

Regrettably, though, you have a potential for a situation where someone is appointed who's never worked at the Department of Justice, doesn't have the necessary background check, can't get the necessary clearances.

And so that's a serious problem, particularly when you're at war, during a time of war.

And so, for these reasons, quite frankly, I think the change that was made in the re-authorization of the Patriot Act makes sense. And I've said to the committee today, under oath, that we are fully committed to try to find presidentially appointed, Senate-confirmed, U.S. attorneys for every position.

But they're too important to let go unfilled for any period of time, quite frankly. And it's very, very important for me, even on an interim basis, the qualification, the judgment of the individuals serving in that position.

QUESTION:

Well, Mr. Attorney General, this was not just, sort of, an odd arrangement before the re-authorization of the Patriot Act. It raised very serious concerns with regard to the separation powers doctrine under our Constitution, did it not?

GONZALES:

It does in mind. Again, it would be like a federal judge telling you, I'm putting this person on your staff.

CORNBYN:

The chief law enforcement officer for the district concerned. And the process that Senator Feinstein asked questions about that is now the norm, after the re-authorization of the Patriot Act -- that is something Congress itself embraced and passed by way of legislation and the president has signed into law.

Is that correct?

GONZALES:

I believe it reflects the policy decision, the will of the Congress, yes.

CORNBYN:

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And I find it a little unusual that some of our colleagues are critical of the Justice Department replacing Bush appointees with interim appointments, until such time as we can get a permanent United States attorney nominated by the president and confirmed by the committee.

I just want to raise three quick examples of delays, unfortunately not caused by the administration but by this committee itself in terms of confirming high-level nominees at the Justice Department: for example, Alice Fisher (ph) whose nomination waited a period of 17 months before this committee actually confirmed her nomination.

Then there's Kenneth Weinstein (ph), who was appointed to a brand new position, as you know, the head of the Counterterrorism (ph) Division at the Department of Justice.

This was a recommendation by the WMD commission and others. This nomination was obstructed for six months, until September 6, 2006, which allowed this new, important position to remain vacant for a half a year.

And then there's the inexplicable, to me, anyway, the case of Steve Bradbury, who serves in a very important position as head of the Office of Legal Counsel, acting, who's yet to be confirmed, even though he was nominated June 23, 2005.

And as you know, Mr. Bradbury was very integral to our efforts to deal with this issue of how do we try terrorist like Khalid Sheikh Mohammed, consistent with the Supreme Court's decisions and our Constitution.

So I appreciate your willingness to make sure that the administration nominates U.S. attorneys on a timely basis. Hopefully, this committee and the Congress, the Senate, will meet the administration more than halfway and schedule up-or-down votes on the nominees that the president sends forward.

---

#### SESSIONS:

There have been some complaints about replacements of United States attorneys. I served as a United States attorney for 12 years. I'm sure some people would like to have removed me before that.

But I am well aware that United States attorneys serve at the pleasure of the president. The United States attorneys that are being replaced here all, as I understand it, have served four years or more -- had four-year terms.

And we're now in the second term of this president. And I think, to make seven changes, I think, that's involved here, is not that many, and that the office of the United States attorney is a very important office, and it has tremendous management responsibilities and law enforcement responsibilities that cannot fail to meet standards.

And if someone is not producing, I think the president has every right to seek a change for that or other reasons that may come up.

GONZALES:

Can I just interrupt here?

SESSIONS:

Yes.

GONZALES:

I mean, there are constant changes in the ranks of our U.S. attorneys.

SESSIONS:

Absolutely. I...

GONZALES:

They come and go. And they leave for a variety of reasons. And so the fact that someone is leaving -- again, I don't want to get into personal details of individual attorneys.

I do want to say, however, that -- and I've said this publicly a lot, recently, it seems -- the U.S. attorney positions are very, very important to me, personally.

They are my representative in the community. They are the face of the administration, quite frankly. They're often viewed as the leader of the law enforcement effort within a community, not just by state and local but by other federal components.

And so I care very much about who my U.S. attorney is in a particular district. That's very, very important to me.

And so decisions with respect to U.S. attorneys are made on what's best for the department but also what's best for the people in the respective district.

SESSIONS:

I fully understand that. And I know, in my district, where I used to be United States attorney, there was a vacancy occurred and someone left. And an interim was appointed. She was a professional prosecutor from -- in San Diego. Deborah Rhodes. She won great respect in the office and brought the office together when there had been problems.

And I'm pleased to say that Senator Shelby and I recommended to you, and you appointed her permanently, somebody who had never lived in the district before.

But I know you want the best type persons for those (inaudible). I would just note, though, that there have been complaints about United States attorneys. I'm aware some of them are not very aggressive. And they don't need to stay if they're not doing their job.

Here we had 14 House members expressing concerns about the U.S. attorney, Carol Lam, in San Diego, on the board of there, saying that they -- in effect, that she had a firm policy not to prosecute criminal aliens unless they have previously been convicted of two felonies in the district.

Well, I don't think that's justifiable.

GONZALES:

Senator...

SESSIONS:

Because I don't know if that had anything to do with her removal, but I know there were a series of 19 House members who wrote letters complaining about that performance.

And if that's so, I think change is necessary. Go ahead.

(LAUGHTER)

GONZALES:

Well, I was going to say, I'm not going to comment on those kind of reports, quite frankly.

SESSIONS:

I'm sure you're not.

GONZALES:

It's not fair to individuals. It's not fair to their privacy. And quite frankly, it's not fair to others who may have left for different reasons.

SESSIONS:

And with regard to the proposal that would change the United States attorney appointment that we discussed earlier -- I think the Feinstein amendment is not just re-establishing previous law; it goes beyond the previous law.

And I think, at this point, we don't have a basis to make that change. But would you agree it goes beyond the previous law?

GONZALES:

Quite frankly, Senator, I don't know what her amendment would do.

GONZALES:

I would have concerns if her amendment would require or allow a judge to make a decision about who's going to serve on my staff.

(CROSSTALK)

SESSIONS:

And if a United States attorney is appointed by the power -- and the U.S. attorney's part of the executive branch -- you would bring that nomination to the Senate for an up-or-down vote, would you not?

GONZALES:

Again -- I've said it before, but I'll say it again: I am fully committed to work with the Senate to ensure that we have presidentially appointed, Senate-confirmed U.S. attorneys in every district.

Now, these are, of course, very, very important. And I don't have the luxury of letting vacancies sit vacant. And so I have an obligation to the people in those districts to appoint interims.

And, of course, even though there may be an interim appointment, their judgment, their experience or qualifications are still, nonetheless, very, very important to me.

SESSIONS:

You're exactly right.

---

WHITEHOUSE:

(OFF-MIKE)

Attorney General, it's nice to see you. Thank you for being here.

I'd like to start with an observation in response to the colloquy between you and Senator Feinstein. As a former United States attorney and somebody who as U.S. attorney had very active investigations into public corruption in Rhode Island, I share a bit the concern of the removal of U.S. attorneys under these circumstances.

And in your response you indicated that you would never do anything for -- I think you said -- political reasons, and you would certainly never do anything that would impede the ongoing investigation.

I would suggest to you that in your analysis of what the department's posture should be in these situations you should also consider the potential chilling effect on other United States attorney when a United States attorney who was involved in an ongoing public corruption case is removed from office. They are not easy cases to do technically, as you know. They are fraught with a lot of risk. And I think that U.S. attorneys show a lot of courage when they proceed with those cases, and any signal that might be interpreted or misinterpreted as discouraging those kinds of activities I think is one you'd want to be very, very careful about.

So I would propose to you that that's a consideration you should have in mind as you make those removal and reappointment decisions.

GONZALES:

It already is, but thank you, Senator. I appreciate that.

DAG000000305

CORRESPONDENCE

DAG000000306



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 22, 2007

The Honorable John Conyers, Jr.  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Howard L. Berman  
Member  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

Dear Chairman Conyers and Representative Berman:

This is in response to your letter, dated January 17, 2007, regarding Carol Lam's resignation as United States Attorney for the Southern District of California.

Your letter's suggestion that Ms. Lam was asked or encouraged to resign in an effort to disrupt an ongoing public corruption investigation is categorically untrue. United States Attorneys never are removed, or asked or encouraged to resign, in an effort to disrupt any particular investigation, criminal prosecution or civil case – including any public corruption case. Any suggestion to the contrary simply is irresponsible. Indeed, the Attorney General has directed United States Attorneys to prosecute public corruption vigorously. A fair examination of the Department of Justice's performance in this area clearly demonstrates the Department's commitment to protect the integrity of government by rooting out public corruption – whenever it is found and whoever is implicated.

Moreover, the removal of a United States Attorney to impede an ongoing public corruption investigation would be entirely ineffective. Public corruption investigations typically involve many agents and prosecutors. The departure of the United States Attorney, for whatever reason, does not stop or even slow the investigation. Given the occasional turnover of United States Attorneys, career investigators and prosecutors exercise direct responsibility for nearly all such cases.

United States Attorneys serve at the pleasure of the President. Like other high-ranking Executive Branch officials, they may be removed for any reason or no reason. The Attorney General and the Deputy Attorney General are responsible for evaluating the performance of the United States Attorneys and ensuring that they are leading their

DAG000000307

Letter to Chairman Conyers and Representative Berman  
January 22, 2007  
Page 2

offices effectively. That on occasion in an organization as large as the Justice Department some United States Attorneys resign – for whatever reason – should come as no surprise.

With regard to the upcoming United States Attorney vacancy in the Southern District of California, the Department will select a person to serve temporarily as United States Attorney until a Senate-confirmed United States Attorney is appointed, and the Administration will consult with home-State Senators to select a person to be nominated, confirmed and appointed. Please be assured that both persons will be experienced lawyers who are committed to the Department's priorities – including the vigorous prosecution of public corruption.

Sincerely,



Richard A. Hertling  
Acting Assistant Attorney General

cc: The Honorable Lamar S. Smith  
Ranking Minority Member

DAG000000308

Congress of the United States  
Washington, DC 20515

January 17, 2007

The Honorable Alberto Gonzales  
U.S. Attorney General  
Robert F. Kennedy Building  
Washington, DC 20530

Dear Mr. Attorney General:

In the last week, we learned that the Administration has asked for the resignation of Carol Lam, United States Attorney for the Southern District of California. Ms. Lam announced yesterday that she has submitted her resignation effective February 15<sup>th</sup>.

Prior to her appointment as U.S. Attorney, Ms. Lam was a San Diego Superior Court Judge and a career prosecutor. Since her appointment as U.S. Attorney in 2002, we have heard no suggestion that she was either unqualified for the position or that she was guilty of misconduct in her office.

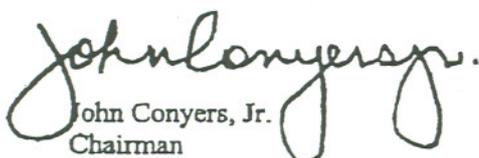
To the contrary, since word of the Administration's effort to remove Ms. Lam surfaced, reports in the San Diego Union-Tribune quote other prosecutors and defense lawyers as being "universally shocked" by her impending dismissal. San Diego's City Attorney called Lam, "the most outstanding U.S. Attorney we've ever had." The head of the FBI office in San Diego called Lam "crucial to the success of multiple ongoing investigations" adding that she "has an excellent reputation and has done an excellent job."

Given this praise and concern for the potential ramifications of her sudden departure, we are perplexed as to why you have chosen to remove Ms. Lam from the U.S. Attorneys' office in San Diego now. The one reason we've heard suggested for her dismissal was a decrease in immigration-related prosecutions, yet in the months of May, June and July of 2006, the U.S. Attorneys' Office in the Southern District of California was one of the top three USAOs in immigration prosecutions, hardly a record that would lead to removal.

At the moment, Ms. Lam is leading an office in the middle of a high-profile public corruption investigation. While the work on this investigation led to the conviction of former-Rep. Cunningham, a number of other corruption probes have grown out of the case and are still pending. We do not doubt that removing Ms. Lam from the U.S. Attorneys' office in San Diego now will disrupt this investigation.

Forcing Ms. Lam's resignation now leaves the appearance that this growing public corruption probe may be part of the Administration's motivation in removing her. If this is untrue, it is vitally important that this perception be corrected, and we ask you to share with us the basis of your request for her resignation.

Sincerely,

  
John Conyers, Jr.  
Chairman  
House Committee on the Judiciary

  
Howard L. Berman  
Member  
House Committee on the Judiciary

**CONGRESSMAN**  
**HOWARD L. BERMAN**  
 2221 Rayburn House Office Building  
 Washington, D.C. 20515  
 202-225-4695  
 202-225-3196 (fax)  
 (Facsimile Transmission Cover Sheet)

Date 11/17/07  
 Fax# 202-514-4507

To Attorney General Alberto Gonzales

Number of pages (including cover sheet): 2

**From:**

<input checked="" type="checkbox"/> Howard L. Berman Member	<input type="checkbox"/> Gene Smith Chief of Staff	<input type="checkbox"/> Deanne Samuels Executive Secretary	<input type="checkbox"/> Doug Campbell Legis. Director
<input type="checkbox"/> Bari Schwartz Counsel	<input type="checkbox"/> Julia Massimino Legis. Counsel	<input type="checkbox"/> Shanna Winters Legis. Counsel	<input type="checkbox"/> Stephanie Williamson Legis. Assistant
<input type="checkbox"/> Jami Crespo Legis. Assistant	<input type="checkbox"/> Cong. Fellow	<input type="checkbox"/> Cong. Fellow	<input type="checkbox"/> Intern

Message: \_\_\_\_\_





U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 16, 2007

The Honorable Patrick J. Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Chairman Leahy and Senator Feinstein:

This is in response to your letter, dated January 9, 2007, regarding the Administration's appointment of United States Attorneys.

United States Attorneys are at the forefront of the Department of Justice's efforts. They are leading the charge to protect America from acts of terrorism; reduce violent crime, including gun crime and gang crime; enforce immigration laws; fight illegal drugs, especially methamphetamine; combat crimes that endanger children and families like child pornography, obscenity, and human trafficking; and ensure the integrity of the marketplace and of government by prosecuting corporate fraud and public corruption. The Attorney General and the Deputy Attorney General are responsible for evaluating the performance the United States Attorneys and ensuring that United States Attorneys are leading their offices effectively.

United States Attorneys serve at the pleasure of the President. Thus, like other high-ranking Executive Branch officials, they may be removed for any reason or no reason. That on occasion in an organization as large as the Justice Department some United States Attorneys are removed, or are asked or encouraged to resign, should come as no surprise. Discussions with United States Attorneys regarding their continued service generally are non-public, out of respect for those United States Attorneys; indeed, a public debate about the United States Attorneys that may have been asked or encouraged to resign only disservices their interests. In any event, please be assured that United States Attorneys never are removed, or asked or encouraged to resign, in an effort to retaliate against them or interfere with or inappropriately influence a particular investigation, criminal prosecution or civil case. United States Attorneys are law

DAG000000312

Letter to Chairman Leahy and Senator Feinstein  
January 16, 2007  
Page 2

enforcement officials and officers of the court who must carry out their responsibilities with strict impartiality.

The Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts. When a vacancy in the office of United States Attorney occurs (because of removal, resignation or for any other reason), the Administration first must determine who will serve temporarily as United States Attorney until a new Senate-confirmed United States Attorney is appointed. Because of the importance of continuity in the office, the Administration often looks to the First Assistant United States Attorney or another senior manager in the office to serve as acting or interim United States Attorney. Where neither the First Assistant United States Attorney nor another senior manager in the office is able or willing to serve as acting or interim United States Attorney, or where their service would not be appropriate in the circumstances, the Administration may look to other Department employees to serve as interim United States Attorney. At no time, however, has the Administration sought to avoid the Senate confirmation process by (1) appointing an interim United States Attorney and then (2) refusing to move forward, in consultation with home-State Senators, on the selection, nomination and (hopefully) confirmation of a new United States Attorney. The appointment of United States Attorneys by and with the advice and consent of the Senate unquestionably is the appointment method preferred by the Senate and the one that the Administration follows.

Last year's amendment to the Attorney General's appointment authority was necessary and appropriate. Prior to the amendment, the Attorney General could appoint an interim United States Attorney for only 120 days; thereafter, the district court was authorized to appoint an interim United States Attorney. In cases where a Senate-confirmed United States Attorney could not be appointed within 120 days, the limitation on the Attorney General's appointment authority resulted in numerous, recurring problems. For example, some district courts – recognizing the oddity of members of one branch of government appointing officers of another and the conflicts inherent in the appointment of an interim United States Attorney who would then have many matters before the court – refused to exercise the court appointment authority, thereby requiring the Attorney General to make successive, 120-day appointments. In contrast, other district courts – ignoring the oddity and the inherent conflicts – sought to appoint as interim United States Attorney wholly unacceptable candidates who did not have the appropriate experience or the necessary clearances. Because the Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts, changing the law to restore the limitations on the Attorney General's appointment authority is unnecessary.

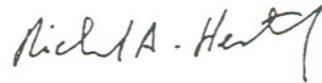
Enclosed per your request is information regarding the exercise of the Attorney General's authority to appoint interim United States Attorneys. As you will see, the enclosed information establishes conclusively that the Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts. Indeed,

DAG000000313

Letter to Chairman Leahy and Senator Feinstein  
January 16, 2007  
Page 3

every single time that a United States Attorney vacancy has arisen, the President either has made a nomination or the Administration is working, in consultation with home-State Senators, to select candidates for nomination. Such nominations are, of course, subject to Senate confirmation.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hertling". The signature is written in a cursive style with a large, stylized initial 'R'.

Richard A. Hertling  
Acting Assistant Attorney General

Enclosure

DAG000000314

## FACT SHEET: UNITED STATES ATTORNEY APPOINTMENTS

### NOMINATIONS AFTER AMENDMENT TO ATTORNEY GENERAL'S APPOINTMENT AUTHORITY

Since March 9, 2006, when the Congress amended the Attorney General's authority to appoint interim United States Attorneys, the President has nominated 15 individuals to serve as United States Attorney. The 15 nominations are:

- **Erik Peterson** – Western District of Wisconsin;
- **Charles Rosenberg** – Eastern District of Virginia;
- **Thomas Anderson** – District of Vermont;
- **Martin Jackley** – District of South Dakota;
- **Alexander Acosta** – Southern District of Florida;
- **Troy Eid** – District of Colorado;
- **Phillip Green** – Southern District of Illinois;
- **George Holding** – Eastern District of North Carolina;
- **Sharon Potter** – Northern District of West Virginia;
- **Brett Tolman** – District of Utah;
- **Rodger Heaton** – Central District of Illinois;
- **Deborah Rhodes** – Southern District of Alabama;
- **Rachel Paulose** – District of Minnesota;
- **John Wood** – Western District of Missouri; and
- **Rosa Rodriguez-Velez** – District of Puerto Rico.

All but Phillip Green, John Wood, and Rosa Rodriguez-Velez have been confirmed by the Senate.

### VACANCIES AFTER AMENDMENT TO ATTORNEY GENERAL'S APPOINTMENT AUTHORITY

Since March 9, 2006, there have been 11 new U.S. Attorney vacancies that have arisen. For five of the 11 vacancies, the First Assistant United States Attorney (FAUSA) in the district was selected to lead the office in an acting capacity under the Vacancies Reform Act, *see* 5 U.S.C. § 3345(a)(1) (first assistant may serve in acting capacity for 210 days unless a nomination is made). Those districts are:

- **Central District of California** – FAUSA George Cardona is acting United States Attorney (Cardona is not a candidate for presidential nomination; a nomination is not yet ready);
- **Southern District of Illinois** – FAUSA Randy Massey is acting United States Attorney (Massey is not a candidate for presidential nomination; a nomination was made last Congress, but confirmation did not occur);

- **Northern District of Iowa** – FAUSA Judi Whetstine is acting United States Attorney (Whetstine is not a candidate for nomination and is retiring this month, necessitating an Attorney General appointment; nomination is not yet ready);
- **Eastern District of North Carolina** – FAUSA George Holding served as acting United States Attorney (Holding was nominated and confirmed);
- **Northern District of West Virginia** – FAUSA Rita Valdrini served as acting United States Attorney (Valdrini was not a candidate for presidential nomination; another individual was nominated and confirmed).

For six of the 11 vacancies, the Department selected another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate, *see* 28 U.S.C. § 546(a) (“Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant”). Those districts are:

- **Eastern District of Virginia** – Pending nominee Chuck Rosenberg was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Deputy Attorney General (Rosenberg was confirmed shortly thereafter);
- **Eastern District of Arkansas** – Tim Griffin was appointed interim United States Attorney when incumbent United States Attorney resigned (Griffin has expressed interest in presidential nomination; nomination is not yet ready);
- **District of Columbia** – Jeff Taylor was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Assistant Attorney General for the National Security Division (Taylor has expressed interest in presidential nomination; nomination is not yet ready);
- **District of Nebraska** – Joe Stecher was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Chief Justice of Nebraska Supreme Court (Stecher has expressed interest in presidential nomination; nomination is not yet ready);
- **Middle District of Tennessee** – Craig Morford was appointed interim United States Attorney when incumbent United States Attorney resigned (Morford has expressed interest in presidential nomination; nomination is not yet ready); and
- **Western District of Missouri** – Brad Schlozman was appointed interim United States Attorney when incumbent United States Attorney and FAUSA resigned (Schlozman expressed interest in presidential appointment; someone else was nominated).

