



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 514-2121

**MEMORANDUM - Sent via Electronic Mail**

DATE: OCT 05 2006

TO: ALL UNITED STATES ATTORNEYS  
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS  
ALL ADMINISTRATIVE OFFICERS

FROM: Michael A. Battle  
Director

SUBJECT: Resignation Guidance for United States Attorneys

ACTION REQUIRED: Information Only.

CONTACT PERSON: John A. Nowacki  
Principal Deputy Director  
Telephone: (202) 514-2121  
E-mail: [John.Nowacki@usdoj.gov](mailto:John.Nowacki@usdoj.gov)

Recently, a few United States Attorneys have contacted me regarding the procedures for submitting their resignations. To assist you, I have attached answers to some of the most frequently asked questions regarding the resignation process including guidance for a resigning interim United States Attorney who is returning to a position as an Assistant United States Attorney. If you intend to resign, please advise me at your earliest opportunity either by electronic mail or by phone (202) 514-2121. It is very important for us to provide the President and the Attorney General with as much advance notice as possible.

Letters of resignation addressed to the President and to the Attorney General should be sent by express mail to the U.S. Attorney Nominations and Appointments Unit, EOUSA. Once a United States Attorney announces their intention to resign, please be aware that discretionary staff personnel changes (e.g., appointments, promotions, and reassignments), at all grade levels, from all sources, will be restricted. This affects actions which increase employment by adding a new employee to a district's rolls and internal actions which involve a change in position, such as a promotion or reassignment.

Any offer of employment extended verbally or in writing before the United States Attorney announces their resignation, including offers that were contingent on clearances such as drug testing or background investigation, will be honored.

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No new offer of employment in the district may be made after the United States Attorney announces their resignation. If the office is in the final interview stage with any candidate, the selecting official must inform the applicant that no offer can be extended until the new United States Attorney is appointed.

If you have any questions, please contact John Nowacki at (202) 514-2121.

**Attachments**

cc: All United States Attorneys' Secretaries

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## RESIGNATION OF A UNITED STATES ATTORNEY

### FREQUENTLY ASKED QUESTIONS

- **The district's United States Attorney has decided to resign from their position. Who needs to be notified?**

The United States Attorney should prepare letters of resignation to the President and the Attorney General stating the date and time of the proposed resignation. Generally, the letter to the President is brief, while the letter to the Attorney General is usually longer and more personal (see examples attached). These letters should be sent by express mail to the U.S. Attorney Nominations and Appointments Unit, Executive Office for United States Attorneys (EOUSA), to handle delivery.

The United States Attorney should personally notify the Attorney General of their resignation. The United States Attorney should also contact their United States Senators or other individuals involved with recommending a replacement, so that the process of selecting a successor can begin.

The United States Attorney should call the Director, EOUSA, (202) 514-2121, at their earliest opportunity to notify them of their plans to resign.

The United States Attorney should announce their resignation to their district. They may send a memorandum announcing their departure to government agency heads and other interested parties.

- **Does a press release need to be prepared? And if so, what should it say?**

The United States Attorney's Office may send a news release announcing the United States Attorney's resignation. The press release should include in general terms the United States Attorney's future plans and any specific accomplishments (see example attached). The press release should not be used as an announcement of a political campaign or a new business. Courtesy copies of the press release should be forwarded to EOUSA and the Department of Justice, Office of Public Affairs.

- **Who handles paperwork for a United States Attorney's resignation, and what documents need to be prepared?**

The EOUSA's Personnel Staff handles separation actions for all United States Attorneys, both Servicing Personnel Office districts (SPO) and non-SPO districts. EOUSA also processes all insurance forms and associated benefits for departing United States Attorneys.

The district's Administrative Officer should complete an SF-52, Request for Personnel Action, for the United States Attorney's resignation. This document, along with a copy

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of the United States Attorney's resignation letter, is sent to EOUSA's Personnel Staff.

