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**Congress of the United States**  
**House of Representatives**

COMMITTEE ON THE JUDICIARY

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May 15, 2007

The Honorable Alberto R. Gonzales  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Dear Mr. Attorney General:

We are writing to formally restate Chairman Conyers' request at the end of your recent appearance before the House Judiciary Committee for the prompt production of all documents, in unredacted form, relating to the termination of Todd Graves, the former United States Attorney for the Western District of Missouri, who we now know was the ninth U.S. Attorney forced to resign by the Department in 2006. This request would also cover all documents relevant to the selection of Brad Schlozman as the interim replacement for Mr. Graves, including documents regarding other candidates considered for this position, if any. As we understand it, this will require a new search by the Department of Justice, in addition to providing unredacted copies of already-produced proposed termination lists. We also have concerns with your suggestion that Mr. Graves' termination was somehow not part of the same process that led to the other terminations, given the fact that Mr. Graves appeared on Kyle Sampson's proposed termination list that was transmitted to Harriet Miers in January 2006, just weeks before Mr. Graves was asked to resign.

As Representative Lofgren pointed out in her questioning, there are disturbing indications that the decision to fire Mr. Graves was related to his disagreement with a voter fraud lawsuit pushed by Mr. Schlozman, the very person eventually named by you to succeed Mr. Graves as an interim U.S. Attorney. Notwithstanding your assertions, our review indicates that the district court decision dismissing that lawsuit focused on much more than the procedural defect of naming the wrong defendant. In addition to discussing whether the state of Missouri or local election authorities were proper defendants on some claims, Judge Laughrey also appears to have ruled directly on the merits of Missouri's own performance and whether or not the Government had produced any evidence of voter fraud. Among the Court's findings:

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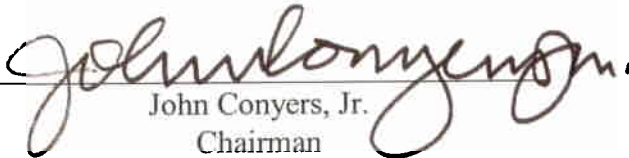
- “[T]he United States has not sustained its burden to show that the Defendants have violated the [National Voter Registration Act] mandate that Missouri ‘conduct a general program’ which makes a ‘reasonable effort’ to remove from voter registration lists the names of voters who have become ineligible by reason of death or change of residence.”
- “[T]he current Secretary of State clearly made a reasonable effort to monitor [local election authorities] once the 2005 survey showed potential problems. In fact, the Secretary of State has done many of the things that the United States Government now seeks Court supervision to accomplish. Given the equitable nature of the relief requested by the United States, the Court declines to order the Secretary of State to do things which she is already doing voluntarily.”
- “It is also telling that the United States has not shown that any Missouri resident was denied his or her right to vote as a result of deficiencies alleged by the United States. Nor has the United States shown that any voter fraud has occurred. Increased voter participation and elimination of fraud were the primary goals of Congress when it mandated that the States make reasonable efforts to maintain accurate voter registration lists. The absence of evidence of fraud or voter suppression during the relevant time period weighs heavily in favor of a finding that the Defendants’ efforts have been reasonable.”
- “Given the substantial efforts that were made by the State of Missouri, the lack of any evidence of bad faith, the difficulty that the Secretary of State faces when election authority is decentralized and the lack of any evidence that the remedies sought by the United States would have eliminated the problems which it has identified, the Court firmly concludes that the State of Missouri and the Secretary of State have made a reasonable effort to conduct a general program of voter list maintenance as required by the [National Voter Registration Act].”


Given these troubling circumstances, in addition to receiving the requested documents, we also request that you promptly explain your understanding of the facts regarding this termination and replacement, including but not limited to who placed Mr. Graves on the termination list and why, who was consulted on his termination and on his replacement by Mr. Schlozman, and who made the final decisions. In addition, please identify all current and former Department employees with information on this issue so that they may be interviewed, just as we have interviewed present and former Department personnel on the other eight terminations. Finally, please inform us whether any other United States Attorneys were terminated or asked to resign during President Bush’s second term and, if so, who they were and the Department’s basis for the termination or requested resignation.


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Thank you in advance for your prompt cooperation.

Sincerely,

  
John Conyers, Jr.  
Chairman

  
Linda T. Sánchez  
Chairwoman, Subcommittee on Commercial  
and Administrative Law

  
Zoe Lofgren  
Chairwoman, Subcommittee on  
Immigration, Citizenship, Refugees, Border  
Security and International Law

cc: Hon. Richard A. Hertling  
Hon. Lamar S. Smith  
Hon. Chris Cannon