

Excerpts from “Convictions”
By John Kroger

The Mindset of Federal Prosecutors

(Prologue, Page 1) “I am a federal mafia prosecutor,…”

(Prologue, Page 2) “As an Assistant United States Attorney, or AUSA, I wield considerable power.”

(Page 451) AUSAs wield immense authority, but we operate in the shadows, with little public oversight.

(Prologue, Page 3) “...my will to win, like that of all prosecutors, is personal and selfish...If we win, we will be heroes. If we lose, no one will ever trust us with a big case again.”

(Prologue, Page 4) ...in the United States today few people possess more power. As early as 1940, Supreme Court Justice Robert Jackson remarked that a federal prosecutor has ‘more control over life, liberty and reputation than any other person in America.’ Since Jackson’s day, that power has only increased. In the words of federal judge (and former AUSA) Gerald Lynch, ‘Congress has cast the federal prosecutor in the role of God.’ “

(Page 173) “...a lack of moral perspective is a common occupational hazard.”

(Page 176) “My job was to protect the government’s shot at a guilty verdict that would stick.”

(Page 284) “In the Justice Department, both prosecutors and their offices are assessed by the size and quality of the cases they indict...we had to attract big cases...we were in a competitive industry and had to provide exceptional service.”

(Page 36) “In many big law firms, work as an AUSA makes it easier to become a partner and is thus a ticket to personal wealth.”

(Page 215) In a traditional criminal case, two defendants cannot be joined together in the same indictment and tried in the same trial unless they committed crimes together. If, for example, you busted two members of a mafia family for separate crimes – one for gambling, one for loan-sharking – you would have to try them in two separate cases in front of two different juries. RICO altered these traditional joinder rules, for it authorizes the government to include in a single indictment all defendants who belong to the same ‘enterprise,’ even if they were involved in separate criminal schemes and had very little personal contact.

In any criminal investigation against multiple targets, your proof is inevitably going to be strong against some defendants and weak against others. If you have to try each defendant separately, you win the strong cases and lose the weak ones. If, however, you can put together all the defendants in one trial, the **jury will have a tough time keeping the defendants and evidence clear and separate in their minds.** Over the length of the trial, the strong proof against some

defendants **will ‘spill over’ and ‘infect’** the defendants against whom your evidence is weak, and this gives you a very good chance of running the table – of convicting the whole bunch.”

(Page 191) “...I played an unethical trick.”