



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Darrell Issa
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Issa:

This is in response to your letter dated May 24, 2006, to Carol C. Lam, United States Attorney for the Southern District of California, regarding immigration prosecutions in that district, as well as your request to meet with USA Lam. We apologize for any inconvenience our delay in responding may have caused you.

Please rest assured that the immigration laws in the Southern District of California are being vigorously enforced. Indeed, prosecutions for alien smuggling in Fiscal Year 2006 in the Southern District of California are rising dramatically. As of March 2006, the halfway point in the fiscal year, there were 342 alien smuggling cases filed in that jurisdiction. This compares favorably with the 484 alien smuggling prosecutions brought there during the entirety of Fiscal Year 2005. Moreover, as you are aware, Congress did not fully fund the President's budget request in FY 2006, and this increase in alien smuggling prosecutions in Southern California is being accomplished with the same or fewer number of Assistant United States Attorneys in that Office as in Fiscal Year 2005.

Certainly the U.S. Attorney's Office for the Southern District of California devotes substantial available resources to the prosecution of illegal immigration, and to alien smuggling in particular. Fully half of its 110 Assistant U.S. Attorneys are used to prosecute illegal immigration cases.

Although felony immigration filings in the Southern District of California dropped from FY 2004 to FY 2005, that result flowed from a conscious decision to focus resources on seeking higher sentences for more serious offenders. And, in fact, the number of immigration defendants prosecuted who received prison sentences of between 1-12 months dropped from 896 in 2004 to 338 in 2005, while the number of immigration defendants who received sentences between 37-60 months *rose* from 116 to 246, and the number of immigration defendants who received sentences greater than 60 months *rose* from 21 to 77.

DAG00000474

The Honorable Darrell Issa
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The effort to obtain higher sentences for the immigration violators who present the greatest threat to the community also results in more cases going to trial, and consequently the expenditure of more attorney time. In FY 2004 the Southern District tried 42 criminal immigration cases; in FY 2005 the District tried 89 criminal immigration cases – substantially more than any other Southwest Border district in 2005.

In addition, the Southern District has devoted substantial resources to investigating and prosecuting border corruption cases which pose a serious threat to both national security and continuing immigration violations. For example, in the past 12 months, the district has investigated and prosecuted seven corrupt Border Patrol agents and CBP officers who were working with alien smuggling organizations. These investigations and prosecutions typically have time-consuming financial and electronic surveillance components.

Please also know that decisions concerning whether to prosecute a given case as an alien smuggling case, or under some related charge, are case specific and very fact based. The number of possible alien smuggling charges that can be filed depends in part on the quality of the matter being referred to the United States Attorney's Office. For example, it is often necessary in an alien smuggling case to make a number of the smuggled aliens available as material witnesses, for the defense as well as the prosecution. If such witnesses are released at the time of the suspect's arrest, the opportunity to prosecute the case as an alien smuggling case, as opposed to a lesser charge, may be lost forever.

With regard to the immigration memo referred to in your letter, we cannot vouch for its authenticity. However, as you well realize, it is not physically possible to prosecute and imprison every single person apprehended on immigration violations. Thus, every United States Attorney's office necessarily uses prosecution guidelines to help identify which cases to prosecute under various circumstances. We have previously outlined for you in earlier correspondence the broad parameters of the guidelines used in the Southern District of California. Public dissemination of the details of such guidelines only serves to undercut law enforcement efforts. We note that the Bureau of Customs and Border Protection was heavily consulted during the drafting of the guidelines and approved of them at the time they were first disseminated.

Finally, we are aware that you recently spoke personally with USA Lam. If you are still interested in a meeting, please let us know.

DAG000000475

The Honorable Darrell Issa
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Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,

William E. Moschella
Assistant Attorney General

DAG000000476

Elston, Michael (ODAG)

From: Voris, Natalie (USAEO)
Sent: Saturday, July 15, 2006 6:18 PM
To: Elston, Michael (ODAG); Smith, David L. (USAEO)
Cc: Scott-Finan, Nancy
Subject: Feinstein/Issa revision

Attachments: tmp.htm; Issa 5 24 06 ltr.wpd; Sen Feinstein 6 15 06.wpd



tmp.htm (11 KB) Issa 5 24 06 ltr.wpd (59 KB) Sen Feinstein 6 15 06.wpd (59 ...)

letters. Thank you, Dave. Attached are my revisions on the two

A few things to note:

- 1) Though we feel comfortable (based on the stats in email below) with comparing SD/CA to the other SWB districts, I do not like the sentence in both letters which states at the end of a paragraph that SD/CA has tried a certain number of immigration cases that is "substantially more than any other Southwest Border district in 2005." I would recommend that we take out this sentence but would like to get OLA and ODAG's opinion first.
- 2) We have retained but modified language about intake guidelines - I know we discussed taking out intake language completely but I'm not sure what the final verdict was. I don't know if the existence of guidelines for this particular district is "out there" already. Please look at the current language re intake guidelines. I added our standard language - "USAOs take allegations of criminal conduct very seriously and carefully review any investigative evidence presented to support such allegations in light of the Principles of Federal Prosecution." We could omit all references to guidelines and just rely on this standard language. Again, I defer to OLA and ODAG. If it has been publicized that immigration guidelines exist for this district, then perhaps we need to retain the intake language to remind Issa and Feinstein that these are not mandatory guidelines.
- 3) Dave and Nancy - I didn't realize Issa and Carol met - do we need to acknowledge anything more about this meeting? Did the district notify us about this meeting??

<<Issa 5 24 06 ltr.wpd>> <<Sen Feinstein 6 15 06.wpd>>

Thanks,
nv

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> From: Smith, David L. (USAEO)
> Sent: Saturday, July 15, 2006 1:21 PM
> To: Voris, Natalie (USAEO)
> Cc: Scott-Finan, Nancy
> Subject: FW: Feinstein revision

> Natalie,

> Here is my redraft of the Issa letter. I made it as similar to the
> Feinstein letter as I could.

> As far as the immigration trials issue, here is what LIONS shows, per
> my review today:

> 04 05
> AZ 21 16
> NM 3 6
> WDTX 11 9
> SDTX 31 53
> SDCA 37 86

> Thus, the numbers do support the statement that SDCA, which is a
> smaller district than SDTX, did substantially more trials than other
> SW border districts in 2005.

> SDCA must have added in 5 trials to their 2004 numbers (to make 42)
> and 3 to the 2005 numbers (to make 89) based on trials they believed
> were immigration related but were not captured in LIONS. That is not
> fair, since we need to just stick with straight LIONS data. So I have
> changed the text in BOTH letters to say "at least 37" and "at least
> 86" trials. (Feinstein letter is re-attached below.)

> Natalie, I assume you will pass these on to Mike for his review by
> tomorrow morning. If you or Mike need anything else on these please
> let me know.

> Also, would you or Nancy please send me back the final versions of
> these letters? SDCA has asked me for the final versions.

> Thanks

> Dave

> << File: Issa.5.24.06.(4).ltr.wpd >>

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> From: Smith, David L. (USAEO)
> Sent: Friday, July 14, 2006 6:38 PM
> To: Voris, Natalie (USAEO)
> Cc: Scott-Finan, Nancy
> Subject: Feinstein revision

> Natalie,

> Here is my redraft of the Feinstein letter. I took out what seemed
> defensive and any numbers that were not in LIONS. I will double check
> that the LIONS data supports the "more trials than other SW border
> districts" statement, and will send you a separate email on that.
> Note that the data on 1324 cases filed as of March 06 (342) comes from
> LIONS also, although it is not on the three sheets we are giving
> Feinstein because those sheets cover all immigration cases and they do
> not break out 1324 specifically. I am pasting below the email from
> Data Analysis to show where the 342 number comes from.

> I will send you the Issa letter either later tonight or tomorrow
> morning.

> Thanks

> << File: Sen.Feinstein.6.15.06.(4).wpd >>

> David L. Smith
> Legislative Counsel
> Executive Office for U.S. Attorneys
> (202) 353-3035
> David.L.Smith2@usdoj.gov

>
> From: Tripodo, Joe (USAEO)
> Sent: Tuesday, July 11, 2006 5:26 PM
> To: Smith, David L. (USAEO)
> Subject: RE: CAS - 8 U.S.C. 1324 data
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> Correct.
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> From: Smith, David L. (USAEO)
> Sent: Tuesday, July 11, 2006 5:25 PM
> To: Tripodo, Joe (USAEO)
> Subject: RE: CAS - 8 U.S.C. 1324 data
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> To: Smith, David L. (USAEO)
> Cc: Tone, Barbara (USAEO)
> Subject: CAS - 8 U.S.C. 1324 data
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> Dave,
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> Per our conversation, here are the number of cases filed for 8 U.S.C.
> 1324 for the Southern District of California for Fiscal Years
> 2004-2006 (actual data as of March 2006):
>
> Cases Filed
> FY04 - 497
> FY05 - 484
> FY06 - 342 (actual data as of March 2006)
>
> Hope this helps and sorry to hear about the broken leg Hope it
> heals soon!
>
> Joe
>
> Joe Tripodo
> Management Analyst
> Data Analysis Staff
>
>
>



U.S. Department of Justice

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Washington, D.C. 20530

The Honorable Darrell Issa
U.S. House of Representatives
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Dear Congressman Issa:

This is in response to your letter dated May 24, 2006, to Carol C. Lam, United States Attorney for the Southern District of California, regarding immigration prosecutions in that district, as well as your request to meet with USA Lam. We apologize for any inconvenience our delay in responding may have caused you.