- **What happens to the United States Attorney's annual leave upon his/her resignation?**

A Presidentially-appointed United States Attorney does not earn leave. If a United States Attorney was a federal employee earning leave prior to the Presidential appointment, their leave was frozen upon appointment. The United States Attorney generally receives a lump sum leave payment upon resignation for any annual leave accrued prior to the Presidential appointment. The lump sum payment is calculated at the hourly rate the employee earned at the time their annual leave was frozen. If the United States Attorney accepts a position in the federal government after their resignation (e.g., appointment to a federal judgeship), annual leave may transfer to the new appointment. Lump sum leave payments are processed by EOUSA's Personnel Staff.

- **What other steps need to be taken before the United States Attorney actually separates from the office?**

The United States Attorney should ensure that the district's Administrative Officer has their correct home and work forwarding information. The United States Attorney should also work with the district's Administrative Officer to ensure that all obligations are met concerning the return of government property, the removal or preservation of federal records, and post-employment restrictions.

- **Are there any restrictions on hiring and staffing changes within the office after the United States Attorney announces their resignation?**

Yes. After a United States Attorney announces his or her resignation, all discretionary staff personnel changes (e.g., appointments, promotions, and reassignments), at all grade levels, from all sources, will be restricted. This affects actions which increase employment by adding a new employee to the district's rolls and internal actions which involve a change in position, such as a promotion or reassignment. Career ladder promotions for support employees are exempt because they do not involve filling a different position and all non-discretionary personnel actions (e.g., within-grade increases and pay adjustments) are also exempt from this prohibition.

Offers of employment extended verbally or in writing prior to the resignation announcement of a United States Attorney, including offers that were contingent on clearances such as drug testing or background investigation, will be honored.

No new offers of employment in the district may be made after the United States Attorney announces his/her resignation. If the office is in the final interview stage with any candidate, the selecting official must inform the applicant that no offer can be extended

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until the new United States Attorney is appointed either by the President or as an interim.

- **What is the process for determining the new United States Attorney?**

When the vacancy of a Presidentially-appointed United States Attorney occurs, the Attorney General has the authority to appoint an interim United States Attorney whose term lasts until the confirmation of a Presidential appointment. In the absence of an interim United States Attorney appointed by the Attorney General, the Department of Justice's Office of Legal Counsel has determined that the First Assistant United States Attorney (FAUSA) may act as the United States Attorney under the Vacancies Reform Act for no more than 210 days and should be referred to as "Acting United States Attorney." No paperwork (SF-52, SF-61 Appointment Affidavit, etc.) is required for this change.

- **How long is a Presidentially-appointed United States Attorney's term?**

A Presidentially-appointed United States Attorney serves for a four-year term but may hold over after his/her term expires (and without formal reappointment), at the pleasure of the President.

- **Where should recommendations for United States Attorney appointments be sent?**

Recommendations for United States Attorneys should be forwarded to the Attorney General. Copies of recommendation letters should be sent to the Director, EOUSA.

- **Who can make recommendations for an interim United States Attorney?**

The departing United States Attorney may make a recommendation of an interim United States Attorney to the Director, EOUSA.

- **When serving as an interim United States Attorney, what title should be used?**

When serving under an Attorney General appointment or Presidential appointment, the title of "United States Attorney" should be used. "Interim United States Attorney" refers to the status not the title of the appointment. If the FAUSA is serving as the Acting United States Attorney under the Vacancies Reform Act, the title "Acting United States Attorney" should be used.

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U.S. Department of Justice

*United States Attorney  
Eastern District of the United States*

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The President  
The White House  
Washington, DC 20500

Dear Mr. President:

I am hereby submitting my resignation as United States Attorney for the Eastern District of the United States, effective midnight December 31, 2006.

I deeply appreciate the opportunity to have served as United States Attorney. I wish you and your administration the best of luck and success.

Sincerely,

John A. Smith  
United States Attorney

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U.S. Department of Justice

*United States Attorney  
Eastern District of the United States*

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The Attorney General  
United States Department of Justice  
Main Justice Building, Room 5111  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Attorney General:

I am hereby submitting my resignation as United States Attorney for the Eastern District of the United States, effective midnight December 31, 2006. It has been a great honor and privilege to have served these past two years as a United States Attorney, initially by your appointment and thereafter by Presidential appointment.

