

Special prosecutor appointed to investigate US attorney firings

Tom Eley
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Last week, US Attorney General Michael Mukasey announced the appointment of a special prosecutor to investigate the 2006 firings of nine US attorneys by former Bush administration Attorney General Alberto Gonzales. The appointment comes at the request of a Justice Department investigative report, which found that most of the attorneys were fired at least in part for political reasons.

Seven of the nine were sacked without explanation on one day, December 7, 2006, exactly one month after the midterm general elections. Two more were forced out earlier in the year. The nine dismissals represented about one tenth of the 93 US attorneys in the country. Fifteen more were considered for dismissal.

Though no official explanation was given for the purge, based on the timing and scale of the firings it was clear that the attorneys had been targeted for political reasons. Even though the attorneys were Republicans and Bush appointees, they were deemed insufficiently loyal to the White House. In most cases, they were fired for prosecuting Republican officials, and for failing to carry out "voter fraud" and corruption investigations with sufficient alacrity against Democratic officials.

"Voter fraud" is a charge Republican officials have used to block voter registration efforts and purge from the rolls sections of the electorate most likely to vote Democratic--the poor, students, minorities, the transient, the uneducated, the elderly. The firing of the US attorneys was thus but one element of a wide-ranging Republican effort to manipulate the outcome of elections.

The purge resulted in a political scandal and Congressional hearings that ultimately led to the resignation of Gonzales and a number of high-ranking Justice Department personnel in September 2007. It also contributed to the resignation of Karl Rove, Bush's senior adviser.

US attorneys try cases on behalf of the federal government in federal, district and appeals courts. They are part of the Justice Department, but historically they have had practical independence from the executive branch of the federal government. Until 1986, they were appointed by district courts--that is, by the judiciary. After 1986, they were appointed by the attorney general, but with Congressional confirmation required. In 2006, a virtually unnoted statutory

change was inserted into the USA Patriot Act, removing the requirement of Congressional approval of the nominees. The Bush administration had inserted this clause in preparation for a planned mass firing. The language was removed from the Patriot Act in 2007 with bipartisan support.

The 390-page Justice Department report, prepared under the direction of Justice Inspector General Glenn A. Fine and Office of Professional Responsibility Director H. Marshall Jarrett, determined that a special prosecutor was needed because former top Bush administration officials refused to cooperate with the internal investigation. It requests further investigation to determine whether "any criminal offense was committed with regard to the removal" of the attorneys or whether "the testimony of any witness" has been false. The special prosecutor has the power to subpoena witnesses and evidence.

Although it was an internal investigation, the Justice Department agents faced stonewalling from the White House, which refused to turn over potentially incriminating documents. The three figures perhaps most involved in the firings, furthermore, refused to speak to the investigators: Karl Rove, top political adviser to President Bush; Harriet Miers, the former White House counsel and Bush's personal retainer who had advocated firing all 93 US attorneys; and Monica Goodling, a former liaison operating between the Justice Department and the White House. Republican Senator Pete Domenici of New Mexico, who is not seeking reelection, also refused to cooperate.

Mukasey appointed Nora Dannehy, acting United States Attorney of Connecticut, to head the probe. Mukasey has requested that she issue a report within 60 days. Dannehy has previously won criminal convictions of politicians in Connecticut, in one case landing a former Republican governor of the state, John G. Rowland, behind bars.

The Justice Department report drew particular attention to the case of David Iglesias, then US Attorney for New Mexico. According to the report, "complaints from New Mexico Republican politicians and party activists to the White House and the Department about Iglesias's handling of public corruption cases led to his removal." Iglesias faced retaliation after resisting requests from powerful New Mexico Republicans, including Domenici and Representative Heather

A. Wilson, to expedite partisan-motivated investigations so that they would take place prior to the 2006 elections.

Pressure mounted on Gonzales to remove Iglesias, himself a Republican and Bush appointee, with Domenici and Wilson making multiple attempts to have him removed beginning in October. The same month both Rove and Bush intervened with Gonzales to complain of lackluster efforts in New Mexico and elsewhere in the prosecution of "voter fraud" cases.

