
From: Oprison, Christopher G.
Sent: Friday, February 16, 2007 7:48 AM
To: Goodling, Monica
Subject: FW: Fyi from today's Arkansas paper

fyi

From: Tim Griffin
Sent: Friday, February 16, 2007 3:28 AM
To: 'Karl Rove'; 'Sara Taylor'; 'Scott Jennings'; 'Jane Cherry'; Oprison, Christopher G.
Subject: Fyi from today's Arkansas paper

Fyi. I am glad I did this especially because Pryor says in the article that Gonzales told him he wouldn't send me through the process and Pryor says he was asking Gonzales for my name to be submitted. Crazy. The swipe at Pryor at the very bottom is in response to a question about whether the White House did me a disservice. I said that Pryor did me a disservice, etc. I am going to go back to focusing on my job until I am told otherwise. Thanks, TG

Prosecutor Griffin now rejects post
Interim appointee blames Senate flak
DEMOCRAT-GAZETTE STAFF AND WIRE REPORTS

Tim Griffin, whose December appointment as U.S. attorney for the Eastern District of Arkansas sparked a national outcry about surreptitious changes made to a law affecting federal prosecutors, says he no longer wants the job permanently.

"I have made the decision not to let my name go forward to the Senate," Griffin said Thursday evening. He was referring to the U.S. Department of Justice's stated intention, amid heavy criticism, to subject Griffin and others recently appointed to interim federal-prosecutor posts to the standard process of being nominated by the president, scrutinized by the U.S. Senate Judiciary Committee and then voted on by the Senate.

Griffin, 38, a former military prosecutor, was appointed Dec. 20 by U.S. Attorney General Alberto Gonzales under a little-noticed provision tacked onto the 2006 reauthorization of the USAPATRIOT Act that allows the attorney general to fill prosecutorial vacancies on an interim basis without Senate approval.

Griffin's predecessor, Bud Cummins, later acknowledged that he was asked to step aside from the job he got five years earlier after going through the Senate confirmation process, not because of performance issues but to make way for Griffin, who worked briefly in the White House under presidential adviser Karl Rove and was a political director for the Republican National Committee.

The new language concerning appointments, which even the Republican sponsor of the 2006 legislation now says he didn't notice at the time, replaced a provision that limited the interim appointments to 120 days. It had the effect of allowing appointees to serve indefinitely for the rest of the current administration, which in this case ends in early 2009, without the usual scrutiny.

Griffin on Thursday blamed "the partisanship that has been exhibited by Sen. [Mark] Pryor [D-Ark.] and other senators on the Senate Judiciary Committee in the recent hearing" for his decision to bow out. He referred to a hearing last week on Capitol Hill on legislation proposed by Sen. Dianne Feinstein, D-Calif., and supported by Pryor, as well as Sen. Blanche Lincoln, D-Ark., and others, to reinstate the

original language governing such appointments.

The legislation was proposed after at least seven U.S. attorneys across the country were ousted to make room for Republican political allies. Deputy Attorney General Paul McNulty acknowledged in the hearing that in Arkansas, Cummins was forced out simply to make room for Griffin.

Griffin said Thursday that if he were to go through the confirmation process, "I don't think there is any way I could get fair treatment by Sen. Pryor or others on the judiciary committee."

He said he will continue to serve in the top law enforcement position in the state's eastern district as long as the White House keeps him there under the interim title or "gets someone else that I can help transition into this job.

"But to submit my name to the Senate would be like volunteering to stand in front of a firing squad in the middle of a three-ring circus."

Meanwhile, The New York Times reported Thursday that Cummins was ousted after Harriet E. Miers, the former White House Counsel, intervened on Griffin's behalf.

Miers' role was disclosed Wednesday by Justice Department officials during a private briefing for senators on the Judiciary Committee, the Times reported. The officials denied that the White House played a part in any of the other dismissals, the newspaper said.

Officials at the White House and Justice Department declined to comment on Miers' role in the matter, and Miers, whose resignation took effect Jan. 31, could not be reached for comment Thursday, according to the Times.

Pryor's spokesman, Michael Teague, told the Arkansas Democrat-Gazette on Thursday, after Griffin said he was withdrawing his name from consideration, that Gonzales himself had called Pryor earlier Thursday "and told the senator he was not going to submit Tim Griffin's name."

Teague said Gonzales "didn't give a reason," but said he would confer with Rep. John Boozman, the state's only Republican in the delegation, to find someone else to nominate.

During that conversation, "the senator told the attorney general, 'It's my preference that you send him through the confirmation hearing.'" Teague said.

He said Pryor made that statement despite his complaints about the way Griffin got the job "because that's the process. That's the way the founding fathers set it up."

Griffin said that neither Gonzales nor anyone else told him or suggested to him that he bow out.

"I made up my mind two weeks ago not to allow my name to go forward," he said. "I have informed people both at the Department of Justice and the White House that I do not desire to have my name submitted. I don't want to be part of that partisan circus."

Teague called Griffin's remarks about partisanship "baseless." He said Pryor is well-known and has even been criticized by fellow Democrats for being "fair and open" about President Bush's judicial nominees, of whom he has supported more than 100 and opposed fewer than a dozen.

Teague pointed out that Pryor even testified that "the way the White House has handled this has been a disservice to Tim Griffin."

Teague said Pryor has encouraged Griffin to go through the confirmation process, to clear up any questions about his background and his experience. The spokesman emphasized that Pryor's concerns were "not about a nomination" but "about the administration circumventing the process."

Griffin later responded, "It's unfortunate that Sen. Pryor is blaming the administration for using a law that he voted for to appoint me, apparently with the excuse that he didn't know what he was voting for when he voted. I think it's been a disservice to me the way my home-state senator has treated a fellow Arkansan, and an Arkansan who grew up in south Arkansas, 30 miles from his dad's hometown of Camden."

Griffin also said, "I spoke to Sen. Pryor when I was serving in Iraq [in 2006], and later spoke to him in his office in Washington, and on both occasions the senator directly questioned my credentials and indicated it was 'mighty presumptuous' of the White House and me that I could do the U.S. attorney job."

Teague insisted that Pryor's diligence in pursuing the matter is neither partisan nor personal.

From: Sara Taylor
Sent: Friday, February 16, 2007 8:47 AM
To: 'Sampson, Kyle'
Subject: RE: McNulty Strikes Again

Tim was put in a horrible position; hung to dry w/ no heads up. You forced him to do what he did; this is not good for his long-term career. Bud runs a campaign and McNulty refuses to say Bud is lazy -- which is why we got rid of him in the first place.

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

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 16, 2007 8:45 AM
To: Sara Taylor
Subject: Re: McNulty Strikes Again

Sara, I'm out of the office but will call you next week to discuss.

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

From: Sara Taylor <st@gwb43.com>
To: Sampson, Kyle
Sent: Fri Feb 16 08:01:39 2007
Subject: FW: McNulty Strikes Again

Why would McNulty say this? This has been so poorly handled on the part o DOJ.

White House Is Reported to Be Linked to a Dismissal By DAVID JOHNSTON
<http://topics.nytimes.com/top/reference/timestopics/people/j/david_johnston/index.html?inline=nyt-per>
Published: February 16, 2007

WASHINGTON, Feb. 15 — A United States attorney in Arkansas who was dismissed from his job last year by the Justice Department was ousted after Harriet E. Miers
<http://topics.nytimes.com/top/reference/timestopics/people/m/harriet_e_miers/index.html?inline=nyt-per>, the former White House counsel, intervened on behalf of the man who replaced him, according to Congressional aides briefed on the matter.

Ms. Miers, the aides said, phoned an aide to Attorney General Alberto R. Gonzales
<http://topics.nytimes.com/top/reference/timestopics/people/g/alberto_r_gonzales/index.html?inline=nyt-per> suggesting the appointment of J. Timothy Griffin, a former military and civilian prosecutor who was a political director for the Republican National Committee
<http://topics.nytimes.com/top/reference/timestopics/organizations/r/republican_national_committee/index.html?inline=nyt-org> and a deputy to Karl Rove
<http://topics.nytimes.com/top/reference/timestopics/people/r/karl_rove/index.html?inline=nyt-per>, the White House political adviser.

Later, the incumbent United States attorney, H. E. Cummins III, was removed without explanation and replaced on an interim basis by Mr. Griffin. Officials at the White House and Justice Department declined to comment on Ms. Miers's role in the matter.

Paul J. McNulty, the deputy attorney general, said at a hearing last week that Mr. Cummins had done nothing wrong but was removed to make room for Mr. Griffin. It was not known at the time Mr. McNulty testified that Ms. Miers had intervened on Mr. Griffin's behalf.

der involvement was disclosed on Wednesday by Justice Department officials led by Mr. McNulty, who held a closed-door briefing for senators on the Judiciary Committee after Democrats criticized the dismissals of 7 to 10 United States attorneys as politically

motivated.

Ms. Miers, whose resignation as White House counsel was effective Jan. 31, could not be reached for comment Thursday.

At the briefing, Justice Department officials denied that the White House had been involved in any of the other dismissals, suggesting that the department had acted on its own after advising the White House of its intention to remove incumbents.

Democrats have said the removals represented an effort to make room for rising political favorites of the Bush administration and to be rid of independent-minded prosecutors, all of whom had been appointed by President Bush.

Senator Charles E. Schumer

<http://topics.nytimes.com/top/reference/timestopics/people/s/charles_e_schumer/index.html?inline=nyt-per> , Democrat of New York, said that he was not satisfied by the Justice Department's explanations at the briefing.

"Yesterday's briefing by the deputy attorney general did little to alleviate our concerns that politics was involved and, in fact, raised those concerns," Mr. Schumer said. "Some may have been fired for political reasons because they may have not done what Justice Department wanted them to do."

Justice Department officials have said that because United States attorneys are presidential appointees they may be replaced at any time without a specific reason, although they have said that none were removed for pursuing politically sensitive cases.

Another United States attorney asked to resign was Carol C. Lam of San Diego, who departed on Thursday at the request of the Justice Department. Two days earlier, Ms. Lam announced two indictments, including one against a former high-ranking Central Intelligence Agency <http://topics.nytimes.com/top/reference/timestopics/organizations/c/central_intelligence_agency/index.html?inline=nyt-org> official, in a corruption inquiry that began with last year's guilty plea by a former Republican representative, Randy Cunningham <http://topics.nytimes.com/top/reference/timestopics/people/c/randy_cunningham/index.html?inline=nyt-per> , who was sentenced to more than eight years in prison.

Karen P. Hewitt, an assistant in Ms. Lam's office, was named Thursday to serve as the interim United States attorney in the Southern District, while Scott N. Schools, a general counsel in the Justice Department, will fill the interim role in the Northern District, in San Francisco.

Senator Dianne Feinstein

<http://topics.nytimes.com/top/reference/timestopics/people/f/dianne_feinstein/index.html?inline=nyt-per> , Democrat of California, said in a statement on the Senate floor Thursday that Ms. Lam had been dismissed despite a strong record of prosecutions.

"Ms. Lam has had a distinguished career, and she served the southern district of San Diego well and everyone in that district knows that," Ms. Feinstein said. "I regret that main Justice does not. I am quite disappointed that main Justice chose to remove her, especially given the ongoing work in which the office is involved."

More Articles in Washington » <<http://www.nytimes.com/pages/politics/index.html>>

From: Goodling, Monica [Monica.Goodling@usdoj.gov]
Sent: Tuesday, February 20, 2007 2:17 PM
To: Oprison, Christopher G.
Subject: US Attorneys - 1986 amendment

From 1966 until the 1986 amendments, the statute said that the district court "may appoint a United States attorney to serve until the vacancy is filled." The 1986 amendments (Publ L. No. 99-646) changed the law to allow the 120-day AG appointment, followed by a district court open-ended appointment.

From: Goodling, Monica [Monica.Goodling@usdoj.gov]
Sent: Wednesday, February 21, 2007 10:31 AM
To: Oprison, Christopher G.
Subject: Bibb package

Chris -- Sorry for the long message. I confirmed we do have Bibb's BI package here and it's ready to go to the FBI once you give me the green light. Let me know. Thanks.

From: Sampson, Kyle [Kyle.Sampson@usdoj.gov]
Sent: Wednesday, February 21, 2007 4:54 PM
To: Kelley, William K.
Subject: More Cummins tick-tock
Importance: High

Addendum to the Cummins tick-tock.

<http://www.arktimes.com/Articles/print.aspx?ArticleID=1d6008ff-5b23-4871-b95d-4825be0256d6>

The Insider Dec. 30

Four more years?

We were talking to U.S. Attorney Bud Cummins a while back on another subject and happened to ask about his plans, now that George W. Bush is set to serve another four years as president. Cummins (we forgot to mention earlier) said he went into the election with no contingency plans, so was relieved by Bush's victory not to have to make any sudden decisions. Now completing his third year in the office, Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be "shocking," he said, for there to be a change in his office before the end of Bush's second term.

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- cell
kyle.sampson@usdoj.gov

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From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Thursday, February 22, 2007 7:40 PM
To: Kelley, William K.
Cc: Sampson, Kyle
Subject: FW: Revised Draft

Bill: attached is another letter to which we would like your concurrence and approval to send on Friday morning. Senators Levin and Stabenow have written asking that no changes be made in the Michigan US Attorneys without advance notice to them. USA Chiara has spoken to both Senators today and intends to announce her departure publicly tomorrow. We need to send this letter to them tomorrow morning in advance of her public announcement. Please let us know if you have any comments or concerns at your earliest convenience tomorrow, but we do need this one approved as early as possible to get it off to the Senators first-thing in the morning. Thanks.

From: Elston, Michael (ODAG)
Sent: Thursday, February 22, 2007 7:35 PM
To: Hertling, Richard
Cc: Goodling, Monica; Moschella, William; Sampson, Kyle; McNulty, Paul J
Subject: Revised Draft

<<Senator Levin and Senator Stabenow.doc>>

Dear Senator Levin and Senator Stabenow:

Thank you for your letter dated February 13, 2007. It is my understanding that Margaret Chiara spoke with you regarding this matter. As the Attorney General and the Deputy Attorney General have testified, the December 2006 decision to ask certain United States Attorneys whose four-year terms had expired to resign – including Ms. Chiara – was based on performance-related reasons. The Department has provided a detailed, confidential briefing to the members of the Senate Judiciary Committee regarding this matter. In short, the Department made management decisions that we believe are in the best interests of those offices.

The Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts. We look forward to working with you to have a new Senate-confirmed United States Attorney in place as soon as possible.

Between now and March 16, 2007, which is the date Ms. Chiara's resignation becomes effective, the Administration must decide who will serve temporarily as United States Attorney until a new Senate-confirmed United States Attorney is nominated and confirmed. 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.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

From: Kelley, William K.
Sent: Thursday, February 22, 2007 9:48 PM
To: Richard.Hertling
Cc: Eckert, Paul R.
Subject: Re: Revised Draft

Richard--I am out of the office through the weekend. (I jsut retrieved my email after a long flight.). Can you please coordinate these letters through Paul Eckert? (Also, I have to say that sending us these with so little time to respond puts us in a difficult position; just as there are a lot of balls in the air over there, there are just as many being juggled over here!)

Paul -- if Chris is better situated on this, just pass it on to him. Thanks.

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From: Hertling, Richard
To: Kelley, William K.
CC: Sampson, Kyle
Sent: Thu Feb 22 19:40:17 2007
Subject: FW: Revised Draft

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From: Eckert, Paul R.
Sent: Friday, February 23, 2007 6:43 AM
To: Richard.Hertling@usdoj.gov
Cc: Kelley, William K.; Eckert, Paul R.; Oprison, Christopher G.
Subject: RE: Revised Draft

Richard: Would you please resend the letter to me and to Chris Oprison, who is also copied. It did not come through in Bill's email. Thanks. PAUL

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From: Hertling, Richard [Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:49 AM
To: Kelley, William K.
Subject: RE: Revised Draft

Bill: understood and am sorry. I sent it off as soon as I received it from the folks writing it. Paul just emailed asking for a copy for him and Chris. I am sending it to them now. I hope you are enjoying a little time off.

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Sent: Friday, February 23, 2007 6:50 AM
To: Eckert, Paul R.
Cc: Kelley, William K.; Oprison, Christopher G.
Subject: RE: Revised Draft

Paul: will forward it to you and Chris with the next email.

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From: Eckert, Paul R.
Sent: Friday, February 23, 2007 6:56 AM
To: Hertling, Richard
Subject: RE: Revised Draft

Rich: Would you please send me your number? I have a quick question.

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:52 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Revised Draft

Here is the draft letter to Levin and Stabenow for your review and approval. Chiara is announcing her departure this morning, having talked to both senators yesterday. We would like to send this letter up to their offices this morning before she makes her announcement.

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The Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts. We look forward to working with you to have a new Senate-confirmed United States Attorney in place as soon as possible.

Between now and March 16, 2007, which is the date Ms. Chiara's resignation becomes effective, the Administration must decide who will serve temporarily as United States Attorney until a new Senate-confirmed United States Attorney is nominated and confirmed. 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. Be assured that the Administration will explore all reasonable options to identify an appropriate interim replacement and ensure continuity of operations in that office.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

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Attachments: Senator Levin and Senator Stabenow.doc

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The Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts. We look forward to working with you to have a new Senate-confirmed United States Attorney in place as soon as possible.

Between now and March 16, 2007, which is the date Ms. Chiara's resignation becomes effective, the Administration must decide who will serve temporarily as United States Attorney until a new Senate-confirmed United States Attorney is nominated and confirmed. 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.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

From: Oprison, Christopher G.
Sent: Friday, February 23, 2007 7:25 AM
To: Hertling, Richard; Eckert, Paul R.
Cc: Sampson, Kyle
Subject: RE: Revised Draft
Attachments: Senator Levin and Senator Stabenow.doc

slight revision - otherwise good to go

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:52 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Revised Draft

Here is the draft letter to Levin and Stabenow for your review and approval. Chiara is announcing her departure this morning, having talked to both senators yesterday. We would like to send this letter up to their offices this morning before she makes her announcement.

From: Elston, Michael (ODAG)
Sent: Thursday, February 22, 2007 7:35 PM
To: Hertling, Richard
Cc: Goodling, Monica; Moschella, William; Sampson, Kyle; McNulty, Paul J
Subject: Revised Draft

<<Senator Levin and Senator Stabenow.doc>>

From: Hertling, Richard
Sent: Thursday, February 22, 2007 6:08 PM
To: 'William_K_Kelley@who.eop.gov'
Cc: Sampson, Kyle
Subject: FW: Draft Schumer response per our conversation.

Attachments: schumer ears.wpd

Bill: per Kyle's request, I wanted to share the attached draft letter that I intend to send to Schumer tomorrow, assuming you are comfortable with it. The substance was worked out and concurred in by OLC, EOUSA, and ODAG. The request for access to the reports was made orally, so I do not have a written request to share with you. Obviously, this is a follow-up to the DAG's hearing and briefing on the termination of the several US Attorneys. Let me know at your earliest convenience if you have any comments or concerns. Thanks.

From: Burton, Faith
Sent: Thursday, February 22, 2007 5:17 PM
To: Hertling, Richard
Subject: Draft Schumer response per our conversation.



schumer ears.wpd
(78 KB)



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Charles E. Schumer
Chairman
Subcommittee on Administrative Oversight
and the Courts
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This supplements our previous response to your letter, dated February 14, 2007, which requested information relating to the Subcommittee's oversight interest in the recent requests to several United States Attorneys for their resignations.

In response to your prior request, which followed the Committee hearing of February 6, on this matter, and in an extraordinary effort to accommodate the Subcommittee's interests, the Deputy Attorney General briefed Committee Members on the reasons for the requested resignations. At that briefing on February 14, you requested access to the Evaluation and Review Staff (EARS) reports for the offices discussed by the Deputy Attorney General. As he stated at the briefing, these reports are not evaluations of the United States Attorneys themselves but, in some instances, they may contain relevant information that is responsive to the Subcommittee's interests in this matter.

The Department has substantial confidentiality interests in the EARS reports because they are an important management tool that relies upon the candor of participating individuals, both Evaluation Team members and those who provide information to them. In order to protect the continuing value of this process, we want to avoid disclosures that would chill such candor or the energetic conduct of these reviews. Accordingly, we appreciate your agreement to limit review of the reports to one staff member for the Chairman and one for the Ranking Member. We will redact the identities of the Evaluation Team participants as well as individuals who provided information to the Team in connection with each report, although we do not believe these redactions will in any way interfere with your ability to understand the reports. We further request that you advise us in advance if you believe it is necessary to disclose information from these reports outside of the Committee. While our public disclosure of information contained in these reports might be prohibited by the Privacy Act, we are providing access to the reports as described above in response to your oversight request and pursuant to 5 U.S.C. 552a(b)(9).

The Honorable Charles E. Schumer
Page 2

I hope this information is helpful. Please do not hesitate to contact this office if we can be of assistance in any other matter.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Minority Member

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary

The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary

From: Hertling, Richard [Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:59 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Draft Schumer response per our conversation.
Attachments: SchumerDRAFTLetterReUSAs.doc

Paul, Chris: here is another letter I sent Bill yesterday. I am pasting in the text of the email I sent when I sent the WordPerfect version of the letter here. Timing on this one is more flexible: we just need to get it up to Schumer some time today.

Bill: per Kyle's request, I wanted to share the attached draft letter that I intend to send to Schumer tomorrow, assuming you are comfortable with it. The substance was worked out and concurred in by OLC, EOUSA, and ODAG. The request for access to the reports was made orally, so I do not have a written request to share with you. Obviously, this is a follow-up to the DAG's hearing and briefing on the termination of the several US Attorneys. Let me know at your earliest convenience if you have any comments or concerns. Thanks.

From: Hertling, Richard
Sent: Thursday, February 22, 2007 6:16 PM
To: 'William_K_Kelley@who.eop.gov'
Cc: Sampson, Kyle
Subject: FW: Draft Schumer response per our conversation.

Bill: I realized I send you the letter in my last email in WordPerfect format, which you will not be able to open. Here is the text of the letter in Word. Sorry for my adding to your email burden by sending this twice.

From: Cabral, Catalina
Sent: Thursday, February 22, 2007 6:14 PM
To: Hertling, Richard
Subject: RE: Draft Schumer response per our conversation.

Attached is the text of the draft letter. (we do not have electronic letterhead in word so we would just have to print it on Normal Letterhead)

<<SchumerDRAFTLetterReUSAs.doc>>

From: Hertling, Richard
Sent: Thursday, February 22, 2007 6:09 PM
To: Cabral, Catalina
Subject: FW: Draft Schumer response per our conversation.

Please put this into Word ASAP.

From: Burton, Faith
Sent: Thursday, February 22, 2007 5:17 PM

FW: Draft Schumer response per our conversation.

Page 2 of 2

To: Hertling, Richard

Subject: Draft Schumer response per our conversation.

<< File: schumer ears.wpd >>

The Honorable Charles E. Schumer
Chairman
Subcommittee on Administrative Oversight
and the Courts
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

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The Honorable Charles E. Schumer
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Acting Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Minority Member

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary

The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary

From: Oprison, Christopher G.
Sent: Friday, February 23, 2007 7:32 AM
To: Hertling, Richard; Eckert, Paul R.
Cc: Sampson, Kyle
Subject: RE: Draft Schumer response per our conversation.
Attachments: SchumerDRAFTLetterReUSAs.doc

looks fine to me

only suggested edits

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:59 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Draft Schumer response per our conversation.

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Sent: Thursday, February 22, 2007 6:09 PM
To: Cabral, Catalina
Subject: FW: Draft Schumer response per our conversation.

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Sent: Thursday, February 22, 2007 5:17 PM
To: Hertling, Richard
Subject: Draft Schumer response per our conversation.

<< File: schumer ears.wpd >>

The Honorable Charles E. Schumer
Chairman
Subcommittee on Administrative Oversight
and the Courts
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

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In response to your prior request, which followed the Committee hearing of February 6, on this matter, and in an extraordinary effort to accommodate the Subcommittee's interests, the Deputy Attorney General briefed Committee Members on the reasons for the requested resignations. At that briefing on February 14, you requested access to the Evaluation and Review Staff (EARS) reports for the offices discussed by the Deputy Attorney General. As he stated at the briefing, these reports are not evaluations of the United States Attorneys themselves but, in some instances, they may contain relevant information that is responsive to the Subcommittee's interests in this matter.

