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Political Hiring in Justice Division Probed

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Karen Stevens, Tovah Calderon and Teresa Kwong had a lot in common. They had good performance ratings as career lawyers in the Justice Department's civil rights division. And they were minority women transferred out of their jobs two years ago -- over the objections of their immediate supervisors -- by [Bradley Schlozman](#), then the acting assistant attorney general for civil rights.

Schlozman ordered supervisors to tell the women that they had performance problems or that the office was overstaffed. But one lawyer, Conor Dugan, told colleagues that the recent Bush appointee had confided that his real motive was to "make room for some good Americans" in that high-impact office, according to four lawyers who said they heard the account from Dugan.

In another politically tinged conversation recounted by former colleagues, Schlozman asked a supervisor if a career lawyer who had voted for [Sen. John McCain](#) (R-Ariz.), a onetime political rival of [President Bush](#), could still be trusted.

Schlozman has acknowledged in sworn congressional testimony that he had boasted of hiring Republicans and conservatives, but he denied taking improper actions against the division's career officials. That account was challenged by six officials in the division who said in interviews that they either overheard him making brazen political remarks about career employees or witnessed him making personnel decisions with apparent political motivation.

Schlozman's efforts to hire political conservatives for career jobs throughout the division are now being examined as part of a wide-ranging investigation of the Bush administration's alleged politicization of the [Justice Department](#). The department's inspector general and Office of Professional Responsibility confirmed last month that their inquiry, begun in March, will look at hiring, firing and legal-case decisions in the division.

Democrats on the [Senate Judiciary Committee](#) plan today to shine a renewed spotlight on decision-making in the division by questioning Schlozman's replacement, Wan Kim, about hiring practices and about its support for state voter-identification programs that could inhibit minority voting.

Democrats also plan to ask about the dwindling diversity of the staff in a division whose core mission includes fighting racial discrimination. The Bush administration, largely under Schlozman, hired seven members as replacements or additions to the 14-lawyer appellate section where Stevens, Calderon and Kwong worked. They included six whites, one Asian and no African Americans.

Schlozman's attorney, William Jordan, said his client did not want to comment on individual personnel decisions. Jordan said that Schlozman does not recall commenting on lawyers' voting records but at times encouraged cases to be reassigned to lawyers Schlozman considered to be very talented. Dugan declined to comment.

Justice Department spokesman [Dean Boyd](#) also declined to respond to the allegations but did say that the appellate section's recent track record "speaks for itself." He cited statistics showing that when the section filed friend-of-the-court briefs in the past six years, it had an 87 percent success rate, compared with 61 percent success in the previous six years.

Schlozman arrived at the Justice Department in 2001 as counsel to then-Deputy Attorney General Larry

D. Thompson. A [Kansas](#) native and 1996 [George Washington University](#) law school graduate, Schlozman had clerked for two federal judges and worked alongside William Bradford Reynolds for two years in the Washington law firm Howrey Simon.

Reynolds, whom Schlozman has cited as a mentor, was a controversial assistant attorney general for civil rights in the [Reagan administration](#). His confirmation for a higher department post was blocked by lawmakers in both parties who accused him of pursuing a radical interpretation of the nation's civil rights laws.

Schlozman's and Reynolds's career paths would end up having much in common.

In May 2003, Schlozman was appointed as a deputy assistant attorney general for civil rights, and he quickly became enmeshed in hiring decisions previously made by section chiefs. He subsequently became the principal deputy, and in 2005 he was appointed acting assistant attorney general.

Appellate lawyers said that before Schlozman arrived, the small staff enjoyed a collegial work environment generally free of partisanship. Its lawyers concentrated on framing constitutional arguments for pending judicial decisions on hot-button issues such as voting rights, racial discrimination and religious freedom.

Schlozman made little effort to hide his personal interest in the political leanings of the staff, according to five lawyers who spoke on the condition of anonymity because -- like most of those interviewed for this article -- they still work at the department. He and his aides frequently asked appellate supervisors whether career lawyers handling politically sensitive cases were "on our team," the lawyers said.

Schlozman raised the question of partisan politics bluntly in the fall of 2004, they said, when asking appellate supervisors about the "loyalty" of division lawyer Angela Miller, who had once clerked for David. B. Sentelle, a conservative federal appeals judge. He told Miller's bosses that he learned that she voted for McCain in the 2004 Republican primary and asked, "Can we still trust her?"

He also warned section chief Diana Flynn that he would be keeping an eye on the legal work of another career lawyer who "didn't even vote for Bush," according to colleagues who said they heard Flynn describe the exchange. Miller told several of the colleagues that she considered Schlozman's remarks a form of intimidation, and started looking for another job, the lawyers said.

Schlozman and several deputies also took an unusual interest in the assignment of office responsibility for appellate cases and, according to the lawyers and one of the supervisors, repeatedly ordered Flynn to take cases away from career lawyers with expertise and hand them to recent hires whose résumés listed membership in conservative groups, including the Federalist Society.

Colleagues were especially surprised when Sarah Harrington, who graduated cum laude from [Harvard Law School](#) and was one of the most highly regarded lawyers in the section, had four cases -- including one concerning religious freedom -- taken away at Schlozman's instruction.

In February 2005, Calderon, Stevens and Harrington were all passed over in favor of a recent Schlozman hire when they applied for a new supervisory job that Schlozman created.

In March, Calderon's cases were reassigned and she was given only deportation cases, as were some of her colleagues, several lawyers said. That spring, Schlozman told a resistant Flynn to transfer Stevens to the disability rights section. According to sources in the office, Schlozman instructed Flynn to tell Stevens that the transfer was related to performance and was her idea.

In June, Flynn told Stevens, who was then seven months pregnant, that she had to leave. According to sources familiar with both women's accounts, Flynn alerted Stevens that "the front office didn't want the transfer attributed to them" but that it was not Flynn's idea. Flynn declined to comment for this article.

That same month, Calderon began a six-month detail on the staff of [Sen. Charles E. Schumer](#) (D-N.Y.), a member of Senate Judiciary Committee and a persistent critic of the Bush administration's judicial policies. Friends said she confided that she did not want to give up her Justice job but said she found being barred from appellate work frustrating.

In November, just before she was to return, sources said, the division's human resources office notified her that she had been permanently transferred out of the appellate section -- effective one month earlier. When she asked why, colleagues said, she was told that the office was so busy that it had to replace her when she was on detail.

In December, as Kwong prepared to return to the office after the birth of her first child, Flynn told her that she had been transferred to a much-lower-profile complaint-resolution section.

"When he said he didn't engage in political hiring, most of us thought that was just laughable," said one lawyer in the section, referring to Schlozman's June 5 testimony before the Senate Judiciary Committee. "Everything Schlozman did was political. And he said so."

Today, Schlozman is gone from civil rights, but Calderon and Stevens are back in the appellate section, and Kwong will return next month, according to public records.

Stevens, who hired a lawyer and filed an Equal Employment Opportunity complaint after the transfer, reached a confidential settlement with the department after Schlozman left the division and returned to her old job in the fall of 2006. Justice officials agreed that Calderon and Kwong should return as well.

Schlozman was appointed interim U.S. attorney in [Missouri](#) in March 2006. But Congress subsequently started looking into why he was hired without any prosecution experience, and why he brought voter-fraud charges against a liberal voting organization five days before the election in a heated congressional race. Schlozman was reassigned this past March to a job in the Executive Office for U.S. Attorneys.

Staff researcher Julie Tate contributed to this report.

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