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# The immolation of Justice | Opinion



FILE Danielle Sassoon, the interim U.S. attorney for the Southern District of New York, in Washington on Jan. 31, 2025. Sassoon's resignation came days after she was asked to drop the federal corruption case against Mayor Eric Adams of New York. (Kent Nishimura/The New York Times)

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By **MICHAEL MCAULIFFE**

PUBLISHED: February 18, 2025 at 11:32 AM EST

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In less than two weeks, the building is burning with no hose in sight. The Department of Justice (DOJ) has been ransacked by retro-activists who seek to remake the DOJ into an extension of the president's political will. The new attorney general, Pam Bondi, [recently wrote](#) to employees that they had nothing to fear if they acted "with a righteous spirit and just intentions."

Who decides what constitutes a "righteous spirit and just intentions" and how that dramatically subjective assessment is made will prove more consequential than the standard itself. The DOJ leadership's early actions unmistakably show the flames are destroying the nonpartisan ethos both Republican and Democratic administrations built over many decades at the Department.



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Bondi's newly established "[Weaponization Working Group](#)," which she will lead, will review and scrutinize "the activities of all departments and agencies exercising civil or criminal enforcement authority of the United States over the last four years." That means the group can, and presumably will, revisit literally any decision or action taken by any federal prosecutor in the last administration. The scope includes tens of thousands of cases and the work of thousands of nonpartisan professionals. The group's mission is dictated by an invisible directive that escapes public scrutiny — that scenario is nothing less than a prospective purge. Notably, the new attorney general had no experience as a federal prosecutor, either as a line assistant, a DOJ trial attorney, a supervisor or as a U.S. attorney.

Further, the acting deputy U.S. attorney general, Emil Bove III, who currently is the second-in-command at DOJ and formerly represented Donald Trump in his criminal cases, issued a written directive to Danielle R. Sassoon, the acting U.S. Attorney in the Southern District of New York, to dismiss the pending indictment charging Eric Adams, the current New York City mayor, with significant official corruption.

Leading up to the dismissal mandate, Adams repeatedly met with Donald Trump, as president-elect and president, and explicitly avoided making negative comments about the new administration. It was as if some type of arrangement was being struck — "righteous spirit and just intentions" at work, no doubt.

In response to Bove's mandate, Sassoon resigned instead of dismissing the case based on the pretextual reasons provided in the memorandum. Several other prosecutors also resigned, including Hagan Scotten, a highly decorated combat veteran with a sterling reputation. He wrote in his resignation letter: "No system of ordered liberty can allow the Government to use the carrot of dismissing charges, or the stick of threatening to bring them again, to induce an elected official to support its policy objectives." He added: "[A]ny assistant U.S. attorney would know that our laws and traditions do not allow using the prosecutorial power to influence other citizens, much less elected officials, in this way." Scotten's [full resignation letter](#) should be read by everyone who cares about the rule of law.



Bove then went to the Justice Department's public integrity section — which has concurrent jurisdiction over corruption cases — and gave its leaders a directive: Sign the dismissal motion or else. The criminal division's acting chief, the section's acting chief and several deputy section chiefs resigned in protest. When Bove issued a one-hour threat to the section's line attorneys to find a signer, a career prosecutor signed to protect junior attorneys from possible punishment or firing.

The current debate about the Justice Department and law enforcement misses a fundamental fact. While the position of the attorney general dates back to the Judiciary Act of 1789 (a statute passed by Congress), the Department of Justice wasn't created until 1870. Congress — not the president — created the positions of attorney general and the Department. Each of the Department's components are statutory in nature. Numerous federal statutes set out the Justice Department's role in "faithfully" executing federal law, including prosecuting cases. All those laws were created by Congress.

While the executive branch wields the executive power, that power is defined and funded by legislation passed by Congress. It is simply a myth that a president can do anything he or she wishes if the function is executive in nature. The current president, despite claiming omnipotent power in law enforcement, cannot simply charge someone for behavior that isn't potentially in violation of federal law, and his DOJ can't properly dismiss charges in a quid pro quo to advance a political agenda.

Donald Trump acts as he pleases. But Donald Trump isn't the presidency, he is the officeholder. And when he engages in conduct that's in violation of his oath or the law, it is incumbent on those serving in the executive branch to object. That is especially true for prosecutors who also are officers of the court. Such objection often will have a price. Some courageous individuals at the Department of Justice have already shown the way.

*Michael McAuliffe is a former federal prosecutor. He also served as the elected state attorney for Palm Beach County, Florida. McAuliffe was hired as a trial attorney through the Justice Department's Honors Program during a Republican administration in 1989.*

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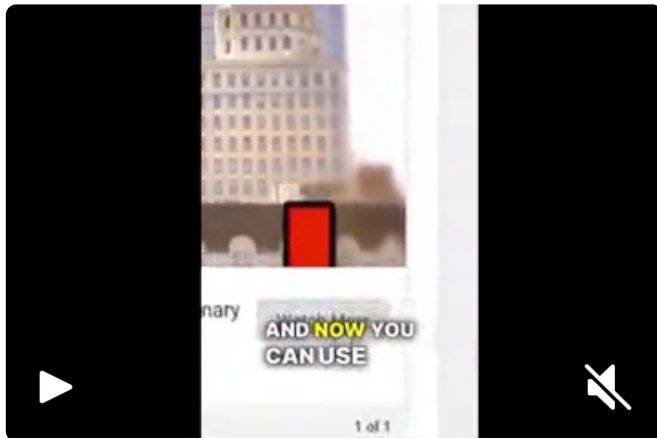
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