#### **ATTORNEY GENERAL APPOINTMENTS AFTER AMENDMENT TO ATTORNEY GENERAL’S APPOINTMENT AUTHORITY**

The Attorney General has exercised the authority to appoint interim United States Attorneys a total of nine times since the authority was amended in March 2006. In two of the nine cases, the FAUSA had been serving as acting United States Attorney under the Vacancies Reform Act (VRA), but the VRA’s 210-day period expired before a nomination could be made. Thereafter, the Attorney General appointed that same

FAUSA to serve as interim United States Attorney. These districts include:

- **District of Puerto Rico** – Rosa Rodriguez-Velez (Rodriguez-Velez has been nominated); and
- **Eastern District of Tennessee** – Russ Dedrick (Dedrick has expressed interest in presidential nomination; nomination is not yet ready).

In one case, the FAUSA had been serving as acting United States Attorney under the VRA, but the VRA's 210-day period expired before a nomination could be made. Thereafter, the Attorney General appointed another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate. That district is:

- **District of Alaska** – Nelson Cohen (Cohen is not a candidate for presidential nomination; nomination is not yet ready).

In the five remaining cases, the Department selected another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate. Those districts are:

- **Eastern District of Virginia** – Pending nominee Chuck Rosenberg was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Deputy Attorney General (Rosenberg was confirmed shortly thereafter);
- **Eastern District of Arkansas** – Tim Griffin was appointed interim United States Attorney when incumbent United States Attorney resigned (Griffin has expressed interest in presidential nomination; nomination is not yet ready);
- **District of Columbia** – Jeff Taylor was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Assistant Attorney General for the National Security Division (Taylor has expressed interest in presidential nomination; nomination is not yet ready);
- **District of Nebraska** – Joe Stecher was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Chief Justice of Nebraska Supreme Court (Stecher has expressed interest in presidential nomination; nomination is not yet ready);
- **Middle District of Tennessee** – Craig Morford was appointed interim United States Attorney when incumbent United States Attorney resigned (Morford has expressed interest in presidential nomination; nomination is not yet ready); and
- **Western District of Missouri** – Brad Schlozman was appointed interim United States Attorney when incumbent United States Attorney and FAUSA resigned (Schlozman expressed interest in presidential appointment; someone else was nominated).

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# United States Senate

WASHINGTON, DC 20510

January 9, 2007

The Honorable Alberto Gonzales  
U.S. Department of Justice  
950 Pennsylvania Ave, NW  
Washington, DC 20530

Dear Attorney General Gonzales:

Recently, it has come to our attention that the Department of Justice has asked several U.S. Attorneys from around the country to resign their positions by the end of the month, prior to the end of their terms without cause. We also understand the intention is to have your office appoint interim replacements and potentially avoid the Senate confirmation process altogether.

We are very concerned about this allegation, and we believe, if true, such actions would be intemperate and ill-advised. We have asked our staffs to look into changing the law to prevent such actions and are introducing legislation today that will return the law to its previous language providing a district court with the authority to appoint an interim U.S. Attorney for the district in which a vacancy arises. Therefore, we ask that if such requests have been made that you desist from moving forward with these efforts and hold the requests in abeyance.

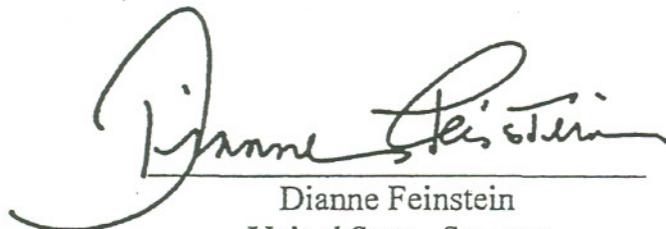
As you know, U.S. Attorneys around the country serve important functions bringing many of the most important and difficult cases. Our U.S. Attorneys are responsible for taking the lead on public corruption cases and many of the anti-terrorism efforts across the country. U.S. Attorneys also play a vital role in combating traditional crimes like narcotics trafficking, bank robbery, guns, violence, environmental crime, civil rights violations and fraud. U.S. Attorneys are also taking the lead on prosecuting computer hacking, Internet fraud and intellectual property theft; accounting and securities fraud and computer chip theft. Continuity in these positions is of utmost importance, and freedom from any inappropriate influences or the appearance of influence must be avoided at all costs.

DAG000000318

Please provide information regarding all instances in which you have exercised the authority to appoint an interim United States Attorney. In addition, please provide us with information on whether any efforts have been made to ask or encourage the former or current U.S. Attorneys to resign their position.

We would appreciate your prompt attention to this matter and written answers prior to your appearance before the Judiciary Committee on January 18, 2007. Please contact us or Senator Feinstein's chief counsel, Jennifer Duck (202-224-6975), should you have any questions.

Sincerely yours,



Dianne Feinstein  
United States Senator



Patrick Leahy  
United States Senator

# United States Senate

WASHINGTON, DC 20510

February 8, 2007

The Honorable Alberto R. Gonzales  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Attorney General Gonzales:

As you know, the Senate Judiciary Committee held a hearing this week to examine the growing politicization of the hiring and firing of United States Attorneys, our nation's top federal prosecutors.

Unfortunately, the hearing only served to intensify, rather than assuage, our concerns, particularly given the circumstances surrounding the ouster of Bud Cummins, who was the U.S. Attorney in the Eastern District of Arkansas until last December.

When you testified before the Committee on January 18, 2007, you stated unequivocally that you "would never, ever make a change in a U.S. Attorney position for political reasons." In a stunning admission, however, Deputy Attorney General Paul McNulty, in his own testimony on February 6<sup>th</sup>, acknowledged that Mr. Cummins was pushed out for no reason other than to install – without Senate confirmation – Tim Griffin, a former aide to Karl Rove. At the time, Mr. Griffin had minimal federal prosecution experience, but was highly skilled in opposition research and partisan attacks for the Republican National Committee. This strikes us as a quintessentially "political" reason to make a change.

We recognize, of course, that United States Attorneys serve at the pleasure of the President, but as several highly respected and distinguished former officials of the Department of Justice have noted, the dismissal of a well-respected U.S. Attorney simply to reward an inexperienced partisan is unprecedented.

Although Senators expect soon to be briefed privately about the alleged performance issues of several other U.S. Attorneys, we hope that you will quickly and publicly address the most troubling aspects of the Cummins ouster and Griffin appointment. We look forward to a fuller explanation of why a concededly well-performing prosecutor was terminated in favor of such a partisan figure:

- In particular, when was the decision made to appoint Tim Griffin to replace Bud Cummins?

DAG000000320

- Specifically, who lobbied on behalf of Tim Griffin's appointment, both inside and outside the Administration?
- Why was Bud Cummins told to resign in June of 2006, when the other dismissed officials were told in December of 2006? Was the reason to give the replacement, Tim Griffin, a chance to become ensconced at the U.S. Attorney's Office in Arkansas before making the appointment?
- In light of the unprecedented nature of the appointment, we are especially interested in understanding the role played by Karl Rove. In particular, what role did Karl Rove, with whom Griffin was closely associated, play in the decision to appoint Griffin?

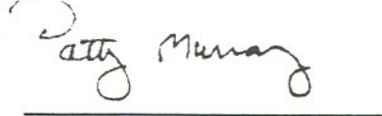
Given that Mr. Rove was himself apparently still being investigated by a U.S. Attorney in June of 2006, it would be extremely untoward if he were at the same time leading the charge to oust a sitting U.S. Attorney and install his own former aide.

These questions go to the heart of the public's confidence in the fair administration of justice. Once appointed, U.S. Attorneys, perhaps more than any other public servant, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor.

Given the issues raised in the recent hearing, we are naturally concerned about the Administration's professed commitment to keeping politics out of the Department of Justice. We hope that you will quickly put those concerns to rest.

Sincerely,

  
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## United States Senate

WASHINGTON, DC 20510

1138926  
P5

February 13, 2007

The Honorable Alberto Gonzales  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Gonzales:

We have read about the forced resignations of selected United States Attorneys around the country and we want to make sure that neither of our U.S. Attorneys in Michigan will be subjected to this treatment. Specifically, we would like to know:

1. Has either of our Michigan U.S. Attorneys been asked to resign?
2. If so, please provide us with the justification for your resignation request including any negative submissions in his or her personnel file.

Thank you for your cooperation.

Sincerely,



Debbie Stabenow



Carl Levin

CC: Fred Fielding

DAG000000322



## *The National Association of Former United States Attorneys*

**President 2006-2007**

Atlee W. Wampler, III  
305-577-0044 Office  
305-577-8545 Fax  
Email: awampler@wbwcb.com

**Executive Director**

B. Mahlon Brown  
(702) 383-8332 Office  
(702) 383-8452 Fax  
Email: nafusabrown@hotmail.com

February 14, 2007

The Honorable Alberto R. Gonzales  
Attorney General of the United States  
United State Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

**Re: Media Reports of Termination of United States Attorneys**

Dear Attorney General Gonzales,

We are the President and Executive Director of the National Association of Former United States Attorneys ("NAFUSA"). NAFUSA was founded in March 1979 to promote, defend and further the integrity and the preservation of the litigating authority and independence of the Office of the United States Attorney. Our membership includes United States Attorneys from every administration back to President Kennedy and includes former United States Attorneys from every state in the union. It is with this mission and with our cumulative experience as United States Attorneys that we write.

We are very troubled with recent press accounts concerning the termination of a sizable number of United States Attorneys. Historically, United States Attorneys have had a certain degree of independence because of the unique and integral role the United States Attorneys play in federal law enforcement. Among other things, the United States Attorney establishes and maintains working and trusting relationships with key federal, state and local law enforcement agencies. In many respects, while the United States Attorney is a representative of the Department of Justice in each district, the United States Attorney also brings to bear his or her experience and knowledge of the law enforcement needs of the district in establishing priorities and allocating resources. Most importantly, United States Attorneys have maintained a strong tradition of insuring that the laws of the United States are faithfully executed, without favor to anyone and without regard to any political consideration. It is for these reasons that the usual practice has been for United States Attorneys to be permitted to serve for the duration of the administration that appointed them.

We are concerned that the role of the United States Attorneys may have been undermined by what may have been political considerations which run counter to the proper administration of justice and the tradition of the Department of Justice. While we certainly recognize that the United States Attorneys serve at the pleasure of the President, we would vigorously oppose any effort by any Attorney General to remove a United States Attorney as a result of political

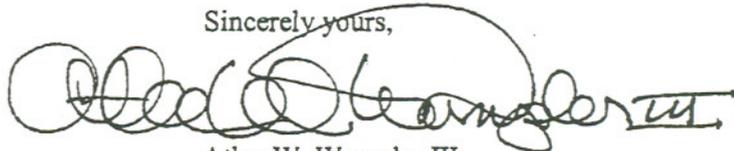
February 14, 2007

Page 2

displeasure or for political reward. Any such effort would undermine the confidence of the federal judiciary, federal and local law enforcement agencies, the public, and the thousands of Assistant United States Attorneys working in those offices.

We do not mean to suggest that we know the reasons for each of the terminations or, for that matter, all of the relevant facts. Indeed, we encourage the Department of Justice and Congress to make as full and as complete a disclosure of the facts surrounding these firings as is permissible. Still, the reported facts are troubling, perhaps unique in the annals of the Department of Justice, and certainly raise questions as to whether political considerations prompted the decision to terminate so many United States Attorneys. It may well be that legislative attention or a written policy of the Department of Justice is necessary to deal with this and similar situations in the future to afford continuity and protection to United States Attorneys. We will be happy to assist the Department or Congress in any such effort.

Sincerely yours,



Atlee W. Wampler III  
President



B. Mahlon Brown  
Executive Director

Copies to:

- Deputy Attorney General Paul J. McNulty
- United States House of Representatives Committee on the Judiciary (as requested)
- United State Senate Committee on the Judiciary

FEINSTEIN STATEMENT

DAG000000325



- **Lam is Asked to Step Down:** "The Bush administration has quietly asked San Diego U.S. Attorney Carol Lam, best known for her high-profile prosecutions of politicians and corporate executives, to resign her post, a law enforcement official said." *San Diego Union Tribune* – 1/12/07.  
[http://weblog.signonsandiego.com/uniontrib/2007/01/12/news\\_1n12lam.html](http://weblog.signonsandiego.com/uniontrib/2007/01/12/news_1n12lam.html)
- **Nevada U.S. Attorney Given Walking Papers:** "The Bush administration has forced Daniel Bogden out of his position as U.S. attorney for the District of Nevada, Nevada's two senators said Sunday." *Las Vegas Review Journal* – 1/16/07.  
[www.reviewjournal.com/lvrj\\_home/2007-Jan-15-Mon-2007-news/11980257.html](http://www.reviewjournal.com/lvrj_home/2007-Jan-15-Mon-2007-news/11980257.html)

*The following is a transcript of Senator Feinstein's floor speech:*

**"Mr. President, I have introduced an amendment on this bill which has to do with the appointment of U.S. Attorneys. This is also the subject of the Judiciary Committee's jurisdiction, and since the Attorney General himself will be before that committee on Thursday, and I will be asking him some questions, I speak today in morning business on what I know so much about this situation.**

Recently, it came to my attention that the Department of Justice has asked several U.S. Attorneys from around the country to resign their positions – some by the end of this month – prior to the end of their terms not based on any allegation of misconduct. In other words, they are forced resignations.

I have also heard that the Attorney General plans to appoint interim replacements and potentially avoid Senate confirmation by leaving an interim U.S. Attorney in place for the remainder of the Bush administration.

How does this happen? The Department sought and essentially was given new authority under a little known provision in the PATRIOT Act Reauthorization to appoint interim appointments who are not subject to Senate confirmation and who could remain in place for the remainder of the Bush administration.

To date, I know of at least seven U.S. Attorneys forced to resign without cause, without any allegations of misconduct. These include two from my home State, San Diego and San Francisco, as well as U.S. Attorneys from New Mexico, Nevada, Arkansas, Texas, Washington and Arizona.

In California, press reports indicate that Carol Lam, U.S. Attorney for San Diego, has been asked to leave her position, as has Kevin Ryan of San Francisco. The public response has been shock. Peter Nunez, who served as the San Diego U.S. Attorney from 1982 to 1988, has said, 'This is like nothing I've ever seen in my 35-plus years.'

He went on to say that while the President has the authority to fire a U.S. Attorney for any reason, it is 'extremely rare' unless there is an allegation of misconduct.

To my knowledge, there are no allegations of misconduct having to do with Carol Lam. She is a distinguished former judge. Rather, the only explanation I have seen are concerns that were expressed about prioritizing public corruption cases over smuggling and gun cases.

The most well-known case involves a U.S. Attorney in Arkansas. Senators Pryor and Lincoln have raised significant concerns about how "Bud" Cummins was asked to resign and in his place the administration appointed their top lawyer in charge of political opposition research, Tim Griffin. I have been told Mr. Griffin is quite young, 37, and Senators Pryor and Lincoln have expressed concerns about press reports that have indicated Mr. Griffin has been a political operative for the RNC.

While the administration has confirmed that 5 to 10 U.S. Attorneys have been asked to leave, I have not been given specific details about why these individuals were asked to leave. Around the country, though, U.S. Attorneys are bringing many of the most important and complex cases being prosecuted. They are responsible for taking the lead on public corruption cases and many of the antiterrorist efforts in the country. As a matter of fact, we just had the head of the FBI, Bob Mueller, come before the Judiciary Committee at our oversight hearing and tell us how they have dropped the priority of violent crime prosecution and, instead, are taking up public corruption cases; ergo, it only follows that the U.S. Attorneys would be prosecuting public corruption cases.

As a matter of fact, the rumor has it -- and this is only rumor -- that U.S. Attorney Lam, who carried out the prosecution of the Duke Cunningham case, has other cases pending whereby, rumor has it, Members of Congress have been subpoenaed. I have also been told that this interrupts the flow of the prosecution of these cases, to have the present U.S. attorney be forced to resign by the end of this month.

Now, U.S. Attorneys play a vital role in combating traditional crimes such as narcotics trafficking, bank robbery, guns, violence, environmental crimes, civil rights, and fraud, as well as taking the lead on prosecuting computer hacking, Internet fraud, and intellectual property theft, accounting and securities fraud, and computer chip theft.

How did all of this happen? This is an interesting story. Apparently, when Congress reauthorized the PATRIOT Act last year, a provision was included that modified the statute that determines how long interim appointments are made. The PATRIOT Act Reauthorization changed the law to allow interim appointments to serve indefinitely rather than for a limited 120 days. Prior to the PATRIOT Act Reauthorization and the 1986 law, when a vacancy arose, the court nominated an interim U.S. Attorney until the Senate confirmed a Presidential nominee. The PATRIOT Act Reauthorization in 2006 removed the 120-day limit on that appointment, so now the Attorney General can nominate someone who goes in without any confirmation hearing by this Senate and serve as U.S. Attorney for the remainder of the President's term in office. This is a way, simply stated, of avoiding a Senate confirmation of a U.S. Attorney.

The rationale to give the authority to the court has been that since district court judges are also subject to Senate confirmation and are not political positions, there is greater likelihood that their choice of who should serve as an interim U.S. Attorney would be chosen based on merit and not manipulated for political reasons. To me, this makes good sense.

Finally, by having the district court make the appointments, and not the Attorney General, the process provides an incentive for the administration to move quickly to appoint a replacement and to work in cooperation with the Senate to get the best qualified candidate confirmed.

I strongly believe we should return this power to district courts to appoint interim U.S. Attorneys. That is why last week, Senator Leahy, the incoming Chairman of the Judiciary Committee, the Senator from Arkansas, Senator Pryor, and I filed a bill that would do just that. Our bill simply restores the statute to what it once was and gives the authority to appoint interim U.S. Attorneys back to the district court where the vacancy arises.

I could press this issue on this bill. However, I do not want to do so because I have been saying I want to keep this bill as clean as possible, that it is restricted to the items that are the purpose of the bill, not elections or any other such things. I ought to stick to my own statement.

Clearly, the President has the authority to choose who he wants working in his administration and to choose who should replace an individual when there is a vacancy. But the U.S. Attorneys' job is too important for there to be unnecessary disruptions, or, worse, any appearance of undue influence. At a time when we are talking about toughening the consequences for public corruption, we should change the law to ensure that our top prosecutors who are taking on these cases are free from interference or the appearance of impropriety. This is an important change to the law. Again, I will question the Attorney General Thursday about it when he is before the Judiciary Committee for an oversight hearing.

I am particularly concerned because of the inference in all of this that is drawn to manipulation in the lineup of cases to be prosecuted by a U.S. Attorney. In the San Diego case, at the very least, we have people from the FBI indicating that Carol Lam has not only been a straight shooter but a very good prosecutor. Therefore, it is surprising to me to see that she would be, in effect, forced out, without cause. This would go for any other U.S. Attorney among the seven who are on that list.

We have something we need to look into, that we need to exercise our oversight on, and I believe very strongly we should change the law back to where a Federal judge makes this appointment on an interim basis subject to regular order, whereby the President nominates and the Senate confirms a replacement"

EDITORIALS

**Politics and prosecutors**  
Chicago Tribune  
January 22, 2007

## EDITORIAL

The appointment of federal prosecutors is not normally a subject that generates much controversy. But some 11 U.S. attorneys have left in the last 10 months, some of them at the request of the Justice Department, and critics charge the White House is purging the ranks for political reasons, while installing administration cronies in their place. Lending credence to these charges is a change in the law made last year that allows the attorney general to install successors without going through Senate confirmation. Sen. Dianne Feinstein (D-Calif.) accuses President Bush of "pushing out U.S. attorneys from across the country under a cloak of secrecy and then appointing indefinite replacements."

We enjoy a good conspiracy theory as much as anyone, but in this case, the evidence is pretty thin. Keep in mind that the prosecutors being replaced are themselves Bush appointees--which casts doubt on the idea that political motivations are at work. U.S. attorneys serve at the pleasure of the president, and it's not unusual for them to leave because they have other career plans--or for the attorney general to relieve prosecutors whose performance he finds unsatisfactory. As for trying to operate without Senate approval, Atty. Gen. Alberto Gonzales did all he could to dispel that fear when he appeared Thursday before the Senate Judiciary Committee.

"I am fully committed, as the administration's fully committed, to ensure that, with respect to every United States attorney position in the country, we will have a presidentially appointed, Senate-confirmed United States attorney," he said. When Feinstein said she thinks the Senate should get to review all appointments, he replied, "I agree with you." The Justice Department also notes that since the law was changed, the president has sent 15 nominees to the Senate. So much for the charge of plotting to circumvent the usual process.

