

National Association of Former United States Attorneys



March 2007

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US Attorney Firings...

It's been a very busy couple of months for the NAFUSA Board of Directors. I'm not sure there is a more professional, thoughtful and patient group of directors running any organization any where. The news stories of the various firings started coming in on a daily basis in December; Arkansas, Seattle, San Francisco, Nevada, San Diego, Arizona, New Mexico and now Michigan. Rumors developed, fingers pointed, politics bubble but the Board stood firm, jumped to no conclusions and made their own in depth investigation and research and concluded that NAFUSA necessarily needed to make its feelings and insights known to the powers that be.

Our President, Atlee Wampler, and many others, offered up their concerns and opinions and finally after long email conversations and several votes of the board a letter authored by Don Stern and amended by Richard Deane was forwarded to the Attorney General of the United States, Alberto R. Gonzales with copies to Deputy Attorney General Paul J. McNulty and both the House and Senate Judiciary Committees. The House Committee requested these comments. *A copy of the letter is on page 3.*

A bold move in my mind. This letter was composed and mailed before the New York Times reported on the former White House Legal Counsel allegedly involving herself in the Arkansas case. The following is a excerpt from an article by David Johnson that appeared February 15, 2007 in the New York Times.

"A United States attorney in Arkansas who was dismissed from his job last year by the Justice Department was ousted after Harriet E. Miers, the former White House counsel, intervened on behalf of the man who replaced him, according to Congressional aides briefed on the matter.

Ms. Miers, the aides said, phoned an aide to Attorney General Alberto R. Gonzales suggesting the appointment of J. Timothy Griffin, a former military and civilian prosecutor who was a political director of the Republican National Committee and a deputy to Karl Rove, the White House political advisor."

Our letter was also mailed prior the firing of another U.S. Attorney as reported in the Washington Post by Dan Eggen on February 24, 2007. Excerpts from the article follow.

“An eighth U.S. Attorney announced her resignation, the latest in a wave of forced departures of federal prosecutors who have clashed with the Justice Department over the death penalty and other issues.

“Margaret Chiara, the 63-year-old U.S. Attorney in Grand Rapids, Mich., told her staff that she was leaving he post after more than five years, officials said. Sources familiar with the case confirmed that she was among a larger group of prosecutors who were first asked to resign Dec. 7.”

“Nearly all of the dismissed prosecutors had positive job reviews, but many had run into political trouble with Washington over immigration, capital punishment or other issues, according to prosecutors and others. At least four also were presiding over high-profile public corruption investigations when they were dismissed.”

It's interesting to note that almost every U.S. Attorney that was fired or asked to leave, responded that he or she was given no reason what so ever.

Press coverage of the U.S. Attorney firings has been extensive. Articles from newspapers across the country can be found on-line. Go to Google using the search phrase “US Attorney firings newspaper articles”.

At the invitation of the United States House of Representatives Judiciary Committee, NAFUSA will provide testimony at their upcoming hearings on the firings. Our representatives will include President Atlee Wampler (SD Florida 1980-82), John Smietanka (WD Michigan 1981-94), and possibly others schedules permitting.

Carmel, California is the destination of this year's Board of Director's mid-year meeting. We'll be staying at the La Playa Hotel on Friday and Saturday April 27 and 28. There's a lot on our menu. Please remember these Board Members finance their own expenses.

Looking ahead, we are reserved at the J.W. Marriott in Washington, DC for October 2,

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3 & 4 for our 2008 Conference. In 2009 we are in Seattle, Washington, October 1,2 & 3, at the Washington Athletic Club. Now's the time to mark your calendar and now's the time to call up South Beach Ritz Carleton in Miami and make your reservations for this year's conference.

It's time to put your thinking hats on. Sponsorships this year will be more important than ever before. Miami is a most expensive city, especially right after the hurricane season is over. We were most successful in Chicago but a larger need is present in 2007. To date we have received 2007 Conference sponsor checks from Atlee Wampler's firm, Wampler, Buchanan, Walker, Chabrow & Banciella, and Jack Seldon's firm, Bradley, Arant, Rose & White plus a pledge of sponsorship from Jim Richmond's firm, Greenberg Traurig.

Congratulations to our friend Mike Spaan from Alaska. He was recently appointed a state Judge by obviously wise folks.

