

Goodling, Monica

From: Goodling, Monica
Sent: Tuesday, January 02, 2007 12:51 PM
To: 'griffin' Seidel, Rebecca; Chambers, Shane P
Subject: Re: Hey

As far as I know, Pryor's office still hasn't called OLA back. Rebecca/Shane - can you confirm? Thanks.

-----Original Message-----

From: griffin
To: Goodling, Monica
Sent: Tue Jan 02 12:15:58 2007
Subject: Hey

Just a fyi. Obviously, I am not flying to dc tomorrow to meet with pryor because I haven't heard from anyone on it. Have you heard anything?

**Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET**

DATE OF DOCUMENT: 01/16/2007
DATE RECEIVED: 01/18/2007

WORKFLOW ID: 1124663
DUE DATE: 02/02/2007

FROM: The Honorable Carol C. Lam
U.S. Attorney, S.D. of California
880 Front Street, Suite 6293
San Diego, CA 92101

TO: AG

MAIL TYPE: Priority VIP Correspondence-Policy/Issue

SUBJECT: Submitting her resignation as USA for the S.D. of California, effective midnight 2/15/2007.

DATE ASSIGNED
01/19/2007

ACTION COMPONENT & ACTION REQUESTED
Executive Office of United States Attorneys
Prepare response for AG signature.

INFO COMPONENT: OAG, ODAG, OLP

COMMENTS:

FILE CODE:

EXECSEC POC: Paula Stephens: 202-616-0074

OAG000001450

Goodling, Monica

From: Nowacki, John (USAEO) [John.Nowacki@usdoj.gov]
Sent: Tuesday, January 30, 2007 6:23 PM
To: Goodling, Monica
Subject: DRAFT Testimony
Attachments: DRAFT Testimony -- US Attorneys Hearing.doc

The draft testimony is attached; I promised it to OLA by seven o'clock. Thanks for taking a look.

On AZ, the office senior mgmt is at a funeral and we have not been able to reach anyone. Mike couldn't reach the judge, either. We have left messages for the judge, Charlton, and Knauss.

<<DRAFT Testimony -- US Attorneys Hearing.doc>>

DRAFT TESTIMONY FOR
DEPUTY ATTORNEY GENERAL PAUL MCNULTY

Hearing before the Subcommittee on the Courts
Committee on the Judiciary
U.S. Senate

Wednesday, February 7, 2007

Chairman Schumer, Senator Sessions, and members of the Subcommittee, thank you for the invitation to discuss the importance and the independence of the Justice Department's United States Attorneys. As a former United States Attorney, I particularly appreciate this opportunity to address the critical role U.S. Attorneys play in enforcing our Nation's laws and carrying out the priorities of the Department of Justice.

I have often said that being a United States Attorney is one of the greatest jobs you can ever have. It is a privilege and a challenge—one that carries a great responsibility. As former Attorney General Griffin Bell and Daniel Meador wrote, U.S. Attorneys are “the front-line troops charged with carrying out the Executive's constitutional mandate to execute faithfully the laws in every federal judicial district.” As the chief federal law-enforcement officers in their districts, U.S. Attorneys represent the Attorney General before Americans who may not otherwise have contact with the Department of Justice. They lead our efforts to protect America from terrorist attacks and fight violent crime, combat illegal drug trafficking, ensure the integrity of government and the marketplace, enforce our immigration laws, and prosecute crimes that endanger children and families—including child pornography, obscenity, and human trafficking.

U.S. Attorneys are not only prosecutors; they are government officials charged with managing and implementing the policies and priorities of the Executive Branch. The Department of Justice—including the office of United States Attorney—was created precisely so that the government’s legal business could be effectively managed and carried out through a coherent program under the supervision of the Attorney General. And unlike judges, who are supposed to act independently of those who nominate them, U.S. Attorneys are accountable to the Attorney General, and through him, to the President—the head of the Executive Branch. For these reasons, the Department is committed to having the best person discharging the responsibilities of that office at all times and in every district.

When a U.S. Attorney submits his or her resignation, the Administration has an obligation to ensure that someone is able to carry out the important function of leading a U.S. Attorney’s Office during the period when there is not a Presidentially-nominated, Senate-confirmed United States Attorney. In some cases, the First Assistant U.S. Attorney is the appropriate person to serve in that capacity, but there are reasons he or she may not be, including: an impending retirement; an indication that the First Assistant has no desire to serve as an Acting U.S. Attorney, an IG or OPR matter in his or her file, which may make elevation inappropriate; an unfavorable recommendation by the outgoing U.S. Attorney; or that the individual does not enjoy the confidence of those responsible for ensuring ongoing operations and an appropriate transition. In those

situations, the Attorney General has appointed another individual to lead the office during the transition.