Whether the administration has made sound appointments is subject to debate. Critics are particularly suspicious of Timothy Griffin, a former aide to the Republican National Committee, who was named to the job in the Eastern District of Arkansas. But Griffin has also served as an Army prosecutor and a special assistant U.S. attorney. If he is shown to be unsuitable for the job for one reason or another, the Senate can vote him down.

Another alleged victim of the purge is Carol Lam of San Diego, who prosecuted GOP Rep. Randy "Duke" Cunningham of California for bribery. But her dismissal may have something to do with the sharp drop in the number of prosecutions during her term, or with the complaints of Border Patrol agents that she gives low priority to prosecuting illegal immigrants.

Senators are free to pursue issues like these during confirmation and oversight hearings. But for the moment, the administration deserves better than the presumption of guilt.

## Los Angeles Times editorial

January 26, 2007

### The rumor bill

Sen. Dianne Feinstein's concerns about the departure of a high-profile U.S. attorney are premature.

IT'S NEVER A good idea to write legislation in response to a rumor, yet that's exactly what Sen. Dianne Feinstein appears to have done in the case of Carol Lam. Lam is the U.S. attorney in San Diego who oversaw the prosecution of former Rep. Randy "Duke" Cunningham, who pleaded guilty to receiving \$2.4 million in bribes from military contractors and evading more than \$1 million in taxes. Lam is one of half a dozen U.S. attorneys, including one in San Francisco, who are stepping down.

Feinstein at least acknowledges that she is responding to a rumor that Lam is being forced out not because of policy or personality differences with her superiors but because she is preparing other cases that might ruffle influential feathers. Lam's office has been investigating a politically connected defense contractor who was described as an unindicted co-conspirator in the Cunningham case.

This conspiracy theory has another strand: a suddenly controversial provision in the Patriot Act that allows the attorney general to name an acting U.S. attorney who can serve until the Senate confirms a new nominee. Feinstein has proposed a bill that would restore the previous arrangement, in which local federal judges named U.S. attorneys on an interim basis.

The Justice Department persuasively argues that it hasn't abused its new authority to bypass the usual Senate confirmation process. Even after they are confirmed by the Senate, U.S. attorneys still serve at the president's pleasure, and they can be removed if they are underperforming or if their priorities conflict with the administration's.

A further problem with the conspiracy theory is that it is not easy, as even Watergate demonstrated, for an administration to stymie a criminal investigation. If the Bush administration has been scheming to prevent the prosecution of prominent Republicans, it has been remarkably unsuccessful: Just ask Cunningham, former Rep. Bob Ney or I. Lewis "Scooter" Libby.

Where politics undeniably plays a role — and not just in this administration — is in the selection of U.S. attorneys, who often are prominent members of the president's party. Yet precisely because these positions are political plums, professionals in the Justice Department and the FBI traditionally exert huge influence in prosecution decisions. Those same professionals are likely to blow the whistle on improper interference.

Feinstein and other senators certainly should keep their ears pricked for any such alarm. They also should press Atty. Gen. Alberto R. Gonzales to explain the personnel changes

(in closed session if necessary) and to abide by his commitment to the Judiciary Committee that the names of new U.S. attorneys be submitted expeditiously to the Senate. But cries of a conspiracy are premature, and so is Feinstein's legislation.

### **The Pot Calling the Kettle "Interim"**

**Democrats with short memories rail about Bush's removal of U.S. attorneys.**

**By Andrew C. McCarthy**

In lambasting the Bush administration for politicizing the appointment of the nation's United States attorneys, Democrats may be on the verge of redefining *chutzpah*.

The campaign is being spearheaded on the Judiciary Committee by Senator Dianne Feinstein. She contends that at least seven U.S. attorneys — tellingly, including those for two districts in her home state — have been “forced to resign without cause.” They are, she further alleges, to be replaced by Bush appointees who will be able to avoid Senate confirmation thanks to a “little known provision” of the Patriot Act reauthorization law enacted in 2006.

Going into overdrive, Feinstein railed on the Senate floor Tuesday that “[t]he public response has been shock. Peter Nunez, who served as the San Diego U.S. Attorney from 1982 to 1988 has said, ‘This is like nothing I’ve ever seen in my 35-plus years.’”

Yes, the public, surely, is about as “shocked, shocked” as Claude Raines’s Captain Renault, and one is left to wonder whether Mr. Nunez spent the 1990s living under a rock.

One of President Clinton’s very first official acts upon taking office in 1993 was to fire *every* United States attorney then serving — except one, Michael Chertoff, now Homeland Security secretary but then U.S. attorney for the District of New Jersey, who was kept on only because a powerful New Jersey Democrat, Sen. Bill Bradley, specifically requested his retention.

Were the attorneys Clinton fired guilty of misconduct or incompetence? No. As a class they were able (and, it goes without saying, well-connected). Did he shove them aside to thwart corruption investigations into his own party? No. It was just politics, plain and simple.

Patronage is the chief spoil of electoral war. For a dozen years, Republicans had been in control of the White House, and, therefore of the appointment of all U.S. attorneys. President Clinton, as was his right, wanted his party’s own people in. So he got rid of the Republican appointees and replaced them with, predominantly, Democrat appointees (or Republicans and Independents who were acceptable to Democrats).

We like to think that law enforcement is not political, and for the most part — the day-to-day part, the proceedings in hundreds of courtrooms throughout the country — that is

true. But appointments are, and have always been political. Does it mean able people are relieved before their terms are up? Yes, but that is the way the game is played.

Indeed, a moment's reflection on the terms served by U.S. attorneys reveals the emptiness of Feinstein's argument. These officials are appointed for four years, with the understanding that they serve at the pleasure of the president, who can remove them for any reason or no reason. George W. Bush, of course, has been president for six years. That means every presently serving U.S. attorney in this country has been appointed or reappointed by this president.

That is, contrary to Clinton, who unceremoniously cashiered virtually all Reagan and Bush 41 appointees, the current President Bush can only, at this point, be firing *his own appointees*. Several of them, perhaps even all of them, are no doubt highly competent. But it is a lot less unsavory, at least at first blush, for a president to be rethinking his own choices than to be muscling out another administration's choices in an act of unvarnished partisanship.

Feinstein's other complaint, namely, that the Bush administration is end-running the Constitution's appointment process, which requires Senate confirmation for officers of the United States (including U.S. attorneys), is also unpersuasive.

As she correctly points out, the Patriot Act reauthorization did change prior law. Previously, under the federal code (Title 28, Section 546), if the position of district U.S. attorney became vacant, it could be filled for up to 120 days by an interim appointee selected by the attorney general. What would happen at the end of that 120-day period, if a new appointee (who would likely also be the interim appointee) had not yet been appointed by the president and confirmed by the senate? The old law said the power to appoint an interim U.S. attorney would then shift to the federal district court, whose appointee would serve until the president finally got his own nominee confirmed.

This was a bizarre arrangement. Law enforcement is exclusively an executive branch power. The Constitution gives the judiciary no role in executive appointments, and the congressional input is limited to senate confirmation. U.S. attorneys are important members of the Justice Department — the top federal law enforcement officers in their districts. But while the attorney general runs the Justice Department, U.S. attorneys work not for the AG but for the president. They are delegated to exercise executive authority the Constitution reposes only in the president, and can thus be terminated at will by the president. Consequently, having the courts make interim appointments made no practical sense, in addition to being constitutionally dubious.

The Patriot Act reauthorization remedied this anomaly by eliminating both the role of the district courts and the 120-day limit on the attorney general's interim appointments. The interim appointee can now serve until the senate finally confirms the president's nominee.

Is there potential for abuse here? Of course — there's no conceivable appointments

structure that would not have potential for abuse. Like it or not, in our system, voters are the ultimate check on political excess.

So yes, a president who wanted to bypass the Constitution's appointments process could fire the U.S. attorney, have the attorney general name an interim appointee, and simply refrain from submitting a nominee to the senate for confirmation. But we've also seen plenty of abuse from the Senate side of appointments — and such abuse was not unknown under the old law. Though the president can nominate very able U.S. attorney candidates — just as this president has also nominated very able *judicial* candidates — those appointments are often stalled in the confirmation process by the senate's refusal to act, its imperious blue-slip privileges (basically, a veto for senators from the home state of the nominee), and its filibusters.

But that's politics. The president tries to shame the senate into taking action on qualified nominees. Senator Feinstein, now, is trying to shame the White House — making sure the pressure is on the administration not to misuse the Patriot Act modification as an end-around the confirmation process.

Why is Feinstein doing this? After all, the next president may be a Democrat and could exploit to Democratic advantage the same perks the Bush administration now enjoys.

Well, because Feinstein is not going to be the next president. She is still going to be a senator and clearly intends to remain a powerful one. Aside from being enshrined in the Constitution, the confirmations process is a significant source of senatorial power no matter who the president is. Practically speaking, confirmation is what compels a president of either party to consult senators rather than just peremptorily installing the president's own people. Over the years, it has given senators enormous influence over the selection of judges and prosecutors in their states. Feinstein does not want to see that power diminished.

It's worth noting, however, that the same Democrats who will be up in arms now were mum in the 1990s. President Clinton not only fired U.S. attorneys sweepingly and without cause. He also appointed high executive-branch officials, such as Justice Department civil-rights division chief Bill Lann Lee, on an "acting" basis even though their positions called for senate confirmation. This sharp maneuver enabled those officials to serve even though it had become clear that they would never be confirmed.

Reporting on Lee on February 26, 1998, the *New York Times* noted: "Under a Federal law known as the Vacancy Act, a person may serve in an acting capacity for 120 days. But the [Clinton] Administration has argued that another Federal law supercedes the Vacancy Act and gives the Attorney General the power to make temporary law enforcement assignments of any duration."

What the Clinton administration dubiously claimed was the law back then is, in fact, the law right now. Yet, for some strange reason — heaven knows what it could be — Senator Feinstein has only now decided it's a problem. Like the public, I'm shocked.

— Andrew C. McCarthy is a senior fellow at the Foundation for the Defense of Democracies.

## **Politics and the Corruption Fighter**

The New York Times

January 18, 2007

### **EDITORIAL**

*Abstract: Editorial scores Bush administration for removing several United States attorneys from their jobs; cites removal of US Atty Carol Lam, prosecutor who was investigating Rep Jerry Lewis*

In its secretive purge of key United States attorneys, the Bush administration is needlessly giving comfort to any number of individuals now under federal investigation. Most prominently, there is Representative Jerry Lewis, the California Republican whose dealings as appropriations chairman have been under scrutiny in the continuing investigation of lawmakers delivering quid pro quo favors for contractors and lobbyists.

U.S. Attorney Carol Lam of San Diego is one of a number of prosecutors (there's no official tally) being forced from office without the courtesy of an explanation. A career professional, Ms. Lam ran a first-rate investigation of Randy Cunningham, the former Republican congressman from California, who admitted taking more than \$2.4 million in bribes.

Ms. Lam then turned her attention to Mr. Lewis as she plumbed Congress's weakness for "earmarks" -- legislation that lawmakers customize on behalf of deep-pocketed campaign contributors. The focus moved to Mr. Lewis -- who has denied any wrongdoing -- after the disclosure that one of his staff aides became a lobbyist and arranged windfall contracts worth hundreds of millions.

Stymied by the previous Republican Congress, Ms. Lam was negotiating with the new Democratic leadership to obtain extensive earmarks documentation for her investigation when the administration forced her resignation.

Legal professionals are defending Ms. Lam, with the F.B.I. chief in San Diego asking: "What do you expect her to do? Let corruption exist?" It's especially alarming that the White House can use a loophole in the Patriot Act to name a successor who will not have to face questions or confirmation by the Senate. The administration owes the nation a full explanation of a move that reeks of politics.

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**Surging And Purging**

DAG000000336

The New York Times  
January 19, 2007

## EDITORIAL

*Abstract: Paul Krugman Op-Ed column says dismissals of several federal prosecutors show Bush administration is trying to protect itself from corruption investigations by purging independent-minded US attorneys; cites sudden replacement of Arkansas prosecutor Bud Cummings by J Timothy Griffin, Republican operative for Karl Rove; notes list also includes Carol Lam, who successfully prosecuted congressman Duke Cunningham; sees purges as pre-emptive strike against gathering forces of justice and mocks Atty Gen Alberto Gonzales's denials (M)*

There's something happening here, and what it is seems completely clear: the Bush administration is trying to protect itself by purging independent-minded prosecutors.

Last month, Bud Cummins, the U.S. attorney (federal prosecutor) for the Eastern District of Arkansas, received a call on his cellphone while hiking in the woods with his son. He was informed that he had just been replaced by J. Timothy Griffin, a Republican political operative who has spent the last few years working as an opposition researcher for Karl Rove.

Mr. Cummins's case isn't unique. Since the middle of last month, the Bush administration has pushed out at least four U.S. attorneys, and possibly as many as seven, without explanation. The list includes Carol Lam, the U.S. attorney for San Diego, who successfully prosecuted Duke Cunningham, a Republican congressman, on major corruption charges. The top F.B.I. official in San Diego told The San Diego Union-Tribune that Ms. Lam's dismissal would undermine multiple continuing investigations.

In Senate testimony yesterday, Attorney General Alberto Gonzales refused to say how many other attorneys have been asked to resign, calling it a "personnel matter."

In case you're wondering, such a wholesale firing of prosecutors midway through an administration isn't normal. U.S. attorneys, The Wall Street Journal recently pointed out, "typically are appointed at the beginning of a new president's term, and serve throughout that term." Why, then, are prosecutors that the Bush administration itself appointed suddenly being pushed out?

The likely answer is that for the first time the administration is really worried about where corruption investigations might lead.

Since the day it took power this administration has shown nothing but contempt for the normal principles of good government. For six years ethical problems and conflicts of interest have been the rule, not the exception.

For a long time the administration nonetheless seemed untouchable, protected both by

Republican control of Congress and by its ability to justify anything and everything as necessary for the war on terror. Now, however, the investigations are closing in on the Oval Office. The latest news is that J. Steven Griles, the former deputy secretary of the Interior Department and the poster child for the administration's systematic policy of putting foxes in charge of henhouses, is finally facing possible indictment.

And the purge of U.S. attorneys looks like a pre-emptive strike against the gathering forces of justice.

Won't the administration have trouble getting its new appointees confirmed by the Senate? Well, it turns out that it won't have to.

Arlen Specter, the Republican senator who headed the Judiciary Committee until Congress changed hands, made sure of that last year. Previously, new U.S. attorneys needed Senate confirmation within 120 days or federal district courts would name replacements. But as part of a conference committee reconciling House and Senate versions of the revised Patriot Act, Mr. Specter slipped in a clause eliminating that rule.

As Paul Kiel of TPMmuckraker .com -- which has done yeoman investigative reporting on this story -- put it, this clause in effect allows the administration "to handpick replacements and keep them there in perpetuity without the ordeal of Senate confirmation." How convenient.

Mr. Gonzales says that there's nothing political about the firings. And according to The Associated Press, he said that district court judges shouldn't appoint U.S. attorneys because they "tend to appoint friends and others not properly qualified to be prosecutors." Words fail me.

Mr. Gonzales also says that the administration intends to get Senate confirmation for every replacement. Sorry, but that's not at all credible, even if we ignore the administration's track record. Mr. Griffin, the political-operative-turned-prosecutor, would be savaged in a confirmation hearing. By appointing him, the administration showed that it has no intention of following the usual rules.

The broader context is this: defeat in the midterm elections hasn't led the Bush administration to scale back its imperial view of presidential power.

On the contrary, now that President Bush can no longer count on Congress to do his bidding, he's more determined than ever to claim essentially unlimited authority -- whether it's the authority to send more troops into Iraq or the authority to stonewall investigations into his own administration's conduct.

The next two years, in other words, are going to be a rolling constitutional crisis.

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DAG000000338

**No way to appoint justice**  
THE SAN FRANCISCO CHRONICLE  
January 25, 2007

EDITORIAL

THE RECENT resignation of Kevin Ryan as U.S. attorney for the Northern District of California probably didn't happen because Ryan wasn't partisan enough. Unfortunately, given the rush of U.S. attorneys' resignations during the last few months, there's no way to be sure.

Curious things are afoot in the Justice Department, thanks to an overlooked provision of the renewed Patriot Act, which allows U.S. Attorney General Alberto Gonzales to indefinitely appoint new U.S. attorneys without Senate confirmation. Michael Teague, communications director for Arkansas Sen. Mark Pryor, said that when it came up for discussion, senators were told that the power would only be used in case of emergencies - - such as if a U.S. attorney was killed in a terrorist attack, for example, and a quick substitute was necessary.

It hasn't worked out that way.

In Arkansas, a well-respected and effective U.S. attorney has been replaced with a political partisan whose qualifications seem thin. In New Mexico, the U.S. attorney said he was asked to leave without explanation. In Nevada, the recently resigned U.S. attorney cited "political" reasons for his departure. That same week in California, saw the departures of not just Ryan, but also the U.S. attorney in San Diego -- who had been criticized for not prosecuting enough gun and immigration violations. Most of their successors have not been named, but if Arkansas is any indication, things look nasty for justice in America.

With U.S. attorneys responsible for so many crucial prosecutions -- including terrorism, violent crime and civil rights -- they should be held to the highest standards. If they aren't, the fallout will be tremendous -- in Arkansas, a defense attorney has filed a motion against the new appointee, declaring his appointment unconstitutional. If we can't believe in the credibility of our U.S. attorneys, how can we believe in the credibility of the courts?

Sen. Dianne Feinstein, D-Calif., is co-sponsoring a bill to restore appointment authority to the U.S. District Courts, thereby removing politics altogether. We couldn't agree more.

**Politics v. Justice**  
St. Louis Post-Dispatch (MO)  
January 23, 2007

Editorial

DAG000000339

Last October, when Harry E. "Bud" Cummins III, the U.S. attorney for the Eastern District of Arkansas, closed his investigation into the way Missouri Gov. Matt Blunt's administration handled Missouri's license fee offices, he emphasized, "This office does not intend to elaborate further about this closed matter."

We hope that now will change. Mr. Cummins was identified last week as one of at least nine U.S. attorneys around the country who had been asked by the Bush administration to resign so they could be replaced by new political appointees. Among the nine are prosecutors who had been pursuing corruption cases against Republican office-holders and contributors.

The message, spoken or unspoken, in the requests for resignations, was "back off of our pals."

Mr. Cummins, who was replaced last week by J. Timothy Griffin, a former operative for White House political director Karl Rove, said that he'd been asked to step down in June. That would have been the time when the fee office investigation was in full swing.

The investigation followed news reports that young staffers and politically connected friends of Mr. Blunt had created management companies to benefit from the sale of drivers licenses and license plates. Another aspect of the story, one never mentioned when the investigation was dismissed, was that Mr. Blunt's office had steered state agencies to politically connected lobbyists.

Among the other U.S. attorneys asked to resign were Carol Lam in San Diego and Kevin Ryan in San Francisco. Ms. Lam sent former Republican Rep. Randy "Duke" Cunningham to prison for bribery and now is investigating Rep. Jerry Lewis, R-Calif., the former chairman of the House Appropriations Committee. Mr. Ryan made the infamous BALCO steroid cases and kicked off a national investigation of corporate stock option fraud. Like Mr. Cummins, Ms. Lam and Mr. Ryan are Republicans appointed to their jobs by President George W. Bush.

Politics and justice are inextricably intertwined. The 93 U.S. attorneys around the country and their staffs prosecute federal crimes, but the U.S. attorneys themselves often are not experienced prosecutors. They usually are chosen for their political connections, swept in or out with every change of administration. Even so, because political corruption is a top priority for their offices, they are supposed to be above politics.

Mr. Cummins, for example, got the task of investigating the Missouri fee office scandal because both of the U.S. attorneys in Missouri at the time had political conflicts.

But with last year's renewal of the U.S.A. Patriot Act, one of the key safeguards against political interference with the U.S. attorneys offices was removed. A new provision allows the attorney general to name replacements for U.S. attorneys when they resign instead of having the president name new ones. This gets around the time-consuming requirement of Senate confirmation, which ostensibly would help in the war on terror.

Instead, it looks like it's being used to get around the war on political corruption.

U.S. Attorney General Alberto Gonzales adamantly denied that last week, but Democratic Sens. Mark Pryor of Arkansas, Dianne Feinstein of California and Patrick Leahy of Vermont want Congress to take a second look at the law that allows appointees to skirt Senate confirmation.

That's an excellent idea. We look forward to hearings on the issue, and trust Mr. Cummins will be asked to testify about the reasons for his dismissal.

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### **You're fired: Furtive Justice Department boots attorneys**

Sacramento Bee  
January 22, 2007

Editorial

Since the November elections, the Justice Department has asked an unknown number of U.S. attorneys around the country, including two in California, to resign before the end of their terms. As Sen. Dianne Feinstein, D-Calif., has said, these are forced resignations in districts that have major ongoing cases.

Last week at the Senate Judiciary Committee hearing, Feinstein asked Attorney General Alberto Gonzales how many U.S. attorneys were being fired, but he would not give a number.

