

INTRODUCTION

Congress has bestowed on the Attorney General, like the heads of many Executive Departments, broad authority to structure the agency he leads to carry out the responsibilities imposed on him by law. Two statutes provide the Attorney General the specific authority to appoint special counsels to carry out his law-enforcement missions. 28 U.S.C. §§ 515(b), 533(1). Two other statutes confer on the Attorney General the necessary overarching authority to staff, structure, and direct the operations of the Justice Department, which includes the power to appoint inferior officers and assign specific matters to attorneys such as the Special Counsel. 28 U.S.C. §§ 509, 510. Precedent and history confirm those authorities, as do the long tradition of special-counsel appointments by Attorneys General and Congress's endorsement of that practice through appropriations and other legislation. The district court's contrary view conflicts with an otherwise unbroken course of decisions, including by the Supreme Court, that the Attorney General has such authority, and it is at odds with widespread and longstanding appointment practices in the Department of Justice and across the government. This Court should reverse.