In every single case where a vacancy occurs, it is the goal of the Bush Administration to have a United States Attorney that is confirmed by the Senate. Every single time that a vacancy has arisen, the President has either made a nomination, or the Administration is working—in consultation with home-state Senators—to select candidates for nomination. Let me be perfectly clear—at no time has the Administration sought to avoid the Senate confirmation process by appointing an interim United States Attorney and then refused to move forward in consultation with home-state Senators on the selection, nomination, and confirmation of a new U.S. Attorney. Consultation and confirmation is the method preferred by the Senate, and that is the method preferred by the Administration.

Since January 20, 2001, 125 new U.S. Attorneys have been nominated by the President and confirmed by the Senate. On March 9, 2006, the Congress amended the Attorney General's authority to appoint interim U.S. Attorneys, and 14 vacancies have occurred since that date. Of those 14, the Administration has nominated candidates to fill five of these positions, has interviewed candidates for six positions, and is waiting to receive names to set up interviews for one position—all in consultation with home-state Senators. In order to ensure an effective and smooth transition during those vacancies, the office of the U.S. Attorney was filled on an interim basis using a range of authorities.

Comment [JN1]: Includes Charlton (AZ) resignation and Lisa Godbey Wood's confirmation, both today.

In four cases, the First Assistant was selected to lead the office and took over under the provisions of the Vacancy Reform Act, at 5 U.S.C. § 3345(a)(1). That authority is limited to 210 days, unless a nomination is made during that period. In another case, the First Assistant was selected under that provision of the Vacancy Reform Act but took federal retirement a month later. The Department then selected another Department employee to serve as an interim U.S. Attorney under an Attorney General appointment until a nomination is submitted to the Senate.

In seven cases, the Department selected another Department employee to serve as interim U.S. Attorney under an Attorney General appointment until such time as a nomination is submitted to the Senate.

Comment [JN2]: Includes interim appointment today in AZ.

And in one case, the First Assistant resigned at the same time as the U.S. Attorney, creating a need for an interim until such time as a nomination is submitted to the Senate.

All told, the Administration has nominated a total of 15 individuals for Senate consideration since the appointment authority was amended, with 12 of those nominees confirmed to date.

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

the United States Attorneys and ensuring that they are leading their offices effectively. It should come as no surprise to anyone that, in an organization as large as the Justice Department, U.S. Attorneys may be removed, or asked or encouraged to resign. However, U.S. Attorneys are never 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. Any suggestion to the contrary is simply irresponsible.

With 93 U.S. Attorneys across the country, the Department often averages between eight to 15 vacancies at any given time. Given this occasional turnover, career investigators and prosecutors exercise direct responsibility for nearly all investigations and cases handled by a U.S. Attorney's Office. The effect of a U.S. Attorney's departure on an ongoing investigation would be minimal.

Given these facts, the Department of Justice strongly opposes S. 214, which would radically change the way in which U.S. Attorney vacancies are temporarily filled, taking the authority to appoint members of his own staff from the Attorney General and delegating it instead to another branch of government.

As you know, prior to last year's amendment of 28 U.S.C. § 546, the Attorney General could appoint an interim U.S. Attorney for only 120 days; thereafter, the district court was authorized to appoint an interim U.S. Attorney. In cases where a Senate-confirmed U.S. Attorney could not be appointed within 120 days, the limitation on the

Attorney General's appointment authority resulted in several recurring problems. Some district courts recognized the conflicts inherent in the appointment of an interim U.S. Attorney who would then have matters before the court—not to mention the oddity of one branch of government appointing officers of another—and simply refused to exercise the appointment authority. In those cases, the Attorney General was then required to make multiple 120-day interim appointments. Other district courts ignored the inherent conflicts and the oddity, and sought to appoint as interim U.S. Attorneys unacceptable candidates without the required clearances or appropriate qualifications. Last year's amendment of section 546, which brought the section largely into conformity with the Vacancies Reform Act, was necessary and entirely appropriate.

S. 214, on the other hand, would not only fail to ensure that those problems did not recur; it would exacerbate them by making appointment by the district court the only means of temporarily filling a vacancy—a step inconsistent with sound separation-of-powers principles. We are aware of no other agency where federal judges—members of a separate branch of government and not the head of the agency—appoint interim staff on behalf of the agency. Such a judicial appointee would have authority for litigating the entire federal criminal and civil docket before the very district court to whom he or she was beholden for the appointment. This arrangement, at a minimum, gives rise to an appearance of potential conflict that undermines the performance of both the Executive and Judicial Branches. Furthermore, prosecutorial authority should be exercised by the Executive Branch in a unified manner, consistent with the application of criminal

enforcement policy under the Attorney General. S. 214 would undermine the effort to achieve a unified and consistent approach to prosecutions and federal law enforcement.

