

## **My Badge of Honor: “Deselected” by Bush’s Department of Justice**

On Tuesday, the inspector general of the U.S. Department of Justice released a scathing [report](#) describing how members of the DOJ’s hiring committee illegally excluded candidates with perceived liberal political and ideological leanings from the highly competitive Honors Attorney and Summer Law Internship Programs.

Given what we know about the history of the Bush administration’s manipulations within the DOJ recently – from the ongoing [U.S. Attorney firing scandal](#) to allegations of [politically-motivated investigations and prosecutions](#) – this news hardly comes as a surprise. I find it hard these days to find much that the administration does shocking.

The report found that during the 2006 selection process, a three-member screening committee (two of whom were political appointees) engaged in a pattern of discrimination based on the candidates’ perceived ideological and political views. As a result, the screening committee “deselected” a staggering 31% of the qualified candidates put forward by various divisions within the Department, most of whom identified liberal affiliations in their applications.

The most disturbing portions of the report come from the inspector general’s interview with Esther McDonald, a young political appointee to the staff of Acting Associate Attorney General William Mercer who served on the 2006 screening committee. (An interesting aside: Ms. McDonald was initially interviewed and hired to the DOJ by none other than [Monica Goodling](#), the disgraced political hack who played a key role in the firing of eight U.S. Attorneys.)

The report includes quotes from an email sent by Ms. McDonald to the other members of the screening committee, in which she lambastes candidates who have worked for “leftist” organizations seeking to promote social justice or environmental protection. For instance, she derides the [Poverty & Race Research Action Council](#) as an organization that “actively works to extend racial discrimination through increased affirmative action [by arguing that] federal law requires recipients of federal funding to seek actively to discriminate in favor of minorities (racial, language, and health) rather than merely to treat all applicants equally.” She asserts in the same email that the “Principles of Environmental Justice [are] positively ridiculous” because they seek to oppose “military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.” Ms. McDonald actively “deselected” highly-qualified candidates whenever she found the application to be “filled with leftist commentary and buzz words like ‘environmental justice’ and ‘social justice.’”

Now, as someone whose personal ideology and professional career embraces a commitment to the apparently “leftist” agenda of social and environmental justice, I find these comments horribly offensive. What’s more, this kind of political screening clearly violates DOJ hiring policy as well as the Civil Service Reform Act, which requires selection of federal employees based on “relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.” That law also

prohibits federal agencies from making hiring decisions based on political affiliation or ideology.

But my visceral reaction to the news was compounded when I realized that I was one of the candidates “deselected” for political reasons in 2006. I’m even discussed on page 86 of the report, though not by name – my application essay, in which I expressed my desire to “serve as part of the team charged with enforcing the world’s most comprehensive environmental laws, and with defending the crucial work of our environmental and resource management agencies,” is quoted directly. Apparently that quote, and my law school experience working for the environmental organizations [Northwest Environmental Defense Center](#) and [Earthjustice](#), suggested to the screening committee that I came to the DOJ “with an agenda, not with an open mind as to the best way to enforce . . . environmental laws.”

I have been advised by friends in the legal field to wear this rejection “like a badge of honor,” and that’s what I intend to do. It’s reassuring to know that my views on environmental protection don’t quite line up with those of this administration’s policymakers (that’s an understatement, folks), and now I find myself working at the wonderful [Midwest Environmental Advocates](#) in Madison. Here at MEA, I’m free to pursue my “radical leftist agenda” of environmental justice, unconstrained by the absurd power of a political appointee with hardly more legal experience than me.

More importantly, what’s next for the DOJ? Congress will surely merge this controversy into its ongoing investigation of shenanigans within the Department, and the report has drawn the [attention](#) of the Senate Judiciary Committee Chairman Patrick Leahy. We can only hope that some changes will result. That change must also come this November at the voting booth, where we have the crucial opportunity to restore integrity to the federal government.

As for Ms. McDonald, she’s now an attorney with the firm Seyfarth Shaw in Washington D.C. A quick search of the firm website reveals that one of her coworkers there has recently been [selected](#) as President of the National Lesbian and Gay Law Association. Does that make Ms. McDonald’s blood boil? Does she call her coworker a “leftist whacko” to her face, or only behind her back? If nothing else, I bet it makes for some interesting conversations around the water cooler...

*Jamie Saul is a Staff Attorney at Midwest Environmental Advocates. A cum laude 2007 graduate of Lewis & Clark Law School, home of the nation’s top environmental law program, he is apparently not qualified to work for the DOJ’s Environment and Natural Resources Division. He is, however, quite content to be protecting Wisconsinites from polluters and working for the positively ridiculous goal of environmental justice. The opinions expressed in this article are entirely his own.*