As you know, the Department has substantial confidentiality interests in the EARS reports because they are an important management tool that relies upon the candor of participating individuals, both Evaluation Team members and those who provide information to them. In order to protect the continuing value of this process, we want to avoid disclosures that would chill such candor or the energetic conduct of these reviews. Accordingly, we appreciate your agreement to limit review of the reports to one staff member for the Chairman and one for the Ranking Member. We will redact the identities of the Evaluation Team participants as well as individuals who provided information to the Team in connection with each report. We do not believe these redactions will in any way interfere with your ability to understand the reports. We further request that you advise us in advance if you believe it is necessary to disclose information from these reports outside of the Committee. While our public disclosure of information contained in these reports might be prohibited by the Privacy Act, we are providing access to the

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reports as described above as an accommodation to your Committee in response to your oversight request and pursuant to 5 U.S.C. 552a(b)(9).

The Honorable Charles E. Schumer
Page 2

I hope this information is helpful. Please do not hesitate to contact this office if we can be of assistance in any other matter.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Minority Member

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary

The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary

From: Hertling, Richard [Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 9:14 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Draft response to Reid/Durbin/Schumer/Murray letter re Cummins-Griffin
Importance: High
Attachments: reid letter re cummins-griffin v.2.doc

Gentlemen: here is another letter sent to Bill yesterday that DOJ would like to push out today on the US Attorney situation in ED AR. Please let me know if you are ok with this.

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.

<<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- cell

kyle.sampson@usdoj.gov

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

The full quotation of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007 (not the selective quote cited in your letter), more fairly represents his views about the appropriate reasons for asking a U.S. Attorney to resign. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or *if it would in any way jeopardize an ongoing serious investigation. I just would not do it*" (emphasis added).

The Deputy Attorney General, at the hearing held on February 6, 2007, further stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not, in the Department's view, an inappropriate "political reason." This is so, the Deputy Attorney General testified because, *inter alia*, Mr. Griffin is very well-qualified and has "a strong enough resume" to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway." Indeed, at the time Mr. Griffin was appointed interim U.S. Attorney in December 2006 he had far more federal prosecution experience (in the Criminal Division and in the U.S. Attorney's office) than Mr. Cummins did at the time he was confirmed as U.S. Attorney in December 2001. In addition, Mr. Griffin has substantial military prosecution experience that Mr. Cummins does not have. And it was well-known, as early as December 2004, that Mr. Cummins intended to leave the office and seek employment in the private sector. See "The Insider Dec. 30," *Ark. Times* (Dec. 30, 2004) ("Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be 'shocking,' he said, for there to be a change in his office before the end of Bush's second term.").

In addition, the Department does not consider the replacement of one Republican U.S. Attorney by another well-qualified person with extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." U.S. Attorneys serve at the pleasure of the President; that has always been the rule, and U.S. Attorneys accept their appointment with that understanding. U.S. Attorneys leave office all the time for a wide variety of reasons. As noted in the case of Mr. Cummins, he had previously

indicated publicly that he did not expect to remain in office through the President's second term. It was only natural and appropriate that the Department would seek a successor in anticipation of the potential vacancy. When the Department found an able and experienced successor, it moved forward with his interim appointment.

In answer to your specific questions:

- The decision to appoint Tim Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after the second of the Attorney General's telephone conversations with Senator Pryor.
- The Department of Justice is not aware of anyone lobbying, either inside or outside of the Administration, for Mr. Griffin's appointment. In the spring of 2006, following regular procedures, the Office of the Counsel to the President inquired of the Office of the Attorney General as to whether Mr. Griffin (who then was on active military duty in Iraq) might be considered for appointment as U.S. Attorney upon his return.
- As the Deputy Attorney General testified, Mr. Cummins's continued service as U.S. Attorney was not considered at the same time as the other U.S. Attorneys that the Deputy Attorney General acknowledged were asked to resign for reasons related to their performance. As the Deputy Attorney General testified, the request that Mr. Cummins resign was "related to the opportunity to provide a fresh start with a new person in that position."
- The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

In conclusion, the Department wholeheartedly agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle.

We appreciate the opportunity to respond to your inquiry.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

From: Hertling, Richard [Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 9:20 AM
To: Oprison, Christopher G.; Eckert, Paul R.
Cc: Sampson, Kyle
Subject: FW: Correspondence re Cummins-Griffin
Importance: High
Attachments: Reid.Schumer.Durbin.Murray 2.8.07 Letter Re USA Bud Cummins.pdf; reid letter re cummins-griffin.doc

Sorry, use this version. We would like to get this out today.

From: Sampson, Kyle
Sent: Thursday, February 22, 2007 6:06 PM
To: Hertling, Richard
Subject: FW: Correspondence re Cummins-Griffin
Importance: High

fyi

From: Sampson, Kyle
Sent: Thursday, February 22, 2007 4:47 PM
To: 'Kelley, William K.'
Subject: Correspondence re Cummins-Griffin
Importance: High

Bill, attached is a letter we rec'd from Sens. Reid, Durbin, Schumer, and Murray re Bud Cummins' resignation and Tim Griffin's appointment. Also attached is our draft response. As you will see, the response touches on White House entities/equities and obviously concerns a hot-button issue of mutual interest -- hence, I'm forwarding it to you for WHCO review (and review by whomever else you think is appropriate). I would like to get this out tomorrow afternoon; sorry for the tight turnaround. Thanks!

<<Reid.Schumer.Durbin.Murray 2.8.07 Letter Re USA Bud Cummins.pdf>> <<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- cell
kyle.sampson@usdoj.gov

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 6th, 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?

- 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,

Harry Reid
Cliff

Dee DeLoach
Patty Murray

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

First, the full quotation of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007, more fairly represents his views about the appropriate reasons for asking a U.S. Attorney to resign. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or *if it would in any way jeopardize an ongoing serious investigation. I just would not do it*" (emphasis added).

Second, the Deputy Attorney General, at the hearing held on February 6, 2007, further stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not, in the Department's view, an inappropriate "political reason." This is so, the Deputy Attorney General testified, because, *inter alia*, Mr. Griffin is very well-qualified and has "a strong enough resume" to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway."

Indeed, at the time Mr. Griffin was appointed interim U.S. Attorney in December 2006 he had far more federal prosecution experience (in the Criminal Division and in the U.S. Attorney's office) than Mr. Cummins did at the time he was appointed U.S. Attorney in January 2002. Mr. Cummins himself credits Mr. Griffin with the establishment of the office's successful gun crime prosecution initiative. And Mr. Griffin has substantial military prosecution experience that Mr. Cummins does not have. Anyone who knows Mr. Griffin must concede that he brings a style of leadership and level of energy that could only enhance the success of a U.S. Attorney's office. Moreover, it was well-known, as early as December 2004, that Mr. Cummins intended to leave the office and seek employment in the private sector. *See* "The Insider Dec. 30," *Ark. Times* (Dec. 30, 2004) ("Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be 'shocking,' he said, for there to be a change in his office before the end of Bush's second term.").

Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive

experience as a prosecutor and strong ties to the district to be a change made for "political reasons." United States Attorneys serve at the pleasure of the President; that has always been the rule, and U.S. Attorneys accept their appointment with that understanding.

In answer to your specific questions:

- Although the decision to appoint Mr. Griffin to replace Mr. Cummins was first contemplated in the spring or summer of 2006, the final decision to appoint Mr. Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after the second of the Attorney General's telephone conversations with Senator Pryor.
- The Department of Justice is not aware of anyone lobbying, either inside or outside of the Administration, for Mr. Griffin's appointment. In the spring or summer of 2006, following regular procedures, the Office of the Counsel to the President inquired of the Office of the Attorney General as to whether Mr. Griffin (who then was on active military duty in Iraq) might be considered for appointment as U.S. Attorney upon his return.
- As the Deputy Attorney General testified, Mr. Cummins's continued service as U.S. Attorney was not considered at the same time as the other U.S. Attorneys that the Deputy Attorney General acknowledged were asked to resign for reasons related to their performance. As the Deputy Attorney General testified, the request that Mr. Cummins resign was "related to the opportunity to provide a fresh start with a new person in that position."
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In conclusion, the Department wholeheartedly agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle.

We appreciate the opportunity to respond to your inquiry.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Mitch McConnell
The Honorable Arlen Specter

From: Sampson, Kyle [Kyle.Sampson@usdoj.gov]
Sent: Friday, February 23, 2007 2:56 PM
To: Oprison, Christopher G.
Subject: Version 2 of Reid Letter re Cummins-Griffin
Importance: High
Attachments: reid letter re cummins-griffin v.2.doc

Chris, please review and (hopefully) clear at your earliest. Thanks!

<<reid letter re cummins-griffin v.2.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- cell
kyle.sampson@usdoj.gov

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

First, the full quotation of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007, more fairly represents his views about the appropriate reasons for asking a U.S. Attorney to resign. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or *if it would in any way jeopardize an ongoing serious investigation. I just would not do it*" (emphasis added). The Department of Justice rejects any suggestion that U.S. Attorneys were asked or encouraged to resign for the inappropriate "political reason" of interfering with any public corruption case or retaliating against a U.S. Attorney who oversaw such a case.

Second, the Deputy Attorney General, at the hearing held on February 6, 2007, further stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not, in the Department's view, an inappropriate "political reason." This is so, the Deputy Attorney General testified, because, *inter alia*, Mr. Griffin is very well-qualified to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway."

Indeed, at the time Mr. Griffin was appointed interim U.S. Attorney in December 2006 he had far more federal prosecution experience (in the Criminal Division and in the U.S. Attorney's office) than Mr. Cummins did at the time he was appointed U.S. Attorney in January 2002. Mr. Cummins himself credits Mr. Griffin with the establishment of the office's successful gun crime prosecution initiative. And Mr. Griffin has substantial military prosecution experience that Mr. Cummins does not have. Anyone who knows Mr. Griffin must concede that he brings a style of leadership and level of energy that could only enhance the success of a U.S. Attorney's office. Moreover, it was well-known, as early as December 2004, that Mr. Cummins intended to leave the office and seek employment in the private sector. *See* "The Insider Dec. 30," *Ark. Times* (Dec. 30, 2004) ("Cummins, 45, said that, with four children to put through college someday, he'll likely begin exploring career options. It wouldn't be 'shocking,' he said, for there to be a change in his office before the end of Bush's second term.").

Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." United States Attorneys serve at the pleasure of the President; that has always been the rule, and U.S. Attorneys accept their appointment with that understanding.

In answer to your specific questions:

- Although the decision to appoint Mr. Griffin to replace Mr. Cummins was first contemplated in the spring or summer of 2006, the final decision to appoint Mr. Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after the Attorney General's telephone conversation with Senator Pryor.
- The Department of Justice is not aware of anyone lobbying for Mr. Griffin's appointment. The question of whether Mr. Griffin (who then was on active military duty in Iraq) might be considered for appointment as U.S. Attorney upon his return was addressed by the Department of Justice and the White House consistent with prior practice.
- As the Deputy Attorney General testified, Mr. Cummins's continued service as U.S. Attorney was not considered at the same time as the other U.S. Attorneys that the Deputy Attorney General acknowledged were asked to resign for reasons related to their performance. As the Deputy Attorney General testified, the request that Mr. Cummins resign was "related to the opportunity to provide a fresh start with a new person in that position."
- The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

In conclusion, the Department wholeheartedly agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle.

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Importance: High
Attachments: reid letter re cummins-griffin v.3.doc

Chris, please review this version 3.

<<reid letter re cummins-griffin v.3.doc>>

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Sent: Friday, February 23, 2007 2:56 PM
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Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." Mr. Cummins was confirmed to serve a four-year term, which expired on January 9, 2006; he served his entire term, plus an additional year. United States Attorneys serve at the pleasure of the President; that has always been the rule, and U.S. Attorneys accept their appointment with that understanding.

In answer to your specific questions:

- Although the decision to appoint Mr. Griffin to replace Mr. Cummins was first contemplated in the spring or summer of 2006, the final decision to appoint Mr. Griffin to be interim U.S. Attorney in the Eastern District of Arkansas was made on or about December 15, 2006, after the Attorney General's telephone conversation with Senator Pryor.
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Sincerely,

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Acting Assistant Attorney General

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The Honorable Arlen Specter

From: Oprison, Christopher G.
Sent: Friday, February 23, 2007 5:22 PM
To: Sampson, Kyle
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Attachments: reid letter re cummins-griffin v 3 (2).doc

Kyle - attached is a version with slight revisions. Fred, as I, want to ensure that it is absolutely consistent with the facts and that it does not add to the controversy surrounding this issue.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 23, 2007 2:59 PM
To: Oprison, Christopher G.
Subject: RE: Version 2 of Reid Letter re Cummins-Griffin
Importance: High

Chris, please review this version 3.

<<reid letter re cummins-griffin v.3.doc>>

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9. You have acknowledged that the so-called EARS evaluations of several fired United States Attorneys might not reflect any of the "performance" problems that ultimately resulted in their dismissal.
 - a) Please describe with particularity the EARS evaluation process, with attention to the length of the evaluation, the type of people who participate, the types of interviews conducted, and the typical length of a final EARS report.
10. While it is true that United States Attorneys serve at the pleasure of the President and may be dismissed for any reason, do you believe that there should be some higher standard for the termination of a Presidentially-appointed and Senate-confirmed federal prosecutor? If so, what should that standard be?

From: Oprison, Christopher G.
Sent: Monday, February 26, 2007 1:12 PM
To: Sampson, Kyle
Subject: RE: Kennedy & Schumer QFR's to DAG McNulty

interesting questions

why is Schumer so wrapped around the axle on the issue of US Attorneys being "inferior officers" - there are several cases that addressed that issue. It's not a new concept as far as I know

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Monday, February 26, 2007 10:59 AM
To: Kelley, William K.
Cc: Oprison, Christopher G.; Hertling, Richard
Subject: FW: Kennedy & Schumer QFR's to DAG McNulty

Gents, wanted to you see the flavor of the QFRs we've received on the U.S. Attorneys matter. We obviously will need to clear answers through you all.

From: Scott-Finan, Nancy
Sent: Monday, February 26, 2007 10:49 AM
To: Sampson, Kyle
Cc: Hertling, Richard
Subject: FW: Kennedy & Schumer QFR's to DAG McNulty

Attached are the QFRs

EARS Evaluation talking Points

From: Elston, Michael (ODAG) [Michael.Elston@usdoj.gov]
Sent: Monday, February 26, 2007 10:36 AM
To: Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: EARS Evaluation talking Points
Attachments: EARS TP.doc

Chris:

Kyle asked me to send you some talking points regarding EARS evaluations. I hope the attached addresses the issue. Let me know if you need anything else.

Thanks,
Mike

<<EARS TP.doc>>

Michael J. Elston
Chief of Staff and Counselor
to the Deputy Attorney General
950 Pennsylvania Avenue, N.W., Room 4210
Washington, D.C. 20530
(202) 307-
(202) 514- (fax)

"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-); edited by Michael Elston, ODAG (307-).
February 26, 2007*

EARS Evaluation talking Points

From: Oprison, Christopher G.
Sent: Monday, February 26, 2007 11:11 AM
To: 'Elston, Michael (ODAG)'
Cc: Sampson, Kyle
Subject: RE: EARS Evaluation talking Points

These are really helpful - thanks Mike.
And thanks Kyle.

From: Elston, Michael (ODAG) [mailto:Michael.Elston@usdoj.gov]
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Kyle asked me to send you some talking points regarding EARS evaluations. I hope the attached addresses the issue. Let me know if you need anything else.

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Chief of Staff and Counselor
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(202) 514- (fax)

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Sent: Tuesday, February 27, 2007 1:47 PM
To: Sampson, Kyle
Cc: Hertling, Richard; Kelley, William K.
Subject: RE: Kennedy & Schumer QFR's to DAG McNulty

can we discuss sometime later today the impending House Judiciary briefing and hearing? is there a date certain for each yet?

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briefing is tomorrow afternoon; hearing is next Wednesday, March 6.

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Sent: Tuesday, February 27, 2007 4:57 PM
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Cc: Kelley, William K.
Subject: Re: Kennedy & Schumer QFR's to DAG McNulty

We are both free. I will go to his office if you want to call there.

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

From: Oprison, Christopher G. <Christopher_G._Oprison@who.eop.gov>
To: Sampson, Kyle
CC: Hertling, Richard; Kelley, William K. <William_K._Kelley@who.eop.gov>
Sent: Tue Feb 27 16:55:10 2007
Subject: RE: Kennedy & Schumer QFR's to DAG McNulty

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From: Oprison, Christopher G.
Sent: Tuesday, February 27, 2007 5:06 PM
To: Hertling, Richard; Sampson, Kyle
Cc: Kelley, William K.
Subject: RE: Kennedy & Schumer QFR's to DAG McNulty

Great - will call you at Kyle's number

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

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Sent: Tuesday, February 27, 2007 4:57 PM
To: Oprison, Christopher G.; Sampson, Kyle
Cc: Kelley, William K.
Subject: Re: Kennedy & Schumer QFR's to DAG McNulty

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From: Hertling, Richard [Richard.Hertling@usdoj.gov]
Sent: Tuesday, February 27, 2007 7:17 PM
To: Kelley, William K.
Cc: Oprison, Christopher G.; Sampson, Kyle
Subject: RE: Sorry to be a pest

Many thanks, sir.

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

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Tuesday, February 27, 2007 7:16 PM
To: Hertling, Richard
Cc: Oprison, Christopher G.
Subject: Re: Sorry to be a pest

Sorry -- thought I had cleared it earlier today. Good to go. Thanks.

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

From: Hertling, Richard
To: Kelley, William K.
CC: Oprison, Christopher G.
Sent: Tue Feb 27 19:15:15 2007
Subject: Sorry to be a pest

Bill: Because the letter to Conyers I emailed to you earlier today in response to his request that we appoint Carol Lam as special counsel for the Duke Cunningham investigation makes reference to a briefing DOJ is doing for House Judiciary members tomorrow in the future tense, I would like to be able to sign the letter and date it today. Have your folks had the chance to look it over yet? Are you comfortable with it?

From: McNulty, Paul J [Paul.J.McNulty@usdoj.gov]
Sent: Wednesday, February 28, 2007 2:06 PM
To: Kelley, William K.
Subject: RE: Updated Draft Talking Points and McClatchy story

On the outside replacements issue, we are going to stay with the NM First Assistant, but I spoke to Sen Ensign's chief-of-staff and they are open to an outsider coming in. We are working with them on this today and will see how it progresses. I'll keep you posted.

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Wednesday, February 28, 2007 1:55 PM
To: McNulty, Paul J
Subject: RE: Updated Draft Talking Points and McClatchy story

Thanks.

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Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Bill, here is the latest: our draft talking points and the most recent article. Strange thing is that Iglesias is quoted in an Albuquerque Tribune story today as saying that he expects indictments in the corruption case "very soon," an obvious violation of Department policy in an ongoing investigation. Paul

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 1:31 PM
To: McNulty, Paul J
Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Updated w/ the story.

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 1:26 PM
To: Goodling, Monica; Moschella, William; Hertling, Richard
Cc: Elwood, Courtney; Sampson, Kyle; Scolinos, Tasia
Subject: Updated Draft Talking Points and McClatchy story
Importance: High

I just spoke to Kyle on the plane and have incorporated his input as well as edits from Courtney and Tasia. The McClatchy story is below -- I think it comes from an interview rather than a press conference.

Please send me your final comments now so I can begin to use these talking points. Thanks.

DRAFT Talking Points

The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.

This Administration has never removed a United States Attorneys in an effort to retaliate against them or interfere with or inappropriately influence a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.

David Iglesias served since 2001 as U.S. Attorney in New Mexico and had a lengthy record from which to evaluate his performance. Our decision was based on performance-related concerns including issues associated with the overall management of the office among others during his 5 ½ years as U.S. Attorney in New Mexico.

U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and no one in the Department was aware of the details of the conversation between U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments the appropriate consideration. [IF PUSHED] We will not discuss specific conversations between members and the Department on these occasions.

From: Taylor, Marisa
Sent: Wednesday, February 28, 2007 1:10 PM
To: Roehrkasse, Brian; Schwartz, Arthur
Subject: this is what I called about

I can still add a response from the department and update the story.

Marisa Taylor
National Correspondent
McClatchy Newspapers
(202)-383-

Visit McClatchy's 32 daily newspapers, including the Miami Herald, Sacramento Bee, Minneapolis Star Tribune, Kansas City Star, Raleigh News & Observer and others, at www.mcclatchy.com.

Posted on Wed, Feb. 28, 2007

Political interference alleged in sacking of a U.S. attorney

By Marisa Taylor
McClatchy Newspapers

WASHINGTON - The U.S. attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's Congressional elections.

David Iglesias said two members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the members of Congress because he said he feared retaliation.

Two months later, on Dec. 7, Iglesias became one of six U.S. attorneys ordered to step down for what administration officials have termed "performance-related issues." Two other U.S. attorneys also have been asked to resign.

Iglesias, who received a positive performance review before he was fired, said he suspected he was forced out because of his refusal to be pressured to hand down an indictment in the ongoing probe.

"I believe that because I didn't play ball, so to speak, I was asked to resign," said Iglesias, who officially stepped down Wednesday.

Iglesias acknowledged that he had no proof that the pressure from the Congress members prompted his forced resignation. But he said the contact in of itself violated one of the most important tenants of a U.S. attorney's office: Don't mix politics with prosecutions.

U.S. attorneys are appointed by the president in a political process that includes Senate confirmation. But as soon as they assume office they are expected to refrain from being politically active and to resist the urge to allow their political leanings to affect the outcome of a case.

Democrats have described the mid-term firings of the Republican-appointed U.S. attorneys as unprecedented and questioned whether the firings were politically motivated to root out moderates and install candidates loyal to the administration.

Justice department officials have defended the firings as legitimate administrative decisions meant to improve the workings of the Justice Department. Deputy Attorney General Paul McNulty told the Senate that most of the forced resignations were motivated by "performance-related" reasons.

Iglesias' allegation raises new questions about the nature of the firings and seems to undermine the theory that the administration only singled out moderate Republicans. Iglesias, a former military lawyer whose work helped inspired the Tom Cruise character in a "Few Good Men," describes himself as a social conservative who strove to loyally implement the administration's policies. Iglesias also was the first Hispanic to serve as U.S. attorney in his state in decades.

"I represent three huge voting blocks of the Republican party," he said. "I don't know why they would let someone go with those political credentials who has demonstratively done a good job."

Iglesias said the two members of Congress not only contacted him directly but also proceeded to try to wrest details about the case from him. Iglesias would not comment on the case to McClatchy, but the local media has reported on aspects of the ongoing investigation, including allegations that a former Democratic state senator took money to ensure an \$82 million courthouse contract would go to specific company.

Congressional questions about ongoing cases are supposed to go through a special office within the Justice Department to avoid the appearance of impropriety. Corruption cases in particular are treated as especially sensitive.

"I was appalled by the inappropriateness of those contacts," Iglesias said of the calls.

Iglesias said they called during the lead up to the Congressional elections that gave the Democrats control of the House and Senate. The Republican Party loss was blamed in part on several ongoing criminal corruption cases against Republican members of Congress.

Jude McCartin, a spokeswoman for New Mexico's Democratic Senator Jeff Bingaman, said she had not heard of the allegations and could not comment on them.

"It wasn't us - that's all I can say," she said.

Bingaman worked with Iglesias on crafting certain legislation, but McCartin said Bingaman would never attempt to push an ongoing case for political purposes.

"U.S. attorneys have a job to do and he does not want to interfere," she said. "He's a senator and his job is to craft legislation, not involve himself in ongoing cases."

Other members of the New Mexico delegation could not be immediately reached for comment.

Senator Pete Domenici was not facing re-election, but the state's two other Republicans, U.S. Representatives Heather Wilson and Steve Pearce were up for election. Both won, but Wilson beat her opponent by 875 votes out of nearly 211,000.

Local media reports had speculated that Iglesias' office might issue an indictment before the elections.