S. 214 seems aimed at solving a problem that does not exist. When a vacancy in the office of U.S. Attorney occurs, the Department often looks first to the First Assistant or another senior manager in the office to serve as an Acting or interim U.S. Attorney. Where neither the First Assistant nor another senior manager is able or willing to serve as an Acting or interim U.S. Attorney, or where their service would not be appropriate under the circumstances, the Administration may look to other Department employees to serve temporarily. No matter which way a U.S. Attorney is temporarily appointed, the Administration consistently seeks to consult with home-state Senators and fill the vacancy with a Presidentially-nominated and Senate-confirmed nominee.

Thank you again for the opportunity to testify, and I look forward to answering the Subcommittee's questions.

Goodling, Monica

From: Goodling, Monica
Sent: Tuesday, January 30, 2007 7:24 PM
To: Nowacki, John (USAEO)
Subject: RE: DRAFT Testimony

Attachments: DRAFT Testimony -- US Attorneys Hearing.doc



DRAFT Testimony --
US Attorney...

Back to you to send. I'd like to recommend some other changes, but go ahead and send it. My changes will take more time. What's here is correct.

From: Nowacki, John (USAEO) [mailto:John.Nowacki@usdoj.gov]
Sent: Tuesday, January 30, 2007 6:23 PM
To: Goodling, Monica
Subject: DRAFT Testimony

The draft testimony is attached; I promised it to OLA by seven o'clock. Thanks for taking a look.

On AZ, the office senior mgmt is at a funeral and we have not been able to reach anyone. Mike couldn't reach the judge, either. We have left messages for the judge, Charlton, and Knauss.

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DRAFT TESTIMONY FOR
DEPUTY ATTORNEY GENERAL PAUL MCNULTY

Hearing before the Subcommittee on the Courts
Committee on the Judiciary
U.S. Senate

Wednesday, February 7, 2007

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I have often said that being a United States Attorney is one of the greatest jobs you can ever have. It is a privilege and a challenge—one that carries a great responsibility. As former Attorney General Griffin Bell and Daniel Meador wrote, U.S. Attorneys are “the front-line troops charged with carrying out the Executive’s constitutional mandate to execute faithfully the laws in every federal judicial district.” As the chief federal law-enforcement officers in their districts, U.S. Attorneys represent the Attorney General before Americans who may not otherwise have contact with the Department of Justice. They lead our efforts to protect America from terrorist attacks and fight violent crime, combat illegal drug trafficking, ensure the integrity of government and the marketplace, enforce our immigration laws, and prosecute crimes that endanger children and families—including child pornography, obscenity, and human trafficking.

U.S. Attorneys are not only prosecutors; they are government officials charged with managing and implementing the policies and priorities of the Executive Branch. The Department of Justice—including the office of United States Attorney—was created precisely so that the government’s legal business could be effectively managed and carried out through a coherent program under the supervision of the Attorney General. And unlike judges, who are supposed to act independently of those who nominate them, U.S. Attorneys are accountable to the Attorney General, and through him, to the President—the head of the Executive Branch. For these reasons, the Department is committed to having the best person discharging the responsibilities of that office at all times and in every district.

When a U.S. Attorney submits his or her resignation, the Administration has an obligation to ensure that someone is able to carry out the important function of leading a U.S. Attorney’s Office during the period when there is not a Presidentially-nominated, Senate-confirmed United States Attorney. In some cases, the First Assistant U.S. Attorney is the appropriate person to serve in that capacity, but there are reasons he or she may not be, including: an impending retirement; an indication that the First Assistant has no desire to serve as an Acting U.S. Attorney, an IG or OPR matter in his or her file, which may make elevation inappropriate; an unfavorable recommendation by the outgoing U.S. Attorney; or that the individual does not enjoy the confidence of those responsible for ensuring ongoing operations and an appropriate transition. In those

situations, the Attorney General has appointed another individual to lead the office during the transition.

In every single case where a vacancy occurs, it is the goal of the Bush Administration to have a United States Attorney that is confirmed by the Senate. Every single time that a vacancy has arisen, the President has either made a nomination, or the Administration is working—in consultation with home-state Senators—to select candidates for nomination. Let me be perfectly clear—at no time has the Administration sought to avoid the Senate confirmation process by appointing an interim United States Attorney and then refused to move forward in consultation with home-state Senators on the selection, nomination, and confirmation of a new U.S. Attorney. Consultation and confirmation is the method preferred by the Senate, and that is the method preferred by the Administration.

