

CONVERTINO GETS HIS SOURCE

On Wednesday, TPM reported that the team under investigation for botching the Stevens prosecution has itself investigated a DOJ lawyer.

As we've reported, six federal prosecutors from the Stevens case – members of DOJ's Public Integrity unit, including its head, William Welch – are now being investigated for knowingly withholding evidence, a potential criminal act.

Prosecutions for this offense – known as a Brady violation – are exceedingly rare. But it turns out that in 2006, an Assistant US Attorney was tried on the charge – and acquitted amid allegations that his prosecution was over-zealous.

[snip]

The ironies here begin to mount:

First, Convertino was being tried for an overly aggressive approach to prosecution. But his trial raised questions as to whether the Public Integrity unit was itself overly aggressive in going after him. One former federal prosecutor **told** the *Detroit News* after Convertino was acquitted: "The claim was overzealousness by Convertino, but was the government itself overzealous in prosecuting Convertino?"

Then, of course, it's surprising, to say the least, that having tried this high-profile case focused on a prosecutor withholding evidence, the Public Integrity unit would allow itself to be accused of the very same crime in prosecuting another case. Especially

given that Welch, who took over the unit in 2006, was involved in both efforts.

[snip]

There's also this. Convertino's lawyers argued that he was overworked and given inadequate resources during the terrorism prosecution. That line echoes this paragraph from a recent *New York Times* story on the Stevens Six:

One specific issue is whether the department was at fault for failing to pick up on the struggles of a trial team of five principal lawyers that may have been overwhelmed, struggling in the face of tight deadlines and an aggressive defense team from Williams & Connolly, a law firm known for its combativeness, according to current and former Justice Department officials.

As it happens, Convertino was back in the news this week. You see, he's suing DOJ for privacy violations going back before the PIN investigation case against him. He alleges that DOJ leaked both news of an Office of Public Responsibility investigation into him and the identity of a confidential informant to the Detroit Free Press as part of a campaign of retaliation against him for perceived cooperation with Senate inquiries into DOJ mismanagement of financial investigations. A judge has ordered the reporter in that story to answer questions about who leaked that information to him. And on Thursday, the Appeals Court refused the Free Press' attempt to halt the reporter's deposition.

Frankly, this is a story where there are no good guys. By all accounts, in the days following 9/11, Convertino appears to have pitched a fraud

case as a terrorism case and in so doing made grand claims about useless evidence while burying the proof that it was useless. By all appearances, DOJ did allow and encourage this to happen, both through managerial neglect and a desire to push high profile terrorism cases. It does appear that DOJ panicked when Chuck Grassley started investigating whether DOJ adequately investigated financial fraud—and so responded with a paranoid attack on Convertino that exploited the abuses they had allowed to happen. And the reporter is arguing that he should be able to protect **his** confidential source for a story in which he revealed Convertino's confidential informant (in both cases, I suspect learning the identity of the confidential source really is important to expose government wrong-doing).

All of which tells us something we already knew: DOJ under Bush really became a swamp of mismanagement.