But Iglesias said he refused to tell the members of Congress when it would be issued, although he had decided the investigation needed more time.

"You never rush any case to trial, especially political corruption cases," he said. "There is always the charge that the real basis of the prosecutions is politics and you want to avoid that."

He said he now regrets that he did not report the calls to the Justice Department as required by policy.

"I thought it would blow over," he said. "But I was wrong."

In the last several weeks, other U.S. attorneys have spoken out against the administration to dispute that they were fired because of the way they handled their job.

The administration has only acknowledged that politics played a part in the firing of former U.S. Attorney Bud Cummins in Little Rock Arkansas. In his case, officials have said he was removed to make way for Tim Griffin, a former aide to Rove. Griffin has since said he will not seek Senate confirmation because of the controversy.

The firings have put Justice Department officials in the unusual position of having to defend the ouster of Republican-appointees against Democratic criticism.

Similar to six other U.S. attorneys, Iglesias said when he was called and fired December 7, he was not given any reason other than that said the order "came from on high."

Iglesias and several other U.S. attorneys have been contacted by the House's Subcommittee on Commercial and Administrative Law about possibly testifying before Congress on the firings. Iglesias said would only testify if he were subpoenaed.

U.S. Attorney Daniel Bogden, who also stepped down Wednesday after being asked to leave in December, said he had no idea why he was asked to resign.

Like Iglesias, he received a positive performance evaluation. But unlike him, he said he never clashed with elected officials about an ongoing investigation. Bogden, a prosecutor with more than 16 years of experience, prosecuted county officials in a case connected to a San Diego indictment of several local elected officials. Carol Lam, the U.S. attorney in San Diego, was also asked to step down in December.

"As an office we thought we were functioning at a very high level," Bogden said. "You would think that if you're doing the job you should be doing you should remain in your place."

From: Oprison, Christopher G.
Sent: Monday, February 26, 2007 9:35 AM
To: Goodling, Monica
Subject: Can you give me a call?

I need to chat about the "performance evaluations" for the departing US Attorneys. Time sensitive issue for Tony.
Thanks

Christopher G. Oprison
Associate Counsel to the President
phone: (202) 456-
fax: (202) 456-

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 2:23 PM
To: Perino, Dana M.; Mamo, Jeanie S.; Martin, Catherine; Rethmeier, Blain K.
Subject: FW: Final Talking Points

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 2:22 PM
To: Scolinos, Tasia; Sampson, Kyle; Goodling, Monica; Elston, Michael (ODAG); Moschella, William; McNulty, Paul J; Elwood, Courtney; Nowacki, John (USAEO); Hertling, Richard
Subject: Final Talking Points

Attached are the final talking points on the allegations by U.S. Attorney David Iglesias.

Talking Points

- o The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.
- o This Administration has never removed a United States Attorney in an effort to retaliate against them or inappropriately interfere with a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.
- o David Iglesias was confirmed in 2001 to a four-year term as U.S. Attorney in New Mexico and was allowed to extend his service for an additional year and a half. During his 5 ½ years of service, we had a lengthy record from which to evaluate his performance as a manager and we made our decision not to further extend his service based on performance-related concerns.
- o U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and we are unaware that anyone in Main Justice was notified of any conversations between U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

- o The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments appropriate consideration. [IF PUSHED] We will not discuss specific conversations between members and the Department on these occasions.

Brian Roehrkasse
Deputy Director of Public Affairs
U.S. Department of Justice

(202) 514-

From: Goodling, Monica
Sent: 2/16/2007 6:59:55 PM
To: Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJENNINGS; Sara Taylor /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SMTAYLOR;
Cc:
Bcc:
Subject: RE: Statement

Ok, I sent Public Affairs the revised. Although the other version went out to the folks who called earlier, they'll use this version from this point forward.

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Friday, February 16, 2007 6:30 PM
To: Goodling, Monica; Sara Taylor
Subject: RE: Statement

Why don't we take out this line out of the statement: "We are pleased that he is willing to serve as interim United States Attorney until a candidate is nominated and confirmed. We will continue to work with the Arkansas delegation to find a candidate for this position."

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, February 16, 2007 6:02 PM
To: Sara Taylor; Scott Jennings
Subject: Statement

Sara/Scott -- As we discussed, in addition to providing the below statement and bio info, when/if asked about the phone call between the AG and Pryor, our spokesperson will state/confirm on background that the Attorney General pressed Senator Pryor for an answer on whether he would support Tim if we nominated him and Pryor said that he would not. When/if told that Pryor has stated that he was open to Tim's nomination, our spokesperson will dispute that and say that Senator Pryor made his opposition to Tim clear to the Attorney General and that he can not have it both ways by telling the Attorney General that he would not support him and then telling the media that he would.

The two outlets that have called here (at this point) are the NYT and AP in Little Rock. I'll be here for a while if you need me (office is 353- and my cell is 305).

.....
Statement:

"Tim Griffin is a talented and experienced lawyer and prosecutor who has a deep commitment to public service. Tim is a ten-year officer in the U.S. Army Reserve who served his country in Iraq and brought real experience as a federal prosecutor to the United States Attorney's Office, as well as a commitment to work hard to protect Arkansans from violent crime. Given Tim's strong qualifications, the Attorney General is disappointed that Senator Pryor would not support Tim's confirmation.

Additional background:

- o Mr. Griffin has significant experience as a federal prosecutor at both the Department of Justice and as a military prosecutor. At the time of his appointment as interim United States Attorney, he was serving as a federal prosecutor in the Eastern District of Arkansas. Also, from 2001 to 2002, Mr. Griffin served at the Department of Justice as

Special Assistant to the Assistant Attorney General for the Criminal Division and as a Special Assistant U.S. Attorney in the Eastern District of Arkansas in Little Rock. In this capacity, Mr. Griffin prosecuted a variety of federal cases with an emphasis on firearm and drug cases and organized the Eastern District's Project Safe Neighborhoods (PSN) initiative, the Bush Administration's effort to reduce firearm-related violence by promoting close cooperation between State and federal law enforcement, and served as the PSN coordinator.

- o Prior to rejoining the Department in the fall of 2006, Mr. Griffin completed a year of active duty in the U.S. Army, and is in his tenth year as an officer in the U.S. Army Reserve, Judge Advocate General's Corps (JAG), holding the rank of Major. In September 2005, Mr. Griffin was mobilized to active duty to serve as an Army prosecutor at Fort Campbell, Ky. At Fort Campbell, he prosecuted 40 criminal cases, including *U.S. v. Mikel*, which drew national interest after Pvt. Mikel attempted to murder his platoon sergeant and fired upon his unit's early morning formation. Pvt. Mikel pleaded guilty to attempted murder and was sentenced to 25 years in prison.

- o In May 2006, Tim was assigned to the 501st Special Troops Battalion, 101st Airborne Division and sent to serve in Iraq. From May through August 2006, he served as an Army JAG with the 101st Airborne Division in Mosul, Iraq, as a member of the 172d Stryker Brigade Combat Team Brigade Operational Law Team, for which he was awarded the Combat Action Badge and the Army Commendation Medal.

- o Mr. Griffin has very strong academic credentials. He graduated *cum laude* from Hendrix College in Conway, Ark., and received his law degree, *cum laude*, from Tulane Law School. He also attended graduate school at Pembroke College at Oxford University. Mr. Griffin was raised in Magnolia, Ark., and resides in Little Rock with his wife, Elizabeth.

From: Scott Jennings
t: 2/16/2007 11:05:00 PM
Goodling, Monica;
cc:
Bcc:
Subject: RE: Statement

Hit this guy hard -

You can't have it one way in Washington and another way in Arkansas.

And what about something like: as Attorney General, I talk to a lot of Democrats in Congress in good-faith about a lot of important issues. Now I know there's at least one who we can no longer deal with in good faith.

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, February 16, 2007 6:02 PM
To: Sara Taylor; Scott Jennings
Subject: Statement

Sara/Scott - As we discussed, in addition to providing the below statement and bio info, when/if asked about the phone call between the AG and Pryor, our spokesperson will state/confirm on background that the Attorney General pressed Senator Pryor for an answer on whether he would support Tim if we nominated him and Pryor said that he would not. When/if told that Pryor has stated that he was open to Tim's nomination, our spokesperson will dispute that and say that Senator Pryor made his opposition to Tim clear to the Attorney General and that he can not have it both ways by telling the Attorney General that he would not support him and then telling the media that he would.

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office is 353 and my cell is 305.

Statement:

"Tim Griffin is a talented and experienced lawyer and prosecutor who has a deep commitment to public service. Tim is a ten-year officer in the U.S. Army Reserve who served his country in Iraq and brought real experience as a federal prosecutor to the United States Attorney's Office, as well as a commitment to work hard to protect Arkansans from violent crime. Given Tim's strong qualifications, the Attorney General is disappointed that Senator Pryor would not support Tim's confirmation. We are pleased that he is willing to serve as interim United States Attorney until a candidate is nominated and confirmed. We will continue to work with the Arkansas delegation to find a candidate for this position."

Additional background:

- o Mr. Griffin has significant experience as a federal prosecutor at both the Department of Justice and as a military prosecutor. At the time of his appointment as interim United States Attorney, he was serving as a federal prosecutor in the Eastern District of Arkansas. Also, from 2001 to 2002, Mr. Griffin served at the Department of Justice as Special Assistant to the Assistant Attorney General for the Criminal Division and as a Special Assistant U.S. Attorney in the Eastern District of Arkansas in Little Rock. In this capacity, Mr. Griffin prosecuted a variety of federal cases with an emphasis on firearm and drug cases and organized the Eastern District's Project Safe Neighborhoods (PSN) initiative, the Bush Administration's effort to reduce firearm-related violence by promoting close cooperation between State and federal law enforcement, and served as the PSN coordinator.
- o Prior to rejoining the Department in the fall of 2006, Mr. Griffin completed a year of active duty in the U.S. Army, and is in his tenth year as an officer in the U.S. Army Reserve, Judge Advocate General's Corps (JAG), holding the rank

of Major. In September 2005, Mr. Griffin was mobilized to active duty to serve as an Army prosecutor at Fort Campbell, Ky. At Fort Campbell, he prosecuted 40 criminal cases, including *U.S. v. Mikel*, which drew national interest after Pvt. Mikel attempted to murder his platoon sergeant and fired upon his unit's early morning formation. Pvt. Mikel pleaded guilty to attempted murder and was sentenced to 25 years in prison.

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- o Mr. Griffin has very strong academic credentials. He graduated *cum laude* from Hendrix College in Conway, Ark., and received his law degree, *cum laude*, from Tulane Law School. He also attended graduate school at Pembroke College at Oxford University. Mr. Griffin was raised in Magnolia, Ark., and resides in Little Rock with his wife, Elizabeth.

From:
nt: 1/1/4501
Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJennings; 'Goodling, Monica'
Monica.Goodling@usdoj.gov;
Cc:
Bcc:
Subject: RE: Statement

We need to stop saying this. It may be true – but it reflects poorly on Tim.

From: Scott Jennings
Sent: Friday, February 16, 2007 6:30 PM
To: Goodling, Monica; Sara Taylor
Subject: RE: Statement

Why don't we take out this line out of the statement: "We are pleased that he is willing to serve as interim United States Attorney until a candidate is nominated and confirmed. We will continue to work with the Arkansas delegation to find a candidate for this position."

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Special Assistant to the Assistant Attorney General for the Criminal Division and as a Special Assistant U.S. Attorney in the Eastern District of Arkansas in Little Rock. In this capacity, Mr. Griffin prosecuted a variety of federal cases with an emphasis on firearm and drug cases and organized the Eastern District's Project Safe Neighborhoods (PSN) initiative, the Bush Administration's effort to reduce firearm-related violence by promoting close cooperation between State and federal law enforcement, and served as the PSN coordinator.

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- o Mr. Griffin has very strong academic credentials. He graduated *cum laude* from Hendrix College in Conway, Ark., and received his law degree, *cum laude*, from Tulane Law School. He also attended graduate school at Pembroke College at Oxford University. Mr. Griffin was raised in Magnolia, Ark., and resides in Little Rock with his wife, Elizabeth.

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From: Oprison, Christopher G.
Sent: Friday, March 02, 2007 6:51 AM
To: Sampson, Kyle; Hertling, Richard
Subject: fyi

You may have seen this already, but if not . . . identifies Domenici and Wilson as the ones who called Iglesias

* * * *

Sources: GOP lawmakers tried to influence federal investigation

By Marisa Taylor, McClatchy Newspapers

WASHINGTON - Sen. Pete Domenici and Rep. Heather Wilson of New Mexico pressured the U.S. attorney in their state to speed up indictments in a federal corruption investigation that involved at least one former Democratic state senator, according to two people familiar with the contacts.

The alleged involvement of the two Republican lawmakers raises questions about possible violations of House of Representatives and Senate ethics rules and could taint the criminal investigation into the award of an \$82 million courthouse contract.

The two people with knowledge of the incident said Domenici and Wilson intervened in mid-October, when Wilson was in a competitive re-election campaign that she won by 875 votes out of nearly 211,000 cast.

David Iglesias, who stepped down as U.S. attorney in New Mexico on Wednesday, told McClatchy Newspapers that he believed the Bush administration fired him Dec. 7 because he resisted the pressure to rush an indictment.

According to the two individuals, Domenici and Wilson called to press Iglesias for details of the case.

Wilson was curt after Iglesias was "non-responsive" to her questions about whether an indictment would be unsealed, said the two individuals, who asked not to be identified because they feared possible political repercussions. Rumors had spread throughout the New Mexico legal community that an indictment of at least one Democrat was sealed.

Domenici, who wasn't up for re-election, called about a week and a half later and was more persistent than Wilson, the people said. When Iglesias said an indictment wouldn't be handed down until at least December, the line went dead.

So far no one has been charged.

Press aides for Domenici and Wilson wouldn't comment. Justice Department officials have denied hearing of any such interference and said they didn't fire Iglesias over it.

Iglesias said in an earlier interview that he regretted not reporting the contact to his superiors, and he said he didn't have evidence that it led to his firing.

Some Democrats are questioning whether the two lawmakers could be accused of ethics violations for inappropriate contact with an executive branch official.

Stanley Brand, a former federal prosecutor and former Democratic counsel to the House, said such interference could be a violation.

"There's a general ethical principle that members should not unduly interfere in adjudicative proceedings in front of courts or agencies," he said. "This happens to be a criminal prosecution. There would seem to be a special concern about reaching out to a U.S. attorney and asking about a pending case.

"The House and Senate have not taken much notice of these things," he said. "But they don't usually rise to this level."

The allegations also could give defense attorneys in the corruption case in New Mexico legal ammunition to attack an indictment, Brand said.

"Even if he (Iglesias) didn't submit himself to the pressure, if I'm a defense attorney, I'm going to scream bloody murder and say it looks like he did," he said.

The allegations have fueled a weeks-long controversy over whether the Bush administration forced out eight Republican-appointed U.S. attorneys because of partisan politics.

Justice Department officials have said that most of the firings were for "performance-related" issues and denied partisan political motives.

On Thursday, House Judiciary Committee Chairman John Conyers, D-Mich., issued subpoenas to require Iglesias and three other ousted U.S. attorneys to testify before Congress.

The judiciary subcommittee on administrative law authorized the subpoenas by a 7-0 vote. The five Republican members of the subcommittee didn't show up for the vote.

The subpoenas require Iglesias, and former U.S. attorneys Carol Lam of San Diego, H.E. "Bud" Cummins of Little Rock, Ark., and John McKay of Seattle to appear before the subcommittee next week.

"The former U.S. attorneys are alleging very serious charges against the administration and we need to hear from them," Conyers said.

The Senate Judiciary Committee is sending letters to the same four asking them to testify voluntarily on Tuesday.

In the last several weeks, other U.S. attorneys have spoken out against the administration to dispute that they were fired because of how they handled their jobs.

The administration has said that politics played a part only in the firing of Cummins. Officials said he was removed to make way for Tim Griffin, a former aide to White House political operative Karl Rove.

Christopher G. Oprison
Associate Counsel to the President
phone: (202) 456-
fax: (202) 456-

From: Perino, Dana M.
Sent: Friday, March 02, 2007 6:03 PM
To: Roehrkasse, Brian
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Subject: RE: NM USA

I've said no such thing - that is not coming from me nor anyone else I know here. WH folks, if I'm wrong and this is true, please say so.

Brian, they should be assured it's not coming from our office.

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Fratto, Tony
Sent: Friday, March 02, 2007 6:04 PM
To: Perino, Dana M.; Roehrkasse, Brian
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.
Subject: RE: NM USA

That would be news to me.

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

From: Perino, Dana M.
Sent: Friday, March 02, 2007 6:03 PM
To: 'Roehrkasse, Brian'
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Subject: RE: NM USA

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Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
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-----Original Message-----

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:05 PM
To: Perino, Dana M.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Sent: Fri Mar 02 18:02:36 2007
Subject: RE: NM USA

I've said no such thing - that is not coming from me nor anyone else I know here. WH folks, if I'm wrong and this is true, please say so.

Brian, they should be assured it's not coming from our office.

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Snow, Tony
Sent: Friday, March 02, 2007 6:05 PM
To: Fratto, Tony; Perino, Dana M.; brian.roehrkasse
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Stanzel, Scott M.
Subject: Re: NM USA

Ditto here.

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

From: Fratto, Tony
To: Perino, Dana M.; 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.
Sent: Fri Mar 02 18:03:52 2007
Subject: RE: NM USA

That would be news to me.

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

From: Perino, Dana M.
Sent: Friday, March 02, 2007 6:03 PM
To: 'Roehrkasse, Brian'
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Subject: RE: NM USA

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Perino, Dana M.
Sent: Friday, March 02, 2007 6:05 PM
To: Fiddelke, Debbie S.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: RE: NM USA

But not just not "news"-- it's NOT happening...correct?

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

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:05 PM
To: Perino, Dana M.; 'Brian.Roehrkasse'
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Sent: Fri Mar 02 18:02:36 2007
Subject: RE: NM USA

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From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Kelley, William K.
Sent: Friday, March 02, 2007 6:07 PM
To: Perino, Dana M.; Fiddelke, Debbie S.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.; Fielding, Fred F.
Subject: Re: NM USA

Don't know anything about it. Copying Fred.

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

From: Perino, Dana M.
To: Fiddelke, Debbie S.; 'Brian.Roehrkasse
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:05:13 2007
Subject: RE: NM USA

But not just not "news"-- it's NOT happening...correct?

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

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:05 PM
To: Perino, Dana M.; 'Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Sent: Fri Mar 02 18:02:36 2007
Subject: RE: NM USA

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a

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From: Rethmeier, Blain K.
Sent: Friday, March 02, 2007 6:09 PM
To: Kelley, William K.; Perino, Dana M.; Fiddelke, Debbie S.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Martin, Catherine; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.; Fielding, Fred F.
Subject: RE: NM USA

Nothing on my end.

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

From: Kelley, William K.
Sent: Friday, March 02, 2007 6:07 PM
To: Perino, Dana M.; Fiddelke, Debbie S.; 'Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.; Fielding, Fred F.
Subject: Re: NM USA

Don't know anything about it. Copying Fred.

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

From: Perino, Dana M.
To: Fiddelke, Debbie S.; 'Brian.Roehrkasse
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:05:13 2007
Subject: RE: NM USA

But not just not "news"-- it's NOT happening...correct?

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

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:05 PM
To: Perino, Dana M.; 'Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Sent: Fri Mar 02 18:02:36 2007
Subject: RE: NM USA

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.

Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Stanzel, Scott M.
Sent: Friday, March 02, 2007 6:11 PM
To: Fratto, Tony; Perino, Dana M.; brian.roehrkasse
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony
Subject: Re: NM USA

First I've heard of it.

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

From: Fratto, Tony
To: Perino, Dana M.; 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.
Sent: Fri Mar 02 18:03:52 2007
Subject: RE: NM USA

That would be news to me.

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

From: Perino, Dana M.
Sent: Friday, March 02, 2007 6:03 PM
To: 'Roehrkasse, Brian'
Cc: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Subject: RE: NM USA

I've said no such thing - that is not coming from me nor anyone else I know here. WH folks, if I'm wrong and this is true, please say so.

Brian, they should be assured it's not coming from our office.

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:12 PM
To: Perino, Dana M.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

Not from OLA.

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

From: Perino, Dana M.
To: Fiddelke, Debbie S.; 'Brian.Roehrkasse'
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:05:13 2007
Subject: RE: NM USA

But not just not "news"-- it's NOT happening...correct?

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

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:05 PM
To: Perino, Dana M.; 'Brian.Roehrkasse'
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Sent: Fri Mar 02 18:02:36 2007
Subject: RE: NM USA

I've said no such thing - that is not coming from me nor anyone else I know here. WH folks, if I'm wrong and this is true, please say so.

Brian, they should be assured it's not coming from our office.

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico.

Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Mamo, Jeanie S.
Sent: Friday, March 02, 2007 6:21 PM
To: Fiddelke, Debbie S.; Perino, Dana M.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

First I have heard of it...I do have a press call from Albuquerque Journal....Dana-what are you saying? Refer to Justice?

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

From: Fiddelke, Debbie S.
To: Perino, Dana M.; 'Brian.Roehrkasse'
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:12:11 2007
Subject: Re: NM USA

Not from OLA.

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

From: Perino, Dana M.
To: Fiddelke, Debbie S.; 'Brian.Roehrkasse'
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:05:13 2007
Subject: RE: NM USA

But not just not "news"-- it's NOT happening...correct?

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

From: Fiddelke, Debbie S.
Sent: Friday, March 02, 2007 6:05 PM
To: Perino, Dana M.; 'Brian.Roehrkasse'
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
Sent: Fri Mar 02 18:02:36 2007
Subject: RE: NM USA

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

From: Roehrkasse, Brian
Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy

To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard

Sent: Fri Mar 02 17:59:01 2007

Subject: NM USA

I just received a call from Senator Domenici's press secretary who has taken a call from a reporter who advised him that the White House had signed off on the Department's releasing something about Senator Domenici's contacting DOJ about the U.S. Attorney in New Mexico. Do we know what he is talking about? Is there a letter from Domenici about Iglesias that we have given to the press? If so, they would like a copy.

From: Perino, Dana M.
Sent: Friday, March 02, 2007 6:22 PM
To: Mamo, Jeanie S.; Fiddelke, Debbie S.; Brian.Roehrkasse
Cc: Frech, Christopher W.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: RE: NM USA

Haven't been asked, but I'd decline to comment on whether anyone called the White House. As a matter of principle and practice we do not discuss such matters.

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

From: Mamo, Jeanie S.
Sent: Friday, March 02, 2007 6:21 PM
To: Fiddelke, Debbie S.; Perino, Dana M.; 'Brian.Roehrkasse'
Cc: Frech, Christopher W.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

First I have heard of it...I do have a press call from Albuquerque Journal....Dana-what are you saying? Refer to Justice?

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

From: Fiddelke, Debbie S.
To: Perino, Dana M.; 'Brian.Roehrkasse'
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:12:11 2007
Subject: Re: NM USA

Not from OLA.

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

From: Perino, Dana M.
To: Fiddelke, Debbie S.; 'Brian.Roehrkasse'
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:05:13 2007
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But not just not "news"-- it's NOT happening...correct?

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From: Fiddelke, Debbie S.
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To: Perino, Dana M.; 'Brian.Roehrkasse'
Cc: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Subject: Re: NM USA

News to me

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

From: Perino, Dana M.
To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony

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

From: Roehrkasse, Brian
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To: Perino, Dana M.
Subject: Fw: NM USA

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

From: Scott-Finan, Nancy
To: Moschella, William; Goodling, Monica; Roehrkasse, Brian; Hertling, Richard
Sent: Fri Mar 02 17:59:01 2007
Subject: NM USA

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From: Fielding, Fred F.
Sent: Saturday, March 03, 2007 8:23 AM
To: Kelley, William K.
Subject: Re: USA - Post story

Whew! Could have been worse.
Did you talk to reporters on this?
FFF

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

From: Kelley, William K.
To: Perino, Dana M.; Fiddelke, Debbie S.; 'Brian.Roehrkasse
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.; Fielding, Fred F.
Sent: Fri Mar 02 18:06:49 2007
Subject: Re: NM USA

Don't know anything about it. Copying Fred.