Serving the United States as a United States Attorney has been the highest honor and most fulfilling duty of my public career. Thank you for your support and the support of the Department of Justice during my tenure.

I deeply appreciate the opportunity to have served as the United States Attorney for the Eastern District of the United States. I wish you the best of luck and success.

Sincerely,

John A. Smith  
United States Attorney

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**UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF  
THE UNITED STATES ANNOUNCES RESIGNATION**

Washington, DC . . . United States Attorney John A. Smith, 43, of Washington, DC, has announced his resignation effective midnight on March 30, 2000. After his resignation, he plans on joining a private law firm in the Washington, DC, area.

Smith, a graduate of American University and the University of Virginia Law School, had previously served as First Assistant United States Attorney and Chief Assistant United States Attorney for the Criminal Division. During his tenure as United States Attorney, he served on the Attorney General's Advisory Committee and was co-chair of the Civil Rights Subcommittee. Mr. Smith has also served as an Instructor at the Attorney General's Advocacy Institute and the National Institute of Trial Advocacy. He implemented the current Weed and Seed program, which helps local communities reduce crime by bringing in investment and opportunity.

As United States Attorney, Smith also successfully prosecuted many civil rights and hate crime cases. In *US v. Carter*, he sought the conviction in 1998 of Bob D. Carter for racially-biased assaults against African American citizens and police officers in the downtown Washington, DC, area. Mr. Smith also oversaw the prosecution of many individuals under the Deadbeat Parents Punishment Act, which charges parents who fail to pay court-ordered child support.

The Eastern District of the United States covers 13 states, and includes the cities of Washington, DC, New York City, Boston and Philadelphia. The United States Attorney's Office, with staffed offices in Washington, DC, and New York City, has 32 attorneys and is responsible for conducting all criminal and civil litigation in the district involving the United States government.

DAG00000008



**McNulty, Paul J**

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**From:** Chiara, Margaret M. (USAMIW)  
**Sent:** Tuesday, November 07, 2006 8:00 AM  
**To:** McNulty, Paul J  
**Subject:** Re: USA/WDMI

Paul: As soon as the "election dust settles", I ask that you tell me why my resignation may be requested. Since you have not taken exception to the eventually, I now assume that it is likely. I need to know the truth to live in peace with the aftermath. (Of course, we do need to retain control of the Senate to facilitate confirmations.) Perhaps you are not aware that Michael Elston informed me, per Monica Goodling, that a congress person, who is expected to lose in today's election, will be offered the leadership of the VAW office. I am already actively but discretely pursuing self-help options. However, I will need assistance to retain federal gov't financial security, as stated in my previous e-mail. Know that I appreciate your response and offer to assist. Margaret

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: McNulty, Paul J <Paul.J.McNulty@usdoj.gov>  
To: Chiara, Margaret M. (USAMIW) <MChiara@usa.doj.gov>  
Sent: Tue Nov 07 07:22:51 2006  
Subject: Re: USA/WDMI

Margaret, I received your message and I appreciate your perspective. I know of your interest in the VAWA job and will let you know if any other opportunities come up. Paul

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Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: Chiara, Margaret M. (USAMIW)  
To: McNulty, Paul J  
Sent: Sun Nov 05 15:13:03 2006  
Subject: USA/WDMI

Paul: On November 3, Michael Elston conveyed professionally shocking news. I had previously consulted him about the feasibility of a brief leave of absence to serve as the interim dean of the Michigan State University College of Law. (Note: MSU is interested in me only if I am the USA for WDMI.) Mr. Elston informed me that such a leave is only an option when the alternate service is within the federal government. He further informed me that I should expect contact from the White House requesting my resignation as USA shortly after the November 7 elections. He could offer no explanation other than that I erroneously assumed that good service guaranteed longevity because other USAs have been asked for their resignation without cause. In my case the service has exemplary in a difficult district in addition to being an active contributor since appointment on 3 of the A.G.'s subcommittees. While I live in hope that this dire prediction is untrue, I am contacting you because I need assistance to remain in federal service with a comparable compensation or, quite frankly, I will lose everything that I have been working toward for the past five years. My chronology will not allow me to recoup from such an unanticipated financial catastrophe. I trust that I can count on you to intervene or provide an alternative. Margaret

