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Ted Stevens Conviction To Be Voided

DEVLIN BARRETT AND NEDRA PICKLER | April 1, 2009 05:00 PM EST | AP



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In a Nov. 29, 2008 file photo Sen. Ted Stevens, R-Alaska, leaves the Senate chamber after making his last formal speech on the Senate floor. National Public Radio said Wednesday April 1, 2009, that the justice department will drop all charges against Stevens. (AP Photo/Lauren Victoria Burke/file)

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WASHINGTON — Faced with embarrassing revelations about withheld evidence, the Justice Department on Wednesday moved to reverse the conviction of former Alaska Sen. Ted Stevens, who lost his bid for re-election just days after a jury found that he had lied about gifts and home renovations.

Justice Department lawyers asked a judge to dismiss the indictment against Stevens and toss out his conviction — effectively killing their own courtroom victory with a shocking admission of misbehavior by prosecutors.

The Stevens case, the government's highest-profile attack on congressional corruption in recent years, was plagued by problems that continued to pile up even after a jury found him guilty. The last straw, apparently, was the failure of prosecutors to turn over notes of a crucial interview in which a witness contradicted a statement he made later under oath at trial.

"I have determined that it is in the interest of justice to dismiss the indictment and not proceed with a new trial," Attorney General Eric Holder said. He said the department must ensure that all cases are "handled fairly and consistent with its commitment to justice."

The prosecutors who handled the trial have been removed from the case and their conduct

is under investigation.

Stevens is expected to be back in court Tuesday when U.S. District Judge Emmet Sullivan holds a hearing on the government request. Stevens had appealed his conviction and had been awaiting sentencing.

"I always knew that there would be a day when the cloud that surrounded me would be

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Arianna Huffington Memo

removed," Stevens said in a statement. "That day has finally come. It is unfortunate that an election was affected by proceedings now recognized as unfair."

Stevens, 85, had held the Senate seat since 1968. Alaskans voted by a narrow margin to oust him last November, ending a political career that began before Alaska was granted statehood. When he was defeated, Stevens was the longest-serving Republican senator.

Story continues below ↴



While reaction in the Senate was muted, Sen. Lisa Murkowski, R-Alaska, called the whole episode grossly unfair.

"I am deeply disturbed that the government can ruin a man's career and then say, 'Never mind.' There is nothing that will ever compensate for the loss of his reputation or leadership to the state of Alaska," Murkowski said.

Noting Stevens' age, Senate Majority Leader Harry Reid, D-Nev., said, "He's already been punished enough."

Stevens was convicted of seven felony counts of lying on Senate financial disclosure forms to conceal hundreds of thousands of dollars in gifts and home renovations from a wealthy oil contractor.

In their court filing Wednesday, Justice Department lawyer Paul O'Brien told the judge they recently discovered prosecutors' notes from an April 2008 interview with Bill Allen, a key witness against Stevens. The notes indicate that Allen said he did not recall talking to a mutual friend about giving Stevens a bill for work done at the senator's home in Alaska.

Yet when he testified at the trial, Allen claimed he did have such a conversation. Under trial rules, such contradictory statements must be given to the defense team, and they weren't.

The trial was beset by similar government missteps, infuriating Sullivan. He held Justice Department lawyers in contempt in February for failing to turn over documents as ordered and called their behavior "outrageous."

The judge had ordered Justice to provide the agency's internal communications about a whistleblower complaint brought by an FBI agent involved in the investigation. The agent objected to Justice Department tactics during the trial, including failure to turn over evidence and an "inappropriate relationship" between the lead agent on the case and the prosecution's star witness.

Stevens' lawyer, Brendan Sullivan Jr., praised Holder as "a pillar of integrity" for his decision to disregard a jury verdict that they said was obtained unlawfully. He called the prosecutors' behavior "stunning."

"They were hell-bent on convicting a United States senator," Sullivan said. "His name is cleared. He is innocent of the charges as if they had never been brought."

William Canfield, a former Stevens staffer and longtime friend, said some of the trial's effects may never be undone. Specifically, he said, at least one Senate colleague _ John Sununu of New Hampshire _ lost his bid for re-election after Stevens' legal problems became a campaign issue.