Since January 20, 2001, 125 new U.S. Attorneys have been nominated by the President and confirmed by the Senate. On March 9, 2006, the Congress amended the Attorney General's authority to appoint interim U.S. Attorneys, and 13 vacancies have occurred since that date. This amendment has not changed our commitment to nominating candidates for Senate confirmation. In fact, the Administration has nominated a total of 15 individuals for Senate consideration since the appointment authority was amended, with 12 of those nominees having been confirmed to date. Of the 13 vacancies that have occurred since the time that the law was amended, the Administration has nominated candidates to fill five of these positions, has interviewed

candidates for seven positions, and is waiting to receive names to set up interviews for one position—all in consultation with home-state Senators.

However, while that process continues, the Department must continue to manage the important prosecutions and work of these offices. In order to ensure an effective and smooth transition during those vacancies, the office of the U.S. Attorney was filled on an interim basis using a range of authorities.

In four cases, the First Assistant was selected to lead the office and took over under the provisions of the Vacancy Reform Act, at 5 U.S.C. § 3345(a)(1). That authority is limited to 210 days, unless a nomination is made during that period. In a fifth case, the First Assistant was selected under that provision of the Vacancy Reform Act but took federal retirement a month later. The Department then selected another Department employee to serve as an interim U.S. Attorney under an Attorney General appointment until a nomination is submitted to the Senate.

In one case, the First Assistant resigned at the same time as the U.S. Attorney, creating a need for an interim until such time as a nomination is submitted to the Senate.

In the eight remaining cases, the Department selected another Department employee to serve as interim U.S. Attorney under an Attorney General appointment until such time as a nomination is submitted to the Senate.

United States Attorneys serve at the pleasure of the President. Like any other high-ranking officials in the Executive Branch, they may be removed for any reason or no reason. The Attorney General and I are responsible for evaluating the performance of the United States Attorneys and ensuring that they are leading their offices effectively. It should come as no surprise to anyone that, in an organization as large as the Justice Department, U.S. Attorneys may be removed, or asked or encouraged to resign. However, U.S. Attorneys are never 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. Any suggestion to the contrary is simply irresponsible.

With 93 U.S. Attorneys across the country, the Department often averages between eight to 15 vacancies at any given time. Given this occasional turnover, career investigators and prosecutors exercise direct responsibility for nearly all investigations and cases handled by a U.S. Attorney's Office. The effect of a U.S. Attorney's departure on an ongoing investigation would be minimal.

Given these facts, the Department of Justice strongly opposes S. 214, which would radically change the way in which U.S. Attorney vacancies are temporarily filled, taking the authority to appoint members of his own staff from the Attorney General and delegating it instead to another branch of government.

As you know, prior to last year's amendment of 28 U.S.C. § 546, the Attorney General could appoint an interim U.S. Attorney for only 120 days; thereafter, the district court was authorized to appoint an interim U.S. Attorney. In cases where a Senate-confirmed U.S. Attorney could not be appointed within 120 days, the limitation on the Attorney General's appointment authority resulted in several recurring problems. Some district courts recognized the conflicts inherent in the appointment of an interim U.S. Attorney who would then have matters before the court—not to mention the oddity of one branch of government appointing officers of another—and simply refused to exercise the appointment authority. In those cases, the Attorney General was then required to make multiple 120-day interim appointments. Other district courts ignored the inherent conflicts and the oddity, and sought to appoint as interim U.S. Attorneys unacceptable candidates without the required clearances or appropriate qualifications. Last year's amendment of section 546, which brought the section largely into conformity with the Vacancies Reform Act, was necessary and entirely appropriate.

S. 214, on the other hand, would not only fail to ensure that those problems did not recur; it would exacerbate them by making appointment by the district court the only means of temporarily filling a vacancy—a step inconsistent with sound separation-of-powers principles. We are aware of no other agency where federal judges—members of a separate branch of government and not the head of the agency—appoint interim staff on behalf of the agency. Such a judicial appointee would have authority for litigating the entire federal criminal and civil docket before the very district court to whom he or she was beholden for the appointment. This arrangement, at a minimum, gives rise to an

appearance of potential conflict that undermines the performance of both the Executive and Judicial Branches. Furthermore, prosecutorial authority should be exercised by the Executive Branch in a unified manner, consistent with the application of criminal enforcement policy under the Attorney General. S. 214 would undermine the effort to achieve a unified and consistent approach to prosecutions and federal law enforcement.

S. 214 seems aimed at solving a problem that does not exist. When a vacancy in the office of U.S. Attorney occurs, the Department often looks first to the First Assistant or another senior manager in the office to serve as an Acting or interim U.S. Attorney. Where neither the First Assistant nor another senior manager is able or willing to serve as an Acting or interim U.S. Attorney, or where their service would not be appropriate under the circumstances, the Administration may look to other Department employees to serve temporarily. No matter which way a U.S. Attorney is temporarily appointed, the Administration consistently seeks to consult with home-state Senators and fill the vacancy with a Presidentially-nominated and Senate-confirmed nominee.