**McNulty, Paul J**

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**From:** Elston, Michael (ODAG)  
**Sent:** Tuesday, November 07, 2006 6:24 PM  
**To:** McNulty, Paul J  
**Subject:** Fw: U.S. Attorney Replacement Plan

**Importance:** High

**Attachments:** USA replacement plan.doc

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

**From:** Sampson, Kyle  
**To:** Elston, Michael (ODAG)  
**Sent:** Tue Nov 07 18:21:01 2006  
**Subject:** U.S. Attorney Replacement Plan

Please review and provide comments ASAP. I'd like to get this to Harriet tonight, if possible. I've pasted it into the e-mail for your convenience.

PLAN FOR REPLACING CERTAIN  
UNITED STATES ATTORNEYS

November 7, 2006

STEP 1

U.S. Attorney calls: On or about November 8-10, Mike Battle contacts the following U.S. Attorneys:

\* Paul Charlton (D. Ariz.)  
\* Carol Lam (S.D. Cal.)  
\*  
\* Margaret Chiara (W.D. Mich.)  
\* Dan Bogden (D. Nev.)  
\*  
\* John McKay (W.D. Wash.)  
\* David Iglesias (D.N.M.)

Battle informs the U.S. Attorneys as follows:

\* What are your plans with regard to continued service as U.S. Attorney?  
\* The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.  
\* We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by January 1st.

STEP 2

Senator calls: On or about November 8-10 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Bill Kelley or appropriate Associate Counsel contacts the following Senators:

\* Jon Kyl (re Charlton)  
\*  
\*  
\*  
\* John Ensign (re Bogden)

\*  
\* Pete Domenici (re Iglesias)

Kelley informs the Senators as follows:

\* The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration. [If pushed, this determination is based on a thorough review of the U.S. Attorney's performance.]

\* [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.

\* We will look to you, Senator, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration.

STEP 3

Evaluation and Selection of "Interim" Candidates: During November-December 2006, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.

STEP 4

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (albeit on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators, other state political leadership, and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confi



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mations of U.S. Attorney nominees.

<<USA replacement plan.doc>>

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

**PLAN FOR REPLACING CERTAIN  
UNITED STATES ATTORNEYS**

November 7, 2006

**STEP 1**

U.S. Attorney calls: On or about November 8-10, Mike Battle contacts the following U.S. Attorneys:

- Paul Charlton (D. Ariz.)
- Carol Lam (S.D. Cal.)
- 
- 
- Margaret Chiara (W.D. Mich.)
- Dan Bogden (D. Nev.)
- 
- John McKay (W.D. Wash.)
- David Iglesias (D.N.M.)

Battle informs the U.S. Attorneys as follows:

- What are your plans with regard to continued service as U.S. Attorney?
- The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by January 1<sup>st</sup>.

**STEP 2**

Senator calls: On or about November 8-10 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Bill Kelley or appropriate Associate Counsel contacts the following Senators:

- Jon Kyl (re Charlton)
- 
- 
- 
- John Ensign (re Bogden)
- 
- Pete Domenici (re Iglesias)

Kelley informs the Senators as follows:

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- The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration. [If pushed, this determination is based on a thorough review of the U.S. Attorney's performance.]
- [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.
- We will look to you, Senator, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration.

### STEP 3

Evaluation and Selection of "Interim" Candidates: During November-December 2006, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.

### STEP 4

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (albeit on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators, other state political leadership, and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confirmations of U.S. Attorney nominees.

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**McNulty, Paul J**

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**From:** Sampson, Kyle  
**Sent:** Wednesday, November 15, 2006 12:08 PM  
**To:** 'Harriet\_Miers@who.eop.gov'; William\_K\_Kelley@who.eop.gov  
**Cc:** McNulty, Paul J  
**Subject:** RE: USA replacement plan

Who will determine whether whether this requires the President's attention?

