

Ex-aide contradicts Attorney General Gonzales on US attorney firings

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Attorney General Alberto Gonzales' former chief of staff, D. Kyle Sampson, told the Senate Judiciary Committee Thursday that he discussed plans to fire US attorneys on numerous occasions with Gonzales. Sampson's sworn testimony flatly contradicted statements by Gonzales both in congressional testimony and in press conferences that he was not involved in the purge of federal prosecutors.

Sampson also disputed assertions by Gonzales and other top Justice Department officials that he had failed to properly inform them of the plan before they testified before Congress, causing them to make inaccurate statements.

The seven-hour hearing further undermined attempts by the White House to distance itself from the growing scandal surrounding the firings. Committee Chairman Patrick Leahy, Democrat of Vermont, noted that President George Bush personally complained to the attorney general in October 2006 about certain US attorneys. Gonzales claims, Leahy added, that he cannot remember which federal prosecutors were discussed.

However, the discussion occurred at the high point of the 2006 congressional elections, when signs were pointing to a defeat for the Republicans and leading Republicans were demanding that US attorneys launch voter fraud prosecutions to intimidate likely Democratic voters and discredit Democratic candidates in hotly contested races.

In particular, New Mexico Republican Senator Peter Domenici complained several times to Gonzales about the refusal of the US attorney in his state, David Iglesias, to charge local Democrats with voter fraud at a time when incumbent Republican Congresswoman Heather Wilson appeared to be losing her reelection bid. Both Domenici and Wilson contacted Iglesias to pressure him directly, a violation of congressional ethics rules that could open both legislators up to criminal charges.

Bush's chief political adviser Karl Rove also complained repeatedly to Gonzales about Iglesias.

Eight days after the November 7 election, in which the Republicans lost control of both houses of Congress, Iglesias was added to the list of US attorneys to be fired. Seven of the eight were dismissed on December 7. The remaining fired federal prosecutor, Bud Cummins of Arkansas, had been ousted several months earlier to make way for Tim Griffin, a long-time Republican operative and aide to Rove.

"I don't think the attorney general's statement that he was not involved in any discussions of US attorney removals was accurate," Sampson told the committee. "I remember discussing with him this process of asking certain US attorneys to resign," Sampson said.

Sampson said he first discussed firing certain US attorneys with Gonzales in early 2005, shortly after Gonzales, who had served as counsel to the president in Bush's first term, was nominated by Bush to replace John Ashcroft as attorney general. A recently released memo written by Sampson said that in early 2005, Rove and then-counsel to the president Harriet Miers suggested replacing some US attorneys while retaining, as Sampson put it, "loyal Bushies."

Sampson said he saw Gonzales "multiple times" every day and

discussed the US attorneys matter with him repeatedly in the ensuing two years. He affirmed that Gonzales participated in a meeting on November 27, 2006 to finalize the list of targeted prosecutors, and that ultimate approval of the list was given by Gonzales and Miers. Bush signed off on the firings in early December of 2006.

Even as the hearing was in progress, the White House seemed to retreat from its defense of Gonzales, who faces growing calls for his resignation.

"I'm going to have to let the attorney general speak for himself," White House spokeswoman Dana Perino said as Sampson entered his third hour of testimony. Perino suggested that Gonzales had to explain himself to Congress, and do so quickly. In response to a reporter who noted the attorney general was not scheduled to appear publicly on Capitol Hill until April 17, she said, "I agree three weeks is a long time."

Sampson resigned as Gonzales' chief of staff on March 12, one day before the release of the first batch of Justice Department emails and other documents concerning the plan to fire the prosecutors. In his testimony, he defended the firings as proper, on the grounds that US attorneys are political appointees and serve at the pleasure of the president. He denied that any of the attorneys were fired in order to influence existing political corruption investigations or in retaliation for a failure to launch prosecutions for partisan political purposes.

He argued further that it was impossible to separate the performance of US attorneys from their political loyalty to the administration and their willingness to do the White House's bidding. Such a conception in and of itself makes a mockery of the constitutional principle of the separation of powers between the executive and judicial branches of the government and the independence of federal prosecutors from partisan political considerations.

As one Democratic senator noted, federal prosecutors wield immense power, including the power to "blacken reputations and destroy lives."

In the course of the hearing, it became clear that Sampson's claims that the attorneys were not fired either for prosecuting Republicans or failing to prosecute Democrats had no credibility. At one point Leahy reviewed a series of emails containing tentative lists of US attorneys to be dismissed. He got Sampson to acknowledge that it was not until November 15 that Iglesias was added. When asked how this was to be explained, Sampson talked around the question while denying that it had anything to do with Republican complaints about Iglesias' refusal to launch a voter fraud case against New Mexico Democrats in the run-up to the election.

California Democrat Dianne Feinstein pressed Sampson on the firing of Carol Lam, the US attorney in San Diego. Lam conducted a successful corruption prosecution against Randy "Duke" Cunningham, a Republican congressman from southern California.

Feinstein pointed out that one day after Lam extended the corruption probe by issuing search warrants against Dusty Foggo, a high-ranking CIA official, and businessman Brent Wilkes, Sampson sent an email to a deputy in the White House counsel's office citing the "real problem" they had "right now" with Lam.

Sampson repeatedly answered that “to the best of his recollection,” his email had nothing to do with the corruption investigation.

