Top Justice Department aide to testify in probe of US attorney firings

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The US Department of Justice agreed to grant limited immunity from prosecution for Monica Goodling, a former top department official, a key step in compelling her to testify publicly about the controversial firings of eight US attorneys last year.

As the former senior counselor to Attorney General Alberto Gonzales, and principal liaison between Gonzales and the White House, Goodling is a key witness to the role of Bush and his top political aide, Karl Rove, in the politically motivated purge.

Seven of the prosecutors were fired last December 8, while the eighth was discharged a few months earlier. The firings had a clear political motivation: nearly all the US attorneys were under fire within the Bush administration and from congressional Republicans because they had either prosecuted high-level Republicans on corruption charges or declined to bring bogus vote fraud cases against Democrats in states that were closely contested politically.

Until now, Goodling, who resigned her position March 29, had refused to testify about the circumstances of the firings, citing her Fifth Amendment right against self-incrimination. It is almost unprecedented for a top official of the chief law enforcement department of the federal government to invoke the Fifth Amendment, an action that suggests that the dismissal of the US attorneys could involve crimes, such as obstruction of justice.

Goodling has also refused to cooperate with an internal Justice Department investigation, conducted by the Office of Professional Responsibility, which has reportedly uncovered a list of some three dozen US attorneys considered to be pro-Democratic Party or otherwise politically unreliable.

The Justice Department action clears the way for the counsel of the House of Representatives to file a formal immunity request with the US District Court in Washington, DC, a step set for Friday. Goodling's attorney said she would comply with any order to testify issued by the court.

Goodling, a law school graduate of Regent University, the Christian fundamentalist college run by ultra-right television preacher Pat Robertson, had no prosecutorial experience when she was named to the key position at the Justice Department.

It was reported last week that Gonzales delegated to her and his chief of staff, Kyle Sampson, the authority to hire and fire the 93 US attorneys, an extraordinary abdication of responsibility, especially given the thin professional resumés of both Goodling and Sampson. This revelation permits only two possible interpretations—either it is a deliberate fabrication, aimed at off-loading culpability for the firings on two officials who have already resigned, or it is true, and Gonzales served as little more than a stooge for rabid religious fundamentalists who actually ran the department.

Press accounts have revealed that Rove not only took part in discussions before the firing of the prosecutors, but helped coach top Justice Department officials before their testimony to Congress about the scandal. Associate Deputy Attorney General William Moschella, the number three man in the department, told congressional investigators that Rove attended a meeting where White House and Justice aides discussed his upcoming testimony before a House panel.

The day after the March 5 White House meeting Moschella told a House Judiciary subcommittee that the White House had little involvement in the affair. This claim has been refuted by subsequent testimony and a mass of e-mail messages back and forth between the Justice Department and the White House—as well as by the fact of the March 5 meeting itself.

One such e-mail, from Justice spokeswoman Tasia Scolinos to the White House, underscores the cynicism of the media relations strategy in the following terms: "We are trying to muddy the coverage up a bit by trying to put the focus on the process in which they were told."

Newsweek magazine, which first reported Rove's role at the March 5 meeting in its current edition, observed: "Now some investigators are saying that Rove's attendance at the meeting shows that the president's chief political advisor may have been involved in an attempt to mislead Congress—one more reason they are demanding to see his emails and force him to testify under oath."

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The Bush administration has flatly refused a request from congressional Democrats that Rove and other top White House aides testify under oath on the attorney firings, citing executive privilege, even though such testimony has been provided frequently in previous administrations. The Democratic leadership authorized subpoenas but has refused to issue them, fearful of a confrontation with the White House that would require challenging Bush's claim to essentially unchecked executive power.

After Gonzales' disastrous April 17 appearance before the Senate Judiciary Committee, when he claimed inability to remember recent events nearly 100 times, the Bush administration has intensified its posture of stonewalling, with Bush himself reaffirming his support and declaring that Gonzales' testimony strengthened his confidence in the attorney general.

Last week there was another body blow to Gonzales, however, when former deputy attorney general James Comey testified before a House Judiciary subcommittee. He served as the "direct supervisor" of all US attorneys, but said he was never informed about the campaign by Gonzales, Sampson and Goodling to target nearly ten percent of them for firing.

Referring to the eight fired prosecutors, Comey said, "My experience with the US attorneys just listed was very positive." He said the official reasons given for their discharge "have not been consistent with my experience."

Comey called the allegations that the firings were politically motivated "very troubling," and went on to give high praise to several individual prosecutors. Paul K. Charlton of Arizona, fired after beginning an investigation into Republican Congressman Rick Renzi, was "one of the best." He called John McKay of Seattle, Washington, fired after refusing to initiate legal action to overturn a narrow Democratic victory in the 2004 gubernatorial election, an inspirational figure. He said Carol Lam of San Diego, fired after she prosecuted Republican Congressman Randy Cunningham for bribery, was "a fine US attorney."

This testimony is especially damaging because Comey served as the number two official at Justice under both John Ashcroft and Gonzales, and now works as general counsel for the biggest US military contractor, Lockheed Martin. He can hardly be dismissed as a partisan opponent of the administration.

New details of the scandal continue to emerge. According to press reports:

* The US attorney for Los Angeles, Debra Wong Yang, resigned last fall to take a lucrative private job only weeks before the purge. Yang's office was investigating another powerful Republican congressman, Jerry Lewis, former chairman of the House Appropriations Committee. Kyle Sampson testified last month that then-White House counsel Harriet Miers was pressuring him to get Yang to resign. As it developed, Yang took a position with a legal group headed by Theodore Olson, former Bush solicitor general and the lead lawyer in the Bush v. Gore Supreme Court case in 2000 that installed Bush in the White House.

* The US Attorney for Western Missouri (Kansas City), Todd Graves, resigned in 2006 before the firings. He was forced out after refusing to support a voter registration lawsuit against the state of Missouri brought by acting assistant attorney general Bradley Schlozman. Schlozman was then installed as Graves' replacement, under a new provision of the Patriot Act that allowed Bush to fill the vacancy without a Senate vote. Schlozman has now been subpoenaed to testify about the vote fraud case and the connection between that and Graves' resignation. Both Rove and Bush had conversations with Gonzales last fall about the need to prosecute alleged fraud in voter registration campaigns run by groups aligned with the Democratic Party.

* The US Attorney for the District of Columbia, Jeffrey Taylor, complained of pressure from Goodling and other Justice Department officials to block the hiring of a prosecutor viewed as a "liberal Democratic type." Instead, they sought the appointment of Jay Apperson as an assistant US attorney. Apperson was a veteran of the Kenneth Starr Whitewater and Monica Lewinsky investigations who was forced to resign a congressional staff position in 2005 for falsifying the signature of Republican congressman James Sensenbrenner on a letter to a federal judge complaining about a sentencing decision. Taylor eventually hired both men.

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