The report reveals not only political motivations in the firings, but mafia-style retribution and nepotism. For example, the decision to fire US Attorney Bud Cummins of Arkansas was taken to make the position available for Karl Rove protégé Tim Griffin. The Missouri US attorney, Todd Graves, a Bush supporter, was fired when Missouri Senator Kit Bond asked for his removal as retaliation for a feud between Graves' brother, a Republican congressman from Missouri, and a Bond aide.

The report further concludes that the Bush administration attempted to thwart Congressional and media inquiries into the firings by insisting that the attorneys were sacked only after careful review concluded that their performance had been substandard. In fact only two of the nine had negative evaluations. Prior to his dismissal, Iglesias, though ostensibly fired for not pursuing voter fraud cases, had been held up as a model state's attorney in the prosecution of precisely such cases.

The Bush administration, in justifying its refusal to cooperate with the investigation, claimed that emails and other documentation could not be released due to "confidentiality interests of a very high order," the report states. But because the investigation was in fact carried out within the Bush administration, counsel to the president could not claim an expansive definition of "executive privilege," which has been its preferred recourse in blocking Congressional and other outside inquiries. An October 6 US Court of Appeals decision cited just this argument when it ruled that Congress could not compel testimony of evidence from the Bush administration in the case.

The Justice Department report attempts to pin "primarily responsibility" for the firings on Gonzales. However, it points to a lack of oversight, and not political machinations, accusing Gonzales of having been "remarkably disengaged" from the process that led to the firings, that he "abdicated ... responsibility" in supervising his subordinates, and of making "misleading" statements regarding his involvement. Similarly, Mukasey concluded that the firings were "haphazard, arbitrary and unprofessional, and that the way in which the Justice Department handled those removals and the resulting public controversy was profoundly lacking."

These conclusions skirt the obviously political nature of the firings. More than enough evidence has been built up--memos, emails, Congressional testimony, and evidence presented by the fired attorneys themselves--to demonstrate beyond a shadow of a doubt that the purge was carefully organized by high-ranking

Bush administration officials, including Rove, Miers and Gonzales--three close Bush confidants--as well as by the president himself. It has been revealed that the White House had even devised a ranking chart, whereby the US attorneys were evaluated according to their political beliefs and their loyalty to Bush.

In spite of the report's attempt to pin the blame on Gonzales, much of its own evidence suggests that Gonzales reacted to pressure from Rove, Miers, and even Bush himself. Gonzales has in fact based his entire career upon his unswerving fealty to Bush--overseeing dozens of state executions in Texas, helping to devise a pseudo-legal rationale for torture while White House Counsel, and endorsing the warrantless wiretapping and surveillance of millions of Americans as attorney general.

It is Bush, not Gonzales, who bears primary responsibility for these actions as well as the political purge of US attorneys.

That the attorney general's office under Bush has produced a critical investigation into the firings, and appointed a special prosecutor to continue it, suggests that powerful sections of the political elite--including former Bush allies and elements within the Republican Party--are seeking the appearance of a clean break with Bush, thereby appeasing the widespread hatred that has made the current president the most unpopular in modern history.

It is possible that this and other investigations will reveal far more criminality than has thus far come to light, and that the investigation into the firings could lead to the criminal prosecution of not only Gonzales, but Miers, Rove, Vice President Dick Cheney, and perhaps Bush himself. It is just as likely that the issue will be intentionally forgotten under a Democratic-controlled Congress and an Obama administration.

In any case, no officially sanctioned investigation will acknowledge the central question arising from the attorneys' firings--the attempt by the Bush administration to influence elections by disenfranchising working class, student and minority voters. In this, the firings were a crude manifestation of a far broader assault on basic democratic rights, which has had the active support of both major parties and the media, and which arises under conditions in which the policies of the ruling elite--imperialist war abroad and social plunder at home--promise to provoke increasing popular opposition.



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