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

From: Perino, Dana M.
To: Fiddelke, Debbie S.; 'Brian.Roehrkasse
CC: Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony; Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Fri Mar 02 18:05:13 2007
Subject: RE: NM USA

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To: Perino, Dana M.; 'Brian.Roehrkasse
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To: 'Roehrkasse, Brian'
CC: Fiddelke, Debbie S.; Frech, Christopher W.; Mamo, Jeanie S.; Rethmeier, Blain K.; Martin, Catherine; Kelley, William K.; Snow, Tony; Stanzel, Scott M.; Fratto, Tony
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Sent: Friday, March 02, 2007 6:00 PM
To: Perino, Dana M.

Subject: Fw: NM USA

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

From: Scott-Finan, Nancy

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Sent: Fri Mar 02 17:59:01 2007

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From: Jonathan Felts
Sent: 3/6/2007 9:57:22 AM
Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJennings;
Bcc:
Subject: FW: McClatchy - U.S. attorney worried 'gloves would come off' over criticism of ouster

You will get blamed for this...

U.S. attorney worried 'gloves would come off' over criticism of ouster

By Marisa Taylor, McClatchy Newspapers

WASHINGTON _ A high-ranking Justice Department official told one of the U.S. attorneys fired by the Bush administration that if any of them continued to criticize the administration for their ousters, previously undisclosed details about the reasons they were fired might be released, two of the ousted prosecutors told McClatchy Newspapers.

While the U.S. attorney who got the call regarded the tone of the conversation as congenial, not intimidating, the prosecutor nonetheless passed the message on to five other fired U.S. attorneys. One of them interpreted the reported comments by Michael Elston, the chief of staff to Deputy Attorney General Paul McNulty, as a threat.

Justice Department officials denied that the conversation with the U.S. attorney ever took place, and Elston said he called several of the fired U.S. attorneys but never made any such comments.

"I had no conversation in which I discussed with any U.S. attorney what they should or should not say to the media regarding their removal," Elston said.

Two prosecutors who described the call demanded anonymity because, they said, they didn't want to antagonize the Justice Department further.

Justice Department spokesman Brian Roehrkasse criticized McClatchy for running the story. "It is unfortunate that the press would choose to run an allegation from an anonymous source from a conversation that never took place," he said.

Six of the eight ousted U.S. attorneys have been subpoenaed to testify Tuesday before the House of Representatives. Four will appear voluntarily before the Senate after a liberal public-interest group Monday asked for the Senate ethics committee to investigate Sen. Pete Domenici, R-N.M., for calling the U.S. attorney in New Mexico, who was later fired, during a corruption investigation of at least one Democrat.

According to one of the fired U.S. attorneys, Elston made the comments during a telephone conversation after Democrats began questioning whether the administration was attempting to purge more independent-minded Republican appointees in order to replace them with more partisan candidates.

According to the former U.S. attorney, Elston made a "pointed comment that indicated that somehow anyone who talked might become more embarrassed if the story continued on."

"The inference was that they were holding themselves back from saying more about why people were fired _ that it was likely the department was going to step up the defense of their actions," the fired prosecutor said. "It could have been construed as friendly advice or a casual prediction. But I think it was expected that everyone would be told about the call."

When conveying the message to the others, the prosecutor tried to make it clear that the meaning of the conversation shouldn't be overdramatized.

But another former U.S. attorney, who wasn't a party to the Justice Department conversation, interpreted the comments as a threat, especially since it came when congressional Democrats were contacting the attorneys about possibly testifying before Congress.

It took it to mean that negative, personal information would be released," the prosecutor said. "That if we made public comments or if we were to testify in Congress, that the gloves would come off and the Department of Justice would make us regret that we were talking."

The controversy over the firings of the eight U.S. attorneys has continued for weeks, but it was reignited last week when U.S. Attorney David Iglesias told McClatchy Newspapers that he believed that two members of Congress called him in mid-October to pressure him to complete the investigation before the November elections. Iglesias, who stepped down last week, added that he believed he was fired because he didn't speed up the case.

Domenici, who originally had recommended Iglesias for the post, apologized for making the call in a statement Sunday, but he said that he never pressured or threatened Iglesias about the case.

McClatchy Newspapers reported previously that Rep. Heather Wilson, R-N.M., also called Iglesias about the investigation. The Washington Post reported in its online edition Monday that Wilson acknowledged contacting Iglesias, but denied pressuring him.

Domenici also acknowledged in his statement that he asked the Justice Department to replace Iglesias, but he said that he made the request before he called about the corruption probe.

Justice Department officials confirmed that Domenici called Attorney General Alberto Gonzales in September 2005 and January and April of 2006.

During those calls, Domenici expressed general concerns about Iglesias' performance and questioned whether he was "up to the job," Roehrkasse said. During the first week of October 2006, Domenici made a similar and "very brief call" but Iglesias to McNulty, the deputy attorney general. At no time in these calls did the senator mention the public corruption case, Roehrkasse said.

The left-leaning Citizens for Responsibility and Ethics in Washington (CREW) asked the Senate Select Committee on Ethics to investigate whether Domenici violated ethics law. Lawmakers are prohibited from attempting to influence Justice Department investigations. Members of the ethics committee released a statement saying they couldn't comment on an ongoing matter.

Also on Monday, Michael Battle, the Justice Department official who oversees the U.S. attorney's offices, resigned. In January, Battle sent an e-mail to all U.S. attorneys announcing that he'd be leaving and sent a more detailed e-mail to his immediate staff in February with his departure date, a Justice Department official said.

On Dec. 7, Battle told most of the U.S. attorneys that they were to be fired. Former prosecutors said that Battle told many of them he didn't know why they were fired, but the orders came from "on high."

(Margaret Talev contributed to this story.)

From: Korinne Kubena
nt: 3/6/2007 11:01:58 AM
Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJENNINGS;
Cliff Rosenberger /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=CROSENBERGE ;
Bcc:
Subject: RE: Voter Fraud Summary...

I spoke with Rep. Smith's staff. They have the document and are reviewing so that Smith is prepped for the hearing.

I also sent to Chris Frech in Leg Affairs. I spoke with him, and he is reviewing the document.

From: Scott Jennings
Sent: Tuesday, March 06, 2007 10:15 AM
To: Korinne Kubena
Subject: FW: Voter Fraud Summary...

From: Shawn Reinschmidt - Research/Communications
Sent: Tuesday, March 06, 2007 8:31 AM
To: Scott Jennings
Subject: Voter Fraud Summary...

NEW MEXICO

Dead Man Registered To Vote In New Mexico. "A dead man has come back to life -- at least on the Bernalillo county voting rolls. In the election just a week away, evidence is mounting that there is a serious effort to cast fraudulent ballots. A voter registration card arrived in the mail at the south valley home of Patricia Laven last week. The card was addressed to her father. 'My father had passed on about two and a half years ago,' says Laven. '(The card showed) a social security number that wasn't my father's, a date of birth that wasn't my father's.'" (KRQE Website, "Dead Man Registered To Vote Again," <http://www.krqe.com>)

Man "Working For Governor Richardson" Attempts To Collect Woman's Absentee Ballot. "An Albuquerque woman says someone came to her home Wednesday evening and tried to collect her absentee ballot. That's illegal, according to state Bureau of Elections director Denise Lamb. Juana Cogburn said in an interview that a man she did not know came to her home. 'Someone came to our door at supper time and told me that he was working for Governor Richardson,' Cogburn said. The man did not identify himself and she did not ask his name, she said." (Andy Lenderman, "Woman Reports Ballot Ruse, Visitor Requested Her Absentee Vote," *Albuquerque Journal*, 10/23/04)

Voter Not On List Blames Joking ACORN Employee For Not Submitting Registration Card. Ingrid Bober, who lives in North Albuquerque Acres, said she waited in line for more than two hours Saturday to cast a ballot at an early voting site in Northeast Albuquerque. She said she never voted because election workers said she wasn't on the list of registered voters. Bober said a campaign worker registered her to vote at Cottonwood Mall in February. She now believes that worker never turned in her card, possibly because she is a Republican. In fact, Bober said, the worker- who wore an ACORN button- joked about Bober being a Republican. (Dan McKay and Andy Lenderman, "County's Early-Polling Places 'Slammed' With Voters, Calls" *Albuquerque Journal*, 10/19/04)

ACORN Cards Found During Search Warrant By Gang Unit. "Albuquerque police have turned over seven voter registration forms to Bernalillo County Clerk Mary Herrera after they were discovered inside an apartment targeted by a search warrant. The forms were discovered as officers from the Albuquerque Police Department's Gang Unit executed a search warrant ... Mason said there was a person at the apartment who reported getting paid for having people fill out voter registration forms. ... 'He said that he was contacted by a guy who worked for ACORN (Association of Communities Organized for Reform Now) and that's where he got the forms from,' [Detective Chris] Mason said." (Andy Lenderman and Dan McKay, "Police Find Voter Registration Forms During Drug Search," *Albuquerque Journal*, 10/19/04)

ACORN Registration Forms Found In Apartment During Drug Bust. "A search of a northeast Albuquerque apartment as part of a drug investigation led to the discovery of about a dozen voter registration forms, police said. The forms were filled out and had

dates from late last month, Albuquerque police said. Authorities had not determined the authenticity of the forms. The occupant of the apartment, a Cuban national, was arrested on drug charges. He told authorities he obtained the documents while working for the Association of Communities Organized for Reform Now or ACORN." (Albuquerque Police Find Voter Registration Forms At Albuquerque Apartment," *The Associated Press*, 10/16/04)

Republican Registration Forms Stolen From New Voters Project Office In Bernalillo County. "An activist working with the New Voters Project claims dozens of completed voter-registration forms were stolen during a recent burglary at the organization's office. James Moore told investigators that sometime during the night of Sept 12 someone entered the office and stole between 100 and 200 forms, according to a police report. Moore said most of the forms were Republican forms, but it's possible that Democratic and Green Party forms may also have been among those taken from the office." (Activist Reports Theft Of Voter Forms," *The Associated Press*, 9/23/04)

Bernalillo County Clerk Has 3,000 Questionable Voter Registration Cards With Faulty Addresses, Signatures And Social Security Numbers. "However, [Bernalillo County Clerk Mary] Herrera estimates she now has 3,000 voter registration cards with some problem or another, which makes them invalid. 'We have a mess here,' Herrera said. 'I'd rather say it now, so we have time to straighten it out.' ... The stacks of voter registration cards include some with faulty addresses. Or cards with no address. Some have bad signatures. And others have no Social Security numbers. One stack, about 400 cards deep, is simply undeliverable, she said, returned by the U.S. Postal Service." (Shea Anderson, "Clerk: Voter Forms 'A Mess,'" *Albuquerque Tribune*, 8/17/04)

U.S. Attorney's Office And Bernalillo County Sheriff's Department Investigating Possible Voter Fraud. (KRQE News 13 Report, 8/16/04)

Local News Station Covering Bernalillo County Reported Finding "Clearly Bogus Signatures" And Duplicate Registrations. "The nearly 30 people who sort through voter registrations have uncovered duplicate registrations, many of them with clearly bogus signatures. In other cases, some voters have registered to vote as many as four times in a matter of weeks and some of the cards claim addresses that do not exist." ("Thousands Of Suspicious Voter Registrations Found In Bernalillo County," KRQE News 13 Website, www.krqe.com, 8/16/04)

Many People Said They Didn't Register; Officials Say Numerous Registration Drives Could Be To Blame. "[County Clerk Mary] Herrera said members of her staff have called some of the people whose names appear on suspicious forms. Some have said they didn't register - raising the question of who is registering them and why. Sheriff Darren White has asked the U.S. Attorney's office to investigate. A spokesman for that office declined to comment. Herrera, White and [Glen] Stout say the numerous voter-registration drives going on in New Mexico could be to blame. Critics say some groups pay their workers for each voter they register, giving them incentive to file improper forms." (Dan McKay, "Kids Find Themselves Registered To Vote In Bernalillo County," *Albuquerque Journal*, 8/20/04)

Voter Registration Cards List False Addresses, Including Empty Lot, Shopping Center And Parking Lot. (KRQE News 13 Report, 8/16/04)

"In One Instance, A Woman Registered In March With A Last Name Of Maestas-Perea. In May, She Put Down Perea-Maestas." (Editorial, "Probe Irregularities In Voter Registration," *Albuquerque Journal*, 8/9/04)

"In Another Instance, One Man Registered - And Reregistered - Four Times In A 60-Day Period, Although None Of His Key Information Had Changed." (Editorial, "Probe Irregularities In Voter Registration," *Albuquerque Journal*, 8/9/04)

Two Bernalillo County Teenagers - Aged 13 And 15 - Received Voter Registration Cards In Mail. "Glen Stout was surprised when his son's first voter-registration card arrived in the mail a couple of weeks ago. After all, his son is only 13. What's more, the Postal Service delivered two more voter cards to Stout's Albuquerque residence - for a 15-year-old who lives across the street. The puzzling cards are an example of the problems election workers are facing this election as they deal with thousands of voter-registration forms that are being filed each week with the Bernalillo County Clerk's Office." (Dan McKay, "Kids Find Themselves Registered To Vote In Bernalillo County," *Albuquerque Journal*, 8/20/04)

✓ **Teenager's Father Later Joined Lawsuit To Require Identification Upon Registering.** (Heather Clark, "Albuquerque Man Joins Voter Registration Lawsuit," *The Associated Press*, 8/25/04)

✓ **Father And Representative Thompson Show Proof Of ACORN Fraudulent Form.** "On Tuesday, Stout and [Rep. Joe Thompson] stood outside ACORN's door at 411 Bellamah Ave. N.W. and blamed the group for faulty voter registration cards. 'We have proof,' Thompson declared. Part of that proof, they say, includes a copy, produced by Thompson, of young Stout's voter registration form, turned in by Christina Gonzales, a former ACORN employee." (Shea Anderson, "More Glare On Voter Sign-Ups," *Albuquerque Tribune*, 8/25/04)

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ACORN Leader Pleads The Fifth In Court. "Matthew Henderson, of the Association of Communities Organized for Reform Now, or ACORN, did not answer— under his lawyer's advice— when asked about ACORN's handling of voter registration forms." (Andy Lenderman, "Fight Over Voter ID Heats Up" *Albuquerque Journal*, 9/19/04)

Ident Fired From Another Registration Group For Signing Up Too Many Republicans. "Former employee Joshua Peña, a Republican college student at New Mexico State University, said he was fired from Moving America Forward because he was registering too many voters of the wrong party. 'They said I was registering too many Republicans,' Peña said. '... We (the group) were pushing for the Democratic vote.'" (Andy Lenderman, "Fight Over Voter ID Heats Up" *Albuquerque Journal*, 9/19/04)

From: Kelley, William K.
Sent: Tuesday, March 06, 2007 11:07 AM
To: Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
Cc: Frech, Christopher W.
Subject: Re: US atty hearing

In the press this morning, DOJ issued a flat denial that Elston ever said anything that could be construed as Cummins says.

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

From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 11:04:57 2007
Subject: Re: US atty hearing

Cummins just asserted that Ellston at DOJ called him 2/20 and made what could be construed as a threat to release further negative info about why the US attys were fired if the us attys gave more info to Congress and helped the controversy brew. Cummins shared summary of that call from Ellston via email with all US attys. The email is going to be distributed shortly to all Senators. All U S attys then told Schumer they felt this was a threat.

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To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 10:54:45 2007
Subject: Re: US atty hearing

Iglesias just said Domenici called and asked if public reports of corruption investigation were true. Iglesias said yes. Domenici asked if they would be filed before Nov. Iglesias said no. Domenici hung up. Iglesias said he felt sick and pressured. Heather Wilson called and asked if he would disclose sealed indictments, Iglesias said no. She responded "well, I guess I have to take your word."

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From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.
CC: Frech, Christopher W.
Sent: Tue Mar 06 10:35:12 2007
Subject: US atty hearing

Sen Kyl just announced that he will not let bill pass by UC without getting the opportunity to offer an amendment to take out the district et authority. Bertling thought he had gotten him to back off, but appears not. Specter, Kyl, Schumer, Feinstein, Cardin and Whitehouse are attendees thus far. Specter seems most concerned about allegations of political pressure mentioning Domenici and the Baltimore case from NY times today. Will keep you posted of other developments as they happen.

From: Oprison, Christopher G.
Sent: Tuesday, March 06, 2007 11:12 AM
To: Kelley, William K.; Fielding, Fred F.; Scudder, Michael Y.
Subject: RE: US atty hearing

From McClatchy this morning:

"Justice Department officials denied that the conversation with the U.S. attorney ever took place, and Elston said he called several of the fired U.S. attorneys but never made any such comments."

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

From: Scolinos, Tasia [mailto:Tasia.Scolinos@usdoj.gov]
Sent: Tuesday, March 06, 2007 11:06 AM
To: Perino, Dana M.; Kelley, William K.; Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; O'Hollaren, Sean B.; Martin, Catherine
Cc: Frech, Christopher W.; Roehrkasse, Brian
Subject: RE: US atty hearing

Very bad. We are clearing a strongly worded statement now to get out as soon as we can.

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

From: Perino, Dana M.
Sent: Tuesday, March 06, 2007 11:05 AM
To: Kelley, William K.; Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; O'Hollaren, Sean B.; Scolinos, Tasia; Martin, Catherine
Cc: Frech, Christopher W.
Subject: Re: US atty hearing

I could try. What about this bud cummins email? This is bad.

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

From: Kelley, William K.
To: Perino, Dana M.; Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Oprison, Christopher G.; O'Hollaren, Sean B.; 'tasia.scolinos@usdoj.gov'; Martin, Catherine
CC: Frech, Christopher W.
Sent: Tue Mar 06 11:02:01 2007
Subject: Re: US atty hearing

Can we just say that we'll leave it to Congress to examine those questions?

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

From: Perino, Dana M.
To: Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; O'Hollaren, Sean B.; 'tasia.scolinos@usdoj.gov'; Martin, Catherine
CC: Frech, Christopher W.
Sent: Tue Mar 06 10:57:54 2007
Subject: Re: US atty hearing

How do I answer whether we think it was inappropriate for lawmakers to call us attys?

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

From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 10:54:45 2007

Subject: Re: US atty hearing

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To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.

CC: Frech, Christopher W.

Sent: Tue Mar 06 10:35:12 2007

Subject: US atty hearing

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From: Frech, Christopher W.
Sent: Tuesday, March 06, 2007 2:57 PM
To: Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
Subject: Re: US atty hearing

Conyers line of questioning focusing on who was involved in DOJ in reviewing and putting together list of USAs to be removed.

Also focusing on contact and input from WH on such a list?

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

From: Frech, Christopher W.
To: Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
Sent: Tue Mar 06 14:27:28 2007
Subject: Re: US atty hearing

Prior to Wills testimony, all 6 USAs waived limited privacy rights so Will can be asked about specifics in their performance.

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

From: Frech, Christopher W.
To: Looney, Andrea B.; Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
Sent: Tue Mar 06 13:50:31 2007
Subject: Re: US atty hearing

Will our DOJ witness will go first in the House Hearing. House Rs will attempt to build off experience this am in Senate.

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

From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 13:13:07 2007
Subject: Re: US atty hearing

Sen Specter got the following out of Cummins via questioning at the end of the hearing, which is now over:

He did not think Ellston intended to obstruct justice or stop him from testifying. It could be characterized as friendly advice. Ellston was suggesting that if you keep talking to the press then DOJ will have to explain its actions more fully which could be harmful to you.

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

From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 13:09:35 2007
Subject: Re: US atty hearing

Sen Whitehouse just suggested that the Ellston call should be investigated as possible obstruction of justice because the allegations involve threats in retaliation against potential subpoenaed testimony. We are breaking til 12:15. Sessions has questions and Schumer has a 2nd round.

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

From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 11:47:38 2007
Subject: Re: US atty hearing

Feingold just asked who Iglesias thought Battle was referring to by "on high" and Iglesias said "either WH counsel or the AG"

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

From: Looney, Andrea B.
To: Wolff, Candida P.; Fiddelke, Debbie S.; Kelley, William K.; Oprison, Christopher G.; Perino, Dana M.; O'Hollaren, Sean B.
CC: Frech, Christopher W.
Sent: Tue Mar 06 11:36:07 2007
Subject: Re: US atty hearing

Iglesias asked Battle why he was being terminated. Battle said on 12-7 "I don't know Dave and I don't want to know. This came from on high."

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

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From: Sampson, Kyle [Kyle.Sampson@usdoj.gov]
Sent: Monday, February 26, 2007 9:49 AM
To: Kelley, William K.
Cc: Oprison, Christopher G.
Subject: FW: Durbin/Schumer/Reid/Murray letter
Attachments: Durbin letter re cummins-griffin final.pdf; Schumer letter re cummins-griffin final.pdf; Reid letter re cummins-griffin final.pdf; Murray letter re cummins-griffin final.pdf

fyi

From: Hertling, Richard
Sent: Monday, February 26, 2007 9:24 AM
To: Sampson, Kyle; Goodling, Monica; Scolinos, Tasia; Scott-Finan, Nancy; Nowacki, John (USAEO); Elston, Michael (ODAG); Moschella, William
Subject: FW: Durbin/Schumer/Reid/Murray letter

These letters were faxed to the senators' offices on Friday evening. We called this morning to confirm receipt.

From: Cabral, Catalina
Sent: Friday, February 23, 2007 7:43 PM
To: Hertling, Richard
Subject: Durbin/Schumer/Reid/Murray letter

All four faxes went through, I'll call Monday morning to confirm

<<Durbin letter re cummins-griffin final.pdf>> <<Schumer letter re cummins-griffin final.pdf>> <<Reid letter re cummins-griffin final.pdf>> <<Murray letter re cummins-griffin final.pdf>>

Catalina Cabral
U.S. DEPARTMENT OF JUSTICE
Office of Legislative Affairs

(202) 514-



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2007

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

As an initial matter, the Department agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle. Your letter, however, contains assumptions and assertions that are simply erroneous.

First, your letter truncates the actual quote of the Attorney General's testimony at the Judiciary Committee hearing on January 18, 2007, and consequently, mischaracterizes the statement. In full, the Attorney General stated: "I think I would never, ever make a change in a United States attorney for political reasons or *if it would in any way jeopardize an ongoing serious investigation. I just would not do it*" (emphasis added). The Department of Justice rejects any suggestion that U.S. Attorneys were asked or encouraged to resign for the inappropriate "political reason" of interfering with any public corruption case or retaliating against a U.S. Attorney who oversaw such a case.

Second, your letter mischaracterizes the testimony of the Deputy Attorney General given at the hearing held on February 6, 2007. The Deputy Attorney General simply stated the Department's view that asking U.S. Attorney Bud Cummins to resign so that Special Assistant U.S. Attorney Tim Griffin might have the opportunity to serve as U.S. Attorney is not an inappropriate "political reason." This is so, the Deputy Attorney General testified, because, *inter alia*, Mr. Griffin is very well-qualified to serve as U.S. Attorney, and Mr. Cummins "may have already been thinking about leaving at some point anyway."

The Honorable Richard J. Durbin
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Third, the Department does not consider the replacement of one Republican U.S. Attorney by another Republican lawyer who is well-qualified and has extensive experience as a prosecutor and strong ties to the district to be a change made for "political reasons." Mr. Cummins was confirmed to serve a four-year term, which expired on January 9, 2006. He served his entire term, plus an additional year. United States Attorneys serve at the pleasure of the President; that has always been the rule, and U.S. Attorneys accept their appointment with that understanding.

In answer to your specific questions:

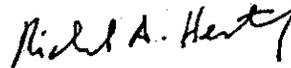
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- The Department of Justice is not aware of anyone lobbying for Mr. Griffin's appointment. Consistent with longstanding Administration practice, the decision regarding whether Mr. Griffin (who then was on active military duty) might be considered for appointment as U.S. Attorney upon his return from Iraq was discussed and made jointly by the Department of Justice and the White House.

The Honorable Richard J. Durbin
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- The Department is not aware of Karl Rove playing any role in the decision to appoint Mr. Griffin.

We appreciate the opportunity to respond to your inquiry.

