

RPTS CALHOUN

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EXECUTIVE SESSION  
COMMITTEE ON THE JUDICIARY,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: PAUL J. McNULTY

Friday, April 27, 2007

Washington, D.C.

The interview in the above matter was held in Room  
2138, Rayburn House Office Building, commencing at 9:32 a.m.

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Q During that period of time, did you take any steps, you personally as the Deputy, to begin the process of terminating any U.S. Attorney?

A No.

Q Did you express the view in that period of time that any U.S. Attorney who was then in office in that period between November 1, 2005, and October, 2006, should be terminated?

A Well, I don't know if I would put it that way. I had conversations -- we have conversations involving U.S. Attorneys all the time, and sitting here today I don't remember expressing my thoughts in that way about a U.S. Attorney, but I just don't have -- I haven't given that any thought until just now.

Q And during that period again from November 1, 2005, to October 1, 2006, did you ever express the belief that there should be some wholesale termination of U.S. Attorneys who weren't performing well?

1           A     No, not that I can remember.

2           Q     Did you ever hear anybody express that view within  
3 the Department?

4           A     I have no memory of that approach being discussed  
5 before October.

6           Q     In those days, between November, '05, and  
7 October 1, '06.

8           A     Correct.

9           Q     And did the Attorney General express to you the  
10 view, in that period of time, that there was any U.S.  
11 Attorney who he did not believe should continue as the U.S.  
12 Attorney?

13          A     I don't recall ever having a conversation with the  
14 Attorney General that would have been sort of phrased or  
15 worded in that way. We discussed from time to time issues  
16 that connected to U.S. Attorneys, but I don't recall anything  
17 being stated that way.

18          Q     Talking about in terms of termination, the removal.

19          A     No, I don't recall anything.

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[REDACTED]

Q Now when was the first time that you learned that there was an effort within the Department to consider for

1 termination a series of U.S. Attorneys, a number?

2 A To the very best of my recollection, the first time  
3 I learned about it was at the end of October. Somewhere in  
4 the time frame of late October, early November was when Kyle  
5 Sampson consulted me about the idea of seeking the  
6 resignation of a group of U.S. Attorneys.

7 My best recollection is that the first time I learned  
8 about it was through my chief of staff, Mike Elston, who had  
9 apparently received an inquiry from Kyle Sampson to run this  
10 by me, to ask me my thoughts on the subject. It was  
11 presented to me in an oral fashion, as I recall.

12 Q By Mr. Elston?

13 A By Mr. Elston, right. And it was presented to me  
14 as here is the idea and here are the names of individuals  
15 that are being identified for seeking the resignation.

16 Q And do you recall the names that he stated to you?

17 A Well, what I don't recall clearly are the actual  
18 names that were stated to me in a sense that I know the names  
19 that eventually were asked to resign. To the best of my  
20 memory, the people who were asked to resign were the names  
21 that were presented to me.

22 There was one person I recall being presented to me who  
23 was not asked to resign because I objected to that name, and  
24 there was apparently -- now that I look at the e-mails that  
25 have been presented to you all -- one person asked to resign

1 who may not have been presented to me at the time. That is  
2 Kevin Ryan.

3 My memory sitting here today is that the names that were  
4 presented to me were basically the same names as the ones  
5 that were asked to resign.

6 Q And have you looked at these e-mails to refresh  
7 your recollection about what names were presented to you by  
8 Mr. Elston?

9 A As best I can. I saw that there were some names  
10 that were on an e-mail that Mr. Elston received that I didn't  
11 see in mid-October. But I can't be sure that the names that  
12 were presented to me at some point later, maybe a week or so  
13 later, are the exact same names.

14 Q So your view is that -- your recollection is that,  
15 while Mr. Elston may have learned about this in mid-October,  
16 you didn't hear it from Mr. Elston until late October, is  
17 that right?

18 A My best recollection is that it was a little bit  
19 later in the month when I got it, yes.

20 Q And when it was presented to you by Mr. Elston, you  
21 did not receive any piece of paper, is that right?

22 A That is right.

23 Q So this was an oral presentation of the names that  
24 Mr. Sampson was proposing for termination, is that correct?

25 A Correct.