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

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

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

The effort to obtain higher sentences for the immigration violators who present the greatest threat to the community also results in more cases going to trial and, consequently, the expenditure of more attorney time. In FY 2004, the Southern District tried at least 37 criminal immigration cases; in FY 2005, the District tried at least 86 criminal immigration cases – substantially more than any other Southwest Border district in 2005.

DAG000000480

The Honorable Darrell Issa
Page Two

The Southern District has also devoted substantial resources to investigating and prosecuting border corruption cases which pose a serious threat to both national security and continuing immigration violations. For example, in the past 12 months, the district has investigated and prosecuted seven corrupt Border Patrol agents and Customs and Border Protection officers who were working with alien smuggling organizations. These investigations and prosecutions typically have time-consuming financial and electronic surveillance components.

With regard to the immigration memo referred to in your letter, we cannot vouch for its authenticity. The Southern District of California does use immigration prosecution guidelines to help identify which cases to prosecute under various circumstances; however, these guidelines are not determinative of whether a case will be accepted for prosecution. The specific details of immigration prosecution guidelines, if the guidelines even exist, are not appropriate for public release because the more criminals know of the guidelines, the more they will conform their conduct to avoid prosecution. We note that the Bureau of Customs and Border Protection was heavily consulted during the drafting of the guidelines and approved of them at the time they were first disseminated. Each United States Attorney's Office takes allegations of criminal conduct very seriously and carefully reviews any investigative evidence presented to support such allegations in light of the *Principles of Federal Prosecution*.

Finally, we are aware that you have recently spoken with USA Lam. If you are still interested in a meeting with other Department of Justice officials, please contact me to schedule a meeting on a mutually convenient date. We appreciate your interest in this matter. Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,

William E. Moschella
Assistant Attorney General

DAG000000481



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

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

Dear Senator Feinstein:

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

Attached please find the information you requested regarding the number of criminal immigration prosecutions in the Southern District of California. You also requested intake guidelines for the Southern District of California United States Attorney's Office. The details of prosecution or intake guidelines, if these guidelines even exist, are not appropriate for public release because the more criminals know of the specific guidelines, the more they will conform their conduct to avoid prosecution. Each United States Attorney's Office takes allegations of criminal conduct very seriously and carefully reviews any investigative evidence presented to support such allegations in light of the *Principles of Federal Prosecution*.

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

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

Prosecutions for alien smuggling in the Southern District under 8 U.S.C. § 1324 are rising sharply in Fiscal Year 2006. As of March 2006, the halfway point in the fiscal year, there were 342

DAG000000482

The Honorable Dianne Feinstein
Page Two

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The effort to obtain higher sentences for the immigration violators who present the greatest threat to the community also results in more cases going to trial and, consequently, the expenditure of more attorney time. In FY 2004, the Southern District tried at least 37 criminal immigration cases; in FY 2005, the District tried at least 86 criminal immigration cases – substantially more than any other Southwest Border district in 2005.

The Southern District has also devoted substantial resources to investigating and prosecuting border corruption cases which pose a serious threat to both national security and continuing immigration violations. For example, in the past 12 months, the district has investigated and prosecuted seven corrupt Border Patrol agents and Customs and Border Patrol officers who were working with alien smuggling organizations. These investigations and prosecutions typically have time-consuming financial and electronic surveillance components.

Finally, the United States Attorneys' Offices nationwide have been vigorously prosecuting alien smuggling. Data on alien smuggling prosecutions from the Executive Office for United States Attorneys' database shows that these cases have risen steadily during the last three years. In Fiscal Year 2003, there were 2,015 alien smuggling cases filed under 8 U.S.C. § 1324. In Fiscal Year 2004, there were 2,451 such cases, and in Fiscal Year 2005, there were 2,682.

We appreciate your interest in this matter. Please do not hesitate to contact the Department of Justice if we can be of assistance in other matters.

Sincerely,

William E. Moschella
Assistant Attorney General

DAG000000483

Elston, Michael (ODAG)

From: Scott-Finan, Nancy
Sent: Monday, July 17, 2006 4:44 PM
To: Elston, Michael (ODAG); Voris, Natalie (USAEO); Smith, David L. (USAEO)
Subject: RE: Feinstein/Issa revision

The last draft I was was the Saturday night versin.

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

From: Elston, Michael (ODAG)
Sent: Monday, July 17, 2006 4:43 PM
To: Scott-Finan, Nancy; Voris, Natalie (USAEO); Smith, David L. (USAEO)
Subject: Re: Feinstein/Issa revision

I agree with Natalie's comments from Saturday night. Additionally, I do not like the idea of confirming our pros guidelines. All I would say is that CBP agreed to them (whatever they may be). Has anyone sent me a more recent draft?

Mike

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

From: Scott-Finan, Nancy
To: Voris, Natalie (USAEO); Elston, Michael (ODAG); Smith, David L. (USAEO)
Sent: Mon Jul 17 16:02:12 2006
Subject: RE: Feinstein/Issa revision

Mike, do you have any comments on the two letters?

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Sent: Saturday, July 15, 2006 6:18 PM
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A few things to note:

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> << File: Issa.5.24.06.(4).ltr.wpd >>

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> << File: Sen.Feinstein.6.15.06.(4).wpd >>
> David L. Smith
> Legislative Counsel
> Executive Office for U.S. Attorneys
> (202) 353-3035
> David.L.Smith2@usdoj.gov

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> To: Smith, David L. (USAO)
> Subject: RE: CAS - 8 U.S.C. 1324 data

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> FY05 - 484
> FY06 - 342 (actual data as of March 2006)

> Hope this helps and sorry to hear about the broken leg Hope it
> heals soon!

> Joe

> Joe Tripodo
> Management Analyst
> Data Analysis Staff

Elston, Michael (ODAG)

From: Steiglitz, Albert
Sent: Tuesday, July 18, 2006 7:10 PM
To: Elston, Michael (ODAG)
Subject: Following up- SD CA

Mike-

Per your request, I spent some time this afternoon reading over the memo you received from SD CA and crunching some numbers from the Sentencing Commission's "Sourcebooks of Federal Sentencing Statistics" from the past few years, with a focus on the reported drop in immigration prosecutions in SD CA. The information below is not (as you'll see) in the form of a finished memo or anything, as I understood you to be looking for more of a "what do you think" kind of report. If you'd like more or find this too disorganized, please let me know and I can try to flesh out these initial impressions.

What is perhaps most striking to me is the fact that of the Southwest Border Districts (SD CA, D AZ, D NM, SD TX, WD TX), SD CA is the only one that prosecuted fewer immigration cases in 2005 than it did in 2001 and 2002. After a brief "spike" in 2003 (a 25% increase in prosecutions, which, to put it in context, occurred in the same year that all of the other SW Border Districts except WD TX saw between 31% and 40% increases) and virtually no change in 2004, SD CA in 2005 suffered the precipitous 31% drop which presumably drew this office's attention. SD CA is also the only SW Border District to average a negative (-4.15%) rate of growth in the number of annual immigration prosecutions during the 2001-05 period, which is all the more noteworthy given that with the exception of D AZ (which averaged just over 9% annual growth), the other SW Border Districts averaged double-digit growth rates over the same period.

SD CA seems to rest its defense on a sort of "quality, not quantity" idea, essentially arguing that in lieu of seeking a high filing count, it is more concerned with the duration for which it puts immigration offenders away. SD CA cites as evidence of a "dramatic trend towards higher sentences in immigration cases" the fact that 5.1% of its immigration sentences in 2005 were for more than 60 months, compared to just 0.8% in 2002. What is not mentioned by SD CA, however, is that 2005 is the first year of the 2001-05 period in which SD CA was not *dead last* among SW Border Districts (coming in consistently under 1%) in this category. Thus, while the improvement is no doubt commendable, any "trend" upward from last place is likely to be "dramatic," as the context provided by these supplemental figures hopefully demonstrates.

There also remains the policy question of whether SD CA's strategy is appropriate. That is, are the goals of the criminal justice and immigration system best served by focusing on fewer prosecutions that in turn seek higher penalties? I do not pretend to know the answer to this question, but SD CA seems to take it as a given that its policy prescription is in fact the right one.

SD CA also relies on the "not enough resources" defense, noting that it conducts *more* sentences than comparably-sized USAOs across the country (a somewhat odd argument to make in its support given its subsequent insistence that "quality," not quantity of sentences, is what matters), and again, that rather than spending time prosecuting what SD CA characterizes as less serious cases (e.g. "coyote" cases), its prosecutors are focusing their time and energy on bigger-ticket cases. Again, this seems to be a policy choice SD CA is making, one premised on the belief that the goals of immigration policy are best served by fewer prosecutions with longer sentences. And as noted above, I do not have the expertise to evaluate this claim, but can only note that it seems to underlie SD CA's law enforcement strategy.

