

Assistant U.S. Attorney Alleges Smear Campaign

The Washington Post
By Dan Eggen
February 18, 2004

DETROIT, MI -- A prominent terrorism prosecutor in Detroit has taken the highly unusual step of filing a lawsuit against Attorney General John D. **Ashcroft** and other top **Justice Department** officials, alleging that he was the target of a smear campaign that resulted in the exposure of a valuable counterterrorism informant.

The lawsuit by Richard G. Convertino, a 15-year veteran prosecutor, also accuses senior Justice officials of "gross mismanagement" of terrorism cases, contending that "**DOJ** Washington had continuously placed 'perception' over 'reality' to the serious detriment of the war on terror." The lawsuit, filed in U.S. District Court for the District of Columbia, is the latest salvo in a battle between Justice officials and Convertino, who said he was removed from a major terrorism case after cooperating with a Senate inquiry and is under investigation for allegedly withholding crucial evidence from defense attorneys. The move adds to the tumult that has roiled the offices of the U.S. attorney and the **FBI** in Detroit, which have overseen several major terrorism cases since the Sept. 11, 2001, attacks but have recently come under scrutiny for allegedly mishandling both informants and evidence.

One **FBI** agent there abruptly retired last month after questions were raised about his use of informants. And in the biggest terrorism case in Detroit since the attacks, a federal judge has indicated he may throw out the convictions of members of an alleged al Qaeda sleeper cell because of the allegations that Convertino did not give defense attorneys a letter from a jail inmate alleging that the government's key witness lied. Earlier in the same case, U.S. District Judge Gerald E. Rosen upbraided **Ashcroft** for improperly commenting in public about it. Jonathan Turley, a law professor at George Washington University, said a lawsuit like Convertino's is almost unheard of within the **Justice Department** and could undermine the government's credibility in other terrorism cases.

"This is really turning into the prosecutorial version of 'Peyton Place,'" Turley said. "Detroit has been a particular embarrassment for the government, because this is one of a number of such accusations there. . . . But most of these fights stay in-house. It's viewed with great disfavor for a prosecutor to be critical in public of either **DOJ** or the attorney general." Justice spokesman Mark Corallo in Washington said yesterday that the department had not yet received a copy of the lawsuit and declined to comment. Gina Balaya, a spokeswoman for U.S. Attorney Jeffrey G. Collins in Detroit, also declined to comment. Those named in Convertino's lawsuit are **Ashcroft**; Collins; Alan Gershel, chief of the criminal division in Detroit; Jonathan Tukel, first assistant U.S. attorney; and Marshall Jarrett, head of the **Justice Department's** Office of Professional Responsibility (OPR) in Washington.

Convertino is seeking damages for Privacy Act violations and protection under federal whistle-blower laws. According to the lawsuit, Convertino's relations with senior officials at Justice soured early on as he pursued the case against the alleged al Qaeda sleeper cell. He and another prosecutor, Keith Corbett, were "vocal and consistent" in their complaints about a lack of resources, cooperation and support from **Justice Department** headquarters, but senior officials were concerned primarily with looking good in the media, the lawsuit says. Things got worse, according to the lawsuit, late last summer, when Convertino was asked to testify on the use of identity fraud by terrorists by Senate Finance Committee Chairman Charles E. Grassley (R-Iowa), who has since written **Ashcroft** expressing concern about Convertino's treatment.

Convertino and Corbett were abruptly removed from the terror cell case and learned later that they were the subject of an internal investigation into alleged prosecutorial misconduct, according to the lawsuit. Documents confirming that investigation were leaked to the media and included the name of a

confidential informant, Marwan Farhat, that was published by the Detroit Free Press. Farhat fled the country as a result of the publicity and, in a letter he left behind, said his **FBI** handler had encouraged him to break the law by stealing mail, according to the lawsuit and law enforcement sources. Convertino's attorney, Stephen M. Kohn of the National Whistleblower Center, called the disclosure of Farhat's name "one of the most egregious violations of the Privacy Act that I've ever heard of."