Sincerely,



Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Mitch McConnell
The Honorable Arlen Specter



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2007

The Honorable Charles E. Schumer
United States Senate
Washington, D.C. 20510

Dear Senator Schumer:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

As an initial matter, the Department agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle. Your letter, however, contains assumptions and assertions that are simply erroneous.

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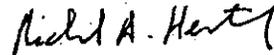
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Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Mitch McConnell
The Honorable Arlen Specter



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Dear Senator Reid:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

As an initial matter, the Department agrees with the principle you set forth in your letter that "[o]nce appointed, U.S. Attorneys, perhaps more than any other public servants, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor." That many U.S. Attorneys, appointed by Presidents of both parties, have had political experience prior to their appointment does not undermine that principle. Your letter, however, contains assumptions and assertions that are simply erroneous.

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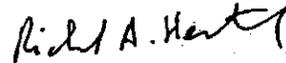
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U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 23, 2007

The Honorable Patty Murray
United States Senate
Washington, D.C. 20510

Dear Senator Murray:

This is in response to your letter to the Attorney General dated February 8, 2007. An identical response has been sent to the other signatories of that letter.

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The Honorable Patty Murray
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cc: The Honorable Mitch McConnell
The Honorable Arlen Specter

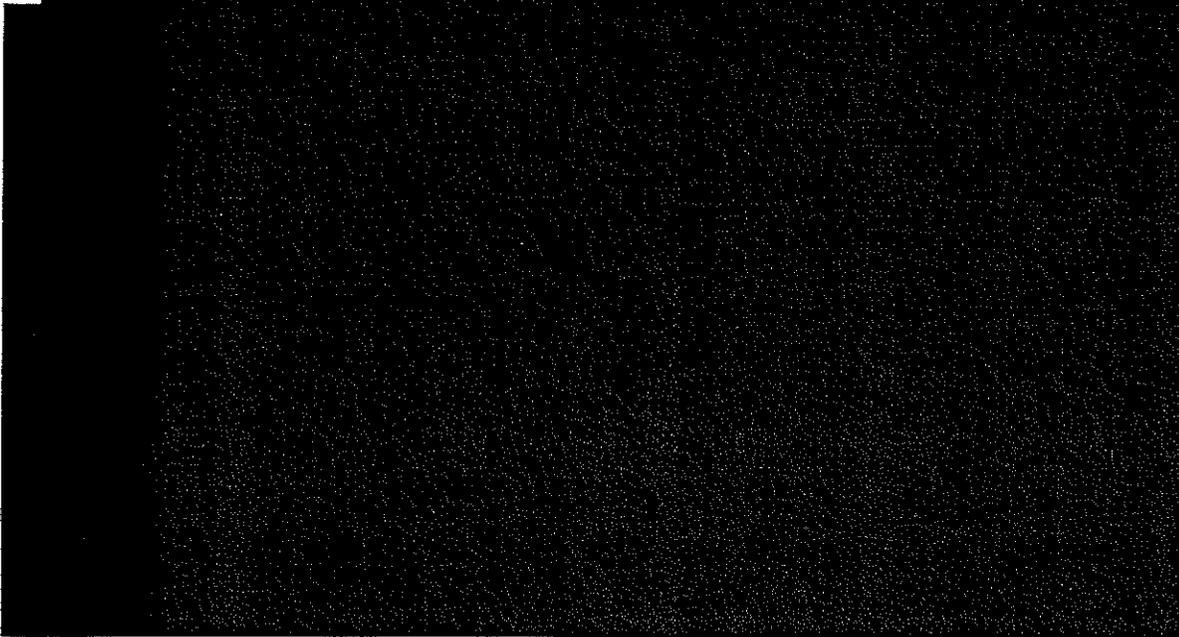
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- collecting of U.S. Attys' need + focus at



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WH SC STAFF

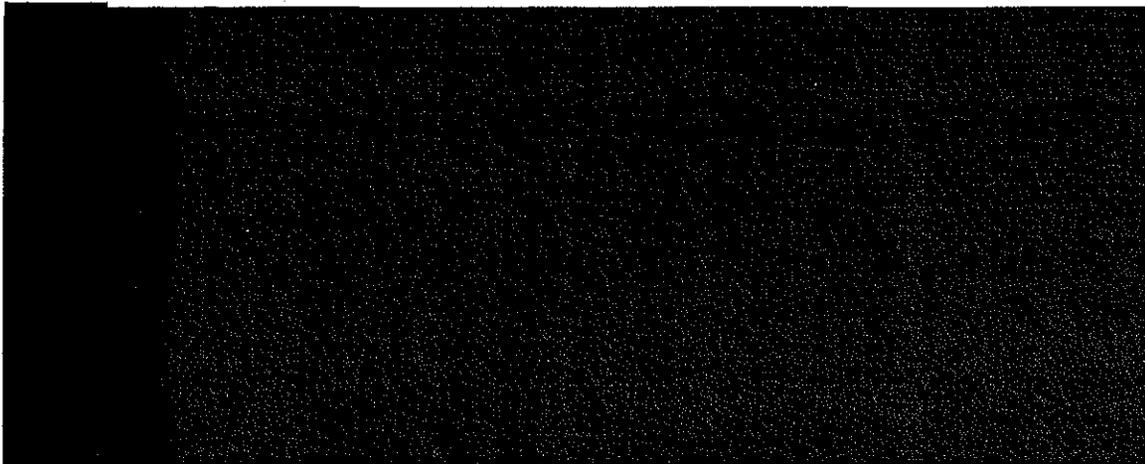
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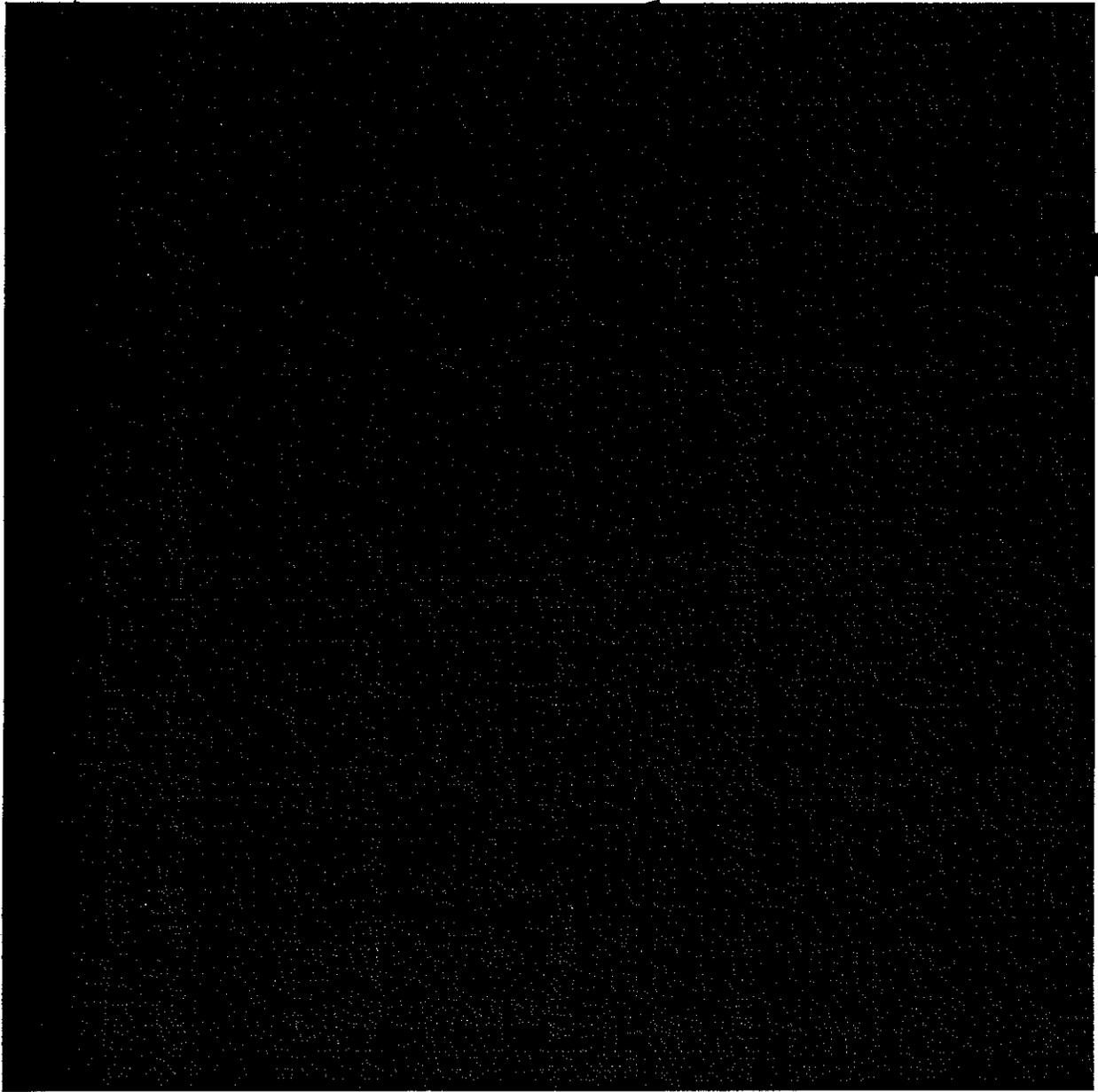
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UH SC Staff

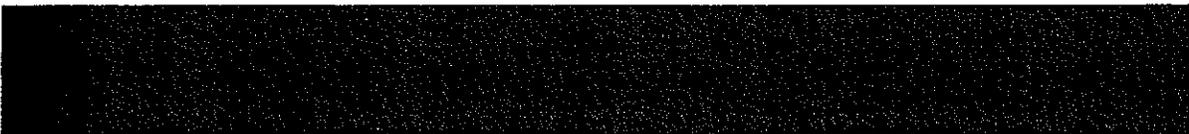
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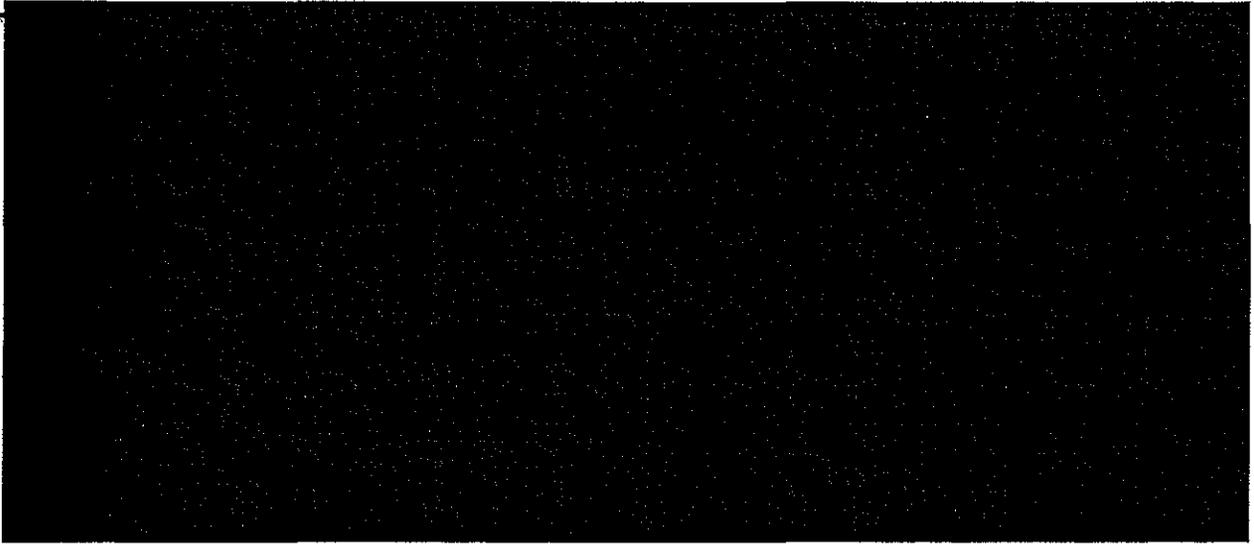


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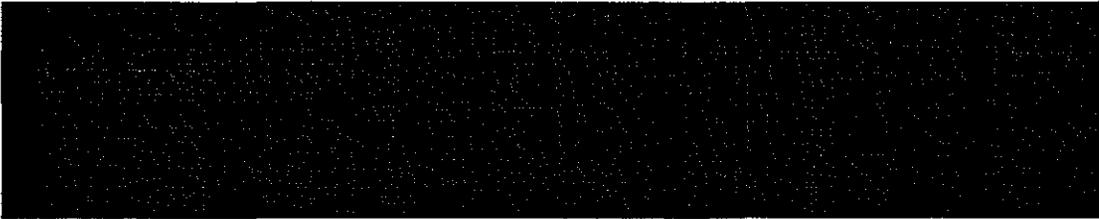


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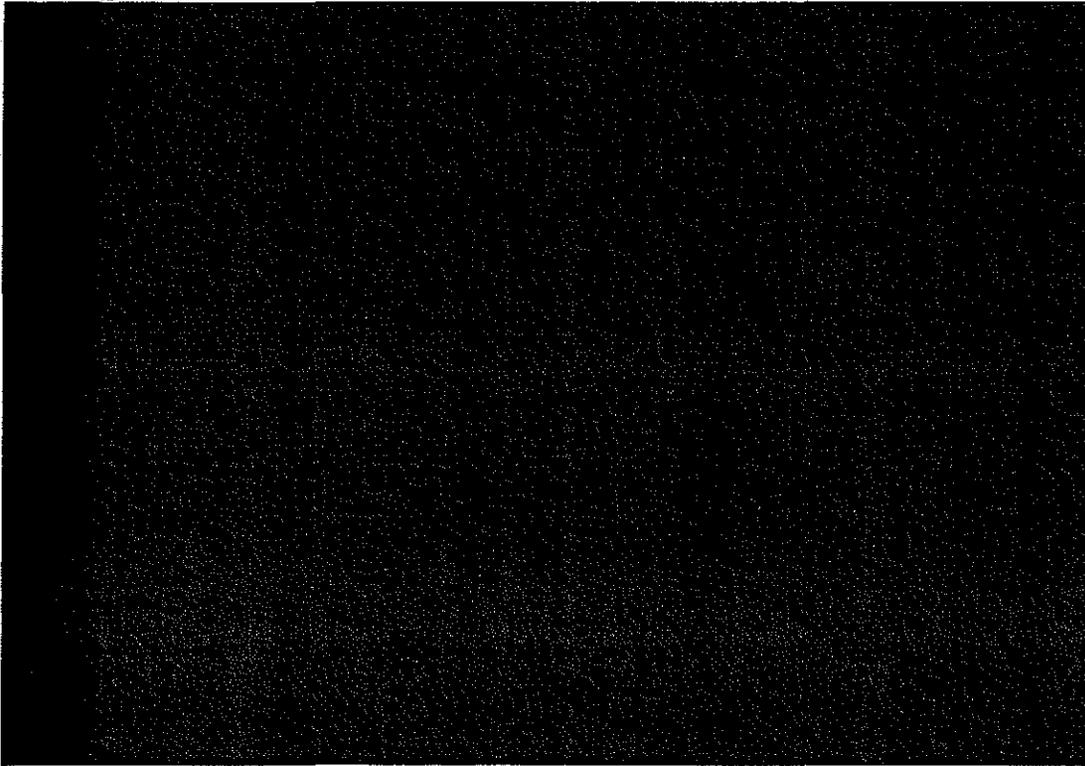
WH Sr Staff



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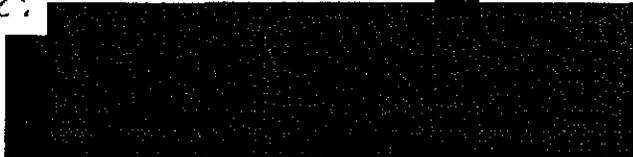


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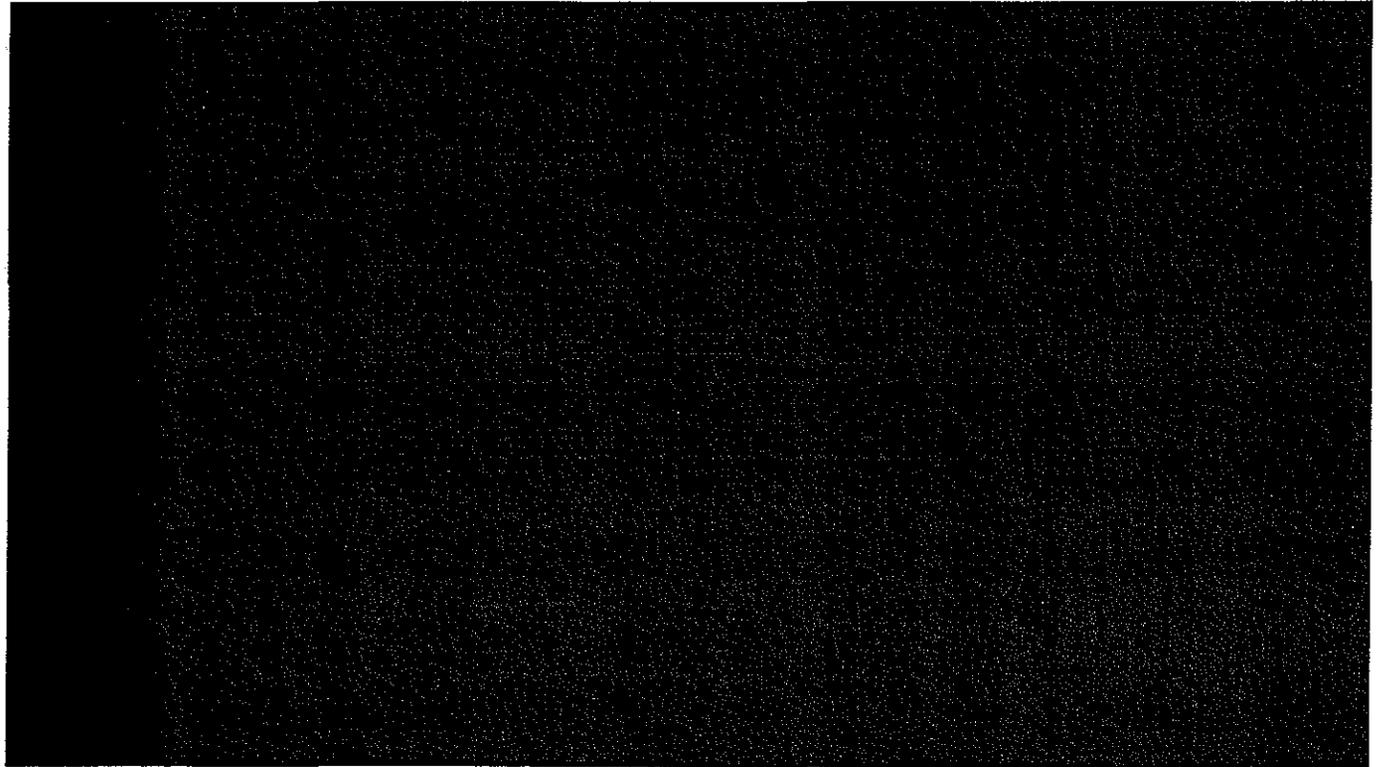
10/2/01
Q2:



- re 84 US ATTYS

fed f.:

- all 8 of them have been indicted & held in custody in the
Court



SEN. SPECTER: He's already had his turn. I want an answer, Professor Levinson. (Laughter.)

Just kidding, just kidding. How about it, Mr. Gerson -- former Attorney General Gerson?

MR. GERSON: Well, I don't criticize Mr. Bork, either. I mean, the buck had to stop at some point in order to have a Justice Department. But there's a difference. I also think that the process worked well, even though it had a negative --

SEN. SPECTER: It had to stop at some point to have justice, you say?

MR. GERSON: To have a Justice Department. Somebody's got to run the place. I don't think everybody --

SEN. SPECTER: What was wrong with Cox?

MR. GERSON: Well, I don't think anything was wrong with Cox, and I think the upshot -- I think the system worked. I mean, ultimately the wrongdoing of that administration was exposed, and the president resigned in the wake of a continuation of the special prosecutor's function. You can't escape it, and I think that's the point that good oversight makes, and why when all the political branches -- both political branches do their job, justice will be served.

SEN. SPECTER: Oh, I think this question has been very thoroughly aired. Very thoroughly aired. I can't recall a three-hour and 36-minute hearing under similar circumstances, and I await the day when Chairman Schumer is chairman of the full committee to see us progress in our work.

Thank you all very much.

MS. LEVINSON: Thank you.

SEN. SCHUMER: Thank you. And I want to thank Senator Specter and all three witnesses for their excellent testimony. I think it's been an excellent hearing, and I have a closing statement that I'll submit to the record -- for the record.

Thank you.

END.

From: Looney, Andrea B.
Sent: Thursday, February 15, 2007 7:28 AM
To: Wolff, Candida P.; O'Hollaren, Sean B.
Subject: Re: AP on USAs

If this were up for a vote, I worry we would lose (we already lost Specter, Hatch and Grassley in Committee on this). For a UC show, this argument about not confirming Bradbury is ok. Not sure that argument keeps Rs from supporting the bill on an actual vote. Our advantage is that Reid won't want to spend a lot of floor time on this, so uc requests are all he has. If they modified the language to take out the appointment power of the court, Kyl might be satisfied. Until they do that, he will object . . .

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

From: Wolff, Candida P.
To: Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Thu Feb 15 07:21:40 2007
Subject: RE: AP on USAs

Is it a good argument? And can we win?

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

From: Looney, Andrea B.
Sent: Thursday, February 15, 2007 7:13 AM
To: Wolff, Candida P.; O'Hollaren, Sean B.
Subject: Re: AP on USAs

I had asked Abegg about it this week and he did not know anything. I will check with Kyl Simmons at the COS meeting this am (he is the guest). But Sens Kyl, Cornyn and others have been working with DOJ on this. DOJ is working this hard. If we don't want to fight it, we will have to talk them down. Won't be easy.

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

From: Wolff, Candida P.
To: Looney, Andrea B.; O'Hollaren, Sean B.
Sent: Thu Feb 15 06:43:29 2007
Subject: Fw: AP on USAs

Has the ldshp talked to youi all about this?

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

From: Perino, Dana M.
To: Wolff, Candida P.; Snow, Tony
Sent: Thu Feb 15 06:33:53 2007
Subject: Fw: AP on USAs

If we're not going to fight hard against this bill, do we want to let the leadership know that?

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

From: Stewart, Don (McConnell)
To: Perino, Dana M.
Sent: Thu Feb 15 06:03:06 2007
Subject: AP on USAs

We'll work on this today, the angle is all wrong. This is about dems blocking the confirmation process, and we're going to ask that, in their newfound zeal for the regular order, perhaps they will stop blocking Bradbury's nomination (and others). Reid will bring this bill to the floor at 11 and ask for unanimous consent to proceed. Kyl and others will object and make a few points. All for show.

Senators Oppose Policy on U.S. Attorneys

By Laurie Kellman The Associated Press

WASHINGTON—Congressional Democrats and some Republicans are trying to change part of the USA Patriot Act that allows the Bush administration to fire and replace federal prosecutors indefinitely without Senate confirmation.

Freshly briefed by the Justice Department on the forced resignations of some of the seven U.S. attorneys since the act took effect, Senate Democrats planned to bring a bill to the floor Thursday that would impose a 120-day deadline on the amount of time a replacement could serve without Senate confirmation.

After that, an interim replacement would be named by a U.S. District Court, a policy Attorney General Alberto Gonzales and some Republicans say could lead to the appointments of prosecutors for reasons other than their qualifications.

Democrats say that's just the problem with the policy under the terror-fighting law that went into effect in March.

Since then, seven U.S. attorneys have been fired, some without cause, Deputy Attorney General Paul J. McNulty told the Senate Judiciary Committee. Democrats contend that prosecutors were forced to resign to make way for Republican political allies, and that the White House slipped the provision into the Patriot Act to permit such indefinite appointments.

Congress passed the reauthorization with overwhelming bipartisan support, but many lawmakers say they were unaware of the provision. The president appoints federal prosecutors, who are subject to Senate confirmation.