Finally, though I am not overly familiar with the Ashcroft memo, my initial read of it leaves me somewhat skeptical of SD CA's claim that its strategy is "true" to the Ashcroft memo. The Ashcroft memo (of 9/22/03, if I've got the right one) gives federal prosecutors a duty "to charge and pursue the most serious, readily provable offense or offenses that are supported by the facts of the case[.]" SD CA, it seems, is in effect arguing that this duty implies that given the choice between multiple "lesser" prosecutions and a single, more serious prosecution, the prosecutor should opt to pursue the latter. I'm not certain that this directive is part of the Ashcroft memo, and I suspect SD CA's effort to invoke the Ashcroft memo in its defense might be inappropriate, but again, I claim no expertise in this area and wish merely to flag the point for your attention.

I hope the info and comments above are (A) somewhat helpful, and (B) along the lines of what you were looking for when you gave me this earlier. I look forward to hearing your thoughts on this and of course I would be happy to provide you with any further information that might be of value to you. Thanks again for lunch today, and I'll look forward to catching up with you tomorrow. Should you need anything after hours, my cell phone # is

BJ

Elston, Michael (ODAG)

From: Steiglitz, Albert
Sent: Wednesday, July 19, 2006 9:51 AM
To: Elston, Michael (ODAG)
Subject: RE: Following up- SD CA

Mike-

Just wanted to follow up on the items below and also see if you had anything I could help you with this morning. Hope your day's off to a good start.

BJ

From: Steiglitz, Albert
Sent: Tuesday, July 18, 2006 7:10 PM
To: Elston, Michael (ODAG)
Subject: Following up- SD CA

Mike-

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What is perhaps most striking to me is the fact that of the Southwest Border Districts (SD CA, D AZ, D NM, SD TX, WD TX), SD CA is the only one that prosecuted *fewer* immigration cases in 2005 than it did in 2001 and 2002. After a brief "spike" in 2003 (a 25% increase in prosecutions, which, to put it in context, occurred in the same year that all of the other SW Border Districts except WD TX saw between 31% and 40% increases) and virtually no change in 2004, SD CA in 2005 suffered the precipitous 31% drop which presumably drew this office's attention. SD CA is also the only SW Border District to average a negative (-4.15%) rate of growth in the number of annual immigration prosecutions during the 2001-05 period, which is all the more noteworthy given that with the exception of D AZ (which averaged just over 9% annual growth), the other SW Border Districts averaged double-digit growth rates over the same period.

SD CA seems to rest its defense on a sort of "quality, not quantity" idea, essentially arguing that in lieu of seeking a high filing count, it is more concerned with the duration for which it puts immigration offenders away. SD CA cites as evidence of a "dramatic trend towards higher sentences in immigration cases" the fact that 5.1% of its immigration sentencings in 2005 were for more than 60 months, compared to just 0.8% in 2002. What is not mentioned by SD CA, however, is that 2005 is the first year of the 2001-05 period in which SD CA was not *dead last* among SW Border Districts (coming in consistently under 1%) in this category. Thus, while the improvement is no doubt commendable, any "trend" upward from last place is likely to be "dramatic," as the context provided by these supplemental figures hopefully demonstrates.

There also remains the policy question of whether SD CA's strategy is appropriate. That is, are the goals of the criminal justice and immigration system best served by focusing on fewer prosecutions that in turn seek higher penalties? I do not pretend to know the answer to this question, but SD CA seems to take it as a given that its policy prescription is in fact the right one.

SD CA also relies on the "not enough resources" defense, noting that it conducts *more* sentencings than comparably-sized USAOs across the country (a somewhat odd argument to make in its support given its subsequent insistence that "quality," not quantity of sentencings, is what matters), and again, that rather than spending time prosecuting what SD CA characterizes as less serious cases (e.g. "coyote" cases), its prosecutors are focusing their time and energy on bigger-ticket cases. Again, this seems to be a policy choice SD CA is making, one premised on the belief that the goals of immigration policy are best served by fewer prosecutions with longer sentences. And as noted above, I do not have the expertise to evaluate this claim, but can only note that it seems to underlie SD CA's law enforcement strategy.

Finally, though I am not overly familiar with the Ashcroft memo, my initial read of it leaves me somewhat skeptical of SD CA's claim that its strategy is "true" to the Ashcroft memo. The Ashcroft memo (of 9/22/03, if I've got the right one) gives federal prosecutors a duty "to charge and pursue the most serious, readily provable offense or offenses that are supported

by the facts of the case[.] SD CA, it seems, is in effect arguing that this duty implies that given the choice between multiple "lesser" prosecutions and a single, more serious prosecution, the prosecutor should opt to pursue the latter. I'm not certain that this directive is part of the Ashcroft memo, and I suspect SD CA's effort to invoke the Ashcroft memo in its defense might be inappropriate, but again, I claim no expertise in this area and wish merely to flag the point for your attention.

I hope the info and comments above are (A) somewhat helpful, and (B) along the lines of what you were looking for when you gave me this earlier. I look forward to hearing your thoughts on this and of course I would be happy to provide you with any further information that might be of value to you. Thanks again for lunch today, and I'll look forward to catching up with you tomorrow. Should you need anything after hours, my cell phone # is :

BJ

Elston, Michael (ODAG)

From: Voris, Natalie (USAEO)
Sent: Wednesday, August 02, 2006 6:59 PM
To: Elston, Michael (ODAG); Goodling, Monica
Subject: FW: Lam is meeting with Issa and Sensenbrenner

FYI

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

From: Seidel, Rebecca
Sent: Wednesday, August 02, 2006 6:56 PM
To: Epley, Mark D; Otis, Lee L; Bounds, Ryan W (OLP); Mullane, Hugh;
Voris, Natalie (USAEO)
Cc: Scott-Finan, Nancy; Roland, Sarah E
Subject: FW: Lam is meeting with Issa and Sensenbrenner

Sounds like she handled well and it was actually constructive. See below.

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

From: Lam, Carol (USACAS)
Sent: Wednesday, August 02, 2006 6:50 PM
To: Seidel, Rebecca
Subject: RE: Lam is meeting with Issa and Sensenbrenner

Sorry, meant to email you earlier but other events overtook me.

It was fine (at least I think it was). The tone was civil and at times even friendly. I was accompanied by my appellate chief Roger Haines and our Intake supervisor Steve Peak. Issa and Sensenbrenner had about 4 staffers there total. Chrm Sensenbrenner had a single theme he kept coming back to, which is that we aren't doing enough coyote prosecutions and that they are the key to controlling the border. (This is obviously the Border Patrol complaint that was channelled through Issa to Sensenbrenner). I noted that the first 3 times we prosecute a coyote, we get sentences of 60 days, 6 months, and maybe a year, respectively, if we are lucky; whereas the same attorney resources can be used to prosecute criminal aliens with priors for rape, murder and child molestations and we can get sentences of 7-8 years. We have more of the latter type of case than we can handle, so essentially I must make a choice -- prosecute the coyotes who are smuggling but not endangering anyone, or the rapists and murderers who are coming back to rape and murder again.

He noted that among the Southwest Border USAOs, our felony immigration filings are low. I explained that we set out a couple of years ago to deliberately seek higher sentences for the worst offenders; this meant more cases would go to trial, but we would hold the line and not sell the cases for less time. The statistics show that we have, in fact, achieved significantly higher average sentences in our immigration cases; the cost was that our immigration trial rate more than DOUBLED (from 42 trials in 2004 to 89 trials in 2005) and we had to reduce the number of low-end coyote cases we filed. Cong Issa seemed to grasp this concept quickly; he commented that it is too bad we don't have statistics that reflect the matrix of felony immigration filings against lengths of sentences.

We urged them to fully fund the President's budget; thanked Chrm Sensenbrenner for the enforcement provisions in his immigration bill; and some observations were exchanged about the difficulties of prosecuting cases in the 9th Circuit. Congressman Issa asked me how the 4 additional SW border AUSA positions (announced by the AG on Monday) would help me; I said that they would allow me to fill attorney

vacancies that I have had to leave vacant because of the budget situation. Issa noted to Sensenbrenner that he doesn't understand why their prior appropriations don't seem to be "trickling down" to the USAOs, and I interjected that the unfunded COLAs and government-wide rescissions were erasing what appeared to be additional appropriations.

That was about it. We left on very cordial terms without any request for follow-up information. Let me know if you need any additional information, and thanks for preparing me.

Carol

-----Original Message-----
From: Seidel, Rebecca
Sent: Wednesday, August 02, 2006 3:16 PM
To: Lam, Carol (USACAS)
Cc: Epley, Mark D
Subject: RE: Lam is meeting with Issa and Sensenbrenner

How did the Issa/Sensenbrenner meeting go?

-----Original Message-----
From: Lam, Carol (USACAS)
Sent: Wednesday, August 02, 2006 11:53 AM
To: Seidel, Rebecca; Parent, Steve (USAEO); Bevels, Lisa (USAEO); Voris, Natalie (USAEO)
Cc: Jordan, Wyevetra G; Epley, Mark D
Subject: RE: Lam is meeting with Issa and Sensenbrenner

Thanks, Steve; this helps. -- Carol

-----Original Message-----
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Sent: Wednesday, August 02, 2006 5:24 AM
To: Lam, Carol (USACAS); Seidel, Rebecca; Bevels, Lisa (USAEO); Voris, Natalie (USAEO)
Cc: Epley, Mark D; Jordan, Wyevetra G
Subject: Re: Lam is meeting with Issa and Sensenbrenner

The 29 percent figure is actual funded position increase from FY 2000 to present.

