

ERIC HOLDER REWARDS THE TEAMS THAT GAVE TORTURERS AND MORTGAGE FRAUDSTERS IMMUNITY

As TPM's Ryan Reilly noted yesterday, among the awards Attorney General Eric Holder gave out at yesterday's Attorney General's Award Ceremony was a Distinguished Service Award to John Durham's investigative team that chose not to prosecute Jose Rodriguez or the torturers who killed their victims.

The 13th Distinguished Service Award is presented to team members for their involvement in two sensitive investigations ordered by two different Attorneys General. In January 2007, Attorney General Michael Mukasey asked Assistant U.S. Attorney John Durham to lead a team that would investigate the destruction of interrogation videotapes by the CIA. Assistant U.S. Attorney Durham assembled the team and began the investigation. Then, in August 2009, Attorney General Holder expanded Assistant U.S. Attorney Durham's mandate to include a preliminary review of the treatment of detainees held at overseas locations. This second request resulted in the review of 101 detainee matters that led to two full criminal investigations. In order to conduct the investigations, the team had to review significant amounts of information, much of which was classified, and conduct many interviews in the United States and at overseas locations.

The timing on this award—coming even as DOJ aggressively prosecutes John Kiriakou for

talking about this torture—is particularly cynical.

Holder also presented a Distinguished Service Award to the team that crafted a \$25 billion settlement effectively immunizing the banksters for engaging in systemic mortgage fraud.

The third Distinguished Service Award is presented to the individuals involved in procuring a \$25 billion mortgage servicing settlement between the United States, 49 state attorneys general and the five largest mortgage servicers, representing the largest federal-state settlement in history. The settlement includes comprehensive new mortgage loan servicing standards, \$5 billion to state and federal treasuries and borrowers who lost their homes to foreclosure, \$20 billion in consumer relief and a \$1 billion resolution of False Claims Act recoveries by the Eastern District of New York.

As DDay has documented relentlessly, the settlement is little more than kabuki, with most of the “consumer relief” consisting of actions the banks were already taking.

To get an idea of how outrageous it is to give an award to the torture non-prosecution team and the kabuki settlement team, compare what those teams did with the rest of the Distinguished Service recipients.

1. The team that successfully prosecuted *United States v. AU Optronics et al.*, an international cartel that fixed the price of liquid crystal display (LCD) panels sold in the United States and around the world
2. The team that implemented

national standards aimed at eliminating sexual abuse in our nation's confinement facilities

3. The kabuki mortgage settlement team
4. The team that investigated and dismantled the Coreflood Botnet, also known as Operation Adeona [this was a controversial expansion of Federal power to combat hacking, though since the team worked with a court order, better at least than what the government did to WikiLeaks]
5. The team that investigated and convicted 37 members of the La Mara Salvatrucha (MS-13) gang in the San Francisco area
6. The Tribal Trust Negotiation Team, which negotiated settlements with more than 40 Tribes in complex and long-running Tribal Trust cases [I'm not sure, but I believe this is the Cobell settlement, which is in many ways another kabuki settlement, but at least the tribes finally get some compensation]
7. The Raj Rajaratnam investigation and prosecution team

8. "The team whose extraordinary service led to the prosecution of Ahmed Warsame" [I quoted this because Warsame has not been convicted yet; the second-to-last item in his docket was a sealed January 5, 2012 document following a continuance, suggesting he may be cooperating in some way; this award should be considered recognition for the further twisting of our legal system to allow for novel war on terror uses]
9. The Rod Blagojevich investigation and prosecution team
10. INTERPOL Senior Inspector Joseph J. DeLuca for his outstanding leadership and law enforcement coordination in the apprehension and extradition of international fugitives
11. Assistant Inspector General Thomas F. McLaughlin for 22 years of service in OIG and certain initiatives he conducted while there, including prosecuting department employees
12. The CrimeSolutions.gov Development Team for its leadership in creating and launching the premier online

resource for information
about evidence-based
programs and practices in
criminal justice, juvenile
justice and crime victim
services

13. The torture non-prosecution
team

14. The Congressman William
Jefferson investigation and
prosecution team

Five of these are for successful prosecutions—AU
Optronics, MS-13 gang members, Raj Rajaratnam,
Rod Blagojevich, William Jefferson. Another
two—the Coreflood Botnet and Warsame
actions—neutralized a threat, albeit through
novel and controversial means. And then there
are the teams that worked to make the criminal
justice system more humane.

But rather than holding criminals
accountable—punishing those that degraded our
nation and created new reasons for people to
join terrorists, punishing those who crashed our
economy and stole the wealth of millions of
families—the Durham and Mortgage Settlement
teams made us less safe. They immunized crime,
rather than punishing it.

“No one is above the law,” Eric Holder has said
on other occasions. Not surprisingly, he didn’t
say that yesterday, because it’s clear that some
people—the torturers and the bankers—are
indeed above the law.