Gonzales has said he intends to submit every newly appointed interim prosecutor to the Senate confirmation process and denied that his choices were politically motivated. He also has pointed out that U.S. attorneys serve at the president's pleasure and can be fired for any reason or no reason at all.

Nonetheless, Senate Majority Leader Harry Reid of Nevada is expected to try to bring the bill up for a vote Thursday, which also is the last day on the job of one of the fired prosecutors, Carol Lam of San Diego.

Sen. Jon Kyl, R-Ariz., said last week he would try to block the bill unless Reid agreed to strip out the appointment power of the U.S. District Court.

McNulty briefed senators behind closed doors Wednesday night on the cases of the seven fired prosecutors. Attending the meeting were Republicans Kyl and Arlen Specter of

Pennsylvania and Democrats Chuck Schumer of New York, Dianne Feinstein of California and Patty Murray of Washington.

Afterward, Murray said she heard nothing to suggest that the U.S. attorney in her state, John McKay, deserved to be fired. She and other participants refused to comment further.

Earlier this month, McNulty told the committee that most of the seven had been fired for "performance-related" reasons, and that one in Arkansas, Bud Cummins, had been cleared out to make way for a former aide to White House adviser Karl Rove.

However, McKay and others had received glowing performance reviews and were not told of performance issues before they were fired, prompting further investigation by the committee.

From: Hughes, Taylor A.
Sent: 2/16/2007 1:21:09 PM
To: Karl Rove /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=KR;
CC:
Bcc:
Subject: FW: US Attorney Issue: Generally and Legislation

They're trying to set this up for this afternoon but I said you were on a plane and asked if perhaps Jennings could participate if you're not able to call in, whenever they set this up.

From: Bakke, Mary Beth
Sent: Friday, February 16, 2007 12:42 PM
To: Hughes, Taylor A.; Herzog, John T.; Paola, Lindsey N.; Perino, Dana M.
Subject: US Attorney Issue: Generally and Legislation

Mr. Fielding would like to convene a meeting as soon as possible to discuss the above referenced subject. He will need 20 minutes for the following participants:

Karl Rove
Candi Wolfe
Dana Perino
Bill Kelley

Please let me know your availability. Thank you.
Mary Beth

From: Sara Taylor
nt: 2/16/2007 8:36:38 AM
Karl Rove kr@georgewbush.com; Hughes, Taylor A. taylor_a._hughes@who.eop.gov;
Bcc:
Subject: FW: McNulty Strikes Again

From: Tim Griffin
Sent: Friday, February 16, 2007 3:51 AM
To: Sara Taylor; Scott Jennings
Subject: McNulty Strikes Again

Did you see this? Unbelievable.

White House Is Reported to Be Linked to a Dismissal

By **DAVID JOHNSTON**

Published: February 16, 2007

WASHINGTON, Feb. 15 — A United States attorney in Arkansas who was dismissed from his job last year by the Justice Department was ousted after Harriet E. Miers, the former White House counsel, intervened on behalf of the man who replaced him, according to Congressional aides briefed on the matter.

Miers, the aides said, phoned an aide to Attorney General Alberto R. Gonzales suggesting the appointment of J. Timothy Griffin, a former military and civilian prosecutor who was a political director for the Republican National Committee and a deputy to Karl Rove, the White House political adviser.

Later, the incumbent United States attorney, H. E. Cummins III, was removed without explanation and replaced on an interim basis by Mr. Griffin. Officials at the White House and Justice Department declined to comment on Ms. Miers's role in the matter.

Paul J. McNulty, the deputy attorney general, said at a hearing last week that Mr. Cummins had done nothing wrong but was removed to make room for Mr. Griffin. It was not known at the time Mr. McNulty testified that Ms. Miers had intervened on Mr. Griffin's behalf.

Her involvement was disclosed on Wednesday by Justice Department officials led by Mr. McNulty, who held a closed-door briefing for senators on the Judiciary Committee after Democrats criticized the dismissals of 7 to 10 United States attorneys as politically motivated.

Ms. Miers, whose resignation as White House counsel was effective Jan. 31, could not be reached for comment Thursday.

At the briefing, Justice Department officials denied that the White House had been involved in any of the other dismissals, suggesting that the department had acted on its own after advising the White House of its intention to remove incumbents.

Democrats have said the removals represented an effort to make room for rising political favorites of the Bush administration and to be rid of independent-minded prosecutors, all of whom had been appointed by President Bush.

Senator Charles E. Schumer, Democrat of New York, said that he was not satisfied by the Justice Department's

explanations at the briefing.

"Yesterday's briefing by the deputy attorney general did little to alleviate our concerns that politics was involved and, in fact, raised those concerns," Mr. Schumer said. "Some may have been fired for political reasons because they may not have done what Justice Department wanted them to do."

Justice Department officials have said that because United States attorneys are presidential appointees they may be replaced at any time without a specific reason, although they have said that none were removed for pursuing politically sensitive cases.

Another United States attorney asked to resign was Carol C. Lam of San Diego, who departed on Thursday at the request of the Justice Department. Two days earlier, Ms. Lam announced two indictments, including one against a former high-ranking Central Intelligence Agency official, in a corruption inquiry that began with last year's guilty plea by a former Republican representative, Randy Cunningham, who was sentenced to more than eight years in prison.

Karen P. Hewitt, an assistant in Ms. Lam's office, was named Thursday to serve as the interim United States attorney in the Southern District, while Scott N. Schools, a general counsel in the Justice Department, will fill the interim role in the Northern District, in San Francisco.

Senator Dianne Feinstein, Democrat of California, said in a statement on the Senate floor Thursday that Ms. Lam had been dismissed despite a strong record of prosecutions.

"Ms. Lam has had a distinguished career, and she served the southern district of San Diego well and everyone in that district knows that," Ms. Feinstein said. "I regret that main Justice does not. I am quite disappointed that main Justice chose to remove her, especially given the ongoing work in which the office is involved."

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From: Scott Jennings
Sent: 2/16/2007 8:11:50 AM
To: Jane Cherry /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=JCHERRY;
Cc:
Bcc:
Subject: Re: Fyi from today's Arkansas paper

Very dramatic- I will fill u in

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

From: Jane Cherry
To: Scott Jennings
Sent: Fri Feb 16 08:03:25 2007
Subject: Fw: Fyi from today's Arkansas paper

Seriously?

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

From: Tim Griffin
To: Karl Rove; Sara Taylor; Scott Jennings; Jane Cherry; 'Oprison, Christopher G.' <Christopher_G_Oprison@who.eop.gov>
Sent: Fri Feb 16 03:27:41 2007
Subject: Fyi from today's Arkansas paper

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He was referring to the U.S. Department of Justice's stated intention, amid heavy criticism, to subject Griffin and others recently appointed to interim federal-prosecutor posts to the standard process of being nominated by the president, scrutinized by the U.S. Senate Judiciary Committee and then voted on by the Senate.

Griffin, 38, a former military prosecutor, was appointed Dec. 20 by U.S. Attorney General Alberto Gonzales under a little-noticed provision tacked onto the 2006 reauthorization of the USAPATRIOT Act that allows the attorney general to fill prosecutorial vacancies on an interim basis without Senate approval.

Griffin's predecessor, Bud Cummins, later acknowledged that he was asked to step aside from the job he got five years earlier after going through the Senate confirmation process, not because of performance issues but to make way for Griffin, who worked briefly in the White House under presidential adviser Karl Rove and was a political director for the Republican National Committee.

The new language concerning appointments, which even the Republican sponsor of the 2006 legislation now says he didn't notice at the time, replaced a provision that limited the interim appointments to 120 days. It had the effect of allowing appointees to serve indefinitely for the rest of the current administration, which in this case ends in early 2009, without the usual scrutiny.

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He referred to a hearing last week on Capitol Hill on legislation proposed by Sen. Dianne Feinstein, D-Calif., and supported by Pryor, as well as Sen. Blanche Lincoln, D-Ark., and others, to reinstate the original language governing such appointments.

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"But to submit my name to the Senate would be like volunteering to stand in front of a firing squad in the middle of a three-ring circus." Meanwhile, The New York Times reported Thursday that Cummins was ousted after Harriet E. Miers, the former White House Counsel, intervened on Griffin's behalf.

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During that conversation, "the senator told the attorney general, 'It's my preference that you send him through the confirmation hearing.'" Teague said.

He said Pryor made that statement despite his complaints about the way Griffin got the job "because that's the process. That's the way the founding fathers set it up."

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Teague called Griffin's remarks about partisanship "baseless." He said Pryor is well-known and has even been criticized by fellow Democrats for being "fair and open" about President Bush's judicial nominees, of whom he has supported more than 100 and opposed fewer than a dozen. Teague pointed out that Pryor even testified that "the way the White House has handled this has been a disservice to Tim Griffin."

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Teague insisted that Pryor's diligence in pursuing the matter is neither partisan nor personal.

From: "Karl Rove" <kcrmail@georgewbush.com>
Date: Friday, February 16, 2007, 11:30:00 AM
To: christon_r._tanner@who.eop.gov
Subject: Fw: Fyi from today's Arkansas paper

Run off asap

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

From: Tim Griffin <griffinjag@comcast.net>
To: Karl Rove; Sara Taylor; Scott Jennings; Jane Cherry; 'Oprison, Christopher G.' <Christopher_G._Oprison@who.eop.gov>
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Jane Cherry

From: Jane Cherry
nt: 2/16/2007 11:11:40 AM
 : Paris Dennard /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=PDENNARD; Jonathan Felts /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=JFELTS;
Cc:
Bcc:
Subject: RE: Uh Oh

You think that is bad -- check this out.

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From: Paris Dennard
Sent: Friday, February 16, 2007 10:57 AM
To: Jonathan Felts; Jane Cherry
Subject: Uh Oh

http://www.nytimes.com/2007/02/16/washington/16attorneys.html?_r=3&oref=slogin&oref=slogin&oref=slogin

Mr. Paris Dennard
Political Affairs
(202) 456- Office
(202) 309- Mobile

From: Mike Britt
Sent: 2/16/2007 9:55:39 AM
To: Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJENNINGS; Sara Taylor /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SMTAYLOR;
Cc:
Bcc:
Subject: WA US Attorney situation getting messy

There are a few things happening politically in WA regarding the U.S. attorney situation that you should know. I would also like to get your input.

After John McKay was asked to leave, the senior Republican member of the Washington delegation, Representative Doc Hastings (WA-04) was asked to submit names to the White House for possible replacements for John McKay. Hastings then punted the recommendation process to Representative Dave Reichert (WA-08). Hastings did this to help Reichert, a targeted member look like a powerbroker in WA State politics.

During a Washington State delegation breakfast a few weeks back, Reichert started to feel some heat from his Democratic colleagues. At this breakfast, Senator Patty Murray (WA, D) and Senator Maria Cantwell (WA, D) made an issue out of the John McKay dismissal. Murray even mentioned that she wants to get McKay out to DC to testify in front of the Senate on the merits of his dismissal (I don't see that happening). Having heard this, Reichert decided he needed to find a way to deflect any criticism he may receive from the D's on his recommendations.

Therefore, Reichert formed a panel, chaired by King County prosecutor Norm Maleng. This panel submitted three names to the White House yesterday. This is where things might get messy. All three of the recommendations were turned down. The WH council informed the Reichert office of this yesterday afternoon. Reichert's office for the time being is handling it well. There are no problems right now within the Reichert circle. However, if Reichert decides to go back to his panel and ask for more names - things might get messy.

The Seattle Times has been fishing around on this story for some time now. And, I fear that someone might start leaking things to the press. My fear does not sit in the Reichert office, but in his panel. I can see members of the panel being irked by the White House turning their first three names down. This would be embarrassing to us and Reichert - who's going to be targeted again in 2008.

My recommendation is to go back to Reichert's Chief of Staff, Mike Shields and inform him of these dangers. And suggest that they make the recommendations themselves and/or find a way to keep the panel out of this. If they don't agree - then we should submit recommendations ourselves. I believe the danger lies in the panel.

Your thoughts?

Britt

Was McKay ousted over 2004 election?

By David Bowermaster
Seattle Times staff reporter

Two months after John McKay was fired as U.S. attorney for the Western District of Washington, the reason for his dismissal remains a mystery.

One of the most persistent rumors in Seattle legal circles is that the Justice Department forced McKay, a Republican, to resign to appease Washington state Republicans angry over the 2004 governor's race. Some believe McKay's dismissal is retribution for his failure to convene a federal grand jury to investigate allegations of voter fraud in the race.

McKay was appointed by President Bush in October 2001.

The Evergreen Freedom Foundation filed a formal complaint with U.S. Attorney General Alberto Gonzales in 2005 about what it considered McKay's lax oversight of the election, in which Democratic Gov. Christine Gregoire defeated republican Dino Rossi by 129 votes. Many influential Republicans publicly criticized McKay.

But a Justice Department official on Thursday rejected the idea and said Deputy Attorney General Paul McNulty has repeatedly insisted politics did not influence the controversial firings of McKay and six other U.S. attorneys in December.

McNulty had previously said the firings were "performance-related" despite the fact McKay received a positive evaluation seven months before he was fired.

McKay said he was not given a reason when he was asked to step down.

McNulty defended the dismissals during private briefings with a handful of senators Wednesday.

Democrats were not mollified.

"There was nothing that was said to me ... that I found was a credible reason for dismissing" McKay, said Sen. Patty Murray, D-Wash.

Murray said McNulty did not detail what was lacking in McKay's work.

"They gave some general things, alluded to things, but gave me nothing specific," she said.

Sen. Charles Schumer, D-N.Y., also said McNulty wasn't telling the whole story.

"I am not satisfied with the answers we've gotten. There are just too many holes in too many different places," he said.

The Justice Department official, who spoke on the condition of anonymity, accused Democrats of mischaracterizing the briefings because they didn't agree with the department's conclusions.

"Any suggestion that we were not thorough or forthcoming is just political gamesmanship," the official said.

Senate Republicans blocked a bill Thursday that would curb the Justice Department's power to fire and replace federal prosecutors. Democrats had sought to give the courts a role in the appointments of U.S. attorneys.

Democrats believe the White House was trying to use a new provision in the Patriot Act to get around the Senate confirmation process and install Republican allies as U.S. attorneys.

McKay has always had strong support among moderate Republicans such as King County Prosecutor Norm Maleng, who spoke out on his behalf earlier this month.

But many conservative Republicans have been incensed with McKay since the 2004 governor's race.

Tom McCabe, executive vice president of the Building Industry Association of Washington, summarized the complaints in a BIAW newsletter after McKay announced in December he was stepping down.

In a column titled "Good Riddance," McCabe said McKay "had a disastrous six years as U.S. Attorney. Two years ago, he steadfastly refused to investigate voter fraud despite overwhelming evidence." McCabe also said he had "urged the President to fire McKay."

Cabe could not be reached for comment Thursday.

Republicans argued that illegal votes by felons and others, and errors in the election count, cost Rossi the race.

Emily Langlie, a spokeswoman for the U.S. Attorney's Office in Seattle, said that in 2004 and 2005 prosecutors and the FBI jointly monitored the election.

"We not only had senior people within our office coordinating our investigation, but we worked jointly with the Department of Justice's Public Integrity section," she said.

Diane Tebelius, who was chairwoman of the Washington State Republican Party when McKay was asked to step down, acknowledged that many Republicans had been upset with McKay after the 2004 election.

But Tebelius said no one from the Justice Department or the White House contacted her about McKay in the months before he was dismissed, and she doubts anyone lobbied for his ouster because of the 2004 race.

"I do not believe anybody in this state would have asked for his resignation," Tebelius said.

David Bowermaster: 206-464-

From: Sara Taylor
Sent: 2/16/2007 10:17:40 AM
Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJennings; Mike
.. /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=Mbritt;
Cc:
Bcc:
Subject: RE: WA US Attorney situation getting messy

Agree - non starters. And, someone should quietly discuss with Reichert the issues surrounding McKay.

From: Scott Jennings
Sent: Friday, February 16, 2007 9:58 AM
To: Mike Britt; Sara Taylor
Subject: RE: WA US Attorney situation getting messy

The key fact here is that the three names are unacceptable for perfectly good reasons:

One person publicly referred to Hispanics as "Wetbacks"

One person did not pay their taxes

One person said in her interview that she did not plan to take instructions from Main DoJ on setting office priorities, and her reference checking confirmed that she is a loose-cannon.

From: Mike Britt
Sent: Friday, February 16, 2007 9:56 AM
To: Scott Jennings; Sara Taylor
Subject: WA US Attorney situation getting messy

There are a few things happening politically in WA regarding the U.S. attorney situation that you should know. I would also like to get your input.

After John McKay was asked to leave, the senior Republican member of the Washington delegation, Representative Doc Hastings (WA-04) was asked to submit names to the White House for possible replacements for John McKay. Hastings then punted the recommendation process to Representative Dave Reichert (WA-08). Hastings did this to help Reichert, a targeted member look like a powerbroker in WA State politics.

During a Washington State delegation breakfast a few weeks back, Reichert started to feel some heat from his Democratic colleagues. At this breakfast, Senator Patty Murray (WA, D) and Senator Maria Cantwell (WA, D) made an issue out of the John McKay dismissal. Murray even mentioned that she wants to get McKay out to DC to testify in front of the Senate on the merits of his dismissal (I don't see that happening). Having heard this, Reichert decided he needed to find a way to deflect any criticism he may receive from the D's on his recommendations.

Therefore, Reichert formed a panel, chaired by King County prosecutor Norm Maleng. This panel submitted three names to the White House yesterday. This is where things might get messy. All three of the recommendations were turned down. The WH council informed the Reichert office of this yesterday afternoon. Reichert's office for the time being is handling it well. There are no problems right now within the Reichert circle. However, if Reichert decides to go back to his panel and ask for more names - things might get messy.

The Seattle Times has been fishing around on this story for some time now. And, I fear that someone might start leaking things to the press. My fear does not sit in the Reichert office, but in his panel. I can see members of the panel being irked by the White House turning their first three names down. This would be embarrassing to us and Reichert - 's going to be targeted again in 2008.

My recommendation is to go back to Reichert's Chief of Staff, Mike Shields and inform him of these dangers. And

suggest that they make the recommendations themselves and/or find a way to keep the panel out of this. If they don't agree - then we should submit recommendations ourselves. I believe the danger lies in the panel.

Your thoughts?

Was McKay ousted over 2004 election?

By David Bowermaster
Seattle Times staff reporter

Two months after John McKay was fired as U.S. attorney for the Western District of Washington, the reason for his dismissal remains a mystery.

One of the most persistent rumors in Seattle legal circles is that the Justice Department forced McKay, a Republican, to resign to appease Washington state Republicans angry over the 2004 governor's race. Some believe McKay's dismissal was retribution for his failure to convene a federal grand jury to investigate allegations of voter fraud in the race.

McKay was appointed by President Bush in October 2001.

The Evergreen Freedom Foundation filed a formal complaint with U.S. Attorney General Alberto Gonzales in 2005 about what it considered McKay's lax oversight of the election, in which Democratic Gov. Christine Gregoire defeated Republican Dino Rossi by 129 votes. Many influential Republicans publicly criticized McKay.

But a Justice Department official on Thursday rejected the idea and said Deputy Attorney General Paul McNulty has repeatedly insisted politics did not influence the controversial firings of McKay and six other U.S. attorneys in the case.

McNulty had previously said the firings were "performance-related" despite the fact McKay received a positive evaluation seven months before he was fired.

McKay said he was not given a reason when he was asked to step down.

McNulty defended the dismissals during private briefings with a handful of senators Wednesday.

Democrats were not mollified.

"There was nothing that was said to me ... that I found was a credible reason for dismissing" McKay, said Sen. Patty Murray, D-Wash.

Murray said McNulty did not detail what was lacking in McKay's work.

"They gave some general things, alluded to things, but gave me nothing specific," she said.

Sen. Charles Schumer, D-N.Y., also said McNulty wasn't telling the whole story.

"I am not satisfied with the answers we've gotten. There are just too many holes in too many different places," he said.

The Justice Department official, who spoke on the condition of anonymity, accused Democrats of mischaracterizing the briefings because they didn't agree with the department's conclusions.

"The suggestion that we were not thorough or forthcoming is just political gamesmanship," the official said.

Senate Republicans blocked a bill Thursday that would curb the Justice Department's power to fire and replace federal prosecutors. Democrats had sought to give the courts a role in the appointments of U.S. attorneys.

Democrats believe the White House was trying to use a new provision in the Patriot Act to get around the Senate confirmation process and install Republican allies as U.S. attorneys.

McKay has always had strong support among moderate Republicans such as King County Prosecutor Norm Maleng, who spoke out on his behalf earlier this month.

But many conservative Republicans have been incensed with McKay since the 2004 governor's race.

Tom McCabe, executive vice president of the Building Industry Association of Washington, summarized the complaints in a BIAW newsletter after McKay announced in December he was stepping down.

In a column titled "Good Riddance," McCabe said McKay "had a disastrous six years as U.S. Attorney. Two years ago, he steadfastly refused to investigate voter fraud despite overwhelming evidence." McCabe also said he had "urged the President to fire McKay."

McCabe could not be reached for comment Thursday.

Republicans argued that illegal votes by felons and others, and errors in the election count, cost Rossi the race.

Emily Langlie, a spokeswoman for the U.S. Attorney's Office in Seattle, said that in 2004 and 2005 prosecutors and the FBI jointly monitored the election.

"We not only had senior people within our office coordinating our investigation, but we worked jointly with the Department of Justice's Public Integrity section," she said.

Jane Tebelius, who was chairwoman of the Washington State Republican Party when McKay was asked to step down, acknowledged that many Republicans had been upset with McKay after the 2004 election.

But Tebelius said no one from the Justice Department or the White House contacted her about McKay in the months before he was dismissed, and she doubts anyone lobbied for his ouster because of the 2004 race.

"I do not believe anybody in this state would have asked for his resignation," Tebelius said.

David Bowermaster: 206-464-

From: Scott Jennings
Sent: 2/17/2007 12:16:18 PM
To: Sara Taylor /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SMTAYLOR;
Cc:
Bcc:
Subject: Re:

Technically, Tim is not there as a Presidential appointee. He is there as an appointee of the AG.

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

From: Sara Taylor
To: Karl Rove; Scott Jennings
Sent: Sat Feb 17 12:05:47 2007
Subject: Fw:

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

From: Sidoti, Liz
To: Sara Taylor
Sent: Sat Feb 17 11:30:19 2007
Subject:

- ¶ LITTLE ROCK (AP) _ Interim U.S. Attorney Tim Griffin will not seek Senate confirmation to his Arkansas district, saying a "partisan circus" over his indefinite appointment to the post makes it impossible to receive fair consideration.
- ¶ However, Griffin left open whether he'll remain in the position through the remainder of President Bush's term, as allowed under the statute in the Patriot Act providing for Griffin's appointment without legislative oversight.
- ¶ The upside is I'm here in the job and will remain in the job until such time the White House asks me to move on," Griffin said Friday.
- ¶ Griffin, a former assistant to Bush adviser Karl Rove, replaced U.S. Attorney Bud Cummins in a December recess appointment. While laws previously allowed for such appointments for 120 days before congressional approval, the version of the Patriot Act reauthorized by Congress last year lets the U.S. attorney general make such appointments indefinitely.
- ¶ The new rules became fuel for hearings as the Democratic-controlled Congress took power this year, with Arkansas Sen. Mark Pryor leading with questions over Griffin's appointment.
- ¶ "They should do the right thing and name another interim appointment," said Michael Teague, a spokesman for Pryor. "Let's get back to the way the founding fathers saw this process working."
- ¶ White House officials did not immediately comment Friday on Griffin's decision. In a prepared statement, Department of Justice spokeswoman Gina Talamona said Attorney General Alberto Gonzales was "disappointed that Senator Pryor would not support Tim's confirmation."
- ¶ "We are pleased that he is willing to serve as interim United States attorney until a candidate is nominated and confirmed," Talamona said. "We will continue to work with the Arkansas delegation to find a candidate for this position."
- ¶ Griffin, 38, is a former military lawyer who worked in the White House under Rove as a special assistant to the president. After the announcement, Pryor began making calls about Griffin and spoke with former White House counsel Harriet Miers, who told him "Tim Griffin was their person," Teague said.
- ¶ But while Gonzales has said the appointments are "in no way" political decisions, Griffin acknowledges politics played a role in his appointment.
- ¶ "I think the reality is that all U.S. attorneys are political appointments, not just in other states, but also in Arkansas," Griffin said. "The people Clinton appointed were political appointments and people that this president appoints are political appointments. At the end of the day, again, if this were about credentials and qualifications, we would not be having this conversation."
- ¶ Senators continue to debate a bill that would change part of the Patriot Act that allows the indefinite appointments and return to the 120-day deadline for legislative approval.
- ¶ On Friday, Griffin said it was premature to discuss what plans he would have if asked to leave by the White House. However, he said he would like to remain in government.
- ¶ "I'm not in a rush" to leave office, Griffin said. "I'm honored to be here now."