-----Original Message-----
From: Lam, Carol (USACAS) <CLam@usa.doj.gov>
To: Seidel, Rebecca <Rebecca.Seidel@usdoj.gov>; Parent, Steve (USAEO) <SParent@usa.doj.gov>; Bevels, Lisa (USAEO) <LBevels@usa.doj.gov>; Voris, Natalie (USAEO) <NVoris@usa.doj.gov>
Cc: Epley, Mark D <Mark.D.Epley@usdoj.gov>; Jordan, Wyevetra G <Wyevetra.G.Jordan@usdoj.gov>
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-----Original Message-----
From: Seidel, Rebecca <Rebecca.Seidel@usdoj.gov>
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Cc: Epley, Mark D <Mark.D.Epley@usdoj.gov>; Jordan, Wyevetra G <Wyevetra.G.Jordan@usdoj.gov>
Sent: Mon Jul 31 18:01:45 2006
Subject: RE: Lam is meeting with Issa and Sensenbrenner

Also adding Mark Epley and Wyvetra Jordan . Mark, Wye - where did the 29% increase number come from? (this is re the press release on the supplemental approps funding AUSAs)

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

From: Voris, Natalie (USAEO)
Sent: Monday, July 31, 2006 8:17 PM
To: Seidel, Rebecca; Lam, Carol (USACAS); Bevels, Lisa (USAEO); Parent, Steve (USAEO)
Subject: Re: Lam is meeting with Issa and Sensenbrenner

This is definitely a question for rmp - I have added lisa and steve to the email.

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

From: Lam, Carol (USACAS) <CLam@usa.doj.gov>
To: Voris, Natalie (USAEO) <NVoris@usa.doj.gov>; Seidel, Rebecca <Rebecca.Seidel@usdoj.gov>
Sent: Mon Jul 31 20:09:54 2006
Subject: RE: Lam is meeting with Issa and Sensenbrenner

Thanks, Natalie. I do have one other concern -- the DOJ press release sent out today says that the "the number of AUSAs in the Southwest border districts has increased 29 percent since 2000, to a total of 561." I'm not sure where the 29% figure came from; my own FTE increased from 119 to 125 during the last 4 years; I think the percentage increase has been similar in the other districts. Can anyone tell me how the 29% increase was calculated, in case the Congressmen use this figure in our discussion?

From: Voris, Natalie (USAEO)
Sent: Monday, July 31, 2006 4:08 PM
To: Lam, Carol (USACAS)
Subject: FW: Lam is meeting with Issa and Sensenbrenner

Carol,
Lisa Bevels is traveling to the Budget Officers training at the NAC this week, but she gives you the best times for a conversation with her below. I clarified with Lisa that it's human trafficking approps Issa is interested in, not prosecutions. Lisa said that she was unaware of any specific human trafficking funds ever going to USAOs.

Please let me know if you need anything else. I'm not the budget expert, but I can try to point you in the right direction.

nv

From: Bevels, Lisa (USAEO)
Sent: Monday, July 31, 2006 6:16 PM
To: Voris, Natalie (USAEO); Parent, Steve (USAEO)
Subject: RE: Lam is meeting with Issa and Sensenbrenner

I will be giving a speech at the BO Conference on Wednesday. If she wants, she can email me and set up a time to talk tomorrow or Wednesday last morning or all afternoon. Civil Rights tracks the Human Trafficking case data for the Department. I'm not sure if Barbara Tone can come up with these cases through our system--they are probably part of immigration or some could even be in child abuse (women and children trafficking for sexual exploitation). Dave Smith asked us a few weeks ago about Human Trafficking and we did not have the data.

From: Voris, Natalie (USAEO)
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To: Bevels, Lisa (USAEO); Parent, Steve (USAEO)
Subject: Lam is meeting with Issa and Sensenbrenner

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Thanks,
nv

Elston, Michael (ODAG)

From: Epley, Mark D
Sent: Wednesday, August 02, 2006 7:15 PM
To: Elston, Michael (ODAG)
Subject: Lam is meeting with Issa and Sensenbrenner

FYI re: USA Carol Lam's members meeting today.

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From: Seidel, Rebecca
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To: Voris, Natalie (USABO); Epley, Mark D; Otis, Lee L; Bounds, Ryan W (OLP); Mullane, Hugh
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nv

Elston, Michael (ODAG)

From: Goodling, Monica
Sent: Friday, August 11, 2006 3:37 PM
To: Elston, Michael (ODAG)
Subject: Griffin

Attachments: resume.doc; military bio 2006 revised.doc



resume.doc (64 KB)



military bio 2006
revised.doc ...

J. TIMOTHY GRIFFIN

EDUCATION

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

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

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

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

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

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

WORK EXPERIENCE

Trial Counsel, U.S. Army Judge Advocate General's (JAG) Corps. Criminal Law Branch, Office of the Staff Judge Advocate. Fort Campbell, Kentucky, September 2005-Present.

- ✓ Provide legal advice to E Co., 1st and 3rd Brigade Combat Teams (R) (P), 101st Airborne Division (Air Assault).
- ✓ Prosecute Army criminal cases at courts-martial and federal criminal cases as a Special Assistant U.S. Attorney (SAUSA), Western District of Kentucky and Middle District of Tennessee.

Special Assistant to the President and Deputy Director. Office of Political Affairs, The White House. Washington, D.C. April 2005-Present (currently on military leave).

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

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

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

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

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

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

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

DAG000000499

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

- ✓ Developed hearing series entitled "National Problems, Local Solutions: Federalism at Work" to highlight innovative and successful reforms at the state and local levels, including: "Fighting Crime in the Trenches," featuring New York City Mayor Rudolph Giuliani, and "Tax Reform in the States."
- ✓ Interviewed Johnny Chung and played key role in hearing detailing his illegal political contributions.
- ✓ Organized, supervised and conducted the financial investigation of individuals and companies; located and interviewed witnesses; and drafted subpoenas; briefed the Speaker of the House on the findings.

Campaign Manager. Betty Dickey for Attorney General. Pine Bluff, Arkansas. February 1998-May 1998.

- ✓ Supervised day-to-day operations.

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

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

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

- ✓ Drafted legal memoranda and pleadings and conducted depositions.

SUMMARY OF MILITARY SERVICE

Captain. Judge Advocate General's (JAG) Corps, U.S. Army Reserve. Commissioned First Lieutenant, June 1996.

- ✓ Currently serving on active duty as an Army prosecutor at Fort Campbell, Kentucky, September 2005-Present.
- ✓ Completed three training missions in Germany: Mannheim (1997); Wuerzburg (1998); and Hohenfels (2003).
- ✓ Represented the Army at seven administrative separation boards and obtained separation in all seven.
- ✓ Awarded the following medals and ribbons: Army Commendation Medal with Four Oak Leaf Clusters; Army Achievement Medal with Three Oak Leaf Clusters; Army Reserve Components Achievement Medal with Two Oak Leaf Clusters; National Defense Service Medal; Global War on Terrorism Service Medal; Armed Forces Reserve Medal with "M" Device; Army Service Ribbon; and Army Reserve Overseas Training Ribbon with "3" Device.

ACTIVITIES AND ASSOCIATIONS

Arkansas Bar. *Member*, admitted April 26, 1995.

Arkansas Bar Association. 1995-Present. *Member*, Annual Meeting Subcommittee on Technology, 2002.

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

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

Louisiana State Bar Association. Admitted October 7, 1994. Currently inactive.

The Oxford Society. 1991-Present.

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

Reserve Officers Association. Life Member.

BIOGRAPHICAL SUMMARY

December 23, 2005

GRIFFIN, John Timothy,

Captain, Judge Advocate General's Corps, USAR

Date and Place of Birth:

Mandatory Removal Date:

Home Address:

Phone Numbers: Home: Work

Civilian Occupation: Special Assistant to the President and Deputy Director, Office of Political Affairs, The White House, Washington, D.C. (currently on military leave)

Enlisted Service: None

Source and Date of Commission: Direct, 15 June 1996

Years of Commissioned Service: Over nine years

Military Schools Attended:	Year Completed:
The Judge Advocate General's School, Officer Basic Course, Phase I	1997
The Judge Advocate General's School, Officer Basic Course, Phase II (correspondence)	1998
The Judge Advocate General's School, 7 th Intel Law Course	2005
The Judge Advocate General's School, Officer Advanced Course, Phase I (correspondence)	2005
The Judge Advocate General's School, Officer Basic Course, Phase II	2006

Civilian Education:	Degrees Completed:
4 Years, High School, Magnolia, AR	Graduated 1986
4 Years, Hendrix College, Conway, AR	BA (Economics) 1990
1 Year, Oxford University, Pembroke College, Graduate School Oxford, England	1990-1991
3 Years, Tulane University School of Law, New Orleans, LA	JD 1994

U.S. Decorations/Badges:	Year Awarded:
Army Commendation Medal	2000

DAG000000501

BIOGRAPHICAL SUMMARY (Continued)