Professor James Eisenstein, author of the only book on U.S. Attorneys (Counsel for the United States), along with several colleagues at Penn State, is conducting a survey of former U.S. Attorney who left office after 1998. The survey is part of a NSF funded study of Federal Criminal Justice. The survey and more information about the study is available on-line at <https://online.survey.psu.edu/federalprosecutor/> NAFUSA encourages your participation in this important study.

The following letter was sent on February 14, 2007

Dear Attorney General Gonzales,

We are the President and Executive Director of the National Association of Former United States Attorneys ("NAFUSA"). NAFUSA was founded in March 1979 to promote, defend and further the integrity and the preservation of the litigating authority and independence of the Office of the United States Attorney. Our membership includes United States Attorneys from every administration back to President Kennedy and includes former United States Attorneys from every state in the union. It is with this mission and with our cumulative experience as United States Attorneys in mind, that we write.

We are very troubled with recent press accounts concerning the termination of a sizable number of United States Attorneys. Historically, United States Attorneys have a certain degree of independence because of the unique and integral role the United States Attorneys plays in federal law enforcement. Among other things, the United States Attorney establishes and maintains working and trusting relationships with key federal, state and local law enforcement agencies. In many respects, while the United States Attorney is a representative of the Department of Justice in each district, the United States Attorney also brings to bear his or her experience and knowledge of the law enforcement needs of the district in establishing priorities and allocating resources. Most importantly, United States Attorneys have maintained a strong tradition of insuring that the laws of the United States are faithfully executed, without favor to anyone and without regard to any political consideration. It is these reasons that the usual practice has been for United States Attorneys to be permitted to serve for the duration of the administration which appointed them.

We are concerned that the role of the United States Attorneys may have been undermined by what may have been political considerations, which run counter to the proper administration of justice and the tradition of the Department of Justice. While we certainly recognize that the United States Attorneys serve at the pleasure of the President, we would vigorously oppose any effort by the Attorney General to remove a United States Attorney as a result of political displeasure or for political reward. Any such effort would undermine the confidence of the federal judiciary, the public, and the thousands of Assistant United States Attorneys working in those offices.

We do not mean to suggest that we know the reasons for each of the terminations or, for that matter, all of the relevant facts. Indeed, we encourage the Department of Justice and Congress to make as full and as complete a disclosure of the facts surrounding these firings as is permissible. Still, the reported facts are troubling, perhaps unique in the annals of the Department of Justice, and certainly raise questions as to whether political considerations prompted the decision to terminate so many United States Attorneys. It may well be that legislative attention or a written policy of the Department of Justice is necessary to deal with this situation and to afford continuity and protection to United States Attorneys. We will be happy to assist the Department or Congress in any such effort.

Sincerely Yours,

Atlee W. Wampler, III
President

B. Mahlon Brown
Executive Director

CC:

Deputy Attorney General Paul J. McNulty
United States House of Representative Judiciary Committee (as requested)
United State Senate Judiciary Committee

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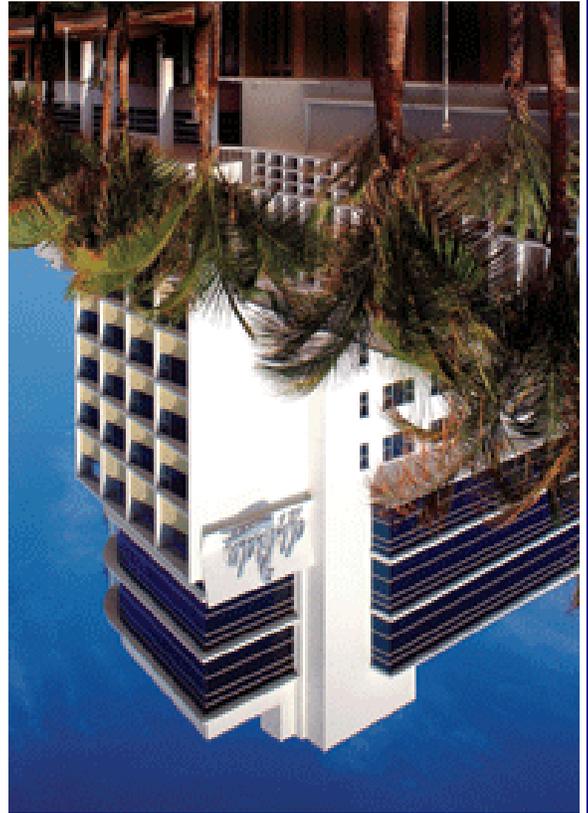
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NOVEMBER 8-10, 2007

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NAFUSA



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