

# Lawsuit Challenges DNC Anti-Sanders Bias

Blaming Russia has allowed the national Democratic Party to duck the real reasons why Hillary Clinton lost, the lack of a populist connection that a lawsuit is trying to expose, writes Norman Solomon at Truthdig.

By Norman Solomon

Nine months after losing the presidency, the Democratic Party is in dire need of a course correction. Grass-roots enthusiasm for the party is far from robust. Despite incessant funding appeals and widespread revulsion for the Trump administration, the Democratic National Committee's fundraising is notably weak.

And the latest DNC chair, Tom Perez, sounds no more inspiring than his recent predecessors. When Perez speaks next to Vermont Sen. Bernie Sanders, it's a stark contrast between establishment clichés and progressive populism.

While a united front against the Trump regime would be ideal, mere unity behind timeworn Democratic leadership would hardly be auspicious. Breaking the Republican stranglehold at election time will require mobilizing the Democratic Party's base on behalf of authentic populism. But the power structure of the DNC has other priorities.

A comment from Sanders five months ago remains fully relevant: "Certainly, there are some people in the Democratic Party who want to maintain the status quo. They would rather go down with the Titanic so long as they have first-class seats."

Meanwhile, along with most Democrats in Congress, the DNC remains eager to heap blame on Russia for the defeat of Hillary Clinton. That's been a nifty way to deflect attention from what cried out for scrutiny after November's election – the reality that Clinton's close ties with Wall Street and big banks made it unconvincing to pitch her as an ally of working people.

All this is context for a lawsuit against the Democratic National Committee that has been slowly wending its way through a federal district court in Florida. The suit contends that the DNC engaged in fraud by renegeing on a key commitment in its charter.

The DNC charter is fairly explicit. Article V, Section 4 says: "In the conduct and management of the affairs and procedures of the Democratic National Committee, particularly as they apply to the preparation and conduct of the Presidential nomination process, the Chairperson shall exercise impartiality and evenhandedness as between the Presidential candidates and campaigns."

The charter goes on to state: “The Chairperson shall be responsible for ensuring that the national officers and staff of the Democratic National Committee maintain impartiality and evenhandedness during the Democratic Party Presidential nominating process.”

DNC emails that reached the public a year ago show direct and purposeful violations of those DNC rules. As The New York Times reported with understatement days before the national convention, “The emails appear to bolster Mr. Sanders’s claims that the committee, and in particular [DNC Chair Debbie] Wasserman Schultz, did not treat him fairly.”

### **A Lawsuit Filed**

A week after the release of those incriminating DNC emails in July 2016, a Miami-based law firm (Beck & Lee) filed a suit on behalf of plaintiffs who had donated to the DNC, alleging that the DNC committed “civil fraud.”

The DNC emails show that top committee officials violated the DNC charter’s “impartiality and evenhandedness” requirements. When compelled to respond at a hearing in U.S. District Court in southern Florida on April 25, the DNC’s legal team came up with a revealing defense – claiming that the DNC has a right to be unfair during the presidential nominating process.

A lawyer for the DNC, Bruce Spiva, told the judge: “We could have voluntarily decided that, ‘Look, we’re gonna go into backrooms like they used to and smoke cigars and pick the candidate that way.’ That’s not the way it was done. But they could have. And that would have also been their right.”

In other words, Spiva was saying that his clients atop the DNC didn’t mug democracy in this case but could have if they’d wanted to – and they retain the right to do so in the future.

Later that day, Spiva tried to clean up a potential public relations snafu while reaffirming the DNC’s legalistic stance: “In response to my hypothetical that the party could choose its nominees in a smoke-filled room, I want to just reiterate that the party ran the process fair and impartially, and does not do that and doesn’t plan to do that. But these, again, are political choices that either party is free to make and are not enforceable in a court of law.”

Lawyers often make “even if” arguments in court that might not look good elsewhere. But this one is unusually telling – telling us that the most powerful people at the DNC reserve the right to put their thumbs on the scales when the Democratic Party chooses its presidential nominee.

If DNC leaders really want to help build the kind of relationships with the

grass roots that are needed for defeating the Trump-Pence forces, the DNC should be trying to climb out of its estrangement hole, not digging itself in deeper.

Alienation from the Democratic Party hierarchy last fall—especially among young people who turned out for Sanders during the primaries but not for Clinton in November – was a major factor in Trump’s victory. (Clinton’s youthful support sank to such a low level in national polling that I [wrote for The Hill](#) just five weeks before the November election, “If this country had a maximum voting age of 35, Hillary Clinton would now be in danger of losing the election to Libertarian Party candidate Gary Johnson.”) Like the Clinton campaign itself, the DNC was complacent about the distrust that the party’s hierarchy had earned.

Eight months into 2017, the DNC seems to be on the same basic track as last year. It is symbolic and substantive that one of the national Democratic Party’s most prominent online fundraising spokespeople still is Donna Brazile, who filled in as acting DNC chair after Wasserman Schultz suddenly resigned in disrepute last summer when her on-the-job bias was exposed.

### **Tippling the Scales**

The release of Clinton campaign emails showed that Brazile had used her position as a CNN commentator to obtain and secretly [funnel debate questions](#) to Clinton – via campaign chairman John Podesta and communications director Jennifer Palmieri – during the primary battle between Clinton and Sanders.

In [a recent article](#), Salon columnist Sophia McClennen recalled: “In the months when she was interim DNC chair, Brazile went on totally lying about her transgressions until she finally admitted to doing it, but stated that she felt no remorse.”

McClennen added: “The DNC is tone deaf to the fact that Brazile and Wasserman Schultz and the whole pack of insiders that didn’t hold an ethical primary should be exiled from the party, they are tone deaf to the real reasons why Trump won, and they are tone deaf to the fact that Sanders is the most popular politician and the most popular Senator in the nation. ... The Trump administration’s cronyism, elitism and disregard for any semblance of democratic values has voters calling for impeachment, but the DNC has its own credibility problems – exemplified by the fact that Donna Brazile is still a party insider.”

The twin imperatives of taking government control away from Republicans and fighting for a genuinely progressive agenda will require an ongoing challenge to the entrenched national Democratic Party leadership. (Those who scoff at using the Democratic Party as an electoral tool to oust the Trump-Pence-Ryan-McConnell GOP have no other credible electoral tool to propose.) We can’t afford to leave

the Democratic Party to the corporatists and militarists who currently dominate it from the top.

Odds are that the fraud lawsuit against the Democratic National Committee won't get much further in legal proceedings. Yet the suit has already clarified and underscored a crucial reality. Progressive rhetoric notwithstanding, the DNC remains in sync with the same kind of anti-democratic arrogance that oversaw the party's disastrous 2016 election campaign. The progressive uprising for political revolution must continue.

Norman Solomon is coordinator of the online activist group [RootsAction.org](https://www.rootsaction.org). His books include *[War Made Easy: How Presidents and Pundits Keep Spinning Us to Death](#)*. He was a Bernie Sanders delegate and coordinator of the Bernie Delegates Network at the 2016 Democratic National Convention. [This article first appeared at Truthdig at <https://www.truthdig.com/articles/dnc-fraud-lawsuit-exposes-anti-democratic-view-s-democratic-party/> ]

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