One Californian departing is Carol Lam, the U.S. attorney in San Diego who is pursuing corruption related to the prosecution of Rep. Randy "Duke" Cunningham, now in prison, thanks to her. The other is Kevin Ryan, the U.S. attorney in San Francisco who is in the middle of investigating whether 25 companies illegally withheld information about lucrative stock options for top executives.

It is customary that U.S. attorneys are prepared to leave office when a new president is elected. At the beginning of their terms, presidents have the discretion to name the 93 U.S. attorneys, who then must be confirmed by the Senate. They typically serve until the president leaves office. These midterm U.S. attorney firings are unusual, particularly because there are no allegations of misconduct.

Feinstein is alarmed that a little-known, last-minute change to the USA Patriot Act Reauthorization in March 2006 allows the attorney general to replace U.S. attorneys without Senate confirmation. The change was not in the original bills approved by the House and Senate, and thus never got a hearing. At the request of the Justice Department, Sen. Arlen Specter, R-Pa., added the provision during a House-Senate conference committee, which reconciles House and Senate bills for a final vote.

DAG000000341

Under the old law, the attorney general could name an interim U.S. attorney for 120 days and when that term expired, the U.S. District Court would name a replacement until a presidential nominee was confirmed by the Senate. Feinstein has introduced a bill to restore the old law.

Presidential appointment with Senate confirmation remains an important check and balance in our system of government. The Senate and the House should approve Feinstein's bill immediately to prevent an unwarranted tilt toward presidential power.

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### **A CASE OF JUSTICE THAT STINKS**

Roanoke Times, The (VA)

January 21, 2007

### **EDITORIAL**

This is a new old story, about one of those "little-noticed" provisions in complex legislation that draws attention only when it starts to stink.

The complex law is the Patriot Act. The smelly provision -- one of many, but a noticeable one of late -- is an innocuous-seeming change in the way the executive branch makes interim appointments of U.S. attorneys.

In effect, the change allows the attorney general to replace federal prosecutors without Senate approval.

The Bush administration seems to be using this new power, in part, to rid the Justice Department of prosecutors deep into political corruption investigations and to put political hacks in their place.

Congress should act quickly to strip the law of a provision so ripe for abuse.

Distressingly, lawmakers passed the change without debate last year when the GOP-dominated Congress approved the USA Patriot Improvement and Reauthorization Act.

The political blog TPMmuckraker.com reports that a spokesman for one of the bill's Republican managers, Rep. James Sensenbrenner, said then-Senate Judiciary Chairman Arlen Specter slipped the new language into the bill at the last minute. Separate measures passed earlier in both houses did not include the change.

U.S. attorneys are appointed by the president and approved by the Senate. When appointees leave, voluntarily or not, the attorney general can make an interim appointment that is not subject to a Senate vote.

Formerly, such an appointment could last up to 120 days, after which a local federal district court would name a replacement until the vacancy was filled. Now interim appointments can last indefinitely, at least until the end of a president's term, a process that circumvents the Senate's check on executive power.

That change began stinking after a series of forced resignations that includes the impending departure of Carol Lam, the U.S. attorney for San Diego. Lam focused her office's efforts on successfully prosecuting former Rep. Duke Cunningham for corruption.

The head of the FBI's San Diego office bemoans Lam's ouster, saying it will jeopardize a continuing investigation that has touched several Republican lawmakers. He and several former federal prosecutors say her firing smells of politics.

Not so, Attorney General Alberto Gonzales insists. He testified at a congressional hearing Thursday, assuring Democratic Sens. Dianne Feinstein and Patrick Leahy that U.S. attorneys are never removed to retaliate for or interfere with an investigation or court case.

"Sources" suggest other reasons for Lam's firing, from her pursuit of public corruption and white-collar crime at the expense of drug smuggling and gun cases to a poor track record for convictions. Suspicions that politics underlies all would be hard to prove -- but they are also hard to dismiss.

One of Gonzales' interim appointments, after all, is J. Timothy Griffin, since late December the interim U.S. attorney for the Eastern District of Arkansas. His career up to then was spent largely doing "opposition research" -- digging up dirt on Democrats -- for the Republican Party and, from 2005 to 2006, for Karl Rove.

The Justice Department forced Griffin's predecessor to resign.

Such examples illustrate, at the least, the potential for putrefying politics to corrupt the Justice Department's use of truly awesome powers.

Feinstein and Leahy have filed a bill to restore the district court's authority to make interim appointments. Gonzales' protestations of high principle do not persuade. The senators should press on.

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**Dropping like flies: Resignations of U.S. attorneys raise suspicion of politically motivated Justice Department purge.**

The Houston Chronicle

DAG000000343

January 25, 2007

## Editorial

IN the past year 11 U.S. attorneys have resigned their positions, some under pressure from their Justice Department superiors and the White House, even though they had commendable performance records.

Democratic senators are concerned that the high turnover is linked to an obscure, recently passed provision of the Patriot Act. The provision allows the Bush administration to fill vacancies with interim prosecutors for the remainder of the president's term without submitting them to the Senate for confirmation. Previously, interim appointments were made by a vote of federal judges in the districts served by the outgoing U.S. attorneys.

U.S. Sen. Mark Pryor, D-Ark., contends that in his state U.S. Attorney Bud Cummins was improperly ousted in favor of a protégé of Bush political adviser Karl Rove. Likewise in California, U.S. Attorneys Carol Lam of San Diego and Kevin Ryan of San Francisco were forced from their positions. Sen. Diane Feinstein, D-Calif., alleged that Lam fell out of favor with her Washington bosses for spearheading the bribery prosecution and conviction of Republican Congressman Randy "Duke" Cunningham last year. Lam reportedly had other politicians in her sights.

"I am particularly concerned because of the inference ... that is drawn to manipulation in the lineup of cases to be prosecuted by a U.S. attorney," Feinstein stated. "In the San Diego case, at the very least, we have people from the FBI indicating that Carol Lam has not only been a straight shooter but a very good prosecutor."

U.S. Attorney General Alberto Gonzales denied political motives figured in the multiple resignations of top prosecutors, and pledged that all interim appointments would be submitted to the Senate for confirmation. He reiterated that U.S. attorneys serve at the pleasure of the president and can be removed for a number of reasons, including job performance and their standing in their districts. That isn't good enough for Feinstein and her Democratic colleagues, who have introduced legislation to reinstate the appointment of interim prosecutors by federal judges.

Gonzales is correct that the president is vested with the power to appoint U.S. attorneys. Unfortunately, the Patriot Act change eliminated the ability of the Senate to exercise its constitutional oversight of those nominations to make sure they are qualified and not simply political plums handed out to supporters in the waning years of the administration.

The attorney general's pledge to bring the wave of interim appointees before the Senate for confirmation is welcome, providing it is done in a speedy fashion. Still, the Patriot Act needs to be amended to restore judicial appointment of interims.

No president should be able to fire top government prosecutors from their positions for political reasons and then install successors without a thorough vetting by the constitutionally charged legislative body.

FEINSTEIN LETTER RE  
USA CAROL LAM

DAG000000346



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 23, 2006

The Honorable Dianne Feinstein  
United States Senator  
Washington, D.C. 20510

Dear Senator Feinstein:

This is in response to your letter dated June 15, 2006, to the Attorney General regarding the issue of immigration-related prosecutions in the Southern District of California. We apologize for any inconvenience our delay in responding may have caused you.

Attached please find the information you requested regarding the number of criminal immigration prosecutions in the Southern District of California. You also requested intake guidelines for the Southern District of California United States Attorney's Office. The details of any such prosecution or intake guidelines would not be appropriate for public release because the more criminals know of such guidelines, the more they will conform their conduct to avoid prosecution.

Please know that immigration enforcement is critically important to the Department and to the United States Attorney's Office in the Southern District of California. That office is presently committing fully half of its Assistant United States Attorneys to prosecute criminal immigration cases.

The immigration prosecution philosophy of the Southern District focuses on deterrence by directing its resources and efforts against the worst immigration offenders and by bringing felony cases against such defendants that will result in longer sentences. For example, although the number of immigration defendants who received prison sentences of between 1-12 months fell from 896 in 2004 to 338 in 2005, the number of immigration defendants who received sentences between 37-60 months rose from 116 to 246, and the number of immigration defendants who received sentences greater than 60 months rose from 21 to 77.

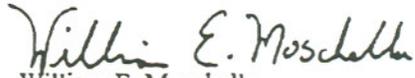
Prosecutions for alien smuggling in the Southern District under 8 U.S.C. sec. 1324 are rising sharply in Fiscal Year 2006. As of March 2006, the halfway point in the fiscal year, there were 342 alien smuggling cases filed in that jurisdiction. This compares favorably with the 484 alien smuggling prosecutions brought there during the entirety of Fiscal Year 2005.

DAG000000347

The Honorable Dianne Feinstein  
Page Two

There are few if any matters that are more deeply felt than the relationship between parent and child, and we understand and fully empathize with the enormity of the loss being felt by Mr. Smith. We very much appreciate your interest in this matter as well. Please do not hesitate to contact the Department if we can be of assistance in other matters.

Sincerely,

  
William E. Moschella  
Assistant Attorney General

DAG000000348

United States Attorneys – Criminal Caseload Statistics<sup>1</sup>  
 Southern District of California  
 Standard Matter and Case Counts  
 Immigration

Cases & Defendants – Filed, Pending, & Terminated

Fiscal Year <sup>2</sup>	Filed			Pending			Terminated								
	Cases	Percent Change	Defendants	Percent Change	Average # of Defendants Per Case Filed	Cases	Percent Change	Defendants	Percent Change	Average # of Defendants Per Case Pending	Cases	Percent Change	Defendants	Percent Change	Average # of Defendants Per Case Terminated
93	330		357		1.08	217		284		1.31	308		340		1.10
94	272	-17.6%	290	-18.8%	1.07	137	-36.9%	191	-32.7%	1.39	345	12.0%	378	10.6%	1.09
95	851	212.9%	884	204.8%	1.04	155	13.1%	221	15.7%	1.43	829	140.3%	850	126.1%	1.03
96	1,367	80.6%	1,425	61.2%	1.04	227	48.5%	300	35.7%	1.32	1,291	55.7%	1,341	57.8%	1.04
97	1,853	35.6%	1,949	36.8%	1.05	259	14.1%	352	17.3%	1.36	1,819	40.9%	1,892	41.1%	1.04
98	1,918	3.5%	2,093	7.4%	1.09	479	84.9%	626	77.8%	1.31	1,695	-6.8%	1,811	-4.3%	1.07
99	1,864	-13.2%	1,778	-15.1%	1.07	448	-6.5%	566	-9.8%	1.26	1,687	-0.5%	1,837	1.4%	1.09
00	2,118	27.2%	2,223	26.0%	1.05	601	34.2%	710	25.4%	1.18	1,861	18.2%	2,070	12.7%	1.06
01	1,907	-9.9%	1,988	-10.8%	1.04	498	-17.5%	580	-18.3%	1.17	2,008	2.3%	2,112	2.0%	1.05
02	1,921	0.7%	2,059	3.6%	1.07	634	27.8%	761	31.2%	1.20	1,782	-11.2%	1,877	-11.1%	1.05
03	2,463	28.2%	2,558	24.2%	1.04	739	16.8%	818	7.5%	1.11	2,358	32.4%	2,497	33.0%	1.06
04	2,527	2.6%	2,632	2.9%	1.04	818	10.4%	818	12.2%	1.13	2,508	6.2%	2,588	3.6%	1.03
05	1,441	-43.0%	1,514	-42.5%	1.05	645	-21.0%	714	-22.2%	1.11	1,826	-35.1%	1,732	-33.1%	1.07
06	1,432	-0.6%	1,580	4.4%	1.10	672	4.2%	776	8.7%	1.15	1,412	-13.2%	1,492	-13.9%	1.06
Average	1,578	22.1%	1,666	21.8%	1.00	466	13.1%	558	11.4%	1.20	1,545	18.4%	1,630	17.4%	1.05

<sup>1</sup> Caseload data extracted from the United States Attorneys' Case Management System.

<sup>2</sup> FY 2006 numbers are straight-line projections based on actual data through the end of March 2006.

DAG00000349

United States Attorneys - Criminal Caseload Statistics<sup>1</sup>  
 Southern District of California  
 Standard Sentencing Courts  
 Immigration

Fiscal Year <sup>2</sup>	Sentencing			Total Defendants Guilty	Number of Guilty Defendants Not Sentenced To Prison	Percent Change	Number of Guilty Defendants Sentenced To Prison	Percent Change	Percent of Guilty Defendants Sentenced To Prison
	Defendants in Cases Filed	Defendants in Cases Terminated	Defendants Guilty						
83	357	340	324	18			308		84.4%
84	280	378	357	22	22.2%	8.5%	335	136.1%	93.8%
85	884	860	841	50	127.3%	136.1%	791		84.1%
86	1,425	1,341	1,318	180	280.0%	42.6%	1,128		85.6%
87	1,948	1,882	1,852	302	58.9%	37.4%	1,550		85.7%
88	2,093	1,811	1,741	156	-48.3%	2.3%	1,585		81.0%
89	1,778	1,837	1,737	82	-47.4%	4.4%	1,655		95.3%
00	2,223	2,070	1,942	62	-24.4%	13.6%	1,880		96.8%
01	1,988	2,112	1,977	80	28.0%	0.9%	1,897		96.0%
02	2,059	1,977	1,758	74	-7.5%	-11.7%	1,685		95.8%
03	2,558	2,487	2,395	92	24.3%	36.7%	2,303		96.2%
04	2,832	2,588	2,408	36	-60.8%	2.9%	2,370		96.5%
05	1,514	1,732	1,551	49	38.1%	-36.8%	1,502		96.8%
06	1,560	1,492	1,372	40	-18.4%	-11.3%	1,332		97.1%
Average	1,608	1,630	1,541	80	28.5%	17.9%	1,451		93.9%

Fiscal Year <sup>2</sup>	Sentencing												
	Number of Guilty Defendants Sentenced To Prison	Defendants Sentenced to Prison 1-12 Months	Percent of Defendants Sentenced to Prison 1-12 Months	Defendants Sentenced to Prison 13-24 Months	Percent of Defendants Sentenced to Prison 13-24 Months	Defendants Sentenced to Prison 25-36 Months	Percent of Defendants Sentenced to Prison 25-36 Months	Defendants Sentenced to Prison 37-60 Months	Percent of Defendants Sentenced to Prison 37-60 Months	Defendants Sentenced to Prison 61+ Months	Percent of Defendants Sentenced to Prison 61+ Months	Defendants Sentenced to Life in Prison	Percent of Defendants Sentenced to Life in Prison
83	308	83	20.8%	223	72.8%	10	3.3%	5	1.8%	5	1.8%	0	0.0%
84	335	41	12.2%	281	83.8%	4	1.2%	4	1.2%	5	1.5%	0	0.0%
85	791	54	6.8%	704	88.0%	8	0.8%	18	2.0%	11	1.4%	0	0.0%
86	1,128	146	12.8%	904	80.1%	16	1.4%	45	4.0%	17	1.5%	0	0.0%
87	1,550	457	28.5%	994	64.1%	28	1.8%	32	2.1%	38	2.5%	0	0.0%
88	1,585	404	25.5%	718	45.3%	340	21.5%	67	4.2%	56	3.5%	0	0.0%
89	1,855	374	22.8%	474	28.6%	828	38.0%	100	6.0%	78	4.7%	0	0.0%
00	1,880	755	40.2%	573	30.5%	498	28.4%	42	2.2%	14	0.7%	0	0.0%
01	1,897	831	48.1%	580	30.8%	323	17.0%	50	2.8%	13	0.7%	0	0.0%
02	1,885	747	44.3%	561	33.3%	326	19.3%	38	2.3%	13	0.8%	0	0.0%
03	2,303	1,035	44.9%	785	34.1%	418	18.2%	52	2.3%	13	0.6%	0	0.0%
04	2,370	898	37.8%	745	31.4%	592	25.0%	116	4.8%	21	0.8%	0	0.0%
05	1,502	338	22.5%	512	34.1%	339	21.9%	248	16.4%	77	5.1%	0	0.0%
06	1,332	364	26.8%	444	33.3%	186	14.0%	278	20.7%	42	3.2%	0	0.0%
Average	1,451	473	32.8%	607	41.8%	265	18.2%	78	5.4%	29	2.0%	0	0.0%

<sup>1</sup> Caseload data extracted from the United States Attorneys' Case Management System.  
<sup>2</sup> FY 2008 numbers are straight-line projections based on actual data through the end of March 2008.

DIANNE FEINSTEIN  
CALIFORNIA



COMMITTEE ON APPROPRIATIONS  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
COMMITTEE ON THE JUDICIARY  
COMMITTEE ON RULES AND ADMINISTRATION  
SELECT COMMITTEE ON INTELLIGENCE

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

June 15, 2006

Honorable Alberto Gonzales  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Gonzales:

During our meeting last week you asked if I had any concerns regarding the U.S. Attorneys in California. I want to follow up on that point and raise the issue of immigration related prosecutions in Southern California.

It has come to my attention that despite high apprehensions rates by Border Patrol agents along California's border with Mexico, prosecutions by the U.S. Attorney's Office Southern District of California appear to lag behind. A concern voiced by Border Patrol agents is that low prosecution rates have a demoralizing effect on the men and women patrolling our Nation's borders.

It is my understanding that the U.S. Attorney's Office Southern District of California may have some of the most restrictive prosecutorial guidelines nationwide for immigration cases, such that many Border Patrol agents end up not referring their cases. While I appreciate the possibility that this office could be overwhelmed with immigration related cases; I also want to stress the importance of vigorously prosecuting these types of cases so that California isn't viewed as an easy entry point for alien smugglers because there is no fear of prosecution if caught. I am concerned that lax prosecution can endanger the lives of Border Patrol agents, particularly if highly organized and violent smugglers move their operations to the area.

Therefore, I would appreciate responses to the following issues:

- Please provide me with an update, over a 5 year period of time, on the numbers of immigration related cases accepted and prosecuted by the

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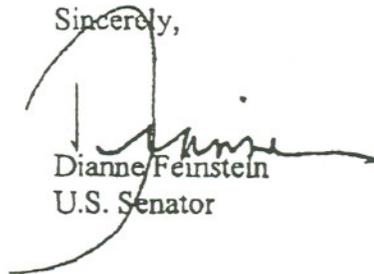
U.S. Attorney Southern District of California, particularly convictions under sections 1324 (alien smuggling), 1325 (improper entry by an alien), and 1326 (illegal re-entry after deportation) of the U.S. Code.

- What are your guidelines for the U.S. Attorney's Office Southern District of California? How do these guidelines differ from other border sectors nationwide?

By way of example, based on numbers provided to my office by the Bureau of Customs and Border Protection and the U.S. Sentencing Commission, in FY05 Border Patrol agents apprehended 182,908 aliens along the border between the U.S. and Mexico. Yet in 2005, the U.S. Attorney's office in Southern California convicted only 387 aliens for alien smuggling and 262 aliens for illegal re-entry after deportation. When looking at the rates of conviction from 2003 to 2005, the numbers of convictions fall by nearly half.

So I am concerned about these low numbers and I would like to know what steps can be taken to ensure that immigration violators are vigorously prosecuted. I appreciate your timely address of this issue and I look forward to working with you to ensure that our immigration laws are fully implemented and enforced.

Sincerely,



Dianne Feinstein  
U.S. Senator

BELL/MEADOR IN JOURNAL  
OF LAW AND POLITICS

DAG000000353

FROM VOLUME 9 of THE JOURNAL OF LAW AND POLITICS, beginning at page 247 (1992-1993)  
By Former Attorney General Griffin Bell and Daniel J. Meador, Assistant Attorney General  
in the Carter Administration

The major concern of the Attorney General in relation to U.S. Attorneys is to see to it that the government is represented effectively in every district by competent attorneys of integrity who are responsive to policies formulated by the Attorney General. The best way to achieve this is for the Attorney General to be able to select such persons and to have them serve only as long as they perform effectively and carry out those policies.

Reasonable minds, all equally dedicated to improving the process, can differ as to what method would produce the best results. In our view, placing the appointing power in the President alone or in the Attorney General alone would probably be an improvement over the present process. All things considered, however, we believe that the method most likely to produce the best results in the long run is to place the power of appointment and removal of U.S. Attorneys solely in the Attorney General. This method seems more promising than any other to assure high quality in the appointees, to minimize the stigma of political patronage surrounding these appointments, and to foster effective departmental management.

This conclusion rests on the legal and practical realities of the situation. ... the Attorney General discharges a large part of that responsibility ["take care that the laws be executed faithfully"] through the ninety-four U.S. Attorneys throughout the country. They must be persons in whom the Attorney General has complete confidence and who in turn are responsible to the Attorney General alone. U.S. Attorneys are major arms of the executive branch, and they should be entirely accountable to the constitutionally and statutorily ordained superior executive officers. Giving the Attorney General the power to hire and fire these subordinates provides the best guarantee of consistent and effective administration and enforcement of federal laws.