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

**From:** Harriet\_Miers@who.eop.gov [mailto:Harriet\_Miers@who.eop.gov]  
**Sent:** Wednesday, November 15, 2006 11:39 AM  
**To:** Sampson, Kyle; William\_K\_Kelley@who.eop.gov  
**Cc:** McNulty, Paul J  
**Subject:** RE: USA replacement plan

Not sure whether this will be determined to require the boss's attention. If it does, he just left last night so would not be able to accomplish that for some time. We will see. Thanks.

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

**From:** Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]  
**Sent:** Wednesday, November 15, 2006 11:02 AM  
**To:** Kelley, William K.; Miers, Harriet  
**Cc:** Paul.J.McNulty@usdoj.gov  
**Subject:** USA replacement plan  
**Importance:** High

Harriet/Bill, please see the attached. Please note (1) the plan, by its terms, would commence this week; (2) I have consulted with the DAG, but not yet informed others who would need to be brought into the loop, including Acting Associate AG Bill Mercer, EOUSA Director Mike Battle, and AGAC Chair Johnny Sutton (nor have I informed anyone in Karl's shop, another pre-execution necessity I would recommend); and (3) I am concerned that to execute this plan properly we must all be on the same page and be steeled to withstand any political upheaval that might result (see Step 3); if we start caving to complaining U.S. Attorneys or Senators then we shouldn't do it -- it'll be more trouble than it is worth.

We'll stand by for a green light from you. Upon the green light, we'll (1) circulate the below plan to the list of folks in Step 3 (and ask that you circulate it to Karl's shop), (2) confirm that Kelley is making the Senator/Bush political lead calls, and (3) get Battle making the calls to the USAs. Let us know.

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

**PLAN FOR REPLACING CERTAIN  
UNITED STATES ATTORNEYS**

November 15, 2006

**STEP 1**

U.S. Attorney calls: On or about November 15-17, Mike Battle contacts the following U.S. Attorneys:

- Paul Charlton (D. Ariz.)
- Carol Lam (S.D. Cal.)
- Margaret Chiara (W.D. Mich.)
- Dan Bogden (D. Nev.)
- John McKay (W.D. Wash.)
- David Iglesias (D.N.M.)

Battle informs the U.S. Attorneys as follows:

- What are your plans with regard to continued service as U.S. Attorney?
- The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.

**STEP 2**

Senator calls: On or about November 15-17 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Bill Kelley or appropriate Associate Counsel contacts the following Republican home-state Senators or, where there is no Republican home-state Senator, the home-state "Bush political lead":

- Jon Kyl (re Charlton)
- John Ensign (re Bogden)
- Pete Domenici (re Iglesias)
- California political lead (re Lam)
- Michigan political lead (re Chiara)
- Washington political lead (re McKay)

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Kelley informs the Senators/Bush political leads as follows:

- The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration.
- [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.
- We will look to you, Senator/Bush political lead, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration. Importantly, we ask that you make recommendations as soon as possible.

### STEP 3

Prepare to Withstand Political Upheaval: U.S. Attorneys desiring to save their jobs (aided by their allies in the political arena as well as the Justice Department community), likely will make efforts to preserve themselves in office. We should expect these efforts to be strenuous. Direct and indirect appeals of the Administration's determination to seek these resignations likely will be directed at: various White House offices, including the Office of the Counsel to the President and the Office of Political Affairs; Attorney General Gonzales and DOJ Chief of Staff Sampson; Deputy Attorney General McNulty and ODAG staffers Moschella and Elston; Acting Associate AG Bill Mercer; EOUSA Director Mike Battle; and AGAC Chair Johnny Sutton. Recipients of such "appeals" must respond identically:

- What? U.S. Attorneys serve at the pleasure of the President (there is no right, nor should there be any expectation, that U.S. Attorneys would be entitled to serve beyond their four-year term).
- Who decided? The Administration made the determination to seek the resignations (not any specific person at the White House or the Department of Justice).
- Why me? The Administration is grateful for your service, but wants to give someone else the chance to serve in your district.
- I need more time! The decision is to have a new Acting or Interim U.S. Attorney in place by the end of the year (granting "extensions" will hinder the process of getting a new U.S. Attorney in place and giving that person the opportunity to serve for a full two years).

