

Political Purging and Spying on Americans

Patriot Act Unbound

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Last year, Republican Senator Arlen Specter slipped a clause into the reauthorized USA Patriot Act that allows Attorney General Alberto Gonzales to appoint U.S. Attorneys without Senate confirmation. Gonzales took advantage of that crafty little provision to fire eight U.S. Attorneys who weren't goose-stepping to the Bush agenda and replace them with Bush loyalists. Denying any impropriety, Gonzales dismissed the significance of the mass ouster (seven federal prosecutors were asked to resign on the same day last December), calling it an "overblown personnel matter."

The Attorney General swore to the Senate Judiciary Committee in January that he "would never, ever make a change in a United States attorney for political reasons." But the evidence belies Gonzales' protestations.

Why did these prosecutors run afoul of the Bush gang?

David Iglesias from Albuquerque received an evaluation that said he was "respected by the judiciary, agencies and staff." But he didn't file a corruption case involving New Mexico Democrats before the 2006 election which would've embarrassed the Democrats. New Mexico Republican Senator Pete Domenici called Iglesias and asked whether charges were "going to be filed before the election." Iglesias said he felt "sick" after Domenici called him. "I felt leaned on, I felt pressured to get these matters moving." Iglesias also received a call from Republican Representative Heather Wilson, who was running neck-in-neck with a Democrat in a race where the corruption investigation was a campaign issue. Justice Department spokesman Brian Roehrkasse admitted Domenici's complaint to Gonzales about Iglesias was a factor in the prosecutor's removal.

Carol Lam, "an effective manager and respected leader" from San Diego, conducted an investigation of Republican Representative Randy "Duke" Cunningham for taking over \$2 million in bribes from defense contractors. It resulted in a guilty plea and an eight-plus year sentence. In February, Lam indicted Kyle Dustin Foggo, formerly the number 3 man at the CIA. If Lam were permitted to continue, she might have uncovered more official wrongdoing in defense-contracting. Lam was replaced by a member of the Federalist Society with almost no criminal law experience.

Bud Cummins, a "very competent and highly regarded" U.S. Attorney from Little Rock, Arkansas, was removed and replaced with J. Timothy Griffin, one of Karl Rove's key researchers. Deputy Attorney General Paul McNulty testified that Cummins had done nothing wrong to justify his removal. "I'm not aware of anything negative," he said. Cummins said a senior Justice Department official warned him that the fired U.S. Attorneys

should keep quiet about “their” firings.

Daniel Bogden, a “highly regarded” and “capable leader” from Las Vegas, had opened an investigation into allegations that Nevada’s Republican governor had accepted inappropriate gifts.

Paul Charlton, from Phoenix was “well respected” for his “integrity, professionalism and competence.” He had undertaken an investigation of two Republican Arizona Representatives.

John McKay, “an effective, well-regarded and capable leader” from Seattle was called by a well-placed Republican, who inquired about whether McKay intended to convene a grand jury to examine claims of voter fraud in a close gubernatorial election, which was won by a Democrat. McKay also favored a computerized law enforcement information-sharing system that the Justice Department opposed.

These prosecutors were punished for doing their jobs too well. In the Bush administration, justice has become politicized. Democrats have been investigated by the Department of Justice seven times more frequently than Republicans.

On the defensive as a result of the U.S. Attorney firing scandal, the administration has engaged in damage control. It has agreed not to oppose legislation overriding the Specter Patriot Act loophole.

Another Patriot Act provision that has been misused by the Gonzales Justice Department authorizes the use of “national security letters.” These are administrative subpoenas that enable the FBI to obtain our e-mails and telephone records, and travel and financial information without approval from a judge. An audit by the Inspector General concluded last week that the FBI has used this provision to illegally force businesses to turn over customer data, then lied to Congress about it.

The Bush gang has engaged in a pattern and practice of misconduct, including a war of aggression, torture and war crimes, and spying on Americans without warrants. Congress has begun to hold hearings and conduct investigations. As increasing evidence of high crimes and misdemeanors emerges, it is high time for the House of Representatives to undertake its constitutional duty to initiate impeachment proceedings.

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