DAG000000354

SOUTH DAKOTA

DAG000000355

# Bush appoints Steven Mullins as U.S. attorney

By Kevin Woster, Journal Staff Writer

President Bush stepped in Monday to settle — at least temporarily — the tussle between three federal judges and the U.S. Department of Justice over who should serve as U.S. attorney in South Dakota.

In a late-afternoon announcement, Bush made a recess appointment of Steven Mullins as U.S. attorney. The appointment supercedes the previous appointment of Sioux Falls lawyer Mark Meierhenry that was made by U.S. District Judge Lawrence Piersol last month. And it affirms the interim appointment of Mullins last month by a federal judge in Oklahoma, who was acting at the request of the Justice Department.

Mullins had already taken charge of the U.S. attorney's office in Sioux Falls when he was ordered by U.S. Chief District Judge Karen Schreier of Rapid City to appear in court Jan. 17 to show why he rather than Meierhenry should have the job.

Brian Roehrkasse, a spokes-man for the Department of Justice in Washington, D.C., said Monday that the president's action settled the dispute.

"We have been working with the chief district court judge in South Dakota to ensure that a U.S. attorney with federal prosecutorial experience is in place," Roehrkasse said. "We're confident that Steve Mullins will be an excellent U.S. attorney and that he will ensure the office works hard to protect South Dakotans by prosecuting criminals and ensuring justice."

The president's action means that Mullins, formerly an assistant U.S. attorney in Oklahoma City, is the U.S. attorney for South Dakota. And because it came during a congressional recess, he will not have to face Senate confirmation for the remainder of the year.

The question of who will serve as U.S. attorney in the long term is still unclear, however. U.S. Sen. John Thune, R-S.D., would, by tradition, recommend a nominee for Bush to submit to the Senate for confirmation. Thune continues to work with the Department of Justice on that issue, spokesman Kyle Downey said Monday.

"The president acted to clear up this unnecessary dispute, which allows the U.S. attorney's office in South Dakota to continue doing its business," Downey said. "Sen. Thune and the Department of Justice remain in ongoing discussions regarding a permanent nomination."

The president's action appears to have settled the disagreement between the Department of Justice and Piersol, Schreier and U.S. District Judge Charles Kornmann of Aberdeen over the interim U.S. attorney. But it doesn't end discussion about whether politics was involved.

All three judges are Democrats with long and extensive connections to the party. They were all recommended for the federal bench by former U.S. Sen. Tom Daschle, a Democrat. Piersol had in the past served as Daschle's attorney. Schreier is a past chairwoman of the South Dakota Democratic Party and once served as U.S. attorney, with Daschle's recommendation. Kornmann has served as executive director of the state Democratic Party.

Downey addressed those connections indirectly last week when asked if the disagreement was based on politics.

"This is a separation-of-powers turf battle between the executive and judicial branches of government," he said. "And I hope politics wasn't involved — considering the background of the three judges."

Mullins succeeds Michelle Tapken, an assistant U.S. attorney appointed by the Justice Department for a 120-day interim term as U.S. attorney last year. Tapken eventually was appointed after former U.S. Attorney James McMahan left the job last February to return to private law practice in Sioux Falls.

Asked about the U.S. attorney dispute Monday during a stop in Rapid City, U.S. Sen. Tim Johnson, D-S.D., said the Department of Justice apparently was concerned about the need for a background check, something that could take weeks, on Meierhenry. "Apparently, there was a vetting issue," he said. "The Justice Department wanted somebody who would not have to go through the vetting process."

Johnson said some people assumed that Tapken would be nominated for the permanent U.S. attorney's job.

"Apparently, there was some potential conflict she would have to face, so they decided to go with someone else," Johnson said.

Johnson declined to say specifically what that conflict was. However, Tapken's son, Chris, was a partner with Rapid City native Dan Nelson, a long-time Thune friend, in the Dan Nelson Automotive Group. The business faltered and went bankrupt last year and was the subject of a consumer-fraud lawsuit by the state of Iowa.

The U.S. attorney's office in South Dakota last year issued a news release clarifying that if there was any federal investigation into the Dan Nelson business, it would be handled by Department of Justice officials outside of the U.S. attorney's office in South Dakota to assure there was no appearance of impropriety.

Contact Kevin Woster at 394-8413 or [kevin.woster@rapidcityjournal.com](mailto:kevin.woster@rapidcityjournal.com)

**Print this story.**

### **Thune aide: Prosecutor appointment settles dispute**

WASHINGTON A spokesman for Senator John Thune says President Bush's recess appointment of a U-S attorney for South Dakota settles a dispute over who will fill the job.

Today, Bush appointed Steven Mullins. The appointment was done during a congressional recess, which means Congress will not have to confirm Mullins for at least a year. He has been interim U-S attorney for South Dakota since last month.

Last month, a South Dakota federal judge named former state Attorney General Mark Meierhenry to the interim post. Two days later, Mullins was named as the interim prosecutor, and another federal judge wants him to show up for a hearing next month.

Thune spokesman Kyle Downey says Bush acted -- quote -- "to clear up this unnecessary dispute."

Downey says the appointment lets the U-S Attorney's Office continue doing its business.

He says Thune is talking with the Justice Department to find a permanent candidate for the post.

(By AP Writer Mary Clare Jalonick)

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VACANCIES AFTER AMENDMENT TO ATTORNEY GENERAL'S APPOINTMENT  
AUTHORITY:

Since March 9, 2006, there have been 13 new USA vacancies that have arisen. They have been filled as noted below.

For 4 of the 13 vacancies, the FAUSA in the district was selected to lead the office in an acting capacity under the Vacancies Reform Act. Those districts are:

- **Central District of California** – FAUSA George Cardona is acting USA;
- **Southern District of Illinois** – FAUSA Randy Massey is acting USA (Phillip Green was nominated last Congress, but he was not confirmed);
- **Eastern District of North Carolina** – FAUSA George Holding served as acting USA (Holding was nominated and confirmed);
- **Northern District of West Virginia** – FAUSA Rita Valdrini served as acting USA (Sharon Potter was nominated and confirmed).

For 1 vacancy, the Department first selected the FAUSA to lead the office under the VRA, but she retired a month later. At that point, the Department selected another employee to serve as interim USA until a nomination could be submitted to the Senate, *see* 28 U.S.C. § 546(a) (“Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant”). This district is:

- **Northern District of Iowa** – FAUSA Judi Whetstine was acting USA until she retired and Matt Dummermuth was appointed interim USA.

For 8 of the 13 vacancies, the Department selected another Department employee to serve as interim USA until a nomination could be submitted to the Senate. Those districts are:

- **Eastern District of Virginia** – Pending nominee Chuck Rosenberg was appointed interim when incumbent USA resigned to be appointed Deputy Attorney General (Rosenberg was confirmed shortly thereafter);
- **Eastern District of Arkansas** – Tim Griffin was appointed interim USA when incumbent United States Attorney resigned;
- **District of Columbia** – Jeff Taylor was appointed interim USA when incumbent USA resigned to be appointed Assistant Attorney General for National Security;
- **District of Nebraska** – Joe Stecher was appointed interim USA when incumbent USA resigned to be appointed Chief Justice of Nebraska Supreme Court;
- **Middle District of Tennessee** – Craig Morford was appointed interim USA when incumbent USA resigned;
- **Western District of Missouri** – Brad Schlozman was appointed interim USA when incumbent USA and FAUSA resigned at the same time (John Wood was nominated);
- **Western District of Washington** – Jeff Sullivan was appointed interim USA when incumbent USA resigned; and
- **District of Arizona** – Dan Knauss was appointed interim USA when incumbent resigned.

\*\*\*\*\*

In addition the 9 uses of the AG's appointment authority noted above, there have been 3 additional uses since March 9, 2006, for vacancies that were created before that point. In total, the AG's appointment authority has been used 12 times since the authority was amended.

In 2 of the remaining cases, the FAUSA had been serving as acting USA under the VRA, but the VRA's 210-day period expired before a nomination could be made. Thereafter, the AG appointed that same FAUSA to serve as interim United States Attorney. These districts include:

- **District of Puerto Rico** – Rosa Rodriguez-Velez (Rodriguez-Velez has been nominated); and
- **Eastern District of Tennessee** – Russ Dedrick

In the remaining case, the FAUSA had been serving as acting USA under the VRA, but the VRA's 210-day period expired before a nomination could be made. Thereafter, the Attorney General appointed another Department employee to serve as interim USA until a nomination could be submitted to the Senate. That district is:

- **District of Alaska** – Nelson Cohen

George S. Cardona

Education

- 1983-1986 Yale University, New Haven, CT J.D.  
C. Larue Munson Prize for clinical casework.
- 1978-1982 Yale University, New Haven, CT B.S. Physics  
Summa Cum Laude, Phi Beta Kappa.

Employment

- 7/02 to present United States Attorney's Office, Central District California  
Chief Assistant United States Attorney
- 1/02 to 6/02 Los Angeles City Attorney's Office  
Assistant City Attorney -- Chief, Criminal Branch
- 7/00 to 12/01 UCLA School of Law  
Lecturer in Law  
(Adjunct from 1/02 to present; teach Criminal Trial Advocacy one semester per year)
- 1/99 to 4/00 United States Attorney's Office, Central District California  
Assistant United States Attorney -- Chief, Criminal Division
- 11/98 to 1/99 United States Attorney's Office, Northern District California  
Assistant United States Attorney -- Chief, Appeals Section
- 1991 to 11/98 United States Attorney's Office, Central District California  
Assistant United States Attorney  
(3/98 to 11/98 Deputy Chief, Major Frauds Section)
- 1989-1991 Los Angeles County District Attorney's Office  
Deputy District Attorney -- Filing of criminal charges, motions and preliminary hearings,  
approximately 30 felony trials, including five murder trials and numerous trials involving  
drug and violent crimes.
- 1987-1989 Irell & Manella, Los Angeles, CA  
Associate, Tax Work Group -- Tax planning, tax related litigation in tax and bankruptcy  
courts, tax related transactional work including corporate startups and real estate  
partnerships.
- 1986-1987 Law Clerk -- The Honorable Dolores K. Sloviter, Third Circuit, United States Court of  
Appeals, Philadelphia, PA
- 1982-1983 Westinghouse Defense Electronics, Baltimore, MD  
Systems Engineer -- Software design for airborne radar system.

Bar Admissions California, Pennsylvania, Central District of California, and Ninth Circuit Court of Appeals

# NELSON P. COHEN

## PROFESSIONAL EXPERIENCE

**July 1987 to present - Assistant United States Attorney, Western District of Pennsylvania**

April 2002 to present - Deputy Criminal Division Chief, White Collar Crime Section

April 1999 to April 2002 - Chief of White Collar Crime Section

August 2000 to October 2002 - Computer and Telecommunications Coordinator

January 1993 to present - Health Care Fraud Coordinator

March 1989 to January 1993 - Special Litigation Section/White Collar Crime Section

July 1987 to March 1989 - Civil Division with emphasis on defensive litigation

**June 1983 to June 1987 - Law Offices of Nelson P. Cohen, Anchorage, Alaska**

Civil litigation, personal injury and domestic relations

**June 1981 to June 1983 - Richmond and Associates, Anchorage, Alaska**

Civil litigation with emphasis on insurance defense trial work and appellate practice

**March 1977 to June 1981 - Assistant United States Attorney, District of Alaska**

Criminal and Civil Litigation with emphasis on drug prosecutions, medical malpractice defense and appellate practice

**September 1974 to June 1976 - Assistant District Attorney, Allegheny County, Pennsylvania**

Trial attorney for all felonies and misdemeanors with emphasis on robbery and homicide

## PROFESSIONAL ACTIVITIES

**Presenter; Continuing Legal Education Instructor**

Federal Law Enforcement Training Center, NCIS Special Agent Training (Presenter, 2004-2005)

National Health Care Anti-Fraud Association (Presenter, 1998-2002)

University of Pittsburgh School of Law (Presenter, 1996-2003)

Allegheny County Bar Association, Health Law Section (Presenter, 1998-99; CLE Instructor, 1997)

Federal Bar Association of Allegheny County (CLE Instructor, 1996)

Highmark Blue Cross Blue Shield Annual State Training Conference (Presenter, 1997-1998)

Allegheny County Bar Association Supervised Visitation Project, Indigent Divorce Project

**Admissions**

Pennsylvania, 1974; California, 1976 (presently inactive); and Alaska, 1980 (presently inactive)

## EDUCATION

**Duquesne University School of Law, 1971-1974**

Degree: Juris Doctor

Honors: Shalom Trial Moot Court Co-Champion, 1974; Gourley Cup Champion, 1974 (an Academy of Trial Lawyers trial moot court competition among the 3 area law schools)

Activities: Contributor to Juris, a law school quarterly

**University of Pittsburgh, 1966-1970**

Degree: Bachelor of Arts, Political Science Major, History and Psychology Minors

Honors: Druids, a scholastic and leadership honorary society

Activities: Inter-fraternity Council representative, Secretary and Pledge Trainer of Sigma Chi Fraternity; Intramural wrestling, football and softball

# JAMES R. (RUSS) DEDRICK

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7

## Education and Experience

- High School: **Dobyns-Bennett High School**  
Kingsport, Tennessee – Graduated 1965
- College: **East Tennessee State University, Bachelor of Science (Honors)** 1969  
ROTC Scholarship, Scabbard and Blade Captain, Brigade Executive Officer and Commandér, Pi Gamma Mu (Social Science), Phi Kappa Phi (Education), Dorm Counselor, Distinguished Military Graduate.
- Law School: **University of Tennessee Law School, Doctor of Jurisprudence (Honors)** 1972  
Scholarship Recipient, Moot Court and Clinic Award, Prosecution Intern, U.S. Army Excess Leave Law School Program, Phi Delta Phi (legal).
- Experience: **United States Army Judge Advocate General's Corps** 1972-1976  
Regular Army Captain  
18<sup>th</sup> Airborne Corps  
1<sup>st</sup> Cavalry Division – Deputy Staff Judge Advocate  
U.S. Army Outstanding JAG Officer of the Year - 1974  
Meritorious Service Medal, Army Commendation Medal
- Knox County District Attorney's Office** 1976-1983  
Assistant District Attorney  
Director, Career Criminal Unit (1979-1983)  
Trial prosecutor for Criminal Court, responsible for felony and misdemeanor cases and trials involving capital murder and other serious felony offenses.
- United States Attorney's Office** 1983 - Present  
Eastern District of Tennessee (EDTN) (1983-1992)  
Eastern District of North Carolina (EDNC) (1992-1993)  
Eastern District of Tennessee (1993-Present)  
\*Assistant United States Attorney - Organized Crime and Drug Enforcement Task Force (OCDETF) (EDTN) (1983-1989)  
\*First Assistant United States Attorney (EDTN) (1989-1992)  
\*First Assistant United States Attorney (EDNC) (1992-1993)  
\*United States Attorney (EDNC) (1993)  
\*First Assistant United States Attorney (EDTN) (1993-Present)  
\*United States Attorney (EDTN) (2001) (2005)  
\*Attorney General's Advisory Committee (1992-1995)  
Federal prosecutor for complex drug, corruption, white collar, tax, and other felony investigations and trials; established yearly training and conferences for law enforcement, victim advocates; established bi-annual intelligence analysis sessions for law enforcement; established South/East Tennessee Methamphetamine Task Force (1999-Present); Established Tennessee portion of Appalachia HIDTA (1996-Present); training on Drug Endangered Children (DEC) for 41 counties in East Tennessee (2004-2005); two Tennessee multi-discipline Methamphetamine Conferences (2003 and 2005); Established counter-terrorism initiative and Anti-terrorism Advisory Committee for EDTN (2001); developed EDTN Project Safe Neighborhoods program; and worked directly with

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community members and officials from the cities of Chattanooga, Cleveland, Knoxville, Bristol, Winchester, Johnson City, and Kingsport in development and implementation of Weed and Seed programs.

**United States Department of Justice**

1983 - Present

Conducts yearly orientation for new United States Attorneys; Evaluation and Review Program Team Leader and development of evaluation materials; Team Leader for evaluation of Executive Office for United States Attorneys, Department of Justice; developed leadership and management training for United States Attorneys and executive staff; mentor to United States Attorneys and Districts as assigned; Member of Security Working Group and developed security standards and District Office Security Program for all United States Attorney's Offices; Crisis Management Program Coordinator; International-National Law and Security Coordinator; Attorney General's Advisory Committee; Department of Justice Review Groups for Prosecution Guidelines and United States Attorneys' Manual Review and Tax Revision; Attorney Work Plan, Pay and Performance Revision; Attorney General's Advisory Subcommittees; Office Management and Budget Committee for United States Attorneys; budget development for United States Attorneys and Executive Office for United States Attorneys; and Advisor and Interim Principal Deputy to Director, Executive Office for United States Attorneys; frequent Instructor at National Advocacy Center (Department of Justice), Tennessee Bureau of Investigation Academy, and Federal Bureau of Investigation (Quantico).

**Awards and Recognitions**

International Narcotic Enforcement Officer's Association's Department of Justice Award (October 2005)

Executive Office for United States Attorneys Director's Awards for Excellence, Trial Litigation, and Management (4 Awards)

Law and Liberty Award – Knoxville Bar Association

OCDETF Prosecutor of the Year (1989)

**Organizations and Admissions**

Inns of Court - Hamilton Burnett Chapter

Concord United Methodist Church

Kiwanis Club of Knoxville – Distinguished President

Leadership Knoxville

Chairman of the Board, United Methodist Senior Care Asbury Systems

Knoxville Bar Association

Gideon's

Kiwanis Youth Camp

Boy Scouts of America Eagle Scout

Merit Badge Counselor

United States District Court, Eastern District of Tennessee

United States Court of Appeals for the Sixth Circuit

United States Courts of Military Appeals and Review

Tennessee Bar (1972-Present)

Tennessee Supreme Court (1972-Present)

**Personal**

# J. TIMOTHY GRIFFIN

## EDUCATION

**Louisiana State University Law School.** New Orleans, Louisiana. Juris Doctor, *cum laude*, May 1994. Cumulative G.P.A.: 3.25/4.00; Rank: 80/319, Top 25%. Common law and civil law curricula. Legal Research and Writing grade: A.

- Senior Fellow, Legal Research and Writing Program. Taught first year law students legal research and writing.
- Volunteer, The New Orleans Free Tutoring Program, Inc.

**Oxford University, Pembroke College.** Oxford, England. Graduate School, British and European History, 1990-1991.

- Under-secretary and Treasurer, Oxford University Clay Pigeon Shooting Club.

**Hendrix College.** Conway, Arkansas. Bachelor of Arts in Economics and Business, *cum laude*, June 1990. Cumulative G.P.A.: Major 3.79/4.00, Overall 3.78/4.00; Rank: 22/210, Top 10%.

- Oxford Overseas Study Course, September 1988-May 1989, Oxford, England.

## LEGAL EXPERIENCE

**Counselor to the Assistant Attorney General.** Criminal Division, U.S. Department of Justice. Washington, D.C. and Little Rock, Arkansas. September 2006-present.

- Serving as a Special Assistant U.S. Attorney, Eastern District of Arkansas, September 2006-present.

**Trial Counsel, U.S. Army JAG Corps. Criminal Law Branch, Office of the Staff Judge Advocate.** Fort Campbell, Kentucky, September 2005-May 2006; August-September 2006.

- Successfully prosecuted U.S. v. Mikel, involving a soldier's attempted murder of his platoon sergeant.
- Provided legal advice to E Co., 1<sup>st</sup> and 3<sup>rd</sup> Brigade Combat Teams, 101<sup>st</sup> Airborne Division (Air Assault)(R)(P).
- Prosecuted 40 Army criminal cases at courts-martial and federal criminal cases as a Special Assistant U.S. Attorney, Western District of Kentucky and Middle District of Tennessee, and handled 90 administrative separations.

**Brigade Judge Advocate, U.S. Army Judge Advocate General's (JAG) Corps. Operation Iraqi Freedom. Task Force Band of Brothers.** 501<sup>st</sup> STB, 101<sup>st</sup> Airborne Division (Air Assault). Mosul, Iraq, May-August 2006.

- Served on the Brigade Operational Law Team (BOLT), 172<sup>d</sup> Stryker Brigade Combat Team, FOB Marez, Iraq.
- Provided legal advice on various topics, including financial investigations, rules of engagement, and rule of law.

**Special Assistant to the Assistant Attorney General.** Criminal Division, U.S. Department of Justice. Washington, D.C. and Little Rock, Arkansas. March 2001-June 2002.

- Tracked issues for Assistant Attorney General Michael Chertoff and worked with the Office of International Affairs (OIA) on matters involving extradition, provisional arrest and mutual legal assistance treaties (MLATs).
- Prosecuted federal firearm and drug cases and served as the coordinator for Project Safe Neighborhoods, a strategy to reduce firearm-related violence through cooperation between state and federal law enforcement, as a Special Assistant U.S. Attorney, Eastern District of Arkansas, in Little Rock, September 2001-June 2002.