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621 and delete this email. Thank you.

HJC 11738

From: Scott Jennings
Sent: 2/17/2007 12:18:41 PM
To: Sara Taylor /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SMTAYLOR;
:
:
Cc:
Subject: Re:

Also, it is inaccurate to describe Tim's appointment as having been a "recess appointment."

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

From: Sara Taylor
To: Karl Rove, Scott Jennings
Sent: Sat Feb 17 12:05:47 2007
Subject: Fw:

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

From: Sidoti, Liz
To: Sara Taylor
Sent: Sat Feb 17 11:30:19 2007
Subject:

- ¶ LITTLE ROCK (AP) - Interim U.S. Attorney Tim Griffin will not seek Senate confirmation to his Arkansas district, saying a "partisan circus" over his indefinite appointment to the post makes it impossible to receive fair consideration.
- ¶ However, Griffin left open whether he'll remain in the position through the remainder of President Bush's term, as allowed under the statute in the Patriot Act providing for Griffin's appointment without legislative oversight.
- The upside is I'm here in the job and will remain in the job until such time the White House asks me to move on," Griffin said Friday.
- ¶ Griffin, a former assistant to Bush adviser Karl Rove, replaced U.S. Attorney Bud Cummins in a December recess appointment. While laws previously allowed for such appointments for 120 days before congressional approval, the version of the Patriot Act reauthorized by Congress last year lets the U.S. attorney general make such appointments indefinitely.
- ¶ The new rules became fuel for hearings as the Democratic-controlled Congress took power this year, with Arkansas Sen. Mark Pryor leading with questions over Griffin's appointment.
- ¶ "They should do the right thing and name another interim appointment," said Michael Teague, a spokesman for Pryor. "Let's get back to the way the founding fathers saw this process working."
- ¶ White House officials did not immediately comment Friday on Griffin's decision. In a prepared statement, Department of Justice spokeswoman Gina Talamona said Attorney General Alberto Gonzales was "disappointed that Senator Pryor would not support Tim's confirmation."
- ¶ "We are pleased that he is willing to serve as interim United States attorney until a candidate is nominated and confirmed," Talamona said. "We will continue to work with the Arkansas delegation to find a candidate for this position."
- ¶ Griffin, 38, is a former military lawyer who worked in the White House under Rove as a special assistant to the president. After the announcement, Pryor began making calls about Griffin and spoke with former White House counsel Harriet Miers, who told him "Tim Griffin was their person," Teague said.
- ¶ But while Gonzales has said the appointments are "in no way" political decisions, Griffin acknowledges politics played a role in his appointment.
- ¶ "I think the reality is that all U.S. attorneys are political appointments, not just in other states, but also in Arkansas," Griffin said. "The people Clinton appointed were political appointments and people that this president appoints are political appointments. At the end of the day, again, if this were about credentials and qualifications, we would not be having this conversation."
- ¶ Senators continue to debate a bill that would change part of the Patriot Act that allows the indefinite appointments and return to the 120-day deadline for legislative approval.
- ¶ On Friday, Griffin said it was premature to discuss what plans he would have if asked to leave by the White House. However, he said he would like to remain in government.
- ¶ "I'm not in a rush" to leave office, Griffin said. "I'm honored to be here now."

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HJC 11739

From: Scott Jennings
Sent: 2/21/2007 11:24:00 PM
To: Mike Britt;
Bcc:
Subject: RE: FYI: Western WA US Attorney Update

Awesome.

From: Mike Britt
Sent: Wednesday, February 21, 2007 4:32 PM
To: Scott Jennings
Subject: FYI: Western WA US Attorney Update

Congressman Reichert is going to reconvene their selection committee to come up with some more names of possible replacements for the US Attorney in Western Washington.

I will keep you posted.

This Page Intentionally Left Blank

From: Oprison, Christopher G.
Sent: 2/21/2007 5:19:34 PM
To: Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJENNINGS;
Cc:
Bcc:
Subject: RE: NM USATTY UPDATE

May take you up on that

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

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Wednesday, February 21, 2007 5:18 PM
To: Oprison, Christopher G.
Subject: Re: NM USATTY UPDATE

Thanks dude. Beers on me when we finally nail this down.

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

From: Oprison, Christopher G. <Christopher_G_Oprison@who.eop.gov>
To: Scott Jennings
Sent: Wed Feb 21 17:18:13 2007
Subject: RE: NM USATTY UPDATE

Way ahead of you - sent it to Monica Goodling earlier today and asked her to have it scheduled ASAP

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

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Wednesday, February 21, 2007 5:17 PM
To: Scott Jennings; Oprison, Christopher G.
Subject: Re: NM USATTY UPDATE

KR connected with Domenici.

KR thinks we should move quickly to interview Bowles.

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

From: Scott Jennings
To: Oprison, Christopher G. <Christopher_G_Oprison@who.eop.gov>
Sent: Wed Feb 21 15:37:12 2007
Subject: RE: NM USATTY UPDATE

Ok - let me know when you reach out to Bowles.

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

From: Oprison, Christopher G.
To: [mailto:Christopher_G_Oprison@who.eop.gov]
Sent: Wednesday, February 21, 2007 3:08 PM
To: Scott Jennings
Subject: RE: NM USATTY UPDATE

Hell yes

He and Bibb may know each other from the NM National Guard

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

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Wednesday, February 21, 2007 1:41 PM

To: Oprison, Christopher G.
Subject: RE: NM USATTY UPDATE

If he isn't as good as Bibb, I still think we reserve the right to go with Bibb -- don't you think?

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

From: Oprison, Christopher G.
[mailto:Christopher_G_Oprison@who.eop.gov]
Sent: Wednesday, February 21, 2007 11:49 AM
To: Scott Jennings
Subject: RE: NM USATTY UPDATE

This guy worked for bingaman. Are we interviewing him?

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

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Wednesday, February 21, 2007 11:44 AM
To: Oprison, Christopher G.
Subject: Fw: NM USATTY UPDATE

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

From: Karl Rove
To: Scott Jennings
Sent: Wed Feb 21 11:40:46 2007
Subject: Re: NM USATTY UPDATE

I believe we need to quickly interview this new entry.

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

From: Scott Jennings
Karl Rove
Hughes, Taylor A. <Taylor_A_Hughes@who.eop.gov>
Sent: Wed Feb 21 11:39:49 2007
Subject: NM USATTY UPDATE

Karl - Steve Bell forwarded me a resume this morning of a new candidate they'd like to offer for USATTY in New Mexico. His name is Jason Bowles (I have attached the resume in hopes Taylor may be able to send to the plane).

I do not know Jason; I checked him out with Mickey Barnett this morning (one of our trusted legal sources) who did vouch for him. He is a younger guy who previously served in the USATTY's office. Why Domenici didn't send this guy up in the first place is beyond me.

We have two options here -

- 1) Tell Domenici we are continuing with Bibb and they need to get behind it, or
- 2) Reopen this process and interview Bowles.

I am going to get a read from Chris Oprison in Counsel on if they think this is someone we need to consider, I am sure someone at DOJ can give us a read on Bowles' past performance as Assistant USATTY.

From: Sara Taylor
nt: 2/27/2007 10:49:42 PM
: Scott Jennings;
Cc:
Bcc:
Subject: FW: Staff Attendance Policy Change - Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

interesting

—Original Message—

From: griffin
Sent: Tuesday, February 27, 2007 5:46 PM
To: Sara Taylor
Subject: Fw: Staff Attendance Policy Change - Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28
Importance: High

Fyl.

—Original Message—

From: "Bob Brooks"
Date: Tue, 27 Feb 2007 17:45:53
To: <griffin>
Subject: Fw: Staff Attendance Policy Change - Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

—Original Message—

From: Michel, Suzanne
To: Bob Brooks
Sent: Tue Feb 27 17:18:54 2007
Subject: FW: Staff Attendance Policy Change - Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

BRB, I thought this was interesting.

Suzanne Michel

Office of Congressman Bob Goodlatte

2240 Rayburn HOB

Washington, DC 20515

202-225-

—Original Message—

From: Wolfberg, Elias
Sent: Monday, February 26, 2007 10:10 AM

To: Judiciary, Dem Staff & LAs; Judiciary, Repub Staff; Judiciary, Rep Leg Staff

Subject: Member Briefing on the Reasons for the Replacement of U.S. Attorneys 2/28

The Justice Department will be here on Wednesday, February 28, from 1:30 - 3:00 p.m. in Rayburn 2237 to brief Members and staff members on the reasons for the replacement of U.S. Attorneys. Please note that the briefing will be for Members, with one staff member allowed for each Member in attendance. If a Member is not able to attend, one staff member from that Member's staff will be allowed to attend the meeting.

From: Sara Taylor
Sent: 2/28/2007 10:26:12 AM
To: Karl Rove /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=KR;
Cc:
Bcc:
Subject: FW: NM USATTY - urgent issue

Heather is the other member..

From: Jennings, Jeffery S. [mailto:Jeffery_S._Jennings@who.eop.gov]
Sent: Wednesday, February 28, 2007 10:17 AM
To: KR@georgewbush.com; Fielding, Fred F.; Sullivan, Kevin F.; Perino, Dana M.; kyle.sampson@usdoj.gov
Cc: Sara Taylor
Subject: NM USATTY - urgent issue
Importance: High

I just received a telephone call from Steve Bell, Sen. Domenici's CoS, who urgently reported the following:

1. Outgoing USATTY David Iglesias is holding a press conference at 11:30 Eastern this morning.
2. He is allegedly going to say that he was contacted by two Members of Congress last Fall regarding the investigation into the courthouse construction corruption case. Information on this is in the following article:
<http://www.abotrib.com/news/2006/dec/19/federal-attorney-plans-stop-down-iglesias-investig/>
3. He is allegedly going to say that the Members urged him to deliver indictments before November's election. He will further say that one of the Members, frustrated with his answer, hung up on him in anger.
4. He is allegedly going to link these phone calls with the current news - saying that he believes this ultimately led to his being asked to resign by DOJ.

Bell said Domenici's idea is not to respond, and hopefully make this a one day story. They have already been contacted by Clatchey. Unfortunately, I do not think that they can make an allegation such as this go away so easily. They have not affirmed to the reporter they were one of the Members.

I am available to discuss further - clearly, once this happens in Albuquerque the reporters will be asking DOJ and the White House

J. Scott Jennings
Special Assistant to the President and
Deputy Director, Office of Political Affairs
(202) 456-

From: Mike Britt
Sent: 3/1/2007 4:46:33 PM
To: Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJENNINGS; Sara Taylor /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SMTAYLOR;
Cc:
Bcc:
Subject: NY Times is fishing around about former US Attorney John McKay

FYI:

I just received a call from my contacts in WA State about the New York Times fishing around about the John McKay US Attorney situation. It looks like the Times will be writing a story on this in the next few days.

From: Sara Taylor
Sent: 3/2/2007 11:45:13 PM
To: Scott Jennings;
Cc:
Subject: Re: SOLOMON

No - which is not a good sign. Means press office assumes guilt

—Original Message—

From: Scott Jennings
To: Sara Taylor
Sent: Fri Mar 02 18:39:52 2007
Subject: Re: SOLOMON

Anything further come of this?

—Original Message—

From: Sara Taylor
To: Karl Rove; 'Dana_M_Perino' <Dana_M_Perino@who.eop.gov>; 'Jeffery_S._Jennings@who.eop.gov' <Jeffery_S._Jennings@who.eop.gov>

'Dan_Bartlett@who.eop.gov' <Dan_Bartlett@who.eop.gov>; 'William_K._Kelley@who.eop.gov' <William_K._Kelley@who.eop.gov>; Scott Jennings

Sent: Fri Mar 02 17:13:03 2007
Subject: RE: SOLOMON

I have no recollection of any such list of US attorneys. Could be any number of lists we produce, but we've never had a "US attorney wish list" - the way we do for a boards and commissions. I seriously doubt what he claims to have - exists.

Most US attorneys come via the R Senators. We check the folks out with others in the states - make sure Bush leadership concurs. Maybe come up with names via that process if the candidates the R's produce don't pan out with counsel. And, as Karl pointed out, in the case of a commission, we end up appointing their picks.

From: Karl Rove
Sent: Friday, March 02, 2007 4:07 PM
To: 'Dana_M_Perino' <Dana_M_Perino@who.eop.gov>; Sara Taylor; 'Jeffery_S._Jennings@who.eop.gov' <Jeffery_S._Jennings@who.eop.gov>
Cc: 'Dan_Bartlett@who.eop.gov' <Dan_Bartlett@who.eop.gov>; 'William_K._Kelley@who.eop.gov' <William_K._Kelley@who.eop.gov>
Subject: Re: SOLOMON

After the fact and to counsels and not for the slots which are commission recommendations and not for all. He has been told the wrong thing.

—Original Message—

From: Perino, Dana M.

To: Sara Taylor; Jennings, Jeffery S. <Jeffery_S._Jennings@who.eop.gov>; Karl Rove

CC: Bartlett, Dan <Dan_Bartlett@who.eop.gov>; Kelley, William K. <William_K._Kelley@who.eop.gov>

Sent: Fri Mar 02 15:59:02 2007

Subject: SOLOMON

Reporter's been told that Sara/her office sent a list of names for replacements of the US Attys.

He says this is a SENIOR admin official.

Please advise

From: O'Hollaren, Sean B.
Sent: Friday, March 02, 2007 6:58 PM
To: Looney, Andrea B.
Subject: Re: Nevada

Thank you! Have a great weekend.

-----Original Message-----
From: Looney, Andrea B.
To: O'Hollaren, Sean B.
Sent: Fri Mar 02 18:56:50 2007
Subject: Re: Nevada

Yes, I made sure DOJ spoke details with her wed night.

-----Original Message-----
From: O'Hollaren, Sean B.
To: Looney, Andrea B.
Sent: Fri Mar 02 17:14:30 2007
Subject: Re: Nevada

Are you dialed in with Reid folks as well?

-----Original Message-----
From: Looney, Andrea B.
To: Dunne, Dianna L.; O'Hollaren, Sean B.
Sent: Fri Mar 02 16:50:19 2007
Subject: Fw: Nevada

Fyi

-----Original Message-----
From: Goodling, Monica
To: Looney, Andrea B.
Sent: Fri Mar 02 16:11:55 2007
Subject: FW: Nevada

FYI -- Just to loop back, we will not be sending an interim out to Nevada; Rebecca will let the Senators know we are using the in-house First Assistant.

From: Goodling, Monica
Sent: Friday, March 02, 2007 4:10 PM
To: Battle, Michael (USAE0); Seidel, Rebecca; Roehrkasse, Brian
Cc: Nowacki, John (USAE0)
Subject: Nevada

Mike -- The AG is fine with First Assistant United States Attorney Steven Myhre leading the office as Acting United States Attorney until such time as a nominee for the permanent position is identified. You can let him know today.

Brian -- You can confirm to the media, if you have inquiries, but we do not generally do press releases when we use First Assistants. (FYI -- You should know that the PIO in the office is the FAUSA's wife, so there is a conflict there -- she should not take any calls on her husband's service as Acting and we told him to refer all calls to you.)

From: Hughes, Taylor A.
Sent: 3/2/2007 2:17:16 PM
To: Scott Jennings /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=SJENNINGS;
Subject: FW: US Attorneys

FYI

From: Bakke, Mary Beth
Sent: Friday, March 02, 2007 12:51 PM
To: Hughes, Taylor A.; Herzog, John T.; Buckley, Edward W.; Burdick, Amanda K.; Dryden, Logan E.
Cc: Scudder, Michael Y.; Paola, Lindsey N.
Subject: FW: US Attorneys

Thank you for all your responses. This meeting will take place in Mr. Fielding's office on Monday, March 5 from 1:00-1:40.
Thanks again.
Mary Beth

From: Bakke, Mary Beth
Sent: Friday, March 02, 2007 12:22 PM
To: Hughes, Taylor A.; Herzog, John T.; Buckley, Edward W.; Burdick, Amanda K.; Dryden, Logan E.
Cc: Scudder, Michael Y.; Paola, Lindsey N.
Subject: FW: US Attorneys

Please let me know if any time between 1-3 works better. Thank you.
Mary Beth

From: Bakke, Mary Beth
Sent: Friday, March 02, 2007 12:02 PM
To: Hughes, Taylor A.; Herzog, John T.; Buckley, Edward W.; Burdick, Amanda K.; Dryden, Logan E.
Cc: Scudder, Michael Y.; Kelley, William K.; Paola, Lindsey N.
Subject: US Attorneys

Mr. Fielding needs to schedule a 30-40 minute meeting on Monday regarding U.S. Attorneys with the following participants:

Karl Rove
Candi Wolf
Tony Snow
Kevin Sullivan
Joel Kaplan (optional)
Dan Bartlett
Bill Kelley
Mike Scudder

Please let me know ASAP if 11:30 am works. Thank you.

Mary Beth Bakke

From: Hughes
Sent: 3/3/2007 5:12:46 PM
To: Scott Jennings;
Cc:
Bcc:
Subject: Re: US Attorneys

No

—Original Message—

From: Scott Jennings
To: Hughes, Taylor A.
Sent: Sat Mar 03 09:55:29 2007
Subject: Re: US Attorneys

Am I supposed to attend this?

—Original Message—

From: Hughes, Taylor A. <Taylor_A_Hughes@who.eop.gov>
To: Scott Jennings
Sent: Fri Mar 02 14:17:16 2007
Subject: FW: US Attorneys

From: Bakke, Mary Beth
Sent: Friday, March 02, 2007 12:51 PM
To: Hughes, Taylor A.; Herzog, John T.; Buckley, Edward W.; Burdick, Amanda K.; Dryden, Logan E.
Cc: Scudder, Michael Y.; Paola, Lindsey N.
Subject: FW: US Attorneys

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Thanks again.

Mary Beth

From: Bakke, Mary Beth
Sent: Friday, March 02, 2007 12:22 PM
To: Hughes, Taylor A.; Herzog, John T.; Buckley, Edward W.; Burdick, Amanda K.; Dryden, Logan E.
Scudder, Michael Y.; Paola, Lindsey N.
Subject: FW: US Attorneys

Please let me know if any time between 1-3 works better. Thank you.

Mary Beth

From: Bakke, Mary Beth
Sent: Friday, March 02, 2007 12:02 PM
To: Hughes, Taylor A.; Herzog, John T.; Buckley, Edward W.; Burdick, Amanda K.; Dryden, Logan E.
Cc: Scudder, Michael Y.; Kelley, William K.; Paola, Lindsey N.
Subject: US Attorneys

Mr. Fielding needs to schedule a 30-40 minute meeting on Monday regarding U.S. Attorneys with the following participants:

Karl Rove

Candi Wolff

Tony Snow

Kevin Sullivan

Joel Kaplan (optional)

Dan Bartlett

Bill Kelley

Mike Scudder

Please let me know ASAP if 11:30 am works. Thank you.

Mary Beth Bakke

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From: Looney, Andrea B.
Sent: Monday, March 05, 2007 4:35 PM
To: O'Hollaren, Sean B.
Subject: RE: DOJ Us Atty Meeting

Great. Thanks!

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

From: O'Hollaren, Sean B.
Sent: Monday, March 05, 2007 4:32 PM
To: Looney, Andrea B.
Subject: Re: DOJ Us Atty Meeting

Yes. And with the us attorney issues heating up, I agree with your call on priorities.

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

From: Looney, Andrea B.
To: O'Hollaren, Sean B.
CC: Dial, M. Katelin
Sent: Mon Mar 05 16:13:30 2007
Subject: FW: DOJ Us Atty Meeting

Since I need to cover this meeting at 5pm today, will you be up there to cover the judge votes at 5:30?

From: Herzog, John T.
Sent: Monday, March 05, 2007 4:10 PM
To: Looney, Andrea B.
Subject: FW: DOJ Meeting
Importance: High

Can you cover this for Candi and Deb? They have a conflict.

Thanks,

John Herzog

Office of Legislative Affairs

The White House

From: Paola, Lindsey N.
Sent: Monday, March 05, 2007 3:16 PM
To: Herzog, John T.; Burdick, Amanda K.; Carroll, Carlton F.; Hughes, Taylor A.; Dryden, Logan E.; Klunk, Kate A.
Cc: Bakke, Mary Beth
Subject: RE: DOJ Meeting

This meeting will take place in EEOB 211. Sorry for the late notice.

If you can please let me know if your principal is going to attend that would be great.

Thanks,

Lindsey

From: Paola, Lindsey N.
Sent: Monday, March 05, 2007 3:08 PM
To: Herzog, John T.; Burdick, Amanda K.; Carroll, Carlton F.; Hughes, Taylor A.; Dryden, Logan E.; Klunk, Kate A.
Cc: Bakke, Mary Beth
Subject: FW: DOJ Meeting

FYI - location is TBD right now.

From: Kelley, William K.
Sent: Monday, March 05, 2007 3:06 PM
To: Wolff, Candida P.; Bartlett, Dan; Martin, Catherine; Perino, Dana M.; Rove, Karl C.
Cc: Paola, Lindsey N.; Fielding, Fred F.
Subject: DOJ Meeting

We are scheduled to meet with DOJ at 5:00. All are welcome, Joel thinks it is particularly important that somebody from OLA, Communications, and Press be present. Many thanks.

From: Oprison, Christopher G.
Sent: Monday, March 05, 2007 8:17 PM
To: Scudder, Michael Y.
Subject: RE: Moschella Oral Testimony

We should let the others know that comments should come to one of us for finalizing through WHCO, and that we will send the cleared version to DOJ (cc'ing Landon who will provide a copy to OMB). Happy to take care of it.

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

From: Scudder, Michael Y.
Sent: Monday, March 05, 2007 8:06 PM
To: Oprison, Christopher G.
Subject: RE: Moschella Oral Testimony

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

From: Kelley, William K.
Sent: Monday, March 05, 2007 7:33 PM
To: Perino, Dana M.; Martin, Catherine; Oprison, Christopher G.; Scudder, Michael Y.; Jordan, Myriah L.
Cc: Fielding, Fred F.
Subject: Fw: Moschella Oral Testimony
Importance: High

Attached is the revised version of the oral statement as promised by DOJ. Thx.

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

From: Sampson, Kyle
To: Kelley, William K.
CC: Oprison, Christopher G.
Sent: Mon Mar 05 19:25:15 2007
Subject: Moschella Oral Testimony

Bill, can you forward this on to Dana and Cathie (and whomever else in the White House you deem appropriate) for review and approval? Thanks!

<<Moschella Oral Statement.doc>>

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-
(202) 305-

From: Scudder, Michael Y.
Sent: Monday, March 05, 2007 8:30 PM
To: Oprison, Christopher G.
Subject: Re: Moschella Oral Testimony

I'm taking off. Call me on cell or at home if you need anything.

-----Original Message-----
From: Oprison, Christopher G.
To: Scudder, Michael Y.
Sent: Mon Mar 05 20:15:55 2007
Subject: RE: Moschella Oral Testimony

minor edits

-----Original Message-----
From: Scudder, Michael Y.
Sent: Monday, March 05, 2007 8:06 PM
To: Oprison, Christopher G.
Subject: RE: Moschella Oral Testimony

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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- cell
kyle.sampson@usdoj.gov

William E. Moschella
Opening Statement

Madam Chairman, Mr. Cannon, and Members of the Subcommittee, I appreciate the opportunity to testify today.

