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Chambliss challenges explosion subpoena

By Russ Bynum

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Savannah — Sen. Saxby Chambliss is fighting an attorney's subpoena seeking to question him in a lawsuit by victims of the deadly explosion at a Georgia sugar refinery, prompting fresh attacks by Democrats hoping to oust the Republican senator in a heated runoff.

Savannah attorney Mark Tate — who calls himself a “partisan Democrat” — has subpoenaed Chambliss to submit to questions Thursday about whether Imperial Sugar executives enlisted him to help the company avoid blame in the Feb. 7 explosion that killed 14 workers and injured dozens more.

Chambliss campaign spokeswoman Michelle Hitt Grasso said Monday that Senate attorneys are asking a judge to throw out the subpoena, arguing that federal law and Senate rules not only make Chambliss immune from testifying in the case, but prohibit him from doing so.

“According to Senate legal counsel, the senator is prevented from sitting for this deposition or providing documents,” Grasso said. “They will be filing the motion to quash the subpoena.”

The Democratic Senatorial Campaign Committee is trying to make the civil case an issue in Chambliss' Dec. 2 runoff election with Democrat Jim Martin — one of three undecided races, including Senate seats in Alaska and Minnesota, that Democrats need to win to gain a filibuster-proof majority of 60 seats.

The DSCC posted a new online ad Sunday on YouTube accusing Chambliss of trying to duck the subpoena.

“Saxby Chambliss is refusing to testify,” it says. “What are you trying to hide?”

Grasso said Senate attorneys have told Chambliss he is immune from submitting to a deposition under the “speech or debate” clause of the Constitution, which shields members of Congress from testifying about legislative business in private lawsuits.

“I totally disagree with that,” said Tate, who represents families of two refinery workers killed by the blast and two employees who were injured. “I don't think, because some issues are related to the speech-and-debate clause, that the entire deposition can be precluded.”

Tate says he wants to know if Imperial Sugar executives persuaded Chambliss to sharply criticize a company whistle-blower during a July Senate hearing on the explosion. He says he also wants the senator to respond to plaintiffs' claims that the company arranged a meeting between Chambliss and victims' families to dissuade them from suing.

Grasso said Chambliss denies both accusations.

"It is a new low for the Democrats to try to politically manipulate this tragedy," she said. "In regard to the tragedy at Imperial Sugar, Sen. Chambliss has never been anything but heartbroken for the families and an advocate for them to make sure this type of accident never occurs again."

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