**Senior Investigative Counsel.** Committee on Government Reform, U.S. House of Representatives. Washington, D.C. January 1997-February 1998; June 1998-September 1999.

- Developed hearing series entitled "National Problems. Local Solutions: Federalism at Work" to highlight innovative and successful reforms at the state and local levels, including: "Fighting Crime in the Trenches," featuring New York City Mayor Rudolph Giuliani, and "Tax Reform in the States."
- Pursuant to the Committee's campaign finance investigation, interviewed Johnny Chung and played key role in hearing detailing his illegal political contributions; organized, supervised and conducted the financial investigation of individuals and entities; interviewed witnesses; drafted subpoenas; and briefed Speaker of the House Newt Gingrich.

**Associate Independent Counsel.** U.S. Office of Independent Counsel David M. Barrett. *In re: Henry G. Cisneros, Secretary of Housing and Urban Development (HUD)*. Washington, D.C. September 1995-January 1997.

- Interviewed numerous witnesses with the F.B.I. and supervised the execution of a search warrant.
- Drafted subpoenas and pleadings and questioned witnesses before a federal grand jury.

DAG000000367

**Associate Attorney.** General Litigation Section. Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P. New Orleans, Louisiana. September 1994-September 1995.

- Drafted legal memoranda and pleadings and conducted depositions.

#### ADDITIONAL WORK EXPERIENCE

**Special Assistant to the President and Deputy Director.** Office of Political Affairs, The White House. Washington, D.C. April-September 2005. On military leave after mobilization to active duty, September 2005-September 2006.

- Advised President George W. Bush and Vice-President Richard B. Cheney.
- Organized and coordinated support for the President's agenda, including the nomination of Judge John Roberts to be Chief Justice of the U.S. Supreme Court.

**Research Director and Deputy Communications Director.** 2004 Presidential Campaign, Republican National Committee (RNC). Washington, D.C. June 2002-December 2004.

- Briefed Vice-President Richard B. Cheney and other Bush-Cheney 2004 (BC04) and RNC senior staff.
- Managed RNC Research, the primary research resource for BC04, with over 25 staff.
- Worked daily with BC04 senior staff on campaign and press strategy, ad development and debate preparation.

**Deputy Research Director.** 2000 Presidential Campaign, Republican National Committee (RNC). Washington, D.C. September 1999-February 2001.

- Managed RNC Research, the primary research resource for Bush-Cheney 2000 (BC00), with over 30 staff.
- Served as legal advisor in Volusia and Brevard Counties for BC00 Florida Recount Team.

#### SUMMARY OF MILITARY SERVICE

**Major.** JAG Corps, U.S. Army Reserve. Commissioned First Lieutenant, June 1996.

- Served on active duty in Mosul, Iraq with the 101<sup>st</sup> Airborne Division (Air Assault), and at Fort Campbell, Kentucky, September 2005-September 2006.
- Authorized to wear 101<sup>st</sup> Airborne Division (Air Assault) "Screaming Eagle" combat patch.
- **Medals, Ribbons and Badges:** Army Commendation Medal with Five Oak Leaf Clusters; Army Achievement Medal with Four Oak Leaf Clusters; Army Reserve Components Achievement Medal with Two Oak Leaf Clusters; National Defense Service Medal; Iraq Campaign Medal; Global War on Terrorism Service Medal; Armed Forces Reserve Medal with Bronze Hourglass and "M" Devices; Army Service Ribbon; and Army Reserve Overseas Training Ribbon with "3" Device; and Combat Action Badge.

#### ACTIVITIES AND ASSOCIATIONS

**Arkansas Bar Association.** Little Rock, Arkansas. Member, 1995-present. Annual Meeting Subcommittee on Technology, 2002. Admitted to Arkansas Bar, April 26, 1995.

**The Federalist Society for Law and Public Policy Studies.** Washington, D.C. 1991-present. President, New Orleans Lawyers Chapter, February-August 1995; President, 1993-1994, Vice President, 1992-1993, and Treasurer, 1991-1992, Tulane Law School Chapter.

**Friends of Central Arkansas Libraries (FOCAL).** Little Rock, Arkansas. Life Member.

**Florence Crittenton Services, Inc.** Little Rock, Arkansas. Member, Board of Directors, 2001-2002.

**Louisiana State Bar Association.** New Orleans, Louisiana. Member. Admitted October 7, 1994. Currently inactive.

**The Oxford Union Society.** Oxford, England. Member, 1990-present.

**Pulaski County Bar Association.** Little Rock, Arkansas. Member, 2001-2002. Co-chair, Law School Liaison Committee, 2001-2002.

**erve Officers Association.** Washington, D.C. Life Member.

GEORGE E. B. HOLDING

EXPERIENCE

First Assistant United States Attorney for the Eastern District of N. C., 2002-present  
Supervise all federal criminal prosecutions and civil litigation in N. C.'s 44 eastern counties. Manage 35 attorneys, 50 support staff, and an \$8 million budget.

Maupin Taylor, PA, Raleigh, N. C., 2001-2002  
Counsel

Senator Jesse Helms, Washington, D. C., 1999-2001  
Legislative Counsel for tax, business, and special projects.

Kilpatrick Stockton, LLP, Raleigh, N. C., 1997-1999  
Associate Attorney practicing in the areas of taxation and government relations.

U. S. District Judge Terrence W. Boyle, Eastern District of N. C., 1996-1997  
Law Clerk responsible for criminal and civil litigation.

EDUCATION

Wake Forest University School of Law, J.D., 1996  
Member of the Law Review, Moot Court, National Trial Team, and Federalist Society.

Wake Forest University, B.A., 1991  
Graduated with Honors in Classical Studies and Phillips Award for Classical Languages.

The Groton School, Groton, MA, 1986  
Graduated with honors.

PERSONAL NOTES

REFERENCES

The Honorable Frank D. Whitney, United States Attorney, E.D.N.C.  
The Honorable Terrence W. Boyle, United States District Judge, E.D.N.C.  
The Honorable I. Beverly Lake, Jr., Chief Justice of the N. C. Supreme Court  
The Honorable Rhoda Billings, Fmr. Chief Justice of the N. C. Supreme Court  
The Honorable Robinson Everett, Fmr. Chief Judge of the U. S. Court of Appeals for the Armed Services

## DANIEL G. KNAUSS

Residence:

Business:

### PROFESSIONAL EXPERIENCE

February 2005 to Present

#### **CHIEF ASSISTANT UNITED STATES ATTORNEY**

Act on behalf of the United States Attorney during his absence and the absence of the First Assistant U.S. Attorney from the District with supervisory responsibility over the Tucson Office. Responsible for day-to-day management of the Tucson branch office staffed by 48 lawyers and 51 support staff.

July 1997 to February 2005

#### **ASSISTANT UNITED STATES ATTORNEY**

Civil Division, Tucson Branch Office. Represent the United States, its officers, and employees in Federal Tort Claims Act, constitutional torts, and employment discrimination matters.

July 1992 to June 1997

#### **FIRST ASSISTANT UNITED STATES ATTORNEY**

Act on behalf of the United States Attorney in her absence with supervisory responsibility for the District of Arizona. Serve as senior counsel to the U. S. Attorney. Responsible for management of the Tucson Branch Office staffed by 34 lawyers and 35 support staff. (In March 1996, assumed additional duties as Criminal Division Chief. Responsible for legal management of 26 criminal prosecutors.)

May 1992 to July 1992

#### **INTERIM UNITED STATES ATTORNEY, DISTRICT OF ARIZONA**

Served as United States Attorney for the District of Arizona during the transition between administrations. Also served on the Attorney General's Advisory Committee and participated in orientation seminars for new United States Attorneys.

DAG000000370

August 1985 to April 1992

**CHIEF ASSISTANT UNITED STATES ATTORNEY**

Act on behalf of the United States Attorney during her absence and the absence of the First Assistant U.S. Attorney from the District with supervisory responsibility over the Phoenix and Tucson Offices. Responsible for day-to-day management of the Tucson branch office staffed by 28 lawyers and 30 support staff. Carry a reduced civil and criminal caseload.

June 1982 to June 2000

**ATTORNEY EVALUATOR**

Served as a part-time Attorney Evaluator for the Executive Office for United States Attorneys, U.S. Dept. of Justice, Washington, D.C. In this capacity I conducted field evaluations of litigation, litigation management, and support activities of United States Attorney's offices in other districts throughout the country. I have conducted over 24 evaluations, serving as a Team Leader in twelve of those evaluations including the Middle and Southern Districts of Florida, the Central District of California, and the Western District of Texas.

May 1980 to August 1985

**FIRST ASSISTANT UNITED STATES ATTORNEY**

Managed the Tucson branch office staffed by 15 lawyers and 21 support personnel. This branch office handles a wide variety of federal criminal and civil litigation.

June 1974 to September 1981

**CHIEF OF THE CRIMINAL SECTION**

Responsible for management and supervision of four to eight criminal prosecutors investigating and prosecuting federal criminal offenses. I also carried my own criminal caseload.

September 1972 to June 1974

**ASSISTANT UNITED STATES ATTORNEY**

Criminal Section, Tucson branch office. I served as a criminal trial attorney prosecuting federal offenses including narcotics, fraud, violent crimes on Indian reservations, immigration and firearms offenses. I briefed and argued criminal appeals in the Ninth Circuit.

**COLLATERAL DUTIES**

From about 1990 to 1998, I served as the U.S. Attorney's International Affairs and National Security Coordinator. In that capacity I was responsible for coordinating responses to requests for judicial assistance from foreign countries pursuant to mutual legal assistance treaties and for advising other Assistant U.S. Attorneys when their cases involved classified material. On three occasions, I represented the U.S. Department of Justice in bi-national meetings with federal prosecutors from the Mexican Attorney General's office.

I also serve as the Tucson U.S. Attorney's Office Designated Ethics Official. I advise staff on questions involving the Ethics In Government Act such as conflicts of interest and permissible outside activities. I also conduct annual staff training on government ethics regulations.

## TEACHING

1980/81/82/92/99

### **Instructor and Group Leader**

for the Attorney General's Advocacy Institute's Criminal and Civil Trial Advocacy Courses in Washington, D.C. and the National Advocacy Center. Trained new Assistant U.S. Attorneys in criminal and civil trial advocacy skills.

1985 to 1987

### **Adjunct Professor of Law**

University of Arizona College of Law. I taught basic trial practice skills to second and third year law students.

June 1985

### **Faculty Member**

Criminal Law Seminar, State Bar of Arizona 52<sup>nd</sup> Annual Convention.

## HONORS

April 25, 1986

### **Attorney General's Award for Distinguished Service**

Presented for successful prosecution of narcotics and white collar fraud cases and for administrative abilities as an office evaluator for the Executive Office for United States Attorneys and as implementor of the Victim-Witness program.

July 10, 1992

### **Director's Award for Superior Performance In A Managerial Role**

April 1988

### **United States Department of Justice, Office of Justice Programs, Certificate of Appreciation.**

For dedication, service, and advocacy on behalf of crime victims.

August 1974, August 1983, June 1990, May 1991

**United States Department of Justice Special Achievement Award**

**EDUCATION**

Undergraduate:

**Bachelor of Arts in Geography**

University of Arizona June 1968

Law School:

**Juris Doctor**

University of Arizona June 1972

**BAR MEMBERSHIPS**

State Bar of Arizona

United States District Court, District of Arizona

United States Court of Appeals for the Ninth Circuit

United States Supreme Court

**BIOGRAPHICAL**

Born September 8, 1946, Cambridge, Massachusetts. Married; one child (twenty-one years old)

**REFERENCES**

Furnished upon request.

# RANDY G. MASSEY

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## EMPLOYMENT

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ASSISTANT UNITED STATES ATTORNEY <i>USAO/ Southern District of Illinois</i>	MARCH 1991-PRESENT <i>Fairview Heights, Illinois</i>
Chief, OCDETF Chief, Criminal Division First Assistant United States Attorney	August 2002 - February 2004 February 2004 - Present October 2004 - Present
ASSISTANT STATE'S ATTORNEY <i>Madison County State's Attorney's Office</i>	1979-1991 <i>Edwardsville, Illinois</i>

Worked as an Assistant State's Attorney serving, at various times, in the Misdemeanor Division, the Juvenile Division, and the Felony Division. Felony prosecutions included two capital murder cases.

Served as Chief Deputy State's Attorney during the term of State's Attorney Dick Allen.

## EDUCATION

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<i>Bachelor of Arts, with Honors, 1976</i> SOUTHERN ILLINOIS UNIVERSITY <i>Edwardsville, Illinois</i>	1972 - 1976
<i>Government (Major)</i> <i>Economics (Minor)</i> <i>History (Minor)</i>	
<i>Juris Doctor, 1979</i> UNIVERSITY OF ILLINOIS <i>Champaign/Urbana, Illinois</i>	1976 - 1979

## CRAIG S. MORFORD

### LEGAL EXPERIENCE:

#### **United States Attorneys Office (EDMI-Detroit) (100 lawyer office)**

United States Attorney—Appointed first by Attorney General Ashcroft and then by the EDM District Court Judges to serve as interim United States Attorney due to an exigency caused by the abrupt resignation of the United States Attorney.

*August 2004-March 2005*

Special Counsel to the Attorney General—Appointed by the Attorney General to supervise a Court-ordered post trial investigation of the government's conduct in US v. Koubriti (the first post-September 11 terrorism case to proceed to trial) Based on the results of that investigation and my recommendation, the Court dismissed the convictions. The lead prosecutor in the case was subsequently indicted.

*January 2004-January 2005*

#### **United States Attorneys Office (NDOH-Cleveland) (75 lawyer office)**

First Assistant United States Attorney – Supervise Civil and Criminal Divisions, including corporate and white collar crime, frauds, public corruption, narcotics, guns, organized crime and terrorism cases.

*November 2003-August 2004; April 2005-present*

Criminal Chief – Supervised the Anti-terrorism, Public Corruption, Organized Crime, and Major Drug Sections of the US Attorney's Office.

*March 2003-November 2003*

Assistant United States Attorney, Organized Crime Unit – Investigated and prosecuted RICO and complex financial cases against members and associates of organized crime and corrupt public officials.

*1990-2003*

#### **United States Department of Justice**

Special Attorney, Cleveland Organized Crime Strike Force (same duties as above).

*1987-1990*

#### **Internal Revenue Service, Office of Chief Counsel**

Civil Trial Attorney specializing in litigation of tax matters. *1984-1987*

## EDUCATION:

**Valparaiso University School of Law:** J.D. 1984

1984 National Moot Court Competition (Regional Finalist–7th Circuit)

1983 National Moot Court Competition

**Hope College:** B.A., Economics 1981

Washington Honors Semester

Internship – Senator Harrison Schmidt (R-NM)

Internships – Kimberly-Clark Legal Counsel

## SIGNIFICANT CASES PROSECUTED:

**US v Trafficant:** Convicted US Congressman James A. Trafficant, Jr. and several associates of RICO, bribery, obstruction of justice and tax offenses. (2002)

**Operation Broken Bench:** Investigated systemic corruption within the Mahoning County judicial system. Convicted three judges, the County Prosecutor, and 7 lawyers. (2000)

**US v Strollo:** Convicted the Youngstown mafia boss and 50 associates of RICO, murder, bribery, gambling, tax and money laundering offenses; additional convictions included a police chief and two detectives, a city law director, a sheriff and his chief deputy, and a county engineer. (1999)

**US v Atkin:** Convicted a Cleveland lawyer of “rainmaking fraud” for bilking his client out of \$500,000 on the false claim he was using the money to bribe the Chief Judge of the United States District Court for the Northern District of Ohio; the judge was investigated and cleared. (1995)

**US v Sturman:** Convicted international Porn-Czar Reuben Sturman of multimillion dollar tax fraud conspiracy. (1989) Subsequently convicted Sturman and his wife of jury tampering (sex-for-acquittal scheme) during the 1989 trial. Also convicted four lawyers and a Swiss pornographer of conspiring with Sturman in a subsequent conspiracy to help him evade the \$28 million tax assessment which resulted from his 1989 conviction. (1994)

## HONORS and AWARDS:

American College of Trial Lawyers (Inducted as a Fellow on October 22, 2005 in Chicago, IL)

Most Outstanding Assistant United States Attorney (Presented by the National Association of Former United States Attorneys in Boston, MA–October 2005)

Attorney General’s Distinguished Service Award (Presented by Attorney General Alberto Gonzales in Washington, DC–August 2005)

Attorney General’s Distinguished Service Award (Presented by Attorney General John Ashcroft in Washington, DC–August 2003)

Director’s Awards for Superior Performance (Presented by Attorney General Janet Reno in Washington, DC–1996, 2000)

Assistant United States Attorney of the Year (Presented by the Cleveland FBI–1999)

**TEACHING and PROFESSIONAL ACTIVITIES:**

**International Law Enforcement Academy – U.S. State Department**

**Budapest, Hungary** (2000, 2001, 2002 and 2003)

Combating Organized Crime/Corruption in Eastern Europe (Various Nations Attended)

Instructor: Investigating and Prosecuting Organized Crime and Systemic Corruption

**Bangkok, Thailand** (2000, 2001 and 2002)

Combating Systemic Corruption (10 Southeast Asia Nations Attended)

Instructor and Course Organizer: Investigating Systemic Corruption

**Department of Justice Office of Overseas Prosecution Development and Training (OPDAT)**

**Bratislava, Slovak Republic** (2002)

Organizer and Instructor of Seminar for Senior Slovak Officials on Combating Systemic Corruption in the former Communist controlled Slovak Republic

**Riga, Latvia** (2003)

Organizer and Instructor of Seminar for Senior Latvian Officials on Combating Systemic Corruption in the former Soviet Republic of Latvia.

**Department of Justice Office of Legal Education**

**Advanced Public Corruption Conferences**

Columbia, SC (2001, 2002, 2003, 2005 and 2006)

Instructor: RICO and other Corruption-related topics

**Complex Crimes for Experienced Prosecutors Seminars**

Columbia, SC (1999 & 2000)

Instructor: Investigating and Prosecuting Complex RICO Cases

**The Investigative Roundtable on Traditional and  
Non-traditional Organized Crime Annual Conference**

Virginia Beach, Virginia

Presenter: The RICO Act (1995 - 1998)

Keynote Speaker (1999)

**PERSONAL:**

Date of Birth: 2-10-59

Married 23 years

4 Children

DAG000000377

**PROFILE**  
**ROSA EMILIA RODRIGUEZ-VELEZ**  
**FIRST ASSISTANT UNITED STATES ATTORNEY**  
**DISTRICT OF PUERTO RICO**

**Educational Background**

Ms. Rosa Emilia Rodríguez-Vélez graduated from the University of the Sacred Heart in 1973, and received her Juris Doctor Degree from the Interamerican University of Puerto Rico in 1977. She also holds a Masters Degree in Criminal Justice from the Interamerican University (*summa cum laude*).

**Legal Background**

**Puerto Rico Department of Justice**

In 1979, Ms. Rodríguez-Vélez was appointed by then Governor Carlos Romero-Barceló as Assistant District Attorney with the Puerto Rico Department of Justice. She tried numerous high profile cases as Assistant District Attorney and was assigned to a Specialized high profile Homicide courtroom for the last 2 years of her tenure. In 1987, she successfully prosecuted a member of the Macheteros organization charged with the murder of a federal witness. She held the position of Assistant District Attorney until 1988.

**United States Attorney's Office for the District of Puerto Rico**

**1988-1994**

In November 1988, Ms. Rodríguez-Vélez was named Assistant United States Attorney for the District of Puerto Rico. During this period she was assigned to the Criminal Division where she specialized in the prosecution of high profile drug trafficking, violent, and white collar crime cases including the carjacking-murder of José Jaime Pierluisi, Economic Advisor to Governor Pedro Rosselló.

**1994-Present**

Ms. Rodríguez-Vélez has held various management level positions at the United States Attorney's Office, and has been involved in the successful implementation of major initiatives to fight crime in Puerto Rico.

- **Violent Crime Coordinator for the District of Puerto Rico ( 1994-2002).** In this position she coordinated and implemented the district's successful Anti-Violent Crime Initiative which targeted violent gangs under the Violent Neighborhood Program.