Still, Canfield said, the Justice Department decision is an admission that "they failed miserably in an attempt to bring him down based on some crazed notion of him being corrupt."

The Justice Department decision was first reported by National Public Radio.

Associated Press writer Matt Apuzzo contributed to this report.



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speculawyer 02:53 PM on 4/07/2009

5 Fans

You gotta love the GOPers talking about how incompetent the government/prosecution is. Those boneheads don't seem to realize that they are saying the GOP is incompetent since it was the Bush DOJ that prosecuted the case.

Perhaps they'd realize it because they really are that incompetent. ;-)

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nk5otr 12:32 PM on 4/07/2009

58 Fans

Just because the prosecutors acted improperly doesn't exonerate Stevens. Here are some of his excuses direct from an AP story about Stevens:

At trial, he argued that he didn't disclose the items he received because they were not gifts. A \$2,700 massage chair, for instance, remained in his house for seven years but Stevens said it was a loan. He said he assumed a \$3,200 stained-glass window was paid for, since his wife takes care of such things. A \$29,000 fish statue was a donation to his foundation, he said, and only remained on his front porch because that's where the donors shipped it.

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lewweinstein 04:16 PM on 4/02/2009

0 Fans

I don't know if Sen. Stevens is guilty of crimes or not, but it is incumbent on prosecutors to prove their case, and do so without cheating. There are rules which are supposed to protect us all against over-zealous prosecution, and too many prosecutors disregard those rules to get unwarranted convictions.

This leads to two tragedies, the person improperly convicted, and the fact that nobody ever brings charges against the prosecutors who broke the law. This is an issue I have studied carefully. And I did more.

I wrote a novel, called A GOOD CONVICTION, which tells the story of a young man convicted of a murder he did not commit by a prosecutor who knew he didn't do it. You can read more about my book, and order it, at ...

<http://www.amazon.com/Good-Conviction-Lewis-M-Weinstein>

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AgnesBankhead 07:30 AM on 4/02/2009

17 Fans

Ted Stevens, most famous for his infamous "bridge to nowhere", has long been acknowledged as one of the most corrupt senators in the Congress and nothing that has happened in this case does ANYTHING to change that

it wouldn't surprise me one little bit to find out that this overturned conviction was the intended outcome from the getgo, engineered by a corrupt Bush Justice Department

"They were hell-bent on convicting a United States senator," Stevens' lawyer, Brendan Sullivan

said. "His name is cleared. He is innocent of the charges as if they had never been brought."

job done

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Dr Manhattan 09:40 AM on 4/02/2009
10 Fans

He's pretty famous for "Internet Tubes" too.

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speculawyer 02:57 PM on 4/07/2009
5 Fans

>>>it wouldn't surprise me one little bit to find out that this overturned conviction was the intended outcome from the getgo, engineered by a corrupt Bush Justice Department

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HUFFPOST COMMUNITY MODERATOR
scooperss 07:29 AM on 4/02/2009
189 Fans



GOBC at work. Taking care of their own.
LOL
ODYU
D SB

Congress taking care of their own so that they can expect the same treatment when their times comes?

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Weathermaker 02:36 AM on 4/02/2009
33 Fans

Some heads must roll here. If the prosecutors fumbled the ball, they should be fired and disbarred. This country is turning into a banana republic at warp speed.

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a68deville 01:56 AM on 4/02/2009
7 Fans

I hope that if there are ever trials against members of the past administration , for all the "little discrepancies" that they had , we wont have this prosecution team in place .

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Alaskan1970 01:02 AM on 4/02/2009
4 Fans

Yes, there were mistakes made by the prosecution team, but they played tapes in court of Ted Stevens telling parties that we will probably get a fine and do a little community time. Nothing real bad. Is that innocent?

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HUFFPOST SUPER USER
tapeatsbill 12:35 AM on 4/02/2009
37 Fans



Life should be more like hockey. Hockey has a tradition of fighting. It is good for the game because it helps regulate bad behavior.

