

CAPITOL RIOT

## Trump administration fires DOJ officials who worked on criminal investigations of the president

The Justice Department employees had been involved in special counsel Jack Smith's investigation that led to Trump's classified documents and Jan. 6 cases.

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**By Ken Dilanian and Ryan J. Reilly**

WASHINGTON – The Justice Department said Monday that it fired several career lawyers involved in prosecuting Donald Trump, escalating the president's campaign of retribution against his perceived enemies.

The employees worked on special counsel Jack Smith's investigation that led to now-dismissed indictments against Trump over his handling of classified documents and his efforts to overturn his 2020 election loss in the lead-up to the Jan. 6 attack on the U.S. Capitol.

"Today, Acting Attorney General James McHenry terminated the employment of a number of DOJ officials who played a significant role in prosecuting President Trump," a Justice Department official wrote to NBC News. "In light of their actions, the Acting Attorney General does not trust these officials to assist in faithfully implementing the President's agenda. This action is consistent with the mission of ending the weaponization of government."

Among those let go, an official familiar with the matter told NBC News, were career prosecutors Molly Gaston, J.P. Cooney, Anne McNamara and Mary Dohrmann.

[Smith resigned this month](#) ahead of Trump's inauguration. Trump's re-election effectively ended the federal criminal cases against him because of the Justice Department's long-standing policies against prosecuting sitting presidents.

Trump's New York hush money case, brought by Manhattan Attorney General Alvin Bragg, is the sole criminal case against Trump to have led to a conviction. Trump was sentenced this month to a penalty-free [unconditional discharge](#), making him the first convicted felon to assume the presidency.

The only pending trial, the Georgia election interference case brought by Fulton County District Attorney Fani Willis, was stymied indefinitely after [Willis was booted from the case](#) in December because of conflict-of-interest allegations.

Trump said throughout the 2024 campaign that all of the investigations were improper and politically motivated "witch hunts." He said Democrats had "weaponized" the Justice Department and tried to use it to undermine his re-election bid.

Smith and former Attorney General Merrick Garland repeatedly denied that the investigations were politically motivated. They said Trump's own actions resulted in the criminal probes of his role in the Jan. 6 riot and his failure to return classified documents to the National Archives.

Former Justice Department officials and legal experts have long argued that Trump should not retaliate against career civil servants who were simply doing their jobs and, in some cases, were assigned to the investigations. They said retaliating against the career prosecutors who worked on the Trump cases would have a chilling effect on the Justice Department workforce and undermine future investigations of improper acts by public officials.

“Firing prosecutors because of cases they were assigned to work on is just unacceptable,” said former U.S. Attorney Joyce Vance, an NBC News legal contributor. “It’s anti-rule of law; it’s anti-democracy.”

A Justice Department official told NBC News: “He’s playing with the casino’s money, with house money. Whatever the government has to pay out, if any rights are found to have been violated, it’ll pale in comparison. It’s a price he’s willing to have the government pay.”

The letter sent to the employees who were fired specifically cited their roles in investigating Trump. “You played a significant role in prosecuting President Trump,” the letter said, according to parts read to NBC News. “The proper functioning of government critically depends on the trust superior officials place in their subordinates. Given your significant role in prosecuting the president, I do not believe that the leadership of the department can trust you to assist in implement the president’s agenda faithfully.”

The letter acknowledges that the employees may appeal the decisions to the federal Merit Systems Protection Board, which adjudicates the discipline of federal employees.

Former Justice Department lawyer Julie Zebrak, an expert in federal employment law, said career civil servants cannot be summarily fired.

“They have civil service rights. They have due process rights,” she said.

If the Justice Department is arguing that the lawyers are not performing properly, they must be subject to what is known as progressive discipline, she said, including warnings and notice. They must be allowed to hire lawyers before they lose their jobs.

“There is a reason people say it’s so hard to fire federal employees,” she said.



— Jack Smith. Al Drago / Bloomberg via Getty Images file

## Trump executive order on 'weaponization'

Hours after his inauguration, Trump issued an [executive order](#) “ending the weaponization of the federal government.” It called for the attorney general and other top officials to root out what Trump and his allies see as politicized actions directed against them.

“The American people have witnessed the previous administration engage in a systematic campaign against its perceived political opponents, weaponizing the legal force of numerous Federal law enforcement agencies and the Intelligence Community against those perceived political opponents in the form of investigations, prosecutions, civil enforcement actions, and other related actions,” the order says. “These actions appear oriented more toward inflicting political pain than toward pursuing actual justice or legitimate governmental objectives.”

Before being appointed special counsel, Jack Smith was a career Justice Department civil servant who had previously prosecuted both Democrats and Republicans, and he staffed his office with career prosecutors and FBI agents.

No evidence has surfaced publicly that anyone connected with his investigations was motivated by partisan bias against Trump or was influenced in any way by Biden political appointees. Attorney General Merrick Garland was briefed on the investigation but said he did not influence its course.

“Throughout my service as Special Counsel, seeking to influence the election one way or the other, or seeking to interfere in its outcome, played no role in our work,” Smith wrote in his resignation letter. “My Office had one north star: to follow the facts and law wherever they led. Nothing more and nothing less.”

“And to all who know me well, the claim from Mr. Trump that my decisions as a prosecutor were influenced or directed by the Biden administration or other political actors is, in a word, laughable,” Smith wrote.



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