Thank you again for the opportunity to testify, and I look forward to answering the Subcommittee's questions.

Goodling, Monica

From: Tim Griffin
Sent: Monday, February 05, 2007 8:14 PM
To: Goodling, Monica
Subject: RE: Emailing: USA Letter 001

sure

-----Original Message-----

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Monday, February 05, 2007 7:11 PM
To: Tim Griffin
Subject: RE: Emailing: USA Letter 001

Thanks!

-----Original Message-----

From: Tim Griffin [mailto:]]
Sent: Monday, February 05, 2007 8:10 PM
To: Goodling, Monica
Subject: Emailing: USA Letter 001

Here is the bud letter

Goodling, Monica

From: Goodling, Monica
Sent: Wednesday, February 07, 2007 8:20 AM
To: Sampson, Kyle
Subject: Fw: USA Letter

Attachments: USA Letter 001.pdf

-----Original Message-----

From: Goodling, Monica
To: Griffin, Tim (USAARE)
Sent: Tue Feb 06 15:01:15 2007
Subject: USA Letter



USA Letter 001.pdf
(256 KB)



U. S. Department of Justice

United States Attorney
Eastern District of Arkansas

Post Office Box 1229
Little Rock, Arkansas 72203

Tele. (501) 324-5342
Fax Nos. Civil (501) 324-7199
Criminal (501) 324-5221

August 13, 2002

Tim Griffin
Research Director and
Deputy Communications Director
Republican National Committee
310 First Street, S.E.
Washington, D.C. 20003

Dear Tim:

I want to formally thank you for your service to me and to the U.S. Attorney's Office, Eastern District of Arkansas for the year you served here as a Special Assistant United States Attorney. You performed at the highest level of excellence during your time here.

Overall, you served the office extremely well. I believe you indicted more people during your time here than any other AUSA. You were a real workhorse, and the quality of your work was excellent.

But I am particularly grateful for the work you did in developing and launching our Project Safe Neighborhoods (PSN) program. With minimal supervision, you took the initiative to plan, organize and implement an awesome PSN program. I am not aware of a better PSN program in the country. You should be pleased to know that our PSN program was highly recognized and commended in a recent department evaluation.

You are missed by your friends and colleagues here in the USAO, ED AR. Thanks for everything, and good luck.

Sincerely,

H.E. (Bud) Cummins
United States Attorney

Goodling, Monica

From: Goodling, Monica
Sent: Monday, February 12, 2007 8:23 PM
To: Elston, Michael (ODAG)
Subject: Chiara

In all fairness, you probably should make her aware of the fact that the DAG will brief her upcoming resignation on Wednesday and that it is possible that while we will not disclose outside of the Hill -- that the Hill may "out" her this week.

Tracking:	Recipient	Read
	Elston, Michael (ODAG)	Read: 2/12/2007 8:23 PM

Goodling, Monica

From: Sampson, Kyle
Sent: Wednesday, February 21, 2007 3:55 PM
To: Goodling, Monica
Subject: Cummins tick-tock

Attachments: Arkansas Transition.doc

I revised a smidge.



Arkansas
ansition.doc (34 KB)

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

TRANSITIONS IN ARKANSAS

February 2004:

- Tom Gean resigns as U.S. Attorney for the Western District of Arkansas.
- The DOJ/WHCO panel interviews four individuals for the Western District of Arkansas vacancy: _____, _____, _____, and Tim Griffin. Griffin is panel's first choice, and Griffin likely would have been approved by the JSC at that time; however, before he could be selected, Griffin withdrew his name from consideration because he had determined to accept an offer to join the staff of the Bush-Cheney reelection campaign.

December 30, 2004:

- *Arkansas Times* article notes that Cummins had said in 2004 that, with four kids to put through college, he was likely to begin exploring career options. Report states that Cummins said that it wouldn't be "shocking" for there to be a change in his office before the end of President Bush's second term.

February 27, 2006-March 1, 2006:

- At the U.S. Attorneys Conference, Cummins openly discusses his intention to pursue private sector opportunities later that year.

Spring 2006:

- The White House Counsel asks if there will be a U.S. Attorney vacancy in the Eastern District of Arkansas, as Tim Griffin will be returning from Iraq and is interested in being appointed as U.S. Attorney in that district.

June 2006:

- EOUSA Director Mike Battle calls Cummins, inquires of his intentions to pursue private sector employment, and asks him to resign.

