another character assassination ad was released by the National Republican Senatorial Committee (NRSC) that runs 1:17 and is titled: "The Carmona Files Volume 1: Women in the Workplace" featuring Dr. Beato's allegations and other, older reports that were considered by the Senate before they voted 98-0 to confirm him as Surgeon General.

Near the end of her 2007 interview with congressional staffers, Dr. Beato said one reason she was scared of Dr. Carmona was that "the guy had already killed somebody" (page 95), which is also one of the items featured on the NRSC website. Then she added that she thought his mother had been an alcoholic. The staffers did not follow up on these details and the interview ended moments later.

In fact, Dr. Carmona, who is a decorated Vietnam War vet, had indeed killed someone in 1999, when he was working as a deputy for the Pima County Sheriff's Office in Arizona. Responding to a car accident, he confronted a mentally ill man who was assaulting another person in the car he had just rear-ended. Ordered out of the car, the man shot at Carmona, grazing his head, and he responded with seven shots that killed the man.

It later turned out the man was suspected of having stabbed his father to death earlier that day.

Three years later, after his nomination to be Surgeon General, one of Dr. Carmona's fellow doctors raised questions about the event, framing it as a moment when Dr. Carmona should have behaved more like a doctor ("first do no harm") and less like a law-enforcement officer. Senators did not ask any questions about the incident.

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public radio and served as a lay judge.

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## Buying 'Justice'

Powerful corporations and right-wing interest groups are taking aim at state judges around the country who have ruled the “wrong” way and who can be tossed out via elections. This new flood of campaign cash is creating a system of justice for the highest bidder, write Bill Moyers and Michael Winship.

By Bill Moyers and Michael Winship

When the National Football League ended its lockout of the professional referees and the refs returned to call the games, all across the country players, fans, sponsors and owners breathed a sigh of relief. Fans were grateful for the return of qualified judges to keep things on the up and up.

After the now infamous Seattle Seahawks-Green Bay Packers game, when questionable calls by the replacement refs led to a disputed 14-12 win by the Seahawks, even union-busting Wisconsin Gov. Scott Walker and vice presidential nominee Paul Ryan, the pride of Janesville, Wisconsin, became briefly fans of organized labor, calling for a negotiated peace and bringing the real refs back on the field.



In Baltimore, when the professional referees returned for their first game of the season, fans gave them a standing ovation. One held a sign: “Finally! We get to yell at real refs! Welcome back!” As the captains of the Ravens and Cleveland Browns met at the center of the field for the coin toss, veteran official Gene Steratore turned on his microphone greeted them with, “Good evening, men. It’s good to be back.” The stadium erupted in a roar.

It was a revealing glimpse into a basic truth of American sports: Without the guys who enforce the rules, everything else is pointless. As New York Giants linebacker Michael Boley reminded us, too many missed and blown calls put “the integrity of the game” at stake.

In sports we choose sides our team against your team but we want the referees to be skilled and impartial. We expect the same from the judges in our courtrooms, too. How much faith could any of us have in a judge who's taken cash from either litigant in a trial or who owes his position on the bench to a partisan clique manipulating votes? Yet 38 states elect their high court judges and large sums of money much of it from secret donors are pouring into many of those judicial races.

An August study from the liberal Center for American Progress reports, "In state courts across our country, corporate special interests are donating money to the campaigns of judges who interpret the law in a manner that benefits their contributors rather than citizens seeking justice...

"Fueled by money from corporate interests and lobbyists, spending on judicial campaigns has exploded in the last two decades. In 1990 candidates for state supreme courts only raised around \$3 million, but by the mid-1990s, campaigns were raking in more than five times that amount, fueled by extremely costly races in Alabama and Texas. The 2000 race saw high-court candidates raise more than \$45 million."

Ninety-five percent of America's legal disputes are settled in state courts. The Center for American Progress Report, authored by Billy Corriher, studied 403 cases in six states, between 1992 and 2010 in which individuals sued corporations. The states Alabama, Texas, Ohio, Pennsylvania, Illinois and Michigan received the most judicial campaign cash during that same period. In those cases, "courts ruled in favor of corporations 71 percent of the time."

Just as ominous, there's a movement afoot to punish judges for decisions that offend political partisans. In Florida, the current system selects judges based on ability rather than partisan politics, but the state Republican Party there is trying to oust three state Supreme Court justices over a ruling on President Obama's health care law that conservatives didn't like.

One of the judges, R. Fred Lewis, told *The New York Times*, "This is a full-frontal attack that had been in the weeds before on a fair and impartial judicial system, which is the cornerstone and bedrock of our democracy." Others believe Republican Gov. Rick Scott and the state legislature's real motive is to take over and control the courts for political gain and on behalf of corporate interests.

In Pennsylvania, a local Tea Party faction has set out to defeat two state Supreme Court justices over its unanimous decision refusing to uphold the state's voter ID law passed by Republicans to downsize the vote in November.

And in Iowa, where justices chosen on merit have produced a state supreme court praised far and wide for its fairness and credibility, right-wing Republicans who knocked three judges off the court in 2010 the notorious “Gathering Storm” campaign are now going after a fourth, David Wiggins. The judges’ crime? Participating in a unanimous ruling that legalized same-sex marriage.

Leading the fight to remove Wiggins is the National Organization for Marriage and a grassroots group called Iowans for Freedom that presents itself as an effort that’s as home-grown as Iowa corn. But much of its money comes from out of state.

Just look at the interlopers who joined an anti-marriage equality bus trip that barnstormed the state last month Louisiana Gov. Bobby Jindal and Rick Santorum, the former United States senator from Pennsylvania who won the Iowa caucuses in January before losing the Republican nomination to Mitt Romney.

Pushing back is a movement known as Justice Not Politics. Here’s how they describe themselves: “a broad based, nonpartisan coalition of organizations and Iowans across the political spectrum progressive to conservative; Republicans, Independents and Democrats all who are committed to protecting Iowa’s courts and our system of merit selection and retention.” The co-chairs are Joy Corning and Sally Pederson, each a former lieutenant governor of the state, one a Republican, the other a Democrat.

Once again, serious campaign finance reform with full transparency and public funding would go a long way toward solving the problem. Otherwise, as that study from the Center for American Progress reports, “In courtrooms across the country, big corporations and other special interests are tilting the playing field in their favor.”

And as the Iowans of Justice Not Politics declare, “If politics and campaign money are allowed into the courts, justice will be for sale.”

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