

Google It

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Adios, U.S. Attorneys

The folks I work with have always had a positive working relationship with the U.S. Attorney (USA) and his or her Assistant U.S. Attorneys (AUSAs). Without exception, the USAs and AUSAs depend on their jobs for their livelihood. This is how they support themselves and their families.

Some of the AUSAs are former members of NTEU and their case loads and hours of work boggle the mind. Overtime is not paid and burnout is not uncommon.

So, it was with great interest I started following the story of the replacement of eight U.S. Attorneys. I never imagined this story would make the front page for more than three days.

Google Short-cut

It is not every day you get a chance to read the emails leading up to federal executives being fired. Google will provide more information than you want to read.

Instead, you can go right to the Washington Post for a list of downloadable documents:

<http://www.washingtonpost.com/wp-dyn/content/linkset/2007/03/28/LI2007032801924.html>

Good Intentions

I am omitting DOJ names since I am more interested in the termination process.

On New Year's Day, January 1, 2006, a Department of Justice (DOJ) email mentions:

If you have any tips or suggestions feel free to send them to me at: nteuml@gmail.com

Wikipedia

I have been noticing how often Google takes me to Wikipedia:

<http://en.wikipedia.org>

Let me get this out of the way. Wiki-wiki is the Hawaiian word for quick.

For many research tasks, Wikipedia is a good starting point. However, Wikipedia is a collaborative encyclopedia that permits almost anyone to edit the contents.

A word of caution. Some of the errors in Wikipedia have been serious mistakes such as reporting someone as dead who is actually alive. "The rumors of my death ...".

I always verify the information in Wikipedia. The articles provide good search terms which can be a real time-saver. Try it and see for yourself.

Next month: Google Books for sure.

"28 U.S.C. §541. During the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision."

Note: This passage is quite inconsistent with statements made to the news media.

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Good Intentions (Continued)

“. . . First, a limited number of U.S. Attorneys could be targeted for removal and replacement mitigating the shock to the system that would result from an across the board firing. Second, the Department of Justice’s Executive Office of U.S. Attorneys (EOUSA) could work quietly with the targeted U.S. Attorneys to encourage them to leave government service voluntarily; this would allow targeted U.S. Attorneys [to] make arrangements for work in the private sector and to ‘save face,’ both in the Department of Justice community and their local legal communities.”

The Road to Hell

The Department of Justice, Executive Office of U.S. Attorneys has its own performance appraisal system. However, a March 2, 2005 email mentions “loyalty to the President and Attorney General” as a retention factor. I read it and I groaned.

Now, I have to wonder if IRS Executives also have a “loyalty to the President” factor in their formal or informal performance assessments? I am starting to think **Yes** since that would explain many things.

Some of the “targeted” U.S. Attorneys felt their removals were not handled as well as they could have been and the rest is becoming history, as I write.

Surprises and Big Surprises

On January 7, 2002, President Bush amended Executive Order 12171 to exclude employees of the U.S. Attorneys’ Offices from the Federal Management Relations Program because they have a primary function of intelligence, counterintelligence, investigative, or national security work.” This was in the interest of “national security.”

Some of the employees were unionizing and some of the employees wanted to get paid for overtime.

So, it was a big surprise to read that some of the official email, discussing the U.S. Attorneys’ job performance and loyalty, was sent via Blackberry Wireless devices – a notoriously unsecured medium.

Also, some of the email was sent using non-government Internet mail such as yahoo.com and “gwb43.com”. It turns out gwb43.com is a Republican National Committee email system.

The emphasis on tables of production statistics was a smaller surprise.

The number of acronyms was a little surprise.

A big surprise was the December 6, 2006 email, targeting at the last minute, a U.S. Attorney because “He has been with DOJ since 1990 and, at age 50, has never had a job outside of government. My guess is that he was hoping to ride this out well into ’09 or beyond. I’ll admit have not looked at his district’s performance.”

This guy sounds like a career civil servant which alone is sufficient grounds for firing.

A **shocker** – the Department of Justice apparently has a “Death Penalty Committee” which *promotes* and *monitors* the imposition of the death penalty. Wow! Some USAs pushed back and this was perceived as a lack of loyalty.

The Best Laid Schemes of Mice . . .

The emails laid out a plan to circumvent Senate confirmation of replacement U.S. Attorneys through the use of Interim Appointments under the U.S.A. Patriot Act, as amended. Part of the plan involved dilatory tactics and part of the discussions mentioned the possibility of losing the right to make Interim Appointments if things were not handled properly.

It looks like the President will sign legislation removing Interim Appointments from the U.S.A. Patriot Act.

Also, some of the emailers have already lost their jobs.

Following is a table of acronyms I prepared to assist you in deciphering the email.

After reading the email I kept wondering what we would find in the IRS executive email. Probably a gold mine of information.

If you have any tips or suggestions feel free to send them to me at: nteumlp@gmail.com

DOJ Email Acronyms

9th Cir	9th Circuit Court of Appeals, San Francisco
AG	Attorney General
AGAC	Attorney General's Advisory Committee
AUSA	Assistant U.S. Attorney
BI	Background Investigation
CIV	Civil Division
COS	Chief of Staff
CRIM	Criminal Division
DAG	Deputy Attorney General
DJEs	Dual Jurisdiction Establishments?
DOJ	Department of Justice
EARS	EOUSA's Evaluation and Review Staff
EDAR	Eastern District of Arkansas
EOP	Executive Office of the President
EOUSA	Executive Office of U.S. Attorneys
gwb43.com	Republican National Committee email system
HJC	House Judiciary Committee
JSC	Joint Selection Committee?
Judge	AG Alberto Gonzales
LIONS	Online database to track cases and other info
MTO.com	Munger, Tolles & Olson law firm - California
NAC	DOJ National Advocacy Center
NAIS	Native American Issues Subcommittee
nom/conf	Presidential Appointment, Senate Confirmation
OCDETF	Organized Crime Drug Enforcement Task Force
ODAG	Office of the Deputy Attorney General
OLA	Office of Legislative Affairs
OLC	Office of Legal Counsel
OLP	Office of Legal Policy
OPA	Office of Public Affairs
PAS	Presidential Appointment, Senate Confirmation
POTUS	President of the United States
QFR	Questions for the Record from Congress
USAEO	Executive Office of U.S. Attorneys
USAMIW	U.S. Attorney Western District of Michigan
USAO	U.S. Attorney's Office
USAs	U.S. Attorneys
wh or WH	White House
WH leg	White House Office of Legislative Affairs
WH OPA	White House Office of Political Affairs
WHCO	White House Counsel's Office