First Oak Leaf Cluster	2001
Second Oak Leaf Cluster	2003
Third Oak Leaf Cluster	2005
Fourth Oak Leaf Cluster	2005
Army Achievement Medal	1997
First Oak Leaf Cluster	1998
Second Oak Leaf Cluster	2001
Third Oak Leaf Cluster	2003
Army Reserve Components Achievement Medal	2000
First Oak Leaf Cluster	2005
Second Oak Leaf Cluster	2005
National Defense Service Medal	2003
Global War on Terrorism Service Medal	2005
Armed Forces Reserve Medal with "M" Device	2005
Army Service Ribbon	1997
Army Reserve Overseas Training Ribbon	1997
"2" Device	1998
"3" Device	2003

Chronological List of Appointments:

1LT	USAR	15 June 1996
CPT	USAR	20 March 2000

Chronological Record of Duty Assignments:

	From	To
USAR - Not on Active Duty		
Assistant S-3, 2d Legal Support Organization (LSO), New Orleans, Louisiana	15 Jun 96	12 Mar 97
USAR - Not on Active Duty		
Assistant S-1, 10th LSO, Upper Marlboro, Maryland ...	13 Mar 97	18 Apr 98
USAR - Not on Active Duty		
Defense Counsel, Team 4, 2d LSO, North Little Rock, Arkansas	19 Apr 98	9 Aug 98
USAR - Not on Active Duty		
Recorder, Military Justice Team, 10th LSO, Upper Marlboro, Maryland	10 Aug 98	4 Sept 01
USAR - Not on Active Duty		
Assistant Staff Judge Advocate (SJA), 90 th Regional Support Command (RSC), North Little Rock, Arkansas .	5 Sept 01	27 Aug 02

DAG000000502

BIOGRAPHICAL SUMMARY (Continued)

USAR - Not on Active Duty Legal Assistance Attorney and Arms Room Officer, 10th LSO, Upper Marlboro, Maryland	28 Aug 02	31 Dec 03
USAR - Not on Active Duty Deputy S-2 and Arms Room Officer, 10 th LSO, Upper Marlboro, Maryland	01 Jan 04	25 Sept 05
USAR - On Active Duty, Operation Iraqi Freedom 10th LSO, Upper Marlboro, Maryland. Attached as Trial Counsel and Special Assistant U.S. Attorney, Office of the Staff Judge Advocate, Headquarters and Headquarters Company, U.S. Army Garrison, Fort Campbell Installation, Fort Campbell, Kentucky	26 Sept 05	Present

DAG000000503

Elston, Michael (ODAG)

From: Sampson, Kyle
Sent: Tuesday, August 15, 2006 7:00 PM
To: Elston, Michael (ODAG)
Subject: Re: Charlton

Denied.

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

From: Elston, Michael (ODAG)
To: Sampson, Kyle
Sent: Tue Aug 15 18:51:44 2006
Subject: Charlton

In the "you won't believe this category," Paul Charlton would like a few minutes of the AG's time. I explained that he had already been given extensive, unusual process and that I did not think that it was a good idea for him to press this, but he insisted on me making the request.

Your thoughts?

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Wednesday, August 16, 2006 10:17 AM
To: Charlton, Paul (USAAZ)

Paul:

The AG has declined your invitation to speak further about the case. Please file the notice.

Thanks,
Mike

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) 307-2090
(202) 514-9368 (fax)

Elston, Michael (ODAG)

From: Meyer, Joan E (ODAG)
Sent: Wednesday, August 16, 2006 10:21 AM
To: Elston, Michael (ODAG)
Subject: (2Qs) NDCA Diaz case - Refusal to do the capital portion of case - has that been cleared up?
Was Charleton notified he had to file this week?

Joan E. Meyer
Senior Counsel
Office of the Deputy Attorney General
950 Pennsylvania Avenue, N.W.
Room 4129
Washington DC 20530
(202) 307-2510 / (202) 616-1239 (fax)

Elston, Michael (ODAG)

From: Friedrich, Matthew
Sent: Wednesday, August 30, 2006 8:10 AM
To: Elston, Michael (ODAG)
Subject: RE: Meeting with BW

DAG wants to see if we looked at the case, looked at the case, doesn't understand
① comminuted standard
Call USAOs
Ward
cases that a drug company

Mike this is FYI. Need to discuss...

From: Ward, Brent
Sent: Tuesday, August 29, 2006 1:34 PM
To: Friedrich, Matthew
Subject: Meeting with BW

Matt,

For some time I have wanted to meet with you and/or Alice about some concerns I have. Perhaps it would help in getting a meeting set up to give you a heads-up about what some of those concerns are.

1. If we can't resolve it soon, the difficulty of getting USA cooperation in key districts is going lead to a showdown with the FBI. Once the FBI realized that CDCA straight-armed us on our Orange County case (which has been hanging for 4-5 months) and once the WFO SAC and I sat in a meeting with Paul Charlton in Phoenix and heard him thumb his nose at us, the Bureau knew this obscenity initiative could be heading for disaster. That put them in defensive mode. They are now doing only a very minimal amount of spade work on a case before sending me a "60-day letter" giving me 60 days to secure USA cooperation to prosecute or the case will be closed. These 60-day letters are now piling up. I have copied below an email I sent to Matt Lewis earlier today, along with an email exchange between the Las Vegas U.S. Attorney and me, to give you more insight into what I am talking about.

Matt,

This troubling email exchange is one of the things I would like to urgently discuss with you. It is of course ridiculous in a way to take an entourage of people out to LV in a losing cause. The only justification is to "make a record" for the purpose of engaging people in the Department at a higher level to turn this around (in my opinion it will take a call from the AG himself). This ought to be done now. It would obviate the need for this trip altogether.

For the FBI people to go out to LV and sit and listen to the lame excuses of a defiant U.S. Attorney is only going to move this whole enterprise closer to catastrophe. The Bureau is positioning itself so that it can point the finger at DOJ and say, "See, we investigated this case and DOJ couldn't find anyone to prosecute it." It just don't want to be set up like that.

We need to talk about some way to head this off. It is happening with regularity in the districts that are key to our strategy of hitting the producers on their own turf. Apparently neither Alice nor the DAG has been able to overcome the objections of these U.S. Attorneys. Either we hit the big producers head on and on their own turf, or we give up on these districts and work the producers derivatively in other, more welcoming districts. In the latter case the impediment is that the FBI is still loath to work a case against a bricks and mortar outfit, which is where we would need to start (unless we begin with a contrived buy/bust using the Internet), even if the intention is to roll producers and distributors into the case. If we are going to give up on the key districts and go after a derivative strategy, the front office will need to become involved in the decision. The FBI is too locked into the key district approach to be dissuaded by me.

Brent

DAG00000507

8/30/2006

From: Bogden, Daniel (USANV) [mailto:Daniel.Bogden@usdoj.gov]
Sent: Monday, August 28, 2006 5:13 PM
To: Ward, Brent
Cc: Buzzelli, Matthew; Myhre, Steven (USANV)
Subject: RE: Obscenity Task Force Meeting

That is fine. I still am a bit surprised, however, at the extreme number of personnel traveling to Las Vegas for such a case presentation. That is highly unusual. I just want to again reiterate my position, though, as to our severe manning and personnel shortages in the USAO, District of Nevada. During our telephone conversation, you made a comment about this being some type of 50/50 split on manning and personnel, if our district were to accept such a case for prosecution. I told you then that such an arrangement is highly unlikely as we simply do not have available manning or personnel for such a working arrangement. Since our telephone conversation, our personnel situation has become more critical. We will be willing to meet and hear you, Mr. Buzzelli, Mr. Rodriguez, Ms. McGravy and whoever FBI SAC Steve Martinez designates from his FBI, Las Vegas office, out and review your case presentation but we have very limited to no capacity to undertake such a prosecutive matter with what we currently have going on in our office and district.

From: Ward, Brent
Sent: Monday, August 28, 2006 1:48 PM
To: Bogden, Daniel (USANV)
Cc: Buzzelli, Matthew; Hyman, Tracy (USANV)
Subject: Obscenity Task Force Meeting

Dan,
I appreciate the opportunity to meet with you at 1 p.m. on Wednesday, September 6, 2006 in your office to discuss a case we wish to present to you.

As of now, I will be accompanied by Matthew Buzzelli, a Trial Attorney on the Obscenity Prosecution Task Force, Diego Rodriguez, acting SAC of the Washington, D.C. Field Office of the FBI, and Angela McGravy, an FBI special agent assigned to the FBI's Adult Obscenity Squad, which is attached to the Washington, D.C. Field Office. I believe we will also be joined by a representative from the Las Vegas Field Office.

We look forward to seeing you on the 6th.

Thank you.

Brent

2. It has now been more than 10 months since I arrived here. In that time two cases have been indicted. Only one of them was initiated by the FBI. In light of this the Task Force would have to be considered a failure so far. I would like to discuss with you the reasons why I believe this is happening. There are several, but a key reason is that the FBI's squad is ineffective and its strategy is not working.
3. We have reviewed the applications of approximately 75 applicants for the two positions at the Task Force (the one that will be vacated by Rick Green, when he leaves for CCIPS) and the one Alice agreed to in a meeting in her office on the 5th floor of our building about a month ago. We have interviewed approximately 15 of these applicants, all of whom have very good qualifications. The first two people we recommended, Katherine Monaghan and Dan Stigal, were interviewed by the front office. We were given the go ahead on Monaghan. She subsequently accepted a position instead in the Civil Rights Division. Then, two highly qualified new applicants, Kenneth Whitted and Andrea Larry, came to our attention and we recommended them both ahead of Stigal. They were interviewed in the front office a few weeks ago,

DAG00000508

but I have not determined what your wishes are vis-à-vis either of them. With regard to our first choice, Ken Whitted, a preliminary decision needs to be made whether he can come aboard on a 2-year detail from the DC USAO. Once that is decided, we can either offer him the detail (which I believe he will take), or a full hire (which he may well not take). Andrea Larry is returning from vacation about now and, if the front office approves of her, I would like to call her with an offer at the same time.