- **HIDTA Coordinator ( 1994-1996).** Ms. Rodríguez-Vélez was actively involved in the preparation of the initial Puerto Rico/U.S. Virgin Islands Threat Assessment and Conceptual Strategy report. This report resulted in the designation of Puerto Rico and the U.S. Virgin Islands as a High Intensity Drug Trafficking Area in November 1994. She coordinated the state and federal multi-agency efforts to develop the budget and start-up phase of the PR/USVI HIDTA.
- **Executive Assistant U.S. Attorney (December 1994-July 2002).** She was appointed to this position in 1994. Her duties as EOUSA included the supervision of the Administrative Division, the coordination of various initiatives mentioned above, including the Law Enforcement Coordinating Committee, the PR/USVI HIDTA, and the Violent Crime Initiative. Ms. Rodríguez-Vélez was also in charge of all office security matters(DOSM), press and media coordination, and she was the office *liaison* for all communications with the Justice Department main branch in Washington, D.C., as well as with other federal law enforcement agencies. During this time, Ms. Rodríguez-Vélez continued to litigate high-profile criminal matters. She was also the Acting Chief of the White Collar Crime Litigation Unit and acted as the Administrative Officer for a period of 6 months.
- **Acting Chief Civil Division (December 1995-February 1997).** In her tenure as Acting Chief of the Civil Division, Ms. Rodríguez-Vélez supervised the work of the Assistant U.S. Attorneys assigned to the Civil Division. The Civil Division defends the United States in a variety of matters, among others, Federal Tort Claims Act cases, discrimination cases arising out of violations of federal statutes, and *Bivens* actions. The Civil Division's Affirmative Civil Enforcement (ACE) program also prosecutes financial matters, federal program fraud cases and asset forfeiture cases, among others. Of particular significance during this period, Ms. Rodríguez-Vélez established and implemented an initiative under the Americans with Disabilities Act to improve the accessibility of the Old San Juan historic district.
- **First Assistant U.S. Attorney (July 2002 - Present).** United States Attorney Humberto S. García promoted Ms. Rodríguez-Vélez to this position in July 2002. She currently supervises the Criminal, Civil, Appellate and Administrative Divisions of the United State Attorney's Office, District of Puerto Rico. She continues to try criminal cases, including the 2002 successful prosecution of the Kmart Corporation for Hurricane Georges related fraud charges.
- **Caribbean Corridor Initiative (CCI) (2005).** Ms. Rodríguez-Vélez is the Coordinator for this initiative which was started in February 2005 as a high seas interdiction effort to combat large scale drug smuggling from source countries like Colombia and Venezuela into the Eastern Caribbean. CCI has seized several ships and over 10,000 kilograms of cocaine and heroin destined for sale and consumption in Puerto Rico and the mainland United States.

- **Puerto Rico / Virgin Islands HIDTA Chair (June 2006).** Ms. Rodríguez-Vélez was elected chair of the HIDTA Executive Board on May 3, 2006. The HIDTA Executive Board is composed of heads of federal and local law enforcement agencies in Puerto Rico. Her term will start in June 2006.

#### **Awards and Commendations**

During her years of public service, Ms. Rodríguez-Vélez has received numerous awards and commendations from both the Puerto Rico and United States Departments of Justice, as well as from state and federal law enforcement agencies, including the Federal Bureau of Investigation's Director Commendation Letter, which she received in 1987.

## CHUCK ROSENBERG

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### EDUCATION:

UNIVERSITY OF VIRGINIA

Charlottesville, Virginia. Juris Doctor, 1990.

HARVARD UNIVERSITY

Cambridge, Massachusetts. Master of Public Policy, 1985.

TUFTS UNIVERSITY

Medford, Massachusetts. Bachelor of Arts, 1982. *Magna Cum Laude*.

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### EXPERIENCE:

2/04-Pres.

United States Department of Justice, Washington, D.C.

CHIEF OF STAFF TO THE DEPUTY ATTORNEY GENERAL

Chief of Staff to Deputy Attorney General Jim Comey, who serves as the chief operating officer of the Department of Justice. Responsibilities include daily management of his office, and of a professional staff of 20 individuals who oversee the operation of the Department and its components (including the Criminal, Civil, Tax, Antitrust, Civil Rights and Environment and Natural Resources Divisions, the FBI, DEA, U.S. Marshals, ATF, and all of the U.S. Attorney's offices throughout the nation), and coordination of office resources and support personnel. Handle numerous complex and sensitive legal, policy, ethical and personnel matters on behalf of the Deputy Attorney General, and work closely with him and the Attorney General on matters related to national security and criminal law enforcement.

7/03-2/04

United States Department of Justice, Washington, D.C.

COUNSELOR TO THE ATTORNEY GENERAL

Counselor to United States Attorney General John Ashcroft, responsible for legal and policy issues, including matters involving the National Security Council, the Central Intelligence Agency and the Department of Defense. Reported directly to the Attorney General daily regarding Department of Justice initiatives and efforts. Handled numerous sensitive matters on behalf of the Attorney General, including matters related to national security and criminal law enforcement. Attended regular meetings with the Attorney General, the Director of the FBI, and other agency heads, and monitored counterterrorism and national security initiatives for the Attorney General.

8/02-7/03

Federal Bureau of Investigation, Washington, D.C.

COUNSEL TO THE DIRECTOR

Counsel to FBI Director Robert Mueller, on counterterrorism, counterintelligence, and national security matters. Served as a liaison between the Director's Office and other FBI components, the Justice Department, the Central Intelligence Agency, the National Security Council, as well as other agencies and departments of the U.S. Government, handling sensitive matters on behalf of the Director. Represented the Director, and spoke on his behalf, at meetings and conferences.

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- 10/00-8/02 Hunton & Williams, McLean, Virginia  
COUNSEL
- Conducted internal investigations for corporate clients. Litigated complex civil and criminal cases in state and federal court on behalf of individual and corporate clients.
- 10/91-10/00 United States Attorney's Office -- Eastern District of Virginia
- (3/99-10/00) • CRIMINAL SUPERVISOR - Major Crimes Section, Alexandria, Virginia
- Supervised Major Crimes Section attorneys, paralegals, and support staff, in prosecution of unit's cases, including espionage, murder, kidnapping, assault, bank robbery, counterfeiting, child pornography and immigration fraud. Responsible for intake, review of plea agreements, indictments, promulgation of office policies and operation of unit. Prosecuted full caseload.
- (10/96-3/99) • ASSISTANT UNITED STATES ATTORNEY - Major Crimes Section, Alexandria, Virginia
- Prosecuted numerous crimes in federal court, including kidnapping, murder and bank robbery. Responsible for all phases of investigation and prosecution: plea negotiations, grand jury investigation, indictment, pre-trial motions, trial, sentencing, post-trial proceedings and appeals. Briefed and argued numerous cases before the Fourth Circuit Court of Appeals.
- (5/94-10/96) • ASSISTANT UNITED STATES ATTORNEY - Fraud Section, Norfolk, Virginia
- Prosecuted myriad fraud offenses, including mail, wire, bankruptcy, credit card, tax and defense procurement fraud. Conducted complex white-collar fraud grand jury investigations as lead counsel.
- (10/91-5/94) • SPECIAL ASSISTANT UNITED STATES ATTORNEY - Fraud Section, Alexandria, Virginia
- Co-counseled extensive grand jury investigation that led to the indictment and conviction of three senior officials of the United Way of America. Assisted in the prosecution of Virginia fertility doctor Cecil Jacobson. Prosecuted various financial fraud crimes, including numerous criminal tax cases.
- 10/90-10/91 United States Department of Justice -- Tax Division, Washington, D.C.  
TRIAL ATTORNEY - Northern Criminal Enforcement Section
- Hired through the Attorney General's highly selective Honors Program. Prosecuted criminal tax and fraud cases in New York, Connecticut and Pennsylvania federal courts.
- 5/89-8/89 Willkie, Farr & Gallagher, Washington, D.C.  
SUMMER ASSOCIATE - Permanent Offer Extended.
- 7/85-12/86 United States Representative Jim Moody, Washington, D.C.  
LEGISLATIVE DIRECTOR
- 8/82-6/83 United States Representative Matthew McHugh, Washington, D.C.  
LEGISLATIVE STAFF ASSISTANT
- 5/81-9/81 Cross Country Bicyclist  
Organized and completed a 9500-mile bicycle trip around the United States, sponsored by Kiwanis International, which raised \$25,000 to support the Sidney Farber Cancer Institute.

## OTHER:

NBC News Analyst. Provided on-air commentary, as a paid legal analyst, on numerous NBC and MSNBC television shows, including *NBC Nightly News*, *The Today Show*, and *The Dan Abrams Report*. February – August 2002.

Guest Analyst. Provided on-air commentary on numerous national television shows, including *The NewsHour with Jim Lehrer* (PBS), *The Morning Show* (CBS), and *Fox and Friends* (Fox). December 2001 – February 2002.

Adjunct Professor, Criminal Law & Procedure and Evidence, The George Washington University, School of Forensic Science, Washington, D.C. 1997-2002.

Guest Lecturer/Instructor, FBI Academy, Quantico, Virginia.

Member, Board of Directors, Arlington Little League.

Coach, Arlington Little League; Arlington County Youth Basketball.

## NOTEWORTHY CASES AS A FEDERAL PROSECUTOR:

**United States v. Charles Thomas Dickerson:** The Supreme Court, in *Dickerson v. United States*, 530 U.S. 428 (2000), held Congress could not set aside the constitutional rule announced in *Miranda*, reversing the Fourth Circuit and suppressing a voluntary post-arrest statement made by Dickerson to police. Dickerson was later convicted at trial, *sans* statement, on charges of bank robbery and conspiracy.

**United States v. Christopher Andaryl Wills:** Following dismissal of an indictment charging Wills with kidnapping and murder, the Fourth Circuit, in a case of first impression, reinstated the capital charge. The Court held, in conflict with another circuit, that federal jurisdiction is established under the kidnapping statute when a victim, unaccompanied by a defendant, is lured across a state line. *United States v. Wills*, 237 F.3d 174 (4<sup>th</sup> Cir. 2000). Wills was convicted at trial, and is serving a life sentence.

**United States v. Aldrich Hazen Ames:** Following Ames's guilty plea to espionage and his sentence of life imprisonment, the District Court ruled that his subsequent collateral attack on the conviction was not timely filed. The Fourth Circuit agreed and dismissed his appeal in *United States v. Ames*, 230 F.3d 1354 (4<sup>th</sup> Cir. 2000, unpublished).

**United States v. Terence Earl Davis:** Following conviction at trial for drug dealing and a drive-by shooting, the Fourth Circuit, in a case of first impression, affirmed the conviction, holding that Davis's discharge of a gun involved use of an "explosive" (the gunpowder necessary to propel the ammunition) within the meaning of the Sentencing Guidelines. *United States v. Davis*, 202 F.3d 212 (4<sup>th</sup> Cir. 2000).

**United States v. David Sheldon Boone:** Prosecuted and convicted former NSA crypto analyst for conspiracy to commit espionage, for selling top-secret documents to the KGB, and its successor, the SVRR, including information that detailed U.S. targeting of tactical nuclear weapons and our military's use of signals intelligence. Boone was sentenced to more than 24 years in prison. (1998).

**United States v. James Culpepper Pebworth:** Following conviction at trial for passing forged checks, the Fourth Circuit, in a case of first impression, affirmed the conviction, holding that the negotiated checks of a defunct corporation drawn on a defunct bank were nevertheless "implements ... particularly suited for making ... a forged security." *United States v. Pebworth*, 112 F.3d 168 (4<sup>th</sup> Cir. 1997).

**United Way of America Investigation:** Co-counseled an extensive grand jury investigation that examined the financial misconduct of senior Alexandria, Virginia-based United Way of America officials, including its former President and CEO, William Aramony, and that culminated in the indictment and conviction of Aramony and two others on charges of conspiracy, mail and tax fraud, and money laundering. (1992-1995).

# BRADLEY J. SCHLOZMAN

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## EDUCATION

### **The George Washington University Law School, Washington, DC**

- Juris Doctor with honors, May 1996
- Moot Court Board

### **University of Pennsylvania, Philadelphia, PA**

- Bachelor of Arts in History, May 1993
- Magna Cum Laude with Special Distinction

## EXPERIENCE

### **United States Department of Justice, Washington, DC**

- *United States Attorney, Western District of Missouri* Mar. 2006 – present

Appointed by Attorney General Alberto Gonzales to serve as interim United States Attorney. The Western District of Missouri is comprised of more than 50 Assistant United States Attorneys as well 50 staff members.

- *Principal Dep'y Ass't Att'y General for Civil Rights* Nov. 2005 – Mar. 2006
- *Acting Assistant Attorney General for Civil Rights* June 2005 – Nov. 2005
- *Deputy Assistant Attorney General for Civil Rights* May 2003 – June 2005

Supervise all activities and sections of the Civil Rights Division, which employs over 700 employees, including 356 attorneys. Represent the Division with members of Congress, other Executive Branch agencies, and state and local governments.

- *Counsel to the Deputy Attorney General* Nov. 2001 – May 2003  
Served as Deputy Attorney General's (DAG) liaison to the Civil Rights Division. Also assisted the DAG in wide array of special projects, including FBI reform, Bureau of Prisons management, supervision of U.S. Attorneys' Offices, and Justice Department personnel policies.
- *Legal Intern, U.S. Attorney's Office, W.D. Missouri* Summer 1994

**Howrey Simon Arnold & White, Washington, DC**

- *Associate* Sept. 1999 – Nov. 2001  
Member of the firm's Supreme Court and Appellate Litigation Practice Group.  
Authored successful certiorari petition and merits briefs in *Cooper Industries v. Leatherman Tool Group*, a case argued before the Supreme Court in 2001

**Honorable Mary Beck Briscoe, U.S. Court of Appeals for the Tenth Circuit**

- *Judicial Law Clerk* Aug. 1998 – Aug. 1999

**Honorable G. Thomas VanBebber, U.S. District Court for the District of Kansas**

- *Judicial Law Clerk* Aug. 1996 – Aug. 1998

**PROFESSIONAL AFFILIATIONS**

Federalist Society; Republican Jewish Coalition. Admitted to the Bars of Missouri, Kansas, District of Columbia, U.S. Supreme Court, and U.S. Courts of Appeals for the First, Fourth, Eighth, Ninth, and Tenth Circuits

## Joe W. Stecher

United States Attorney's  
Office-District of Nebraska  
1620 Dodge Street, Suite 1400  
Omaha, NE 68102  
(402) 661-3700

### EMPLOYMENT

October 2, 2006 - present	United States Attorney, District of Nebraska (interim)
March 2002 - present	Assistant United States Attorney, District of Nebraska
1999 - 2002	County Attorney, Dodge County, Nebraska
1990 - 1998	Chief Deputy County Attorney, Dodge County, Nebraska
1986 - 1990	Deputy County Attorney, Dodge County, Nebraska
1984 - 1986	Private Practice
1974 - 2002	Actively involved in farming
1974 - 1976	George A. Hormel Livestock Accounting and Cattle Buyer, Fremont, Nebraska

### EDUCATION

1984	Jurist Doctoral Degree, University of Nebraska College of Law, Lincoln, Nebraska
1974	Bachelor of Science, Pre Law, Wayne State College, Wayne, Nebraska

### PROFESSIONAL EXPERIENCE AND COMMUNITY ACTIVITIES

1996 - 2002	Director, Nebraska County Attorney's Association
1992 - 2002	Member, Nebraska County Attorney's Association Legislative Committee
1999 - 2002	Member, Nebraska Governor Johann's Committee regarding Agricultural Land Valuation Past Member, Nebraska Bar Judiciary Resources Commission Past Director, Hooper Farmer's Cooperative Past Vice-Chairman, Redeemer Lutheran Church Council, Hooper, Nebraska
1979 - 1984	District #89 School Board Member, Secretary

# Joe W. Stecher

## HONORS

- October 2005 Director's Award, Executive Office for the United States Attorney's Office, for Superior Performance as an Assistant United States Attorney
- January 2005 Certificate of Appreciation for Outstanding Performance in the Trial of Criminal Cases in 2004, United States Attorney's Office, District of Nebraska
- May 2002 Meritorious Achievement Award from the West Central Organized Crime and Drug Task Force, United States Department of Justice, for exemplary service in successful prosecution.
- May 2000 United States Department of Justice Law Enforcement Coordination Committee Award for Advancing Justice and Cooperation in Nebraska Law Enforcement.

## REFERENCES

### Judicial

Honorable Laurie Smith Camp  
U.S. District Judge  
111 S. 18<sup>th</sup> Plaza  
Omaha, NE 68102  
(402) 661-7321

Honorable F.A. Gossett III  
U.S. District Magistrate  
111 S. 18<sup>th</sup> Plaza  
Omaha, NE 68102  
(402) 661-7340

Honorable Michael G. Heavican  
Chief Justice, Nebr. Supreme Court  
State Capitol, #2214  
P.O. Box 98910  
Lincoln, NE 68509-8910

### Professional

Warren R. Arganbright  
Attorney at Law  
111 E. 3<sup>rd</sup> Street  
Valentine, NE 69201-0067  
(402) 376-2088

Nicholas J. Lamme  
Attorney at Law  
81 West Fifth Street  
Fremont, NE 68025  
(402) 721-6160

Honorable W. Russell Bowie III  
District Judge  
1701 Farnam  
Omaha, NE 68183  
(402) 444-7015

### Personal

Jack Vetter  
Vetter Health Services Inc.  
5020 South 118<sup>th</sup> Street  
Omaha, NE 68137  
(402) 895-3932

Joel Hargens  
First National Bank NE  
102 Main Street  
PO Box 26  
Hooper, NE 68031  
(402-654-3321)

Lowell Mueller  
27268 Co. Rd. 14  
Hooper, NE 68031  
(402) 654-3575

# JEFFREY C. SULLIVAN

UNITED STATES ATTORNEYS OFFICE  
700 STEWART ST, SUITE 5220  
SEATTLE, WA 98101-1271

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## PROFESSIONAL EXPERIENCE

UNITED STATES ATTORNEYS OFFICE, SEATTLE, WA

2002-PRESENT

ASSISTANT UNITED STATES ATTORNEY  
CHIEF OF THE CRIMINAL DIVISION

OVERSEES AND MANAGES 55 CRIMINAL ATTORNEYS; MEETS REGULARLY WITH FEDERAL AGENCIES, INCLUDING ICE, FBI, AND DEA; MAKES CHARGING DECISIONS; COORDINATES WITH COUNTY PROSECUTORS REGARDING FEDERAL CHARGES; ADVISES U.S. ATTORNEY REGARDING CRIMINAL MATTERS; CHAIRS HIRING COMMITTEE FOR CIVIL AND CRIMINAL DIVISIONS.

YAKIMA COUNTY PROSECUTOR'S OFFICE, YAKIMA, WA

1975-2002

YAKIMA COUNTY PROSECUTOR

MANAGED THE LARGEST LAW FIRM IN EASTERN WASHINGTON OUTSIDE OF SPOKANE; TRIED OVER 100 JURY TRIALS; TRIED CASES RANGING FROM SIMPLE ASSAULT TO AGGRAVATED FIRST DEGREE MURDER; ARGUED DEATH PENALTY CASES; MANAGED COMPLEX CIVIL CASES; ARGUED TWO CASES BEFORE THE UNITED STATES SUPREME COURT; RE-ELECTED IN 1978, 1982, 1986, 1990, 1994, AND 1998.

LAW OFFICES OF JEFF SULLIVAN, YAKIMA, WA

1972-1975

SOLE PRACTITIONER

GENERAL PRACTICE, WHICH INCLUDED PUBLIC DEFENSE CONTRACTS.

