



Is That an Echo I Hear?

Making news as you exit is rarely a pleasure, but that's exactly what then-United States Attorney Paul Charlton did in January.

It was December 7 when he—along with six other top federal prosecutors—received a phone call from a Justice Department official seeking his resignation. Within the month, Charlton had vacated his office in downtown Phoenix. He's now a partner at a firm in town.

All's well that ends well, you could say.

But the news stories on the subject raise some troubling questions. It's true that U.S. Attorneys serve at the "pleasure" of the President. But how much obedience is required by the administration? How much lock has to be in the step?

Reports indicate that a main disagreement was over when and how often to seek the death penalty in federal murder cases. The timing of the required allegiance on the topic is disturbing.

Here in Arizona, our state court leaders have established a task force to examine the backlog in cases. And a March 2 hearing is set in Maricopa County Superior Court to inquire into the administration of those cases.

Elsewhere, Indiana may soon institute a moratorium on executions, after a report found that the state's application of the death penalty was random and inconsistent.

The exercise of careful judgment—the path chosen by Charlton—would seem to be a wise approach. His superiors disagreed.

But the enforced allegiance may have gone further.

Way back in November 2003, we spoke with Charlton for a story. We asked him about two other administration demands that seemed to require something approaching blind loyalty.

One was a Justice Department request that U.S. Attorneys report to their superiors the names of U.S. District Judges who downward depart in sentencing over the objection of the U.S. Attorney's Office. He declined to characterize this as intimidation, or say whether it contributed to a negative relationship with the federal bench. But he did say that his office had not yet reported a judge. That likely did not sit well in DC.


We also asked Charlton about a DOJ request that U.S. Attorneys "speak with" members of Congress who voted against expenditures for so-called sneak-and-peek warrants.

Intimidation? Again, Charlton deflected the word. But he also declined Justice's request. As he said at the time:

I didn't think it was necessary, because I think the congressmen and senators in our state have a very good understanding of what the law is. They are certainly welcome to visit with me if they have any questions about how it's implemented. But I didn't see the necessity to my providing them with information on the Patriot Act, so I didn't reach out to them in that regard.

Intelligent minds can disagree, he told us. His superiors eventually decided otherwise.

Serving at the pleasure, of course, comes with built-in limits. But, as one commentator has noted, creating an "echo chamber" in which you only hear what you want to hear has built-in deficits, too. And minimizing politics in the office of the people with the warrants and the wiretaps—and the death penalty—would seem to be a good idea.

Charlton was a straight-shooter on a team that did not always speak or shoot straight. As our good friends Simon and Garfunkel once said, "Where have you gone, Joe DiMaggio?" 



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