August 2006:

- First press reports regarding Cummins' impending resignation appear.
- Cummins indicates that he began discussing his departure with Main Justice in June.

September 27, 2006:

- Griffin is named Special Assistant U.S. Attorney in the Eastern District of Arkansas.

December 20, 2006:

- Cummins resigns.
- The Attorney General appoints Griffin as interim U.S. Attorney for the Eastern District of Arkansas.

Goodling, Monica

From: Moschella, William
Sent: Thursday, February 22, 2007 3:20 PM
To: Sampson, Kyle; Goodling, Monica; Margolis, David; McNulty, Paul J; Elston, Michael (ODAG); Hertling, Richard
Subject: RE: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin

No objection but would copy Specter and McConnell.

From: Sampson, Kyle
Sent: Thursday, February 22, 2007 12:03 PM
To: Goodling, Monica; Margolis, David; McNulty, Paul J; Moschella, William; Elston, Michael (ODAG); Hertling, Richard
Subject: RE: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin
Importance: High

If you have not already reviewed the letter, please review this version 2. (It includes some nits, plus a new graf from Hertling.) Because this letter mentions Rove and alludes to Harriet, I'd like to send it to WHCO today for their review, with an eye on getting it out tomorrow. THx.

<< File: reid letter re cummins-griffin v.2.doc >>

From: Goodling, Monica
Sent: Thursday, February 22, 2007 12:01 PM
To: Sampson, Kyle; Margolis, David; McNulty, Paul J; Moschella, William; Elston, Michael (ODAG); Hertling, Richard
Subject: RE: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin

He was technically an employee of Crim Div from March 2001 to June 2002, but was on detail to EDAR for September 2001-June 2002 -- so about 6 months in Crim Div.

From: Sampson, Kyle
Sent: Thursday, February 22, 2007 10:16 AM
To: Margolis, David; McNulty, Paul J; Moschella, William; Elston, Michael (ODAG); Hertling, Richard; Goodling, Monica
Subject: RE: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin

Monica, can you tell us how long Tim was in CRM?

From: Margolis, David
Sent: Thursday, February 22, 2007 9:23 AM
To: Sampson, Kyle; McNulty, Paul J; Moschella, William; Elston, Michael (ODAG); Hertling, Richard; Goodling, Monica
Subject: RE: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin

Kyle: remind me - did Tim spend a substantial period of time in Crm Div.? I just don't recall. Otherwise I have no qualms about the letter.

From: Sampson, Kyle
Sent: Wednesday, February 21, 2007 7:22 PM
To: McNulty, Paul J; Moschella, William; Elston, Michael (ODAG); Margolis, David; Hertling, Richard; Goodling, Monica
Subject: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin
Importance: High

All, can you please review and provide comments on my draft response to the above-referenced letter?
Richard, can you send the .pdf version of the above-referenced letter around to this group?
Thanks!

<< File: reid letter re cummins-griffin.doc >>

Kyle Sampson
Chief of Staff
U.S. Department of Justice

950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

“EARS” EVALUATIONS OF UNITED STATES ATTORNEY’S OFFICES

- 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 offices effectively.
- Because United States Attorneys are appointed by the President and confirmed by the Senate, they do not have formal evaluations or annual performance reviews by their supervisors like other Department of Justice employees.
- An "EARS" report is not an evaluation of the performance of a United States Attorney by his or her supervisor. It is a peer review of the performance and internal controls of the entire United States Attorneys Office that occurs once every three to five years.
- The Evaluation and Review Staff (EARS) of the Executive Office for United States Attorneys (EOUSA) conducts periodic peer reviews of each United States Attorney’s Office (USAO) in order to evaluate the overall performance of the entire USAO, make reports, and allow the USAO to take corrective action where needed.
- The EARS program serves as a mechanism by which the USAO and the evaluators – who are neither auditors nor inspectors – can share ideas and innovations, in addition to serving as a means of enhancing communication between EOUSA and the USAO. The evaluation program provides an opportunity for peers to evaluate peers in a relatively objective and constructive manner. Evaluation teams do not include other United States Attorneys.

MORE DETAILS:

Evaluators make recommendations for improving the operation of the USAO, analyzing the organizational structure of the office and providing feedback and recommendations to the United States Attorney. The evaluation team relies on experienced Assistant United States Attorneys (AUSA) and USAO staff from all over the country, and is led by an AUSA. The evaluators are in an office for a maximum of one week, during which they interview all civil and criminal AUSA’s at the USAO, as well as the administrative staff and some members of the support staff. In addition, the evaluation team interviews the district judges, some circuit judges, magistrate judges, bankruptcy judges, the Clerk of Court, the Probation Officer, other court personnel, the United States Marshal, representatives of the district’s major civil and law enforcement agencies, the OCDEF Regional Coordinator, and any other federal officials or persons that appear appropriate to the USAO point-of-contact and the team leader. Representatives of non-federal agencies, such as local prosecutors and police chiefs, may also be interviewed.