### STEP 4

Evaluation and Selection of "Interim" Candidates: During November-December 2006, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.



## STEP 5

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators/Bush political leads and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confirmations of U.S. Attorney nominees.

**McNulty, Paul J**

**From:** Sampson, Kyle  
**Sent:** Monday, December 04, 2006 6:30 PM  
**To:** McNulty, Paul J; Battle, Michael (USAEO)  
**Cc:** Goodling, Monica; Moschella, William; Elston, Michael (ODAG)  
**Subject:** FW: US Atty Plan  
**Importance:** High  
**Attachments:** USA replacement, plan.doc

Paul/Mike, we are a go for Thursday (see below). At this point we likely need to inform Johnny Sutton and Bill Mercer re the plan (so they are not caught unawares) – Paul, do you want to handle that, or would you like me to? On Thursday, I think we should shoot to get the Senator calls done in the morning, and then have Mike start calling USAs at noon – let me know if anyone thinks otherwise. Thx.

**From:** Sampson, Kyle  
**Sent:** Monday, December 04, 2006 6:26 PM  
**To:** 'Kelley, William K.'  
**Cc:** 'Miers, Harriet'  
**Subject:** RE: US Atty Plan

here is the revised plan, per our discussions

**From:** Sampson, Kyle  
**Sent:** Monday, December 04, 2006 6:12 PM  
**To:** 'Kelley, William K.'  
**Cc:** Miers, Harriet  
**Subject:** RE: US Atty Plan  
**Importance:** High

Great. We would like to execute this on Thursday, December 7 (all the U.S. Attorneys are in town for our Project Safe Childhood conference until Wednesday; we want to wait until they are back home and dispersed, to reduce chatter). So, on Thursday morning, we'll need the calls to be made as follows:

- \* AG calls Sen. Kyl
- \* Harriet/Bill call Sens. Ensign and Domenici (alternatively, the AG could make these calls and, if Senators express any concern, offer briefings re why the decision was made -- let me know)
- \* White House OPA calls California, Michigan, and Washington "leads"

EOUSA Director Mike Battle then will call the relevant U.S. Attorneys. Okay?

**From:** Kelley, William K. [mailto:William\_K\_Kelley@who.eop.gov]  
**Sent:** Monday, December 04, 2006 4:48 PM  
**To:** Sampson, Kyle  
**Cc:** Miers, Harriet  
**Subject:** US Atty Plan

We're a go for the US Atty plan. WH leg, political, and communications have signed off and acknowledged that

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we have to be committed to following through once the pressure comes.

**PLAN FOR REPLACING CERTAIN  
UNITED STATES ATTORNEYS**

**STEP 1**

Senator calls: On December 7, the following Republican home-state Senators or, where there is no Republican home-state Senator, the home-state "Bush political lead" are contacted:

- AG calls **Jon Kyl** (re Charlton)
- WHCO calls **John Ensign** (re Bogden)
- WHCO calls **Pete Domenici** (re Iglesias)
- WH OPA calls **California political lead** (re Lam and Ryan)
- WH OPA calls **Michigan political lead** (re Chiara)
- WH OPA calls **Washington political lead** (re McKay)

AG/WHCO/WH OPA inform the Senators/Bush political leads as follows:

- The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration.
- [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by January 31, 2007.
- We will look to you, Senator/Bush political lead, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration. Importantly, we ask that you make recommendations as soon as possible.

**STEP 2**

U.S. Attorney calls: On December 7 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Mike Battle contacts the following U.S. Attorneys:

- **Paul Charlton** (D. Ariz.)
- **Carol Lam** (S.D. Cal.)
- **Kevin Ryan** (N.D. Cal.)
- **Margaret Chiara** (W.D. Mich.)
- **Dan Bogden** (D. Nev.)
- **David Iglesias** (D.N.M.)
- **John McKay** (W.D. Wash.)

DAG000000020

Battle informs the U.S. Attorneys as follows:

- What are your plans with regard to continued service as U.S. Attorney?
- The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by January 31, 2007.