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## EDUCATION

GONZAGA UNIVERSITY SCHOOL OF LAW, JD

MANAGING EDITOR, GONZAGA LAW REVIEW, 1970-71  
ASSISTANT MANAGING EDITOR, GONZAGA LAW REVIEW, 1969-70

GONZAGA UNIVERSITY, BA

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## ADMITTED TO PRACTICE LAW

FEDERAL COURT

WESTERN DISTRICT OF WASHINGTON  
EASTERN DISTRICT OF WASHINGTON  
NINTH CIRCUIT COURT OF APPEALS  
UNITED STATES SUPREME COURT

STATE OF WASHINGTON

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DAG000000388

## MEMBERSHIPS

WASHINGTON STATE BAR ASSOCIATION, NOVEMBER 1971  
NATIONAL DISTRICT ATTORNEYS ASSOCIATION, JANUARY 1975  
WASHINGTON ASSOCIATION OF PROSECUTING ATTORNEYS, PRESIDENT 1979-80  
KING COUNTY BAR ASSOCIATION, MARCH 2002  
AMERICAN BAR ASSOCIATION, JULY 2002

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## APPOINTMENTS TO STATEWIDE BOARDS AND COMMISSIONS

GATES COMMISSION ON WASHINGTON TRIAL COURTS, APPOINTED BY CHIEF JUSTICE  
MEMBER, MINORITY AND JUSTICE COMMISSION OF THE WASHINGTON SUPREME COURT  
CHAIR, WASHINGTON SUPREME COURT SECURITY TASK FORCE  
CO-CHAIR, WASHINGTON STATE LAW AND JUSTICE COUNCIL  
MEMBER, SYSTEMS SUB COMMITTEE OF THE CHILD CARE COORDINATING COUNCIL  
PROSECUTOR TRAINING STANDARDS AND EDUCATION BOARD  
WASHINGTON CRIMINAL JUSTICE TRAINING COMMISSION  
WASHINGTON STATE JAIL COMMISSION  
WASHINGTON STATE DEATH INVESTIGATION COUNCIL  
ORGANIZED CRIME ADVISORY BOARD  
MEMBER, JUVENILE JUSTICE RACIAL DISPROPORTIONALITY WORKING GROUP  
MEMBER, COUNCIL ON FAMILIES, YOUTH AND JUSTICE  
WASHINGTON STATE BAR ASSOCIATION, BENCH BAR PRESS COMMITTEE  
CHAIR, VICTIM/WITNESS COMMITTEE, WA. ASSOCIATION OF PROSECUTING ATTORNEYS  
CHAIR, MENTAL HEALTH COMMITTEE, WA. ASSOCIATION OF PROSECUTING ATTORNEYS  
CO-CHAIR, LEGISLATIVE COMMITTEE, WA. ASSOCIATION OF PROSECUTING ATTORNEYS

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## NATIONAL APPOINTMENTS

AMERICAN BAR ASSOCIATION, CRIMINAL JUSTICE STANDARDS COMMITTEE  
CHAIR, NATIONAL COMMITTEE OF THE NATL DIST. ATTORNEYS ASSOCIATION  
CHAIR, SUPPORT ENFORCEMENT COMMITTEE OF THE NATL DIST. ATTORNEYS ASSOCIATION  
MEMBER, VIOLENT CRIME WORKING GROUP, NATL DIST. ATTORNEYS ASSOCIATION  
VICE PRESIDENT, NATL DIST. ATTORNEYS ASSOCIATION  
BOARD OF DIRECTORS, NATL DIST. ATTORNEYS ASSOCIATION  
MEMBER, FIGHT CRIME INVEST IN KIDS

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## COMMUNITY INVOLVEMENT

BOARD OF DIRECTORS, SUCCESS BY SIX, CHAIRMAN POLICY AND LEGISLATION COMMITTEE  
BOARD OF DIRECTORS, HISPANIC ACADEMIC ACHIEVEMENT PROGRAM  
MEMBER, YAKIMA CO. COMMUNITY PUBLIC HEALTH AND SAFETY NETWORK STEERING COMMITTEE  
MEMBER, YAKIMA ROTARY CLUB  
SCHOOL BOARD, CARROLL HIGH SCHOOL  
AAU BASKETBALL COACH, BOYS AND GIRLS

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## MILITARY SERVICE

SERVICE: 1<sup>ST</sup> LT., U.S. ARMY, ACTIVE DUTY 1965 - 1967  
ASSIGNMENTS: INSTRUCTOR U.S. ARMY INFANTRY SCHOOL  
COMBAT PLATOON LEADER AND EXECUTIVE OFFICER IN VIETNAM  
AWARDS: BRONZE STAR AND VIETNAM SERVICE MEDALS

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# Jeffrey A. Taylor

Jeffrey.Taylor2@usdoj.gov

## EXPERIENCE

**United States Department of Justice**, Washington, D.C.

Counselor to the Attorney General of the United States, 2002-present

Serve as senior advisor to Attorneys General John D. Ashcroft and Alberto R. Gonzales on national security, terrorism, criminal law, and death penalty matters. Oversee Department law enforcement operations conducted by U.S. Attorneys, the Criminal Division, the Office of Intelligence Policy and Review, the Federal Bureau of Investigation, and the Drug Enforcement Administration. Represent the Attorney General in interagency deliberations led by the National Security and Homeland Security Councils.

**United States Senate, Committee on the Judiciary**, Washington, D.C.

Majority Counsel, 1999-2002

Advised Chairman Orrin G. Hatch and Republican majority on criminal law, terrorism, and national security issues. Drafted provisions of the "Methamphetamine Anti-Proliferation Act," the "Civil Asset Forfeiture Reform Act," and the "USA PATRIOT Act." Supervised attorneys and staff of Majority Crime Unit.

**United States Attorney's Office, Southern District of California**, San Diego, California

Assistant United States Attorney, 1995-99

Prosecuted large-scale, international drug trafficking organizations. Conducted jury trials and briefed and argued appeals in the U.S. Court of Appeals for the Ninth Circuit. Supervised Assistant U.S. Attorneys in the Border Crimes Unit. Received Special Achievement Award for Sustained Superior Performance (1997), Special Act Award (1998), and DEA Award for Special Act or Service (1999).

**Latham & Watkins**, San Diego, California

Associate, 1992-95

Represented clients in environmental, intellectual property, and other commercial litigation and appeals.

**Chief Justice John C. Mowbray, Supreme Court of Nevada**, Carson City, Nevada

Law Clerk, 1991-92

Drafted and edited opinions, prepared bench memoranda, and conducted legal research.

**The Honorable Wally Herger, United States House of Representatives**, Redding, California

Field Representative, 1987

Handled casework involving constituents and federal agencies and represented the Congressman at community events.

## EDUCATION

**Harvard Law School**, Cambridge, Massachusetts, J.D., 1991

Honors: Winner, Williston Competition in Contract Negotiation and Drafting, 1989

Activities: Editor, *Harvard Journal of Law & Public Policy*

**Stanford University**, Stanford, California, A.B., History, 1987

Honors: Graduated with Distinction

*Phi Beta Kappa*

**Oxford University**, Oxford, England (Stanford Overseas Program, 1985-86)

## BAR MEMBERSHIP

California; Washington, D.C.

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## RITA R. VALDRINI

### Experience with the United States Attorney's Office, Northern District of West Virginia

November, 2001 to the present

#### First Assistant United States Attorney:

- Support and assist in implementing the programs and initiatives of the United States Attorney
- Oversee the operations and personnel administration of the district, including 3 branch offices, 20 attorneys and 31 support staff members
- Oversee the operations of the Criminal and Civil Divisions
- Serve as District Ethics Officer and Health Care Fraud Coordinator for the District
- Presently responsible for all incoming bankruptcy cases due to the necessary recusal of the Civil Chief who is expected to assume the position of District Bankruptcy Judge

1995 - 2001

#### Assistant United States Attorney in the Civil Division:

- Assumed primary responsibility for Affirmative Civil Enforcement cases
- Responsible for bankruptcy caseload and Financial Litigation Unit

1990 - 1995

#### Assistant United States Attorney in the Criminal Division:

- Primarily responsible for litigating white collar crime cases
- Also litigated drugs, gun and arson cases, as well as case involving murder of a federal witness
- Served as counsel or co-counsel on approximately 15 trials
- Authored numerous appellate briefs and argued before the Fourth Circuit Court of Appeals

Experience with the U.S. Department of Labor,  
Office of Labor-Management Standards (OLMS)

1975 - 1988

Criminal Investigator:

Investigated and assisted USAOs in the Western District of Pennsylvania, Northern District of West Virginia, and the Southern District of West Virginia in prosecuting criminal labor law violations

1988 - 1990

Supervisor:

Supervised 7 field agents with support staff

Educational Background

1988

Graduated top third in class from Duquesne University School of Law, Pittsburgh, Pennsylvania

Honors: Order of the Barristers Award 1987 - 1988  
Won Duquesne's Appellate Moot Court Competition in  
Constitutional Criminal Procedure 1987  
Served as Vice Chairman of Duquesne's Appellate  
Moot Court Board 1987-1988  
Outstanding Achievement Award for participation in  
the Samuel J. Polsky National Appellate Moot  
Court Competition 1988  
Won Duquesne's Trial Moot Court Competition 1988

1981

Graduated *Magna Cum Laude* with a Master of Arts degree from St. Francis of Loretto College, Loretto, Pennsylvania

1973

Graduated *Summa Cum Laude* with a Bachelor of Arts degree in Secondary Education from the University of Pittsburgh, Pittsburgh, Pennsylvania

RESUME  
Judith A. Whetstine

Department of Justice:

1993 to present: First Assistant US Attorney, ND IA  
Acting and Interim USA for portions of that time period

1990 -1993: Senior Litigation Counsel, ND IA

1988 - 1990: Criminal AUSA, ND IA

1986 - 1988: Civil Chief, ND CA

1982 - 1986: Civil AUSA, ND CA

1978 - 1981: AUSA, ND IA

Other:

1975 - 1978: Assistant Linn County Attorney

1973 - 1974: Assistant Cedar Rapids City Attorney

1972-1973: Clinic Supervisor, University of Iowa College of Law

Education:

JD, 1972 University of Iowa College of Law

MA, 1970 University of Iowa

BA, 1968 Wells College

Admissions to Practice:

State of Iowa: June 16, 1972

State of California: October 8, 1982

ND Iowa: August 31, 1972

ND California: January 4, 1982

Eighth Circuit Court of Appeals: October 24, 1978

Ninth Circuit Court of Appeals: February 22, 1982

**NOMINATIONS AFTER AMENDMENT TO ATTORNEY GENERAL'S  
APPOINTMENT AUTHORITY:**

Since March 9, 2006, when the Congress amended the Attorney General's authority to appoint interim United States Attorneys, the President has nominated 15 individuals to serve as United States Attorney. The 15 nominations are:

- **Alexander Acosta** – Southern District of Florida;
- **Thomas Anderson** – District of Vermont;
- **Troy Eid** – District of Colorado;
- **Phillip Green** – Southern District of Illinois;
- **Rodger Heaton** – Central District of Illinois;
- **George Holding** – Eastern District of North Carolina;
- **Martin Jackley** – District of South Dakota;
- **Rachel Paulose** – District of Minnesota;
- **Erik Peterson** – Western District of Wisconsin;
- **Sharon Potter** – Northern District of West Virginia;
- **Deborah Rhodes** – Southern District of Alabama;
- **Rosa Rodriguez-Velez** – District of Puerto Rico.
- **Charles Rosenberg** – Eastern District of Virginia;
- **Brett Tolman** – District of Utah; and
- **John Wood** – Western District of Missouri.

All but Phillip Green, John Wood, and Rosa Rodriguez-Velez have been confirmed by the Senate.

# R. Alexander Acosta

## WORK EXPERIENCE

### **ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS, U.S. DEPARTMENT OF JUSTICE**

Appointed by President George W. Bush, and confirmed by the Senate, to manage the Justice Department's Civil Rights Division. With nearly 350 attorneys and 800 staff, the Division enforces federal civil rights statutes, including those that prohibit discrimination on the basis of race, sex, disability, religion and national origin in education, employment, credit, housing, public accommodations, voting and certain federally funded and conducted programs. 2003–present.

### **BOARD MEMBER, NATIONAL LABOR RELATIONS BOARD**

Appointed by President George W. Bush, and confirmed by the Senate, as one of five Members of this independent, quasi-judicial, federal agency responsible for administering and interpreting the National Labor Relations Act, the principal private-sector federal statute regulating labor relations. 2002–2003.

### **PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS, U.S. DEPARTMENT OF JUSTICE**

Pending confirmation of the Assistant Attorney General, served as the administration's point of contact in the Division. Subsequently supervised implementation of key initiatives, including those concerning Executive Order 13166 (access by language minorities to government-funded services), Section 203 of the Voting Rights Act (access by language minorities to voting), and unlawful trafficking in persons. 2001–2002.

### **SENIOR FELLOW / PROJECT DIRECTOR, ETHICS & PUBLIC POLICY CENTER**

A public policy project to examine the judiciary's role and impact. Addressed various groups, including the 20<sup>th</sup> Annual Heritage Foundation Meeting. Published editorials in the *Wall Street Journal* and other publications. 1997–2000.

### **LITIGATION ASSOCIATE, KIRKLAND & ELLIS**

Focused on appellate litigation and on labor & employment issues. 1995–1997.

### **LAW CLERK, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT**

Served as law clerk to the Honorable Samuel A. Alito. 1994–1995.

### **INVESTMENT BANKING ANALYST, LEHMAN BROTHERS**

Specialized in Latin American privatizations. Major projects: privatization of the Venezuelan phone company (CANTV) and an analysis of government-owned industries for the Venezuelan Finance Ministry. 1990–1991.

## EDUCATION

**HARVARD LAW SCHOOL, J.D. cum laude, June 1994.**

*Journal of Law and Public Policy*. EXECUTIVE EDITOR.

**HARVARD COLLEGE, B.A. magna cum laude in Economics, June 1990.**

**LANGUAGES:** Native Spanish Speaker

## PROFESSIONAL ACTIVITIES

### **THE HARVARD LAW SCHOOL**

CHAIR, 10<sup>TH</sup> Year Reunion; Co-CHAIR, 5<sup>TH</sup> Year Reunion.

### **THE FEDERALIST SOCIETY**

CHAIRMAN of the Disability Law Subcommittee, Labor Law Section. 1999–2001.

VICE CHAIRMAN of the Administrative Law Section. 1997–1999.

### **THE GEORGE MASON LAW SCHOOL**

ADJUNCT PROFESSOR OF LAW. Taught Employment Discrimination Law, Disability-Based Discrimination Law and an Advanced Civil Rights Seminar. 1998–2001.

## THOMAS D. ANDERSON

### Employment Experience

Admitted: Vermont Supreme Court (1985), United States District Court for the District of Vermont (1987), United States Court of Appeals for the Second Circuit, New York (1988)

**United States Department of Justice, Burlington, VT (1987-1996; 2001-present)**

#### *Assistant U.S. Attorney*

I am responsible for reviewing and authorizing most narcotics and drug prosecutions that are referred to the United States Attorney's Office by federal, state and local law enforcement. I work closely with federal and state drug investigators, including the DEA and the Vermont State Police Drug Task Forces, in identifying and targeting the highest level drug traffickers in Vermont. I am also the Dept. of Justice's lead attorney for the Organized Crime Drug Enforcement Task Force ("OCDETF"), which is responsible for coordinating multi-district drug and narcotics investigations. I generally have a case load of approximately fifty to sixty cases, with most cases involving multiple defendants. In each case, I am responsible for the overall investigation of the case, for presenting the case to the grand jury, and for prosecution of the case through trial, sentencing and appeal. In addition to my duties as the lead narcotics attorney, I am also responsible for the prosecution of immigration offenses occurring at the border (e.g., alien smuggling, illegal entry)

**Sheehy Furlong Rendall & Behm, Burlington, VT (1997-2001)**

#### *Partner (1998-2001)/Managing Partner (2000-2001)*

My practice primarily involved a wide range of commercial and business litigation. Our firm also had the honor and privilege of representing the State of Vermont in its litigation against the tobacco industry. A lesser percentage of my practice was devoted to representing existing clients and some referred clients in divorce proceedings in Family Court. From time-to-time, I represented defendants in United States District Court when requested to by the clerk's office. These generally were cases with significant conflict issues. Duties as managing partner included monthly financial reports, end of year financial reports and supervision of the office manager and associates.

**Vermont Attorney General's Office, Montpelier, VT (1993-1995)**

#### *Special Assistant Attorney General*

While an Assistant U.S. Attorney, I was appointed as a Special Assistant Attorney General and acted as lead attorney in the prosecution of several Northfield, VT police officers, including the chief of police, for assault and obstruction of justice.

**Orleans County State's Attorney, Newport, VT (1984-1987)**

#### *Deputy State's Attorney*

Responsibilities included the review and filing of criminal charges; prosecution of a wide range of criminal, juvenile delinquent and child neglect and abuse cases; researching and preparing appellate briefs; representation of State of Vermont before the Vermont Supreme Court.

### Education

Seton Hall University School of Law, J.D., Class of 1984 (evening division)

St. Michael's College, B.A., Class of 1979

### Volunteer Activities

Milton Planning Commission (1996-1999)

South Burlington Planning Commission (1999-2001)

Mater Christi School Board, (2001 to present) (Chairperson, 2004-present)

Rotary International, South Burlington (1998 to 2001)

### Personal

Married; three children

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## Troy A. Eid

Shareholder  
Environmental  
Land Development  
Energy and Natural Resources  
Governmental Affairs

E-mail Troy Eid  
[www.gtlaw.com](http://www.gtlaw.com)

Greenberg Traurig, LLP  
Denver  
1200 17th Street  
Suite 2400  
Denver, CO 80202  
Telephone: (303) 572-6556  
Facsimile: (303) 572-6540

Troy A. Eid focuses his practice on land use and environmental law, Federal Indian law, Native American tribal law, business negotiations, and public law, including practice before local, state, tribal and federal administrative and regulatory agencies. Troy has been listed as one of "America's Leading Lawyers for Business" in environmental law by Chambers USA in its 2005 national rankings.

Troy served as lead counsel in representing one of the world's largest corporations in a national enforcement action by the U.S. Department of Justice and the Environmental Protection Agency alleging violations of the storm water provisions of the Clean Water Act at multiple construction sites across the country. Troy also has represented public and private employers in complex negotiations with various Indian Tribes and the federal government.

A member of the Navajo Nation bar, Troy has been certified by the National Institute for Trial Advocacy as a faculty instructor in Native American law practice and legal education.

Prior to joining Greenberg Traurig in 2003, Troy served for five years on the cabinet of Colorado Governor Bill Owens. As Governor Owens' first Chief Legal Counsel, Troy earned national attention for his role in reviewing the mass shootings at Columbine High School in 1999. He also oversaw the appointment of 34 state judges. Troy went on to serve as Secretary of Personnel and Administration, responsible for 70,000 state employees and \$9 billion in real estate, as well as finance, procurement, information technology, risk management, and other central support services.

Troy's reputation as a reformer, and his role in co-chairing (with former Governor Richard Lamm) a statewide commission on reforming Colorado's civil service and contracting laws, prompted the United States Hispanic Chamber of Commerce to name him "Outstanding Government Advocate of the Year" for the Western United States. The *Rocky Mountain News* described as "visionary" Troy's leadership of a public-private partnership that has connected all rural Colorado counties to the Internet, bringing more than 1,000 public schools, libraries, town halls, law enforcement agencies, and hospitals on line.

### **Areas of Experience**

- Business and governmental negotiations
- Energy
- Environmental Law
- Land use and development law
- Native American tribal law
- Federal Indian law
- Administrative and regulatory law
- Procurement and government contracting
- Insurance and risk management
- Governmental affairs, public law and legislation

### **Previous Employment**

- Chief Operating Officer & General Counsel, InfoTEST International, an Internet applications development consortium founded by Hewlett-Packard Co. and including AT&T, Sprint, IBM, 3M, Harvard University and 60 corporations, universities and research laboratories, 1994-1998
- Associate, Holme Roberts & Owen LLP, Denver, Colorado, 1992-94
- Law Clerk to Judge Edith H. Jones, U.S. Court of Appeals for the Fifth Circuit, 1991-92

### **Professional & Community Involvement**

- Advisory Board Member, Natural Resources Law Center, University of Colorado School of Law
- Member, Governor's Commission on Science and Technology
- Member, Colorado State Personnel Board
- Board of Directors, Latin American Educational Foundation
- Chairman, Colorado Board of Ethics
- Board Member, Legal Aid Foundation of Colorado
- Board Member, Denver Hispanic Chamber of Commerce
- Member, Colorado Bar Association
- Member, Navajo Nation Bar Association
- Member, American Law Institute

## Articles, Publications & Lectures

- "Phase II Storm Water Regulation and Compliance in Colorado," presented in Colorado Springs, Colorado, December 7, 2005
- "The Navajo Nation Arbitration Act: Visions and Realities." presented in Window Rock, Arizona, December 8, 2005
- "Strategic Democracy-Building: How States Can Help" (co-authored with Governor Bill Owens), in Alexander T.J. Lennon, editor, *Winning Hearts and Minds: Using Soft Power to Undermine Terrorist Networks* (Massachusetts Institute of Technology Press, 2003), pp. 130-149
- "The European Union: A Brief Introduction," *The Colorado Lawyer*, May 2002
- "Judicial Independence and Accountability: The Case Against Electing Judges," *The Colorado Lawyer*, June 2001
- "The National Information Infrastructure: Democratizing the Millennium," speech to the Utah Governor's Conference on Economic Development, published in *Vital Speeches of the Day*, August 1995
- "The New Anti-Federalism: The Constitutionality of State-Imposed Limits on Congressional Terms of Office," 69 *University of Denver Law Review* 1 (co-authored with U.S. Rep. Jim Kolbe), 1992
- Comment, "A Fourth Amendment Approach to Compulsory Physical Examinations of Sex Offense Victims," 57 *University of Chicago Law Review* 873, 1990

## Awards & Recognition

- Listed, *Chambers & Partners USA Guide*, an annual listing of the leading business lawyers and law firms in the world, 2005-2006 edition
- *Government Advocate of the Year Award for the Western United States* (Region II), United States Hispanic Chamber of Commerce
- *Government Advocate of the Year Award*, Denver Hispanic Chamber of Commerce
- U.S.-Spain Young Leaders Program
- American Marshall Memorial Fellowship, German Marshall Fund of the United States
- Trans-Atlantic Forum, Bertelsmann Foundation-Center for Applied Policy Research, University of Munich (Germany)

## Education

- J.D., University of Chicago Law School, 1991
  - Associate Managing Editor, *The University of Chicago Law Review*
  - Awarded 1991 Bradley Fellowship in Law & Government
- A.B., Russian Language and Literature, Stanford University, 1986
  - Elected Editor-in-Chief & President, *The Stanford Daily*
  - Awarded 1986 John Gardner Public Service Fellowship
  - Honors Program, Stanford Center for National Security & Arms Control