4. Our whole approach to obscenity enforcement could be greatly improved, if the Task Force and the FBI squad were co-located. Some of the impediments that have hindered the effectiveness of the squad could be overcome, if we were in closer proximity. You are considering moving the Task Force anyway, and I think the success of the Task Force may hinge on turning it into a real task force by putting us together with the people we ought to be working with on a daily basis. I would obviously rather see the squad brought into the District (even into the same building that we will be in), but if that is not possible, I would rather see us go out to their location than to 13th Street.
- ~~5. Obscenity enforcement is likely to be limited in any event until the Bureau is willing to instruct field offices to cooperate with USAOs in the initiation of cases. Such FO cases should be coordinated by the WFO squad (which I think would be a good use of its time). I would like to discuss with you the reasons why I believe this is essential to a winning strategy.~~
6. As it now stands, most people will leave the seminar next month with nothing to do. To get a case going in the vast majority of the districts it will take a USA or AUSA who is so highly motivated and so well situated that he can either persuade his SAC to initiate a case (highly unlikely), or he is willing to engage with local law enforcement to do so. There are few USAs or AUSAs who will make that effort. This can be changed, if the message is strong and urgent enough at the top. Also, I am working on a strategy that would at least provide USAs with information about possible targets in their districts in case they do have the necessary motivation to do something with it.
7. I also have some front office concerns.

These are some of the things I would like to discuss with you. I would appreciate an early opportunity to do so.

Thanks,

Brent

DAG000000509

Elston, Michael (ODAG)

From: Connor, Mark
Sent: Thursday, August 31, 2006 6:15 PM
To: Elston, Michael (ODAG)
Cc: Scudder, Michael (ODAG)
Subject: Fw: AGAC/RIS Working Group - McNulty Letter

Importance: High

Attachments: tmp.htm; McNulty Ltr.pdf

Mike: I believe McKay is way out of line here. This document was drafted under the guise of an info sharing working for the AGAC - and it was directed to the DAG. Internal deliberations and policy recommendations should not be shared outside of the Department unless so authorized by the DAG. I don't know what McKay's motives are, but this is embarrassing and outrageous. . MAC

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

From: Bernier, Colleen (USAWAW)
To: Anderson, Thomas (USAVT); DeGabrielle, Don (USATXS); Hanaway, Catherine (USAMOE); Heavican, Michael (USANE); Iglesias, David C. (USANM); Immergut, Karin (USAOR); Kubo, Ed (USAHI); Lam, Carol (USACAS); Larson, Charles (USAIAN); McDevitt, Jim A. (USAWAE); Moody, Jamison (USABO); Perez, Paul (USAFPM); Rosenberg, Chuck (USAVAE); Suddaby, Glenn T. (USANYN); VanBokkelen, Joseph (USAINN); Whitaker, Matt (USAIAS); Wood, Lisa (USAGAS); Yang, Debra Wong (USACAC)
CC: Scudder, Michael (ODAG); Duffy, Michael (OCIO); Connor, Mark; TBetro@ncis.navy.mil <TBetro@ncis.navy.mil>; Bogden, Daniel (USANV); Brown, Lawrence (USACAE); mdorsey@ncis.navy.mil <mdorsey@ncis.navy.mil>; LFritchm@NCIS.NAVY.MIL <LFritchm@NCIS.NAVY.MIL>; kimsey.t@portseattle.org <kimsey.t@portseattle.org>; Letten, James (USALAE); TGM@csmweb.com <TGM@csmweb.com>; Melson, Ken (USAVAE); O'Connor, Kevin (USACT); Scott, McGregor (USACAE); Blais, Jeanine M. (USAVT); Dibbley, Sam (USAVAE); Dougherty, Terri (USAMOE); Filosi, Deborah M. (USANYN); Glut, Martha (USANE); Golden, Lois (USANM); Holt, Gail (USAGAS); Landrum, Dolores (USAFPM); Lathers, Joann (USAFPM); Mersch, Linda (USAIAN); Pass, Penny L. (USAWAE); Porter, Brenda (USACAS); Quast, Val (USAIAS); Reyes, Carmen (USATXS); Rutledge, Sue (USAOR); vanderVoort, Joy (USAHI); Vuong, Bonnie (USACAC)
Sent: Thu Aug 31 17:47:42 2006
Subject: AGAC/RIS Working Group - McNulty Letter


McNulty Ltr.pdf
(229 KB)

Greet ngs: attached please find the final letter forwarded to Deputy Attorney General McNulty. Thank you for all your help in getting this accomplished. Please let me know if you need further assistance.

Colleen O'Reilly Bernier
Assistant to U. S. Attorney John McKay
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Phone (206) 553-4620
Fax: (206) 553-2054
e-mail: Colleen.Bernier@usdoj.gov

<<McNulty Ltr.pdf>>



U.S. Department of Justice

United States Attorney
Western District of Washington

700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271

Tel: (206) 533-7970
Fax: (206) 533-2054

August 30, 2006

Honorable Paul J. McNulty
Deputy Attorney General
Main Justice Bldg.
950 Pennsylvania Ave., Room 4111
Washington, D.C. 20530

Re: AGAC/RIS Working Group Request for Meeting

Dear Mr. McNulty:

Thank you for your continuing personal leadership in the work of the AGAC Regional Law Enforcement Information Sharing Working Group. We are grateful for your recent offer to meet with us. Our purpose in writing is two-fold: first, to schedule the AGAC/RIS Working Group meeting with you; and second, to outline in advance our major concerns.

We understand you fully appreciate how critical information sharing is to the war on terror. As United States Attorney, you were the driving force behind the Norfolk-Hampton Roads LInX program. During your tenure as Chair of the Attorney General's Advisory Committee, you created the RIS Working Group. Following your example, we have continued to build information sharing among federal, state and local partners in six additional LInX sites. All of us deeply appreciate your continued support as the Department of Justice led LInX projects have been launched or expanded in Washington State, Hawaii, Corpus Christi, Jacksonville-Kings Bay, New Mexico and the National Capital Region.

We look forward to briefing you on the recent, stunning operational successes being achieved in LInX sites around the country. For example, in Norfolk-Hampton Roads, LInX was instrumental in solving the case of a Norfolk police officer who was shot and killed while on duty. In LInX Northwest, which now includes approximately 100 law enforcement partners, LInX provided critical leads in numerous cases, leading to the arrests of various murderers, rapists and thieves. LInX Northwest was critical in developing several leads that helped Seattle Police resolve a recent homicide, and was

DAG000000511

Honorable Paul J. McNulty
August 30, 2006
Page - 2

used by Seattle Police in establishing the identity of Naveed Haq, the suspect in the recent tragic Jewish Federation of Seattle shootings.

In recent months, as the system has matured and more local jurisdictions contribute full text records, LInX Northwest has been heavily used by federal agents, particularly FBI, DEA and the U.S. Marshal's Service. We were recently advised that, consistent with the discussions at the Pentagon meeting, DHS will begin contributing regional and national ICE records directly to LInX Northwest under the leadership of Assistant Secretary Julie Myers. Participation by United States Attorneys in LInX and other information sharing efforts continues to grow, with the RIS Working Group now at 18 members, and additional LInX sites under serious consideration. Chief among potential expansion sites is the Los Angeles project under the leadership of United States Attorney Debra Wong Yang. Preliminary plans for this project include partnerships with Sacramento area law enforcement and California state agencies in a LInX project led by United States Attorney McGregor Scott.

Additionally, United States Attorneys in Nebraska & Iowa, St. Louis, upstate New York, Connecticut, Sacramento, Portland, Anchorage and Indiana have hosted LInX briefings. Several of these locations are in various stages of organizing regional law enforcement leadership as a prelude to LInX implementation. Serious inquiries concerning the LInX process have been made by many other U.S. Attorneys and regional law enforcement leaders in several states, including Kentucky, Oklahoma, Massachusetts, North Carolina, and South Carolina. RCMP and NCIS officials have met regularly with the Working Group Chair to explore the legal, technical and policy opportunities of sharing records through LInX with our Canadian law enforcement partners.

In short, interest in the LInX approach remains exceedingly strong, and the need for a leadership role by DOJ in building regional systems is becoming increasingly clear. The Department, under your direction and leadership is well-placed to leverage the success of LInX into an expanded, national law enforcement information sharing system. These efforts are consistent with the President's call to establish the Information Sharing Environment, the will of the Congress, and our needs in combating terror, violent crime and drugs. As the Department's "Field Commanders," we United States Attorneys believe that the LInX approach offers the best, most complete and proven path to real and effective law enforcement information sharing among federal, state and local partners.