Let me begin by stating clearly that the Department of Justice appreciates the public service that was rendered by the seven U.S. Attorneys who were asked to resign last December. Each is a talented lawyer who served as U.S. Attorney for more than four years, and we have no doubt they will achieve success in their future endeavors – just like the 40 or so other U.S. Attorneys who have resigned for various reasons over the last six years.

~~Let me also stress that~~ one of the Attorney General's most important responsibilities is to manage the Department of Justice. Part of managing the Department is ensuring that the President's and the Attorney General's priorities and the Department's policies are carried out consistently and uniformly. Individuals who have the high privilege of serving as presidential appointees have an obligation to carry out the Administration's priorities and policies.

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington) are duty bound not only to make prosecutorial decisions, but also to implement and further the Administration and Department's priorities and policy decisions. In carrying out these responsibilities they serve at the pleasure of the President and report to the Attorney General. ~~If a judgment is made that they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so that they can be replaced by other individuals who will.~~

To be clear, it was for reasons related to policy, priorities and management – what has been referred to broadly as "performance-related" reasons – that these U.S. Attorneys were asked to resign. ~~I want to emphasize that~~ the Department – out of respect for the U.S. Attorneys at issue – would have preferred not to talk at all about those reasons, but disclosures in the press and requests for information from Congress altered those best laid plans. In hindsight, this situation could have been handled better. These U.S. Attorneys could have been informed at the time they were asked to resign about the reasons for the decision. Unfortunately, our failure to provide reasons to these individual U.S. Attorneys has only served to fuel wild and inaccurate speculation about our motives, and that is unfortunate because faith and confidence in our justice system is more important than any one individual.

That said, the Department stands by the decisions. It is clear that after closed door briefings with House and Senate members and staff, some agree with the reasons that form the basis for our decisions and some disagree – such is the nature of subjective judgments. Just because you might disagree with a decision, does not mean it was made for improper political reasons – there were appropriate reasons for each decision.

One troubling allegation is that certain of these U.S. Attorneys were asked to resign because of actions they took or didn't take relating to public corruption cases. These charges are dangerous, baseless and irresponsible. This Administration has never removed a U.S. Attorney

~~Deleted: But~~

~~Deleted: are tasked with~~

~~Deleted: ing~~

~~Deleted:~~

~~Deleted: -- but that responsibility does not change or alter in any way the fact that~~

~~Deleted: in the discharge of their offices~~

~~Deleted: Nor does it change or alter the fact that if~~

~~Deleted: To be sure,~~

to retaliate against them or interfere with or inappropriately influence a public corruption case. Not once.

The Attorney General and the Director of the FBI both have made public corruption a high priority. Integrity in government and trust in our public officials and institutions is paramount. Without question, the Department of Justice's record is one of great accomplishment that is unmatched in recent memory. The Department has not pulled any punches or shown any political favoritism. Public corruption investigations are neither rushed nor delayed for improper purposes.

Some, particularly in the other body, claim that the Department's reasons for asking these U.S. Attorneys to resign was to make way for preselected Republican lawyers to be appointed and circumvent Senate confirmation. The facts, however, prove otherwise. After the seven U.S. Attorneys were asked to resign last December, the Administration immediately began consulting with home-state Senators and other home-state political leaders about possible candidates for nomination. Indeed, the facts are that since March 9, 2006, the date the Attorney General's new appointment authority went into effect, the Administration has nominated 16 individuals to serve as U.S. Attorney and 12 have been confirmed. Furthermore, 18 vacancies have arisen since March 9, 2006. Of those 18 vacancies, the Administration (1) has nominated candidates for six of them (and of those six, the Senate has confirmed three of them); (2) has interviewed candidates for eight of them; and (3) is working to identify candidates for the remaining four of them. Let me repeat what has been said repeatedly and what the record reflects: the Administration is committed to having a Senate-confirmed U.S. Attorney in every single federal district.

In conclusion, let me make three points: First, although the Department stands by the decision to ask these U.S. Attorneys to resign, it would have been much better to have addressed the relevant issues up front with each of them. Second, the Department has not taken any action to influence any public corruption case – and would never do so. Third, the Administration did not intend to circumvent the confirmation process.

I would be happy to take your questions.

From: Oprison, Christopher G.
Sent: Monday, March 05, 2007 8:39 PM
To: Perino, Dana M.; Kelley, William K.; Scudder, Michael Y.; Martin, Catherine; Jordan, Myriah L.
Cc: Fielding, Fred F.
Subject: RE: Moschella Oral Testimony

I'll take care of that once I get sign off from everyone.

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

From: Perino, Dana M.
Sent: Monday, March 05, 2007 8:38 PM
To: Kelley, William K.; Scudder, Michael Y.; Martin, Catherine; Oprison, Christopher G.; Jordan, Myriah L.
Cc: Fielding, Fred F.
Subject: Re: Moschella Oral Testimony

Are you in touch with kyle or will to make the changes?

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

From: Kelley, William K.
To: Perino, Dana M.; Scudder, Michael Y.; Martin, Catherine; Oprison, Christopher G.; Jordan, Myriah L.
CC: Fielding, Fred F.
Sent: Mon Mar 05 20:36:38 2007
Subject: Re: Moschella Oral Testimony

So do I.

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

From: Perino, Dana M.
To: Scudder, Michael Y.; Kelley, William K.; Martin, Catherine; Oprison, Christopher G.; Jordan, Myriah L.
CC: Fielding, Fred F.
Sent: Mon Mar 05 20:33:25 2007
Subject: Re: Moschella Oral Testimony

I agree with your points, mike

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

From: Scudder, Michael Y.
To: Kelley, William K.; Perino, Dana M.; Martin, Catherine; Oprison, Christopher G.; Jordan, Myriah L.
CC: Fielding, Fred F.
Sent: Mon Mar 05 20:20:53 2007
Subject: RE: Moschella Oral Testimony

I have suggested a few edits in the attached. My only concern is with paragraph 3. I do not believe it says with enough clarity that US Attorneys are obliged not only to make prosecutorial decisions, but also to implement the Administration and AG's priorities and policy decisions. I also believe DOJ should say about the need for a judgment to be made if a particular USA is not performing satisfactorily.

For those on a blackberry, here is the DOJ language and my suggested edits:

DOJ language:

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington)

HJC 11762

are tasked with making prosecutorial decisions - but that responsibility does not change or alter in any way the fact that they serve at the pleasure of the President and report to the Attorney General in the discharge of their offices. Nor does it change or alter the fact that if they are not executing their responsibilities in a manner that furthers ~~the management and policy goals of departmental leadership, then it is appropriate that~~ they be asked to resign so that they can be replaced by other individuals who will.

Proposed revision:

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington) are duty bound not only to make prosecutorial decisions, but also to implement and further the Administration and Department's priorities and policy decisions. In carrying out these responsibilities they serve at the pleasure of the President and report to the Attorney General. If a judgment is made that they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so that they can be replaced by other individuals who will.

Chris Oprison will collect the comments and clear with DOJ.

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

From: Kelley, William K.
Sent: Monday, March 05, 2007 7:33 PM
To: Perino, Dana M.; Martin, Catherine; Oprison, Christopher G.; Scudder, Michael Y.; Jordan, Myriah L.
Cc: Fielding, Fred F.
Subject: Fw: Moschella Oral Testimony
Importance: High

Attached is the revised version of the oral statement as promised by DOJ. Thx.

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

From: Sampson, Kyle
To: Kelley, William K.
CC: Oprison, Christopher G.
Sent: Mon Mar 05 19:25:15 2007
Subject: Moschella Oral Testimony

Bill, can you forward this on to Dana and Cathie (and whomever else in the White House you deem appropriate) for review and approval? Thanks!

<<Moschella Oral Statement.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- cell
kyle.sampson@usdoj.gov

From: Scudder, Michael Y.
Sent: Tuesday, March 06, 2007 8:01 AM
To: Oprison, Christopher G.
Subject: RE: Testimony for Tuesday

I thought this testimony was going to be 3-4 sentences and simply stating that DOJ would work w/ Congress on the bill.

That said, I do not object to this longer version. If we choose to comment, I'm in favor of asking DOJ to consider softening the rhetoric (e.g., "--repeat never--", "irresponsibly undermines"). In my view, that language is distracting and not in keeping with a spirit of wanting to work w/ Congress to reach an accommodation.

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

From: Oprison, Christopher G.
Sent: Monday, March 05, 2007 10:15 PM
To: Kelley, William K.; Fielding, Fred F.; Scudder, Michael Y.
Cc: Gibbs, Landon M.
Subject: FW: Testimony for Tuesday

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

From: Hertling, Richard
Sent: Monday, March 05, 2007 8:46 PM
To: Oprison, Christopher G.
Subject: Fw: Testimony for Tuesday

This will be coming to OMB for clearance.

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

From: Scott-Finan, Nancy
To: Silas, Adrien
CC: Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Goodling, Monica; Sampson, Kyle; Nowacki, John (USAE0); Mercer, William W; Scolinos, Tasia; Roehrkasse, Brian
Sent: Mon Mar 05 20:45:05 2007
Subject: Testimony for Tuesday

Attached is the revised and edited testimony to be sent to OMB. Adrien, you will notice that in my own ini <<DRAFT Moschella Testimony4.wpd>> <<DRAFT Moschella Testimony4.wpd>> mitable way I managed to strip the seal and header off the cover page. Pls get from OMB a sense of when this will be cleared.

From: Perino, Dana M.
Sent: Sunday, March 04, 2007 9:25 AM
To: Brian.Roehrkasse
Subject: Fw: NYT - A New Mystery to Prosecutors: Their Lost Jobs

The wp was much better than this. Plus they really distort harriet's involvement.

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

From: White House News Update
To: Perino, Dana M.
Sent: Sun Mar 04 09:09:04 2007
Subject: NYT - A New Mystery to Prosecutors: Their Lost Jobs

A New Mystery to Prosecutors: Their Lost Jobs

By DAVID JOHNSTON, ERIC LIPTON and WILLIAM YARDLEY, The New York Times

WASHINGTON, March 3 — After Daniel G. Bogden got the call in December telling him that he was being dismissed as the United States attorney in Nevada, he pressed for an explanation.

Mr. Bogden, who was named the top federal prosecutor in Nevada in 2001 after 11 years of working his way up at the Justice Department, asked an official at the agency's headquarters if the firing was related to his performance or to that of his office. "That didn't enter into the equation," he said he was told.

After several more calls, Mr. Bogden reached a senior official who offered an answer. "There is a window of opportunity to put candidates into an office like mine," Mr. Bogden said, recalling the conversation. "They were attempting to open a slot and bring someone else in."

The ouster of Mr. Bogden and seven other United States attorneys has set off a furor in Washington that took the Bush administration by surprise.

Summoning five of the dismissed prosecutors for hearings on Tuesday, the newly empowered Congressional Democrats have charged that the mass firing is a political purge, intended to squelch corruption investigations or install less independent-minded successors.

Interviews with several of the prosecutors, Justice Department officials, lawmakers and others provide new details and a fuller picture of the events behind the dismissals. Like Mr. Bogden, some prosecutors believe they were forced out for replacements who could gild résumés; several heard that favored candidates had been identified.

Other prosecutors may have been vulnerable because they had had run-ins with the Justice Department, not over corruption cases against Republicans, but on less visible issues.

Paul Charlton in Arizona, for example, annoyed Federal Bureau of Investigation officials by pushing for confessions to be tape-recorded, while John McKay in Seattle had championed a computerized law enforcement information-sharing system that Justice Department officials did not want. Carol C. Lam of San Diego, who successfully prosecuted former Representative Randy Cunningham, had drawn complaints that she was not sufficiently aggressive on immigration cases.

Justice Department officials deny that the dismissals were politically motivated or that the action resulted from White House pressure.

Brian Roehrkasse, an agency spokesman, said, "These decisions were based on the individual concerns about each U.S. attorney's overall performance. This included performance concerns about ineffectively prosecuting departmental priority areas, failure to follow departmental guidelines, or just overall concerns about an ability to lead and effectively manage a U.S. attorney's office."

United States attorneys have four-year terms but can be removed at any time, and for almost any reason.

But across the country, legal and public officials have expressed dismay over the firings. In Western Michigan, for example, lawyers and a federal judge came to the defense of Margaret M. Chiara, the United States attorney there, saying she was well regarded.

"It just doesn't look right," said James S. Brady, who was United States attorney in Western Michigan during the Carter administration. "It compromises the credibility that justice is being dealt with fairly and impartially. There is a fear that politics have entered in life and death situations."

Discussions began in October at the Justice Department about removing prosecutors who were considered flawed or deficient in carrying out administration policy by law enforcement officials, lawmakers and others, several officials said. The White House eventually approved the list and helped notify Republican lawmakers before the Dec. 7 dismissals, officials said.

While Justice Department officials expected that top assistant prosecutors in each office would probably fill the jobs initially, the officials said they had not chosen permanent successors. However, officials knew that if the replacements were to have a substantial tenure before Mr. Bush left office, they needed to be named quickly.

The list of prosecutors who were targets was approved by Attorney General Alberto R. Gonzales and the deputy attorney general, Paul J. McNulty, the day-to-day manager of the Justice Department since he was appointed in the fall of 2005.

Under Mr. Gonzales, Mr. McNulty has become a powerful deputy with a wide-ranging portfolio. He was a United States attorney in Virginia, but he worked in Congress for more than a decade and was once legal counsel to the House majority leader. He is regarded in legal circles as more attuned to policy and politics than his predecessor, James B. Comey, a former career prosecutor in New York.

That leadership change may explain the removal of prosecutors who had mostly been in place since the start of the Bush administration.

"I and my colleagues are the same people in December of 2006 that we were in 2001," said one former prosecutor who would speak only on the condition of anonymity. "The only thing that has changed is the administration of the Department of Justice. We were making the same arguments and the same points before."

Justice Department officials, who would speak about the department's decision making only anonymously because they were not authorized to discuss personnel matters publicly, now acknowledge that the dismissals were mishandled. They failed to anticipate how much attention the highly unusual group firing would draw, and the agency's contradictory accounts about whether the dismissals were performance-related helped spur suspicions.

In one case, they said that they were unaware of concerns by United States Attorney David C. Iglesias of New Mexico, which he has expressed publicly in recent days, about being pressured by two Republican lawmakers to rush indictments before last November's elections in a contract kickback investigation involving a former state Democratic official. New Mexico has three Republicans in Congress; Representative Steve Pearce has said he did not call Mr. Iglesias, while aides to Senator Pete V. Domenici and Representative Heather A. Wilson have said they would not comment.

The Justice Department still appears to have an uphill battle in convincing lawmakers that its actions were justified. Several Congressional officials who have been briefed on the decision making said they were not persuaded that the firings were a well intended if botched effort to oust a few problem prosecutors among the country's 93 United States attorneys.

Some said they suspected that the administration hoped to install its favorites in the jobs, as they did when J. Timothy Griffin, a prosecutor who had worked for Karl Rove, the White House political adviser, was chosen as the temporary replacement for H. E. Cummins III of Arkansas. Mr. Cummins was told last summer to step down after Harriet E. Miers, the former White House counsel, met with Mr. Gonzales's staff on Mr. Griffin's behalf.

Even Republicans who are generally supportive of the administration expressed skepticism about the Justice Department's explanations.

Former Senator Slade Gorton of Washington said, "The administration has a perfect right to ask people to leave and appoint other ones just because they want turnover."

But he said he was unhappy that Mr. McKay, the Seattle prosecutor, was dismissed. He was very effective, Mr. Gorton said, and it was a mistake for the Justice Department to characterize the firing as performance related.

Mr. McKay, who is among the ousted prosecutors who have been summoned to testify before Congress, has said little about his dismissal. In interviews this week, officials in Seattle said he was a strong advocate for the expansion of law enforcement powers under the USA Patriot Act and a determined prosecutor who reorganized the office and allowed senior assistants to focus on complex cases.

"Institutions need to go through a period of renewal to be energized," said Norm Maleng, the King County prosecuting attorney. "That's what John did. He took it to a higher level."

Jeffrey C. Sullivan, who served as chief of criminal investigations under Mr. McKay and hopes to succeed him, said he was asked by the Justice Department to describe how the office had enacted "the attorney general's priorities." He said he responded that Mr. McKay created drug and gang task forces and pursued antiterrorism initiatives.

Mr. McKay had led efforts to start a computer system allowing law enforcement officials in the Seattle region to collect and analyze crime data. The program helped make him popular in local law enforcement circles, but his associates believed that Justice Department and F.B.I. officials in Washington objected, believing that such efforts should be undertaken on the national level.

Many Republicans and law enforcement officials in Washington say they are puzzled about the dismissal of Mr. McKay, whose brother is a former United States attorney in Seattle who was the state vice chairman of Mr. Bush's 2004 campaign.

Chris Vance, a former chairman of the state Republican Party, said some conservative activists were upset when Mr. McKay did not pursue a voter fraud investigation after a close election for governor was won by a Democrat in 2004, but that none of them had influence with the White House. Mr. Vance said in consulting with national party leaders at the time, Mr. McKay was not mentioned.

"They never said to me, 'Why isn't John McKay doing something?'" he said. "That never came up."

Justice Department officials said they regarded Mr. Bogden as competent but insufficiently aggressive, although they acknowledge that his removal was a tough call.

Mr. Bogden, whose last day was Wednesday, remains bitter about his dismissal. A Justice Department official said Mr. Bogden's conversation with the agency official who told him he was being moved out to make way for someone new was an effort to express sympathy for his situation, not an indication that his successor had already been chosen.

"You would think that you would be evaluated on your record, what your office has been able to achieve and what you have been able to accomplish as a United States attorney," Mr. Bogden said. "You hear something like that, there is a sense of disbelief."

David Johnston and Eric Lipton reported from Washington, and William Yardley from Seattle.

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From: Roehrkasse, Brian
Sent: Sunday, March 04, 2007 10:05 AM
To: Perino, Dana M.
Subject: Re: NYT - A New Mystery to Prosecutors: Their Lost Jobs

I know...which is change consider the post coverage with eggen has been SO bad. But the post brings in john solomon and becomes far more fair in their coverage and the times brings in eric lipton and becomes far worse.

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

From: Perino, Dana M.
To: Roehrkasse, Brian
Sent: Sun Mar 04 09:25:00 2007
Subject: Fw: NYT - A New Mystery to Prosecutors: Their Lost Jobs

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Sent: Sun Mar 04 09:09:04 2007
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Interviews with several of the prosecutors, Justice Department officials, lawmakers and others provide new details and a fuller picture of the events behind the dismissals. Like Mr. Bogden, some prosecutors believe they were forced out for replacements who could gild résumés; several heard that favored candidates had been identified.

Other prosecutors may have been vulnerable because they had had run-ins with the Justice Department, not over corruption cases against Republicans, but on less visible issues.

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aggressive on immigration cases.

Justice Department officials deny that the dismissals were politically motivated or that the action resulted from White House pressure.

Brian Roehrkasse, an agency spokesman, said, "These decisions were based on the individual concerns about each U.S. attorney's overall performance. This included performance concerns about ineffectively prosecuting departmental priority areas, failure to follow departmental guidelines, or just overall concerns about an ability to lead and effectively manage a U.S. attorney's office."

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But across the country, legal and public officials have expressed dismay over the firings. In Western Michigan, for example, lawyers and a federal judge came to the defense of Margaret M. Chiara, the United States attorney there, saying she was well regarded.

"It just doesn't look right," said James S. Brady, who was United States attorney in Western Michigan during the Carter administration. "It compromises the credibility that justice is being dealt with fairly and impartially. There is a fear that politics have entered in life and death situations."

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Under Mr. Gonzales, Mr. McNulty has become a powerful deputy with a wide-ranging portfolio. He was a United States attorney in Virginia, but he worked in Congress for more than a decade and was once legal counsel to the House majority leader. He is regarded in legal circles as more attuned to policy and politics than his predecessor, James B. Comey, a former career prosecutor in New York.

That leadership change may explain the removal of prosecutors who had mostly been in place since the start of the Bush administration.

"I and my colleagues are the same people in December of 2006 that we were in 2001," said one former prosecutor who would speak only on the condition of anonymity. "The only thing that has changed is the administration of the Department of Justice. We were making the same arguments and the same points before."

Justice Department officials, who would speak about the department's decision making only anonymously because they were not authorized to discuss personnel matters publicly, now acknowledge that the dismissals were mishandled. They failed to anticipate how much attention the highly unusual group firing would draw, and the agency's contradictory accounts about whether the dismissals were performance-related helped spur suspicions.

In one case, they said that they were unaware of concerns by United States Attorney David C. Iglesias of New Mexico, which he has expressed publicly in recent days, about being pressured by two Republican lawmakers to rush indictments before last November's elections in a contract kickback investigation involving a former state Democratic official. New Mexico has three Republicans in Congress; Representative Steve Pearce has said he did not call Mr. Iglesias, while aides to Senator Pete V. Domenici and Representative Heather A. Wilson have said they would not comment.

The Justice Department still appears to have an uphill battle in convincing lawmakers that

its actions were justified. Several Congressional officials who have been briefed on the decision making said they were not persuaded that the firings were a well intended if botched effort to oust a few problem prosecutors among the country's 93 United States attorneys.

Some said they suspected that the administration hoped to install its favorites in the jobs, as they did when J. Timothy Griffin, a prosecutor who had worked for Karl Rove, the White House political adviser, was chosen as the temporary replacement for H. E. Cummins III of Arkansas. Mr. Cummins was told last summer to step down after Harriet E. Miers, the former White House counsel, met with Mr. Gonzales's staff on Mr. Griffin's behalf.

Even Republicans who are generally supportive of the administration expressed skepticism about the Justice Department's explanations.

Former Senator Slade Gorton of Washington said, "The administration has a perfect right to ask people to leave and appoint other ones just because they want turnover."

But he said he was unhappy that Mr. McKay, the Seattle prosecutor, was dismissed. He was very effective, Mr. Gorton said, and it was a mistake for the Justice Department to characterize the firing as performance related.

Mr. McKay, who is among the ousted prosecutors who have been summoned to testify before Congress, has said little about his dismissal. In interviews this week, officials in Seattle said he was a strong advocate for the expansion of law enforcement powers under the USA Patriot Act and a determined prosecutor who reorganized the office and allowed senior assistants to focus on complex cases.

"Institutions need to go through a period of renewal to be energized," said Norm Maleng, the King County prosecuting attorney. "That's what John did. He took it to a higher level."

Jeffrey C. Sullivan, who served as chief of criminal investigations under Mr. McKay and hopes to succeed him, said he was asked by the Justice Department to describe how the office had enacted "the attorney general's priorities." He said he responded that Mr. McKay created drug and gang task forces and pursued antiterrorism initiatives.

Mr. McKay had led efforts to start a computer system allowing law enforcement officials in the Seattle region to collect and analyze crime data. The program helped make him popular in local law enforcement circles, but his associates believed that Justice Department and F.B.I. officials in Washington objected, believing that such efforts should be undertaken on the national level.

Many Republicans and law enforcement officials in Washington say they are puzzled about the dismissal of Mr. McKay, whose brother is a former United States attorney in Seattle who was the state vice chairman of Mr. Bush's 2004 campaign.

Chris Vance, a former chairman of the state Republican Party, said some conservative activists were upset when Mr. McKay did not pursue a voter fraud investigation after a close election for governor was won by a Democrat in 2004, but that none of them had influence with the White House. Mr. Vance said in consulting with national party leaders at the time, Mr. McKay was not mentioned.

"They never said to me, 'Why isn't John McKay doing something?'" he said. "That never came up."

Justice Department officials said they regarded Mr. Bogden as competent but insufficiently aggressive, although they acknowledge that his removal was a tough call.

Mr. Bogden, whose last day was Wednesday, remains bitter about his dismissal. A Justice Department official said Mr. Bogden's conversation with the agency official who told him he was being moved out to make way for someone new was an effort to express sympathy for his situation, not an indication that his successor had already been chosen.

"You would think that you would be evaluated on your record, what your office has been able to achieve and what you have been able to accomplish as a United States attorney," Mr. Bogden said. "You hear something like that, there is a sense of disbelief."

David Johnston and Eric Lipton reported from Washington, and William Yardley from Seattle.

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