Senator Charles Schumer (Democrat of New York) raised the fact that Sampson suggested in a 2006 meeting with Miers and William Kelley, deputy assistant to the president, that Patrick J. Fitzgerald be removed as US attorney for Northern Illinois.

Fitzgerald was serving at the time as special prosecutor investigating the role of White House officials, including Karl Rove, in the outing of CIA agent Valerie Plame Wilson. Her CIA cover had been blown in retaliation for articles and statements by her husband, Joseph Wilson, exposing the administration’s use of phony intelligence about weapons to mass destruction to justify the invasion of Iraq. Fitzgerald’s prosecution resulted in the conviction of I. Lewis Libby, the former chief of staff of Vice President Dick Cheney, for perjury and obstruction of justice.

Sampson was also asked to explain the contradiction between a letter he drafted that was sent to Democrats on Capitol Hill on February 23, 2007 asserting that the Department of Justice was unaware of any role played by Rove in the selection of Tim Griffin to replace Bud Cummins as US attorney in Arkansas, and an email he sent the previous December saying Griffin’s appointment was “important” to both Rove and Miers.

Sampson gave the unlikely reply that he knew Rove’s aides were pressing for the appointment, but he really wasn’t sure whether Rove himself had any input.

Sampson’s letter had been approved by White House officials. For its part, the Justice Department sent letters Wednesday to Democratic leaders of the judiciary committees in the Senate and the House of Representatives acknowledging that the February 23 letter wrongly asserted that the Department had no knowledge of any role played by Rove in the Griffin appointment.

Republican senators on the committee for the most part portrayed the hearing as part of a politically motivated vendetta against the Bush administration. However, Arlen Specter, the ranking Republican, pursued a line of questioning that undercut Gonzales’ account of the firings, and focused on the Justice Department’s use of a provision inserted into the 2006 version of the Patriot Act allowing the attorney general to appoint interim US attorneys without Senate confirmation.

Both the House and Senate judiciary committees have voted to authorize subpoenas for testimony from Rove, Miers and other White House officials. Bush has declared he will defy any such orders, on the grounds of executive privilege. Thus far, the Democratic leadership has backed off from executing the subpoenas, hoping to avoid a direct confrontation.

Sampson’s testimony provided further evidence that the purge of US attorneys is part of a broader conspiracy, centered in the White House, to subvert democratic processes and illegally manipulate elections. At least one other federal prosecutor, John McKay of Washington State, was fired after he refused to conduct a trumped-up voter fraud prosecution. He resisted demands that he pursue a case against the Democrats aimed at reversing a narrow Democratic victory in the 2004 gubernatorial race in Washington.

None of the Democrats on the committee sought to probe or reveal the more fundamental issues of democratic rights underlying the scandal. They have no interest in alerting the American people to the depths of the decay of democratic procedures and pervasive criminality of the Bush administration.

However, a column appeared Thursday in the *Los Angeles Times* that does give an indication of how far matters have progressed. Entitled “Bush’s Long History of Tilting Justice,” it was written by Joseph D. Rich, chief of the voting section in the Justice Department’s civil rights division from 1999 to 2005. Rich now works for the Lawyers’ Committee for Civil Rights Under Law.

Rich noted that over the past six years, “this Justice Department has ignored the advice of its staff and skewed aspects of law enforcement in

ways that clearly were intended to influence the outcome of elections.”

He pointed out that from 2001 to 2006, not a single voting discrimination case was brought on behalf of African American or Native American voters. “US attorneys were told instead,” he wrote, “to give priority to voter fraud cases, which, when coupled with the strong support for voter ID laws, indicated an intent to depress voter turnout in minority and poor communities.”

He then cited the example of Bradley Schlozman, who was appointed interim US attorney in Kansas City, Missouri in March of 2006, under the special provision inserted into the Patriot Act. Schlozman, Rich explained, had played a central role in politicizing the civil rights division during his three-year tenure there.

“Schlozman, for instance, was part of the team of political appointees that approved then-House Majority Leader Tom DeLay’s plan to redraw congressional districts in Texas, which in 2004 increased the number of Republicans elected to the House. Similarly, Schlozman was acting assistant attorney general in charge of the division when the Justice Department OK’d a Georgia law requiring voters to show photo IDs at the polls. These decisions went against the recommendations of career staff, who asserted that such rulings discriminated against minority voters....

“Schlozman continued to influence elections as an interim US attorney. Missouri had one of the closest Senate races in the country last November, and a week before the election, Schlozman brought four voter fraud indictments against members of an organization representing poor and minority people. This blatantly contradicted the department’s long-standing policy to wait until after an election to bring such indictments because a federal criminal investigation might affect the outcome of the vote. The timing of the Missouri indictments could not have made the administration’s aims more transparent.”

While using federal prosecutors to attack the voting rights of working class and minority voters and maintain Republican power, the administration is altering the policies of the US attorney system to benefit corporate lawbreakers. The *New York Times* reported Thursday, “At least one prosecutor complained that United States attorneys had been excluded from deliberations that led to a change in policy on prosecuting corporate crime... The policy change at issue happened in December, when Deputy Attorney General Paul J. McNulty rolled back a requirement that corporate defendants waive the confidentiality of their discussions with lawyers to obtain leniency.”



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