The evaluation team produces a draft report, which is sent to the United States Attorney of the reviewed district for a response. Approximately three to four months after the response has been received, a follow-up evaluator or team visits the USAO review corrective measures, provide assistance to the district, assess the performance of the evaluation team, and produce a follow-up report. Once that report has been received, the EARS staff prepares a final evaluation report,

which is approximately 6-12 pages in length. The final report is a narrative summary of the assessments and evaluations from the draft report that have been verified during the response and follow-up process, and of the corrective actions taken by the USAO regarding those recommendations. Completion of a final report takes between 235-265 days after the completion of the evaluation team's visit.

*Drafted by John Nowacki, EOUSA (514-2121); edited by Michael Elston, ODAG (307-2090).
February 26, 2007*

Goodling, Monica

From: Roehrkasse, Brian
Sent: Saturday, March 03, 2007 10:17 AM
To: Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
Subject: Fw: WP - White House Backed U.S. Attorney Firings, Officials Say

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To: Roehrkasse, Brian
Sent: Sat Mar 03 07:16:34 2007
Subject: WP - White House Backed U.S. Attorney Firings, Officials Say

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By John Solomon and Dan Eggen, Washington Post

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The list of prosecutors was assembled last fall, based largely on complaints from members of Congress, law enforcement officials and career Justice Department lawyers, administration officials said.

One of the complaints came from Sen. Pete V. Domenici (R-N.M.), who specifically raised concerns with the Justice Department last fall about the performance of then-U.S. Attorney David C. Iglesias of New Mexico, according to administration officials and Domenici's office.

Iglesias has alleged that two unnamed New Mexico lawmakers pressured him in October to speed up the indictments of Democrats before the elections. Domenici has declined to comment on that allegation.

Since the mass firings were carried out three months ago, Justice Department officials have consistently portrayed them as personnel decisions based on the prosecutors' "performance-related" problems. But, yesterday, officials acknowledged that the ousters were based primarily on the administration's unhappiness with the prosecutors' policy decisions and revealed the White House's role in the matter.

"At the end of the day, this was a decision to pick the prosecutors we felt would most effectively carry out the department's policies and priorities in the last two years," said Justice Department spokesman Brian Roehrkasse.

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The seven prosecutors were first identified by the Justice Department's senior leadership

shortly before the November elections, officials said. The final decision was supported by Attorney General Alberto R. Gonzales and his deputy, Paul J. McNulty, and cleared with the White House counsel's office, including deputy counsel William Kelly, they said.

The firings have sparked outrage from Democrats and some Republicans in Congress as details emerge about the unusual decision to remove so many at once on Dec. 7, in the middle of the administration's term. The issue escalated this week with the allegations from Iglesias, who has said he will name the two New Mexico lawmakers who called him if he is asked under oath.

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Goodling, Monica

From: Moschella, William
Sent: Saturday, March 03, 2007 10:33 AM
To: Roehrkasse, Brian; Scolinos, Tasia; Hertling, Richard; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

The headline is unremarkable for obvious reasons.

Sent from my BlackBerry Wireless Handheld

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To: Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
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To: Roehrkasse, Brian; Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Goodling, Monica
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

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Sent: Saturday, March 03, 2007 10:41 AM
To: Roehrkasse, Brian; Scolinos, Tasia; Moschella, William; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

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To: Sampson, Kyle; Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Goodling, Monica
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

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From: Sampson, Kyle
To: Roehrkasse, Brian; Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Goodling, Monica
Sent: Sat Mar 03 10:39:21 2007
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

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Domenici and his aides have declined to comment on whether the lawmaker called Iglesias. Any communication by a senator or House member with a federal prosecutor regarding an ongoing criminal investigation is a violation of ethics rules.

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On the job less than a year, McNulty consulted his predecessor as deputy attorney general, James B. Comey, about some of the prosecutors before approving the list, officials said. Comey, who did not return a telephone call seeking comment yesterday, praised Iglesias earlier this week as one of the department's best prosecutors.

The seven prosecutors outside Arkansas were informed about their ousters on Dec. 7, after the White House counsel's office signed off.

A few days before the firings, administration officials began the traditional process of calling lawmakers in the affected states to inform them about the decisions and to gather early input on possible successors, officials said.

Although the White House approved the firings, two administration officials said the counsel's office did not suggest replacements. But the officials said White House political affairs officials keep databases on potential job candidates that Justice Department officials could have accessed if they chose.

An administration official said White House Chief of Staff Joshua B. Bolten does not recall whether he was briefed about the firings before they occurred.

