

Report Paints Scathing Portrayal of Ex-AG Gonzales

XBIZ NEWS REPORT

By Rhett Pardon

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WASHINGTON — Despite White House denials, political considerations played a part in the sacking of U.S. attorneys under former Attorney General Alberto Gonzales regime, according to a Justice Department report released Monday.

As a result, current Attorney General Michael Mukasey appointed a special prosecutor to determine whether criminal charges should be brought against Gonzales and other Justice Department officials for the firings.

Department officials had said the firings were performance-related, but the report, by Justice Department Inspector General Glenn Fine and Office of Professional Responsibility Director H. Marshall Jarrett, found otherwise.

At least one of the fired U.S. attorneys, Paul Charlton, had a porn connection.

Some have speculated that Charlton may have balked at bringing an obscenity case against JM Productions and Five Star Video when revelations surfaced that the U.S. government, through the U.S. Trustee's Office of the Justice Department, had supervised the sale of the allegedly obscene titles while administering the bankruptcy of Arizona-based Castle Megastore.



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The U.S. Attorneys office eventually dropped criminal charges against JM Productions and owner Jeff Steward, but a Phoenix jury later found Five Star Video guilty of interstate transportation of obscene materials after shipping JM's "Gag Factor 18" to an FBI agent in Virginia. The jury acquitted on two other JM titles, "Filthy Things 6" and "American Bukkake 13."

While the Justice Department report did not confirm nor deny Charlton's forced resignation in connection with obscenity cases, the Justice Department said that "the process used to remove the nine U.S. Attorneys in 2006 was fundamentally flawed."

It also found that Kyle Sampson, Gonzales' chief of staff, had wrongly weighed "political support" in deciding whether to fire the nine. His claim that they were booted out for "underperformance" was "misleading."

The report, which found Gonzales "abdicated" his responsibility in the dismissals, said there was "substantial evidence that partisan political considerations played a part in the removal of several of the U.S. attorneys."

Gonzales last year was forced to resign as Attorney General following accusations of political bias from Democrats in Congress.

"At a minimum, the process by which nine U.S. attorneys were removed in 2006 was haphazard, arbitrary and unprofessional," Mukasey said in a press conference Monday.

The report, written by the Justice Department's inspector general, said former officials, including Karl Rove, a key Bush aide, and Harriet Miers, the White House Counsel, refused to be interviewed by the investigators. The White House also refused to turn over requested internal documents, hampering the investigation, it said.

Mukasey on Monday appointed a special prosecutor — Nora Dannehy, the acting U.S. attorney in Connecticut — to determine whether criminal charges should be brought against Gonzales and others.

Dannehy will be able to subpoena witnesses to help her investigation, something the authors of the report couldn't do.

The report specifically recommends that Dannehy investigate whether Justice Department officials made false statements to Congress or to investigators or violated other federal criminal statutes, including obstruction of justice or wire fraud.

Adult industry attorney Gary Kaufman of the Los Angeles-based Kaufman Law Group wasn't surprised of the report's outcome.

"These unprecedented and illegitimate firings prove what the industry has long suspected — obscenity prosecutions under the outgoing administration were nothing more than political witch-hunts carried out in pursuit of a right-wing agenda," Kaufman told XBIZ. "Anyone who disagreed with that agenda did so at their own risk. This is really the equivalent of the president

firing a federal judge for ruling against the U.S.”