During our upcoming meeting, we hope to ask you to do the following:

- (1) Endorse Los Angeles LInX and the \$5m offered by Deputy Secretary Of Defense Gordon England to cover first year costs of the project;

DAG000000512

Honorable Paul J. McNulty
August 30, 2006
Page – 3

- (2) Endorse the LInX approach to regional information sharing including full text record integration and support the expansion of LInX under United States Attorney leadership;
- (3) Mandate that DOJ law enforcement components share all legally shareable and unclassified law enforcement records with the LInX projects, including access controls be instituted to provide a greater level of protection for sensitive information in the shared data bases;
- (4) Direct DOJ policy and resources to support the building, funding and management of LInX projects in partnership with DOD and DHS.

We understand that you intend to share policy memoranda with our committee. We want to assure you of our interest in actively participating in this process on behalf of the AGAC. We are puzzled by the delays we are experiencing in the face of our written requests and briefings and trust you understand how urgently we seek your input and assistance. Our funding and program support through NCIS is on hold pending commitments from your office.

In many of our jurisdictions, local law enforcement leaders have delayed other projects due to their commitment to and firm belief the LInX approach offers the best way to share and obtain critical records in their own efforts to combat terrorism, gangs, violent crime and drugs. There is growing skepticism among those leaders because they see little progress on an issue all consider to be of the highest priority. DOJ policy on regional law enforcement information sharing remains unclear to our state and local partners, as well as to federal law enforcement agencies whose data we require in order to assure regional terrorism and law enforcement objectives are met. Some inside the department believe that DOJ's role is limited to providing interconnectivity among systems, and that developing regional systems that collect and integrate investigative records is not a federal responsibility. *We disagree.* Information sharing is not about technology – it is about providing the leadership commitment to insure full participation, complete data, and community-wide access to all relevant information. DOJ is uniquely positioned to take the lead in this effort.


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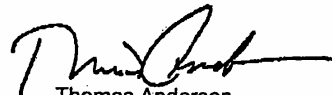
Honorable Paul J. McNulty
August 30, 2006
Page - 4


Paul, our confidence in you and your leadership of law enforcement information sharing remains firm and enthusiastic. We look forward to meeting with you at your earliest convenience. As always, we are cognizant of the tremendous demands on your time.

Sincerely,

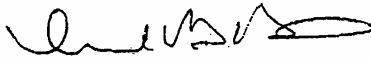
REGIONAL LAW ENFORCEMENT INFORMATION SHARING WORKING GROUP
of the Attorney General's Advisory Committee



John McKay, Chair
United States Attorney
Western District of Washington

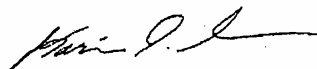

Thomas Anderson
United States Attorney
District of Vermont



Don DeGabrielle
United States Attorney
Southern District of Texas



Catherine Hanaway
United States Attorney
Eastern District of Missouri

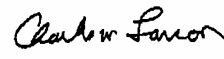

Michael Heavican
United States Attorney
District of Nebraska


David Iglesias
United States Attorney
District of New Mexico


Karin Immergut
United States Attorney
District of Oregon

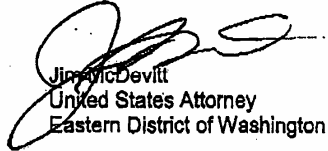

Ed Kubo
United States Attorney
District of Hawaii


Carol Lam
United States Attorney
Southern District of California


Charles Larson
United States Attorney
Northern District of Iowa

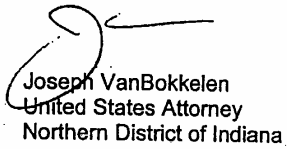
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Honorable Paul J. McNulty
August 30, 2006
Page - 5

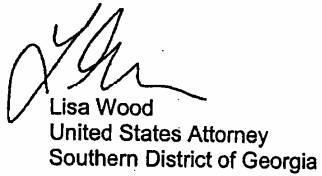


Jim Devitt
United States Attorney
Eastern District of Washington

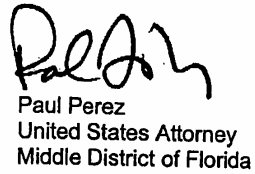
Unavailable for
Signature
Chuck Rosenberg
United States Attorney
Eastern District of Virginia



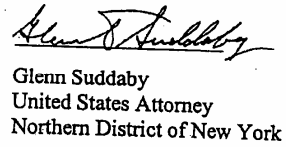
Joseph VanBokkelen
United States Attorney
Northern District of Indiana



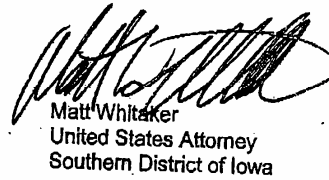
Lisa Wood
United States Attorney
Southern District of Georgia



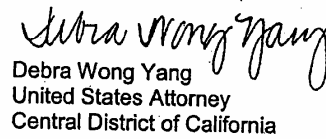
Paul Perez
United States Attorney
Middle District of Florida



Glenn Suddaby
United States Attorney
Northern District of New York



Matt Whitaker
United States Attorney
Southern District of Iowa



Debra Wong Yang
United States Attorney
Central District of California

DAG000000515

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Wednesday, September 06, 2006 9:51 AM
To: Battle, Michael (USAEO)
Subject: FW: AGAC/RIS Working Group - McNulty Letter

Attachments: McNulty Ltr.pdf



McNulty Ltr.pdf
(229 KB)

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

From: Scudder, Michael (ODAG)
Sent: Thursday, August 31, 2006 6:08 PM
To: Elston, Michael (ODAG)
Cc: Connor, Mark
Subject: FW: AGAC/RIS Working Group - McNulty Letter

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

From: Bernier, Colleen (USAWAW)
Sent: Thursday, August 31, 2006 5:48 PM
To: Anderson, Thomas (USAVT); DeGabrielle, Don (USATXS); Hanaway, Catherine (USAMOE); Heavican, Michael (USANE); Iglesias, David C. (USANM); Immergut, Karin (USAOR); Kubo, Ed (USAHI); Lam, Carol (USACAS); Larson, Charles (USAIAN); McDevitt, Jim A. (USAWAE); Moody, Jamison (USAEO); Perez, Paul (USAFLLM); Rosenberg, Chuck (USAVAE); Suddaby, Glenn T. (USANYN); VanBokkelen, Joseph (USAINN); Whitaker, Matt (USAIAS); Wood, Lisa (USAGAS); Yang, Debra Wong (USACAC)
Cc: Scudder, Michael (ODAG); Duffy, Michael (OCIO); Connor, Mark; TBetro@ncis.navy.mil; Bogden, Daniel (USANV); Brown, Lawrence (USACAE); mdorsey@ncis.navy.mil; LFritchm@NCIS.NAVY.MIL; kehaines@NCIS.NAVY.MIL; kimsey.t@portseattle.org; Letten, James (USALAE); TGM@csweb.com; Melson, Ken (USAVAE); O'Connor, Kevin (USACT); Scott, McGregor (USACAE); Blais, Jeanine M. (USAVT); Dibbley, Sam (USAVAE); Dougherty, Terri (USAMOE); Filosi, Deborah M. (USANYN); Glut, Martha (USANE); Golden, Lois (USANM); Holt, Gail (USAGAS); Landrum, Dolores (USAFLLM); Lathers, Joann (USAFLLM); Mersch, Linda (USAIAN); Pass, Penny L. (USAWAE); Porter, Brenda (USACAS); Quast, Val (USAIAS); Reyes, Carmen (USATXS); Rutledge, Sue (USAOR); vanderVoort, Joy (USAHI); Vuong, Bonnie (USACAC)
Subject: AGAC/RIS Working Group - McNulty Letter

Greetings: attached please find the final letter forwarded to Deputy Attorney General McNulty. Thank you for all your help in getting this accomplished. Please let me know if you need further assistance.

Colleen O'Reilly Bernier
Assistant to U. S. Attorney John McKay
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Phone (206) 553-4620
Fax: (206) 553-2054
e-mail: Colleen.Bernier@usdoj.gov

<<McNulty Ltr.pdf>>



U.S. Department of Justice

United States Attorney
Western District of Washington

700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271

Tel: (206) 553-7970
Fax: (206) 553-2054

August 30, 2006

Honorable Paul J. McNulty
Deputy Attorney General
Main Justice Bldg.
950 Pennsylvania Ave., Room 4111
Washington, D.C. 20530

Re: AGAC/RIS Working Group Request for Meeting

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DAG000000517

Honorable Paul J. McNulty
August 30, 2006
Page - 2

used by Seattle Police in establishing the identity of Naveed Haq, the suspect in the recent tragic Jewish Federation of Seattle shootings.

In recent months, as the system has matured and more local jurisdictions contribute full text records, LInX Northwest has been heavily used by federal agents, particularly FBI, DEA and the U.S. Marshal's Service. We were recently advised that, consistent with the discussions at the Pentagon meeting, DHS will begin contributing regional and national ICE records directly to LInX Northwest under the leadership of Assistant Secretary Julie Myers. Participation by United States Attorneys in LInX and other information sharing efforts continues to grow, with the RIS Working Group now at 18 members, and additional LInX sites under serious consideration. Chief among potential expansion sites is the Los Angeles project under the leadership of United States Attorney Debra Wong Yang. Preliminary plans for this project include partnerships with Sacramento area law enforcement and California state agencies in a LInX project led by United States Attorney McGregor Scott.