### STEP 3

Prepare to Withstand Political Upheaval! U.S. Attorneys desiring to save their jobs (aided by their allies in the political arena as well as the Justice Department community), likely will make efforts to preserve themselves in office. We should expect these efforts to be strenuous. Direct and indirect appeals of the Administration's determination to seek these resignations likely will be directed at: various White House offices, including the Office of the Counsel to the President and the Office of Political Affairs; Attorney General Gonzales and DOJ Chief of Staff Sampson; Deputy Attorney General McNulty and ODAG staffers Moschella and Elston; Acting Associate AG Bill Mercer; EOUSA Director Mike Battle; and AGAC Chair Johnny Sutton. Recipients of such "appeals" must respond identically:

- What? U.S. Attorneys serve at the pleasure of the President (there is no right, nor should there be any expectation, that U.S. Attorneys would be entitled to serve beyond their four-year term).
- Who decided? The Administration made the determination to seek the resignations (not any specific person at the White House or the Department of Justice).
- Why me? The Administration is grateful for your service, but wants to give someone else the chance to serve in your district.
- I need more time! The decision is to have a new Acting or Interim U.S. Attorney in place by January 31, 2007 (granting "extensions" will hinder the process of getting a new U.S. Attorney in place and giving that person the opportunity to serve for a full two years).

### STEP 4

Evaluation and Selection of "Interim" Candidates: During December 2006-January 2007, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.

**STEP 5**

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators/Bush political leads and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confirmations of U.S. Attorney nominees.

**McNulty, Paul J**

**From:** McNulty, Paul J  
**Sent:** Tuesday, December 05, 2006 9:44 AM  
**To:** Sampson, Kyle  
**Subject:** RE: US Atty Plan

I'll talk to Johnny. I'm still a little skittish about Bogden. He has been with DOJ since 1990 and, at age 50, has never had a job outside of government. My guess is that he was hoping to ride this out well into '09 or beyond. I'll admit have not looked at his district's performance. Sorry to be raising this again/now; it was just on my mind last night and this morning.

**From:** Sampson, Kyle  
**Sent:** Monday, December 04, 2006 6:30 PM  
**To:** McNulty, Paul J; Battle, Michael (USAE0)  
**Cc:** Goodling, Monica; Moschella, William; Elston, Michael (ODAG)  
**Subject:** FW: US Atty Plan  
**Importance:** High

Paul/Mike, we are a go for Thursday (see below). At this point we likely need to inform Johnny Sutton and Bill Mercer re the plan (so they are not caught unawares) – Paul, do you want to handle that, or would you like me to? On Thursday, I think we should shoot to get the Senator calls done in the morning, and then have Mike start calling USAs at noon – let me know if anyone thinks otherwise. Thx.

**From:** Sampson, Kyle  
**Sent:** Monday, December 04, 2006 6:26 PM  
**To:** 'Kelley, William K.'  
**Cc:** 'Miers, Harriet'  
**Subject:** RE: US Atty Plan

here is the revised plan, per our discussions

**From:** Sampson, Kyle  
**Sent:** Monday, December 04, 2006 6:12 PM  
**To:** 'Kelley, William K.'  
**Cc:** Miers, Harriet  
**Subject:** RE: US Atty Plan  
**Importance:** High

Great. We would like to execute this on Thursday, December 7 (all the U.S. Attorneys are in town for our Project Safe Childhood conference until Wednesday; we want to wait until they are back home and dispersed, to reduce chatter). So, on Thursday morning, we'll need the calls to be made as follows:

- \* AG calls Sen. Kyl
- \* Harriet/Bill call Sens. Ensign and Domenici (alternatively, the AG could make these calls and, if Senators express any concern, offer briefings re why the decision was made – let me know)
- \* White House OPA calls California, Michigan, and Washington "leads"

EOUSA Director Mike Battle then will call the relevant U.S. Attorneys. Okay?

DAG000000023

2/12/2007

**McNulty, Paul J**

**From:** Chiara, Margaret M. (USAMIW) [MM.Chiara@usdoj.gov]  
**Sent:** Thursday, December 07, 2006 5:20 PM  
**To:** McNulty, Paul J  
**Subject:** WDMI  
**Importance:** High

Mike Battle returned a telephone call to me this afternoon. During a discussion of another matter, he informed me that my tenure as United States Attorney for the Western District of Michigan (WDMI) will conclude on or before January 31, 2007. Mike could provided no additional information other than it was my decision as to the timing of an announcement to the USAO staff and WDMI legal community.

