

criminal proceedings. Read as a whole, Section 515 thus authorizes the Attorney General to appoint special attorneys and confirms that he can grant them prosecutorial authority over specifically identified matters.

The district court's contrary reasoning lacks merit. Its focus on the absence of the word "appoint" in Section 515(b) ignores that the term "retain" is synonymous with "appoint" as used Section 515—as the statute's enactment history makes clear—and that the word "appoint" appears in Section 515(a), confirming that the statute provides appointment authority. The district court's determination that the phrase "specially retained" in Section 515(b) is a past-tense verb that only applies to already-retained attorneys misunderstands the statute's grammatical construction—"retained" and "appointed" are past participles that take their tense from the surrounding present-tense verbs—and results in a nonsensical interpretation under which an attorney must be hired and only then (potentially minutes later) could become "specially retained" as a special counsel. Finally, the district court erroneously treated two provisions—28 U.S.C. §§ 519 and 543, which together clarify that the Attorney General's supervision of all federal litigation encompasses U.S. Attorneys and any attorneys assisting them—as a limit on the entirely independent authority under Section 515 for an Attorney General to appoint a special counsel to assist him.