When a good from the opposing team cheap shots or performs an illegal manuver on one of your players then our "enforcer" aka goon fighter or some other bad ass goes out at kicks his ass or gives him or perhaps the other teams most gifted player a really hard and perhaps dirty shot in return. There might even be (gasp) a fist fight.

In this way the game is kept more civil than it otherwise may become.

And life should be more like that. When John Thain the CEO of Merrill Lynch redecorates his office for a million when his company is going down the tubes it is a f ____in cheap shot on all of us.

Goon time. Literally smacked into the boards on the sidewalk and punched up side the head. Not injured or beat to a pulp but smacked gawd dern hard. Maybe knock out some teeth.

Sounds barbaric I know but it works in a very rough sport that I love, Hockey.

These cheap shot bastards might think twice if they physically and personally had to own up and man up. I'm just saying.

Think about it.

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a68deville 01:50 AM on 4/02/2009

7 Fans

Sorry , I'm trying to picture Ted Stevens getting a brutal check,into a wall . . .

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superlive 04:44 AM on 4/02/2009

7 Fans

Check your clock.
April Fool's day ended at midnight.

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amadorjon 12:33 AM on 4/02/2009

8 Fans

big surprise the politicians helped a dirty politician find a loophole out of prison.....makes one wonder how much dirt he had on Washingtons elite after 40 years in the senate!!!!!!!!!!

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amadorjon 12:39 AM on 4/02/2009

8 Fans

plus they released it on a day when obama would make his first grand appearance to the world, thus the story was near buried by all stories about the goings on in London!

I'm sure that was unintentional

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oregonbird 12:29 AM on 4/02/2009

60 Fans



I'm so glad Holder jumped right on this travesty of justice! Aren't you glad? Think of all those unnecessary things he could be doing -- like pursuing war criminals -- but instead, he's making sure that a Republican whose entire career has been supported by corporate payouts is staying out of prison... not that there was any chance that a government official would be required to actually be held to legal remedy, anyway. And no re-trial! Cool.

Gosh, Holder, I'm so glad you're looking out for the US citizens' interests. For a minute there, we were afraid that the Justice Department would forget its role in society -- protecting the legislature from having to follow laws. But you're a stand-up guy, and showed just what we can

expect from that department! Change in administration be darned!. Cudos.

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amadorjon 12:35 AM on 4/02/2009

8 Fans

like I said on my own comment, how much dirt did he have on washingtons elite from both parties after 40 years in the senate????????

I guarantee a heck of a lot!

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Dr Manhattan 09:47 AM on 4/02/2009

10 Fans

Not a big surprise. Holder lied about not busting medical marijuana dispensaries. DEA went after one a couple weeks ago , AFTER Holder say they would halt those actions.

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HUFFPOST COMMUNITY MODERATOR

lisakaz2 12:26 AM on 4/02/2009

632 Fans



Makes ya wonder if the prosecution tainted its practices on purpose. Just wondering...

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lynettema 11:55 PM on 4/01/2009

142 Fans



Clarification: this article just says the Justice Dept screwed up the prosecution. Right? So now we will never know just how guilty Stevens is?

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MintysMom 12:28 AM on 4/02/2009

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The Bush administration counted on this happening.

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sacrebleu 10:52 PM on 4/01/2009

17 Fans

IMH(non-lawyer)O, the Bush Justice Dept., having been forced, in the face of an abundance of evidence, to prosecute one of the party faithful, committed deliberate gross prosecutorial errors with the intent of guaranteeing that Stevens' conviction would be overturned, or "voided" on appeal.

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mathme 11:36 PM on 4/01/2009

70 Fans



I sort of thought that, too... but it could have also been someone a little too over-eager to land such a big fish regardless of politics. Then again, they might have picked a prosecutor that they knew would blow the case eventually. Not the prosecutor's decision to blow the case (and torpedo his career), but just picking the right (wrong) person for the job.

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MintysMom 10:49 PM on 4/01/2009
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That's fine. Now WHAT ABOUT ALABAMA GOV. SIEGELMAN'S CASE????

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mathme 11:46 PM on 4/01/2009
70 Fans



Hear, hear.

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