Privately, White House officials acknowledged that the administration mishandled the firings by not explaining more clearly to lawmakers that a large group was being terminated at once -- which is unusual -- and that the reason was the policy performance review.

Staff writer Michael Abramowitz, washingtonpost.com staff writer Paul Kane and staff researcher Julie Tate contributed to this report.

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Goodling, Monica

From: Roehrkasse, Brian
Sent: Saturday, March 03, 2007 1:52 PM
To: Moschella, William; Sampson, Kyle; Goodling, Monica; McNulty, Paul J; Scolinos, Tasia
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

The NYT story is coming tomorrow. []

The DAG and both spoke with him yesterday and I gave him a verbal quote to this effect today.

Any suggestion that any US Attorney was removed to innappropriately interfere with any investigation is plainly wrong and ill conceived. These decisions were based on the individual concerns of each US Attorney about their overall performance. This included performance concerns about ineffectively prosecuting departmental priorities areas, failure to follow departmental guidelines or just overall concerns about their inability to lead and effectively manage an US Attorneys office.

-----Original Message-----

From: Moschella, William
To: Roehrkasse, Brian
Sent: Sat Mar 03 10:33:40 2007
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

Was there a NYT's story?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Roehrkasse, Brian
To: Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
Sent: Sat Mar 03 10:16:52 2007
Subject: Fw: WP - White House Backed U.S. Attorney Firings, Officials Say

This is not an entirely accurate picture of what happened, but I think this story is far better than most recent post stories on this subject.

-----Original Message-----

From: White House News Update <News.Update@WhiteHouse.Gov>
To: Roehrkasse, Brian
Sent: Sat Mar 03 07:16:34 2007
Subject: WP - White House Backed U.S. Attorney Firings, Officials Say

White House Backed U.S. Attorney Firings, Officials Say

By John Solomon and Dan Eggen, Washington Post

The White House approved the firings of seven U.S. attorneys late last year after senior Justice Department officials identified the prosecutors they believed were not doing

enough to carry out President Bush's policies on immigration, firearms and other issues, White House and Justice Department officials said yesterday.

The list of prosecutors was assembled last fall, based largely on complaints from members of Congress, law enforcement officials and career Justice Department lawyers, administration officials said.

One of the complaints came from Sen. Pete V. Domenici (R-N.M.), who specifically raised concerns with the Justice Department last fall about the performance of then-U.S. Attorney David C. Iglesias of New Mexico, according to administration officials and Domenici's office.

Iglesias has alleged that two unnamed New Mexico lawmakers pressured him in October to speed up the indictments of Democrats before the elections. Domenici has declined to comment on that allegation.

Since the mass firings were carried out three months ago, Justice Department officials have consistently portrayed them as personnel decisions based on the prosecutors' "performance-related" problems. But, yesterday, officials acknowledged that the ousters were based primarily on the administration's unhappiness with the prosecutors' policy decisions and revealed the White House's role in the matter.

"At the end of the day, this was a decision to pick the prosecutors we felt would most effectively carry out the department's policies and priorities in the last two years," said Justice Department spokesman Brian Roehrkasse.

Officials portrayed the firings as part of a routine process, saying the White House did not play any role in identifying which U.S. attorneys should be removed or encourage the dismissals. The administration previously said that the White House counsel recommended a GOP replacement for one U.S. attorney, in Arkansas, but did not say that the White House approved the seven other firings.

"If any agency wants to make a change regarding a presidential appointee, they run that change by the White House counsel's office," said White House spokeswoman Dana Perino. "That is standard operating procedure, and that is what happened here. The White House did not object to the Justice Department decision."

The seven prosecutors were first identified by the Justice Department's senior leadership shortly before the November elections, officials said. The final decision was supported by Attorney General Alberto R. Gonzales and his deputy, Paul J. McNulty, and cleared with the White House counsel's office, including deputy counsel William Kelly, they said.

The firings have sparked outrage from Democrats and some Republicans in Congress as details emerge about the unusual decision to remove so many at once on Dec. 7, in the middle of the administration's term. The issue escalated this week with the allegations from Iglesias, who has said he will name the two New Mexico lawmakers who called him if he is asked under oath.

The House Judiciary Committee has issued subpoenas for Iglesias and three other fired prosecutors, who are set to testify in both the House and the Senate on Tuesday. Lawmakers plan to press for answers, including what triggered the creation of the list and who else was involved.

Most of the prosecutors have said they were given no reason for their dismissals and have responded angrily to the Justice Department's contention that they were fired because of their performance. At least five of the prosecutors, including Iglesias, were presiding over public corruption investigations when they were fired, but Justice Department officials have said that those probes played no role in the dismissals.

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