

To prosecute the rich and powerful

While lawmakers in Washington wrangle over the controversial firings of eight U.S. attorneys, the former U.S. Attorney for Maryland said he thinks public servants are being torn down just for doing their jobs.

Thomas M. DiBiagio, the former U.S. attorney appointed by President George W. Bush in 2001, said he knows from first-hand experience what it's like. He underwent stinging criticism for his high-profile, dogged pursuit of crime and corruption. And the high officials he confronted "pushed back," he said, before he abruptly resigned in 2005.

Sitting in his Charles Street office overlooking downtown Baltimore, Mr. DiBiagio told The Catholic Review that people in high places exact payback to those who challenge them, resulting in disturbing consequences.

Looking back, the former prosecutor said he was extremely proud of his achievements – chief of which was bringing down Edward Norris, the former Baltimore City police commissioner found guilty of misusing an off-the-books expense account.

Yet Mr. DiBiagio said his own public service exacted a high personal toll. It was his Catholic faith that sustained him in those difficult times, he said – along with an abiding confidence he was doing what was right.

Crossing the line

Reflecting on the current scandal in the nation's capital, Mr. DiBiagio said it's critical for U.S. attorneys to be independent.

"The people in Washington are there to protect the political standing of the president," said Mr. DiBiagio, a parishioner of St. Joseph, Cockeysville.

"U.S. attorneys aren't there to protect anybody, so when a U.S. attorney does something that undercuts the political standing of the president, the people in Washington want to push back."

Mr. DiBiagio said federal officials likely "went too far" in dismissing eight U.S.

attorneys late last year. As political appointees of the president, U.S. attorneys are often replaced during the change of administrations, but it is extremely unusual for them to be fired in the course of an existing administration.

“The Washington people, I think, should have realized there’s a line and they crossed it,” said Mr. DiBiagio, a graduate of the University of Richmond School of Law.

Asked whether U.S. Attorney General Alberto Gonzales – the man who approved the firings – should step down, Mr. DiBiagio declined to comment.

While the New York Times reported that Mr. DiBiagio told the newspaper in March he had been pushed out of office because he was investigating associates of former Gov. Robert L. Ehrlich Jr., he declined to answer Catholic Review questions regarding those assertions. In the same New York Times report, Gov. Ehrlich denied he had anything to do with the former prosecutor’s resignation.

Interviews with the New York Times and The Catholic Review are the only ones Mr. DiBiagio has granted in months despite numerous media requests from all over the country, he said.

‘A remarkable record’

When he first took office as U.S. attorney, Mr. DiBiagio was determined to take it in a new direction. Prior to his arrival, he said, it had been more than 13 years since an elected public official had been convicted of corruption charges in Maryland.

The new U.S. attorney wanted to put Maryland on par with Chicago, Philadelphia, New Jersey and Connecticut – places where corruption convictions occurred every year.

In addition to winning the Norris corruption case, Mr. DiBiagio successfully prosecuted John M. Rusnak for bank fraud and Nathan A. Chapman Jr. for defrauding the state’s employee pension system and shareholders of his investment firm. He also successfully prosecuted the Lexington Terrace Boys, a gang whose members had committed several murders in Baltimore.

“If you mention the top 20 prosecutions over the last 30 years, many of them will be

mine and I was only there three years," he said. "It's a remarkable record."

Mr. DiBiagio said it was "critical" to hold public officials accountable for their conduct and for the public to have confidence in their leaders. That's why he believed prosecutors should aim for the "tougher cases" targeting powerful business leaders and politicians.

Yet Mr. DiBiagio's strong-willed approach may have contributed to his undoing. In a now-infamous memo obtained and published by The Baltimore Sun, Mr. DiBiagio demanded that his staff come up with at least three "front-page" indictments for public corruption or white-collar crimes right around Election Day. It was a tall order that later brought a rebuke by authorities at the Justice Department.

Mr. DiBiagio said "aiming high" was his strength and his weakness, and that he left the U.S. attorney's office because "it was time to go."

"I think after three and a half years, I found that it was very difficult to be aggressive, it was very difficult to be first-rate and it was very difficult to be independent," he said. "So it was time to go."

Personal toll

Public service can be very noble and can change the world, said Mr. DiBiagio, a trim man who wears buttoned-down Oxford shirts. It can help people recognize there are "bigger things happening here than you."

But while good and motivated individuals continue to be attracted to public service, Mr. DiBiagio said his own experience has made him uncertain how long they can stay on the job. He's not even sure whether he would recommend public service for his two sons - although when he gives talks to young people he encourages them to "fulfill their potential and make a difference."

"When I was U.S. attorney, I didn't have three consecutive nights of sleep for three years," said Mr. DiBiagio, who now serves as defense trial lawyer dealing with business and commercial litigation with the Washington law firm of Beveridge & Diamond. He maintains offices in Baltimore and Washington.

"The sleepless nights, the long hours, the incredible obstacles you have to deal with

- it takes a toll," he said.

The former prosecutor insisted that much of what was written about him in the press wasn't true, especially those articles that questioned his motives.

"They were writing that I had political ambition, which was almost comical if anyone knew me because I just hated politics and I would never run for elective office," he said, acknowledging that he came to office without much experience dealing with the media, a task he said he didn't do well.

As U.S. attorney, Mr. DiBiagio said, "Justice without fear or favor" was the theme of his office and that he believed he served the public well.

"I found that most people got it," he said. "I've never really had a problem with the public perception because most people didn't really believe what was in the Sunpapers."

Asked whether he would do anything differently, the former prosecutor smiled and let out a loud, single-syllable laugh.

"Ha!" he exclaimed, clasping his hands and sitting back in his seat with a grin. "Hindsight's always 20-20," he said, noting that he probably tried to do too much while he was in office and that he "made some mistakes."

"I expect a lot from the people that work with me and I thought we could accomplish great things and we did," he said, "but that was also a source of frustration when we sometimes came up short."

Faith and justice

Mr. DiBiagio's sense of justice was shaped by his Catholic upbringing, he said. The Religious Sisters of Mercy who taught him at St. Joseph School in Cockeysville instilled a "real sense" of right and wrong without gray areas, he said. And the Jesuits he encountered at Loyola Blakefield in Towson helped him appreciate the importance of discipline.

Mr. DiBiagio said he was deeply impressed by what he viewed as a strong, unwavering sense of justice promoted by the Jesuits.

"The rules at that school apply to you whether you are the son of a mailman or the son of a millionaire," said Mr. DiBiagio. "If you break the rules, you're going to be out of school, you are going to be off the team and you are going to lose privileges. The law applies to everybody."

That was exactly the philosophy he carried with him into public office, said Mr. DiBiagio.

"I think we sent the message that the law applies to powerful and popular businessmen and politicians just like it applies to the kid on the street," he said.

Prayer served him well, especially when he was in the eye of the storm.

"When you're doing new things and you are taking on very powerful people, you find yourself on the dark side of the moon many days and the only thing you have with you - you have your family, obviously - but you have your faith," said Mr. DiBiagio, who worships at his home parish of St. Joseph and Our Lady of Grace in Parkton. To succeed, a prosecutor must also have faith in himself, he added.

"You have to have a lot of faith in doing the right thing," said Mr. DiBiagio. "Powerful people can muster the push-back."

After Mass at St. Joseph, Mr. DiBiagio said parishioners sometimes come up to him to chat. One of those conversations with a young father gave him encouragement while he was U.S. attorney and affirmed that his aggressive approach to his office was the right one, Mr. DiBiagio remembered.

"He said, 'your boys must be very proud of you,'" the former prosecutor said. "It meant a lot to me."