

Prosecutor Buckled Under Pressure Of Stevens Trial

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Nicholas Marsh, one of the lawyers who prosecuted former Alaska Sen. Ted Stevens for corruption killed himself last month. The case against Stevens failed amidst charges of misconduct. Marsh himself was under investigation for alleged ethical lapses in the prosecution. Melissa Block talks with NPR's Carrie Johnson about the case.

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MELISSA BLOCK, host:

Earlier this week, a federal prosecutor took his own life at his home here in Washington, D.C. Nicholas Marsh had been a member of the team handling the corruption case against Alaska Senator Ted Stevens. Marsh had himself been under investigation for nearly a year and a half over alleged ethical lapses in that prosecution.

Senator Stevens was convicted but later the judge vacated that conviction.

NPR's justice correspondent Carrie Johnson joins us to tell us more.

And, Carrie, remind us about what happened with the Ted Stevens case -why it fell apart and how Nicholas Marsh played a role in that.

CARRIE JOHNSON: Sure. Melissa, Nick Marsh came into the public spotlight two years ago for his role in the Ted Stevens prosecution. Senator Stevens, who at the time was the longest-serving Republican in Congress, had a very aggressive defense team fighting public corruption charges. And that defense team forced the government team to prepare for a very quick trial.

The government team, including Nick Marsh, wound up making several mistakes and failed to share certain kinds of evidence with the defense. The trial judge in that case was infuriated. He wound up launching a special criminal

investigation into whether any of the prosecutors themselves violated the law. And Justice Department ethics watchdogs also started an investigation, to see whether the prosecutors had failed to fulfill any of their duties, as government lawyers.

BLOCK: And that investigation, as we've said, had been going on for some time. Nick Marsh was one of the people being investigated. What have you heard from people about how he was handling that process?

JOHNSON: Nick Marsh appeared to be a bit unsettled. He was transferred out of the public corruption unit at the Justice Department, which, friends tell me, was the type of law he most enjoyed. And instead he was put into a unit that handled international extraditions. And he did a lot of international travel, but friends say he didn't like it as much. And he apparently began to buckle under some of this public pressure.

I spoke with his lawyer, Bob Luskin, earlier this week, and this is what he had to say.

Mr. BOB LUSKIN (Attorney): Until you've been there, you've got no concept of what it means to be in the crosshairs, day after day, month after month, year after year as these things drag on. This is the process and it's immeasurably cruel and most people can stand up to it, but some can't. But everybody pays a price.

BLOCK: So, Carrie, Nick Marsh's lawyer there saying everybody pays a price. Is it clear though - suicide is a very complicated thing - is it clear that Nick Marsh's suicide was tied to this investigation into prosecutorial misconduct?

JOHNSON: Well, the coroner's office says that Marsh died from hanging at his home in D.C. No one I've spoken with, including his lawyer and family, friends, has mentioned any sort of suicide note. So it's impossible to know for sure that his death was directly connected to these investigations.

That said, he was only 37 years old. He got married right before the Ted Stevens trial began in 2008. And friends tell me he was making plans for later this year. He had purchased Wizards basketball tickets here in Washington. And people said that they didn't realize he was in any sort of trouble until they got the bad news this week.

BLOCK: If the investigation had found him culpable for flaws in the prosecution, what would have been the result? What would have happened to his career?

JOHNSON: There are a few different options. One is that the special prosecutor would have recommended that Marsh and the other lawyers under investigation themselves face criminal prosecution. There's a middle ground option, which is that he would recommend that these lawyers face further investigation by the D.C. bar. And then the third would have been that a very

blistering report would have come out, exposing all the flaws in great detail but that nothing else would have happened.

BLOCK: And according to Nick Marsh's lawyer though, he seemed to think things were going in their direction, right?

JOHNSON: Going in their direction in terms of criminal prosecution. But the other attorneys involved in this matter seemed to think that the best case scenario for any of them is a blistering report to come out later this year.

BLOCK: Okay. NPR justice correspondent Carrie Johnson, thanks very much.

JOHNSON: You're welcome.

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