Additionally, United States Attorneys in Nebraska & Iowa, St. Louis, upstate New York, Connecticut, Sacramento, Portland, Anchorage and Indiana have hosted LInX briefings. Several of these locations are in various stages of organizing regional law enforcement leadership as a prelude to LInX implementation. Serious inquiries concerning the LInX process have been made by many other U.S. Attorneys and regional law enforcement leaders in several states, including Kentucky, Oklahoma, Massachusetts, North Carolina, and South Carolina. RCMP and NCIS officials have met regularly with the Working Group Chair to explore the legal, technical and policy opportunities of sharing records through LInX with our Canadian law enforcement partners.

In short, interest in the LInX approach remains exceedingly strong, and the need for a leadership role by DOJ in building regional systems is becoming increasingly clear. The Department, under your direction and leadership is well-placed to leverage the success of LInX into an expanded, national law enforcement information sharing system. These efforts are consistent with the President's call to establish the Information Sharing Environment, the will of the Congress, and our needs in combating terror, violent crime and drugs. As the Department's "Field Commanders," we United States Attorneys believe that the LInX approach offers the best, most complete and proven path to real and effective law enforcement information sharing among federal, state and local partners.

During our upcoming meeting, we hope to ask you to do the following:

- (1) Endorse Los Angeles LInX and the \$5m offered by Deputy Secretary Of Defense Gordon England to cover first year costs of the project;

DAG000000518

Honorable Paul J. McNulty
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- (2) Endorse the LInX approach to regional information sharing including full text record integration and support the expansion of LInX under United States Attorney leadership;
- (3) Mandate that DOJ law enforcement components share all legally shareable and unclassified law enforcement records with the LInX projects, including access controls be instituted to provide a greater level of protection for sensitive information in the shared data bases;
- (4) Direct DOJ policy and resources to support the building, funding and management of LInX projects in partnership with DOD and DHS.

We understand that you intend to share policy memoranda with our committee. We want to assure you of our interest in actively participating in this process on behalf of the AGAC. We are puzzled by the delays we are experiencing in the face of our written requests and briefings and trust you understand how urgently we seek your input and assistance. Our funding and program support through NCIS is on hold pending commitments from your office.

In many of our jurisdictions, local law enforcement leaders have delayed other projects due to their commitment to and firm belief the LInX approach offers the best way to share and obtain critical records in their own efforts to combat terrorism, gangs, violent crime and drugs. There is growing skepticism among those leaders because they see little progress on an issue all consider to be of the highest priority. DOJ policy on regional law enforcement information sharing remains unclear to our state and local partners, as well as to federal law enforcement agencies whose data we require in order to assure regional terrorism and law enforcement objectives are met. Some inside the department believe that DOJ's role is limited to providing interconnectivity among systems, and that developing regional systems that collect and integrate investigative records is not a federal responsibility. *We disagree.* Information sharing is not about technology – it is about providing the leadership commitment to insure full participation, complete data, and community-wide access to all relevant information. DOJ is uniquely positioned to take the lead in this effort.


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Honorable Paul J. McNulty
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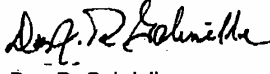
Paul, our confidence in you and your leadership of law enforcement information sharing remains firm and enthusiastic. We look forward to meeting with you at your earliest convenience. As always, we are cognizant of the tremendous demands on your time.

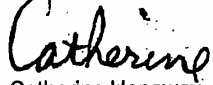
Sincerely,


REGIONAL LAW ENFORCEMENT INFORMATION SHARING WORKING GROUP
of the Attorney General's Advisory Committee

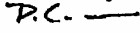

John McKay, Chair
United States Attorney
Western District of Washington



Thomas Anderson
United States Attorney
District of Vermont



Don DeGabrielle
United States Attorney
Southern District of Texas



Catherine Hanaway
United States Attorney
Eastern District of Missouri

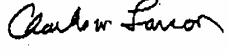

Michael Heavican
United States Attorney
District of Nebraska


David Iglesias
United States Attorney
District of New Mexico


Karin Immergut
United States Attorney
District of Oregon

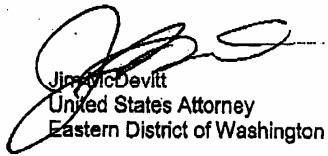

Ed Kubo
United States Attorney
District of Hawaii


Carol Lam
United States Attorney
Southern District of California


Charles Larson
United States Attorney
Northern District of Iowa

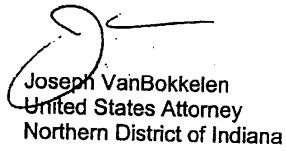
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August 30, 2006
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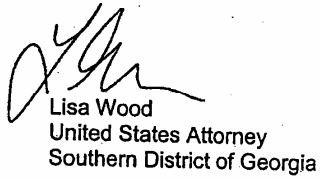


Jim McDevitt
United States Attorney
Eastern District of Washington

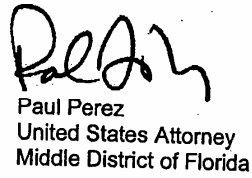
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Signature
Chuck Rosenberg
United States Attorney
Eastern District of Virginia



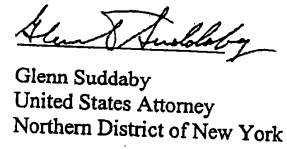
Joseph VanBokkelen
United States Attorney
Northern District of Indiana



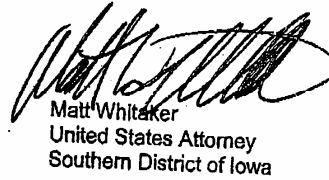
Lisa Wood
United States Attorney
Southern District of Georgia



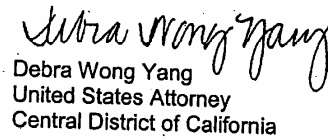
Paul Perez
United States Attorney
Middle District of Florida



Glenn Suddaby
United States Attorney
Northern District of New York



Matt Whitaker
United States Attorney
Southern District of Iowa



Debra Wong Yang
United States Attorney
Central District of California

DAG00000521

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Wednesday, September 06, 2006 11:25 AM
To: Sutton, Johnny K. (USATXW)
Subject: FW: August 30 LInX Letter

Attachments: tmp.htm



tmp.htm (4 KB)

-----Original Message-----
From: Elston, Michael (ODAG)
Sent: Wednesday, September 06, 2006 9:53 AM
To: Battle, Michael (USABO)
Subject: FW: August 30 LInX Letter

-----Original Message-----
From: McNulty, Paul J
Sent: Wednesday, September 06, 2006 9:22 AM
To: Elston, Michael (ODAG)
Subject: FW: August 30 LInX Letter

-----Original Message-----
From: Immergut, Karin (USAOR)
Sent: Tuesday, September 05, 2006 4:54 PM
To: McNulty, Paul J
Subject: RE: August 30 LInX Letter

Paul: I am very sorry that we put you in a difficult position. In short, that was never my intent nor do I think that was intent of others on the subcommittee. I blame no one but myself for allowing my signature to appear on this letter. I had understood that the contents of the letter would fully discussed with you in advance and that the letter would only be sent if welcomed by you to help you in your efforts to improve information-sharing. That very issue was discussed at a conference call about sending you any such letter. I frankly did not focus much on the tone of the letter because I understood that no letter would be sent if you did not welcome a letter. We would have just talked to you in person. I completely understand your reaction and I apologize for any difficulty that this may have caused you. Karin

From: McNulty, Paul J
Sent: Tuesday, September 05, 2006 11:40 AM
To: McKay, John (USAWAW); DeGabrielle, Don (USATXS); Heavican, Michael (USANE); Immergut, Karin (USAOR); Lam, Carol (USACAS); Anderson, Thomas (USAVT); Hanaway, Catherine (USAMOE); Iglesias, David C. (USANM); Kubo, Ed (USAHI); Larson, Charles (USAIAN); Rosenberg, Chuck (USAVAE); VanBokkelen, Joseph (USAINN); Wood, Lisa (USAGAS); Perez, Paul (USAFILM); Suddaby, Glenn T. (USANYN); Whitaker, Matt (USAIAS); Yang, Debra Wong (USACAC); McDevitt, Jim A. (USAWAE)
Subject: August 30 LInX Letter

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Tuesday, February 28, 2006 10:05 PM
To: Charlton, Paul (USAAZ)
Cc: Mercer, Bill (ODAG)
Subject: Interview Policy

Paul:

At your request, I am writing to describe the Acting DAG's decision that we discussed earlier this evening.

As you and Paul discussed in Orlando yesterday, we recently learned of your intention to implement a policy requiring federal law enforcement agents in your district to videotape interviews. That policy was set to take effect March 1. After hearing concerns that the policy did not undergo any inter-agency review and that the policy would have an impact on other districts, the Acting DAG and his staff reviewed the policy. He has also considered the concerns you raised directly with him, and he agrees with you that this issue needs serious and expeditious study and consideration.

Based on that review and the concerns expressed, the Acting DAG has decided to delay implementation of that policy to allow for a thorough Departmental and inter-agency review. Further, the Acting DAG is very interested in having you submit a proposal to have a pilot program in your district. Such a proposal would receive expeditious consideration.

Paul understands this issue and is interested in energizing the Department's consideration of it. You are the best advocate for the proposed policy, and he hopes you will play a significant role in the Department's review and the inter-agency review process.

Thanks,
Mike