The unwelcome news is not unexpected because Chief of Staff Michael Elston advised me that it was a likely consequence of the recent election. However, the timing is surprising and distressing. I have assiduously been pursuing options in Washington, Michigan and elsewhere. With one exception, no organization or agency where I have submitted a resume or application will conduct interviews until January. If there is no assistance forthcoming from the Administration or the Department with a placement, I need at least the month of February, preferably March, to secure alternate employment.

Since my five year tenure has been exemplary and my contribution to the Department through three subcommittees quite substantial, I deserve consideration and flexibility. My financial circumstances require continuous employment. I ask for your immediate assistance.

Thank you. Margaret

DAG000000024



**McNulty, Paul J**

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**From:** McNulty, Paul J  
**Sent:** Tuesday, December 12, 2006 8:13 PM  
**To:** Chiara, Margaret M. (USAMIW)  
**Subject:** Re: WDMI

Margaret, I'm not avoiding you. I have been completely immersed in this revision to the Thompson memo. I'm on my way home from NY. I'll try to call you in the morning. Thanks for your patience.

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Chiara, Margaret M. (USAMIW) <MM.Chiara@usdoj.gov>  
**To:** McNulty, Paul J  
**Sent:** Thu Dec 07 17:20:22 2006  
**Subject:** WDMI

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Thank you. Margaret

**McNulty, Paul J**

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**From:** Battle, Michael (USAE0) [Michael.Battle@usdoj.gov]  
**Sent:** Wednesday, December 13, 2006 7:05 PM  
**To:** McNulty, Paul J  
**Subject:** RE: USA replacements

I am more than willing to call.

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

**From:** McNulty, Paul J  
**Sent:** Wednesday, December 13, 2006 06:42 PM Eastern Standard Time  
**To:** Sampson, Kyle; Battle, Michael (USAE0)  
**Cc:** Elston, Michael (ODAG); Moschella, William; Mercer, William W; Goodling, Monica; Sutton, Johnny K. (USATXW)  
**Subject:** RE: USA replacements

I generally think this is a good idea. The more communication, the better. They are probably slowly adjusting and some hand-holding may calm things down.

---

**From:** Sampson, Kyle  
**Sent:** Wednesday, December 13, 2006 2:25 PM  
**To:** Battle, Michael (USAE0)  
**Cc:** McNulty, Paul J; Elston, Michael (ODAG); Moschella, William; Mercer, William W; Goodling, Monica; Sutton, Johnny K. (USATXW)  
**Subject:** USA replacements

Mike, Bill Kelley called to report that they are weathering two main complaints: in making the calls, Battle (1) wasn't clear whether the USAs in question would be permitted to resign, or instead were being fired; and (2) was too abrupt. Bill seemed nonplussed by the complaints, but nevertheless passed them on to me.

Perhaps a second round of calls from you, Mike, to the relevant USAs is in order? Talkers would be something like:

\* I wanted to be sure you understood that DOJ intends not to say anything about your leaving, but instead allow you to announce your resignation and the reasons for it;  
\* We want to work with you over the next six weeks to ensure a smooth transition; and  
\* It's in our interest for you to land on your feet and maintain our good relations with the Department -- how can I help?

Perhaps this is a bad idea? Thoughts?

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

**McNulty, Paul J**

**From:** Goodling, Monica  
**Sent:** Thursday, December 14, 2006 1:21 PM  
**To:** Sampson, Kyle; McNulty, Paul J; Mercer, William W; Elston, Michael (ODAG); Moschella, William; Battle, Michael (USAEO)  
**Subject:** FW: Happy Trails

FYI - Looks like McKay's ok.

**From:** McKay, John (USAWAW) [mailto:John.McKay@usdoj.gov]  
**Sent:** Thursday, December 14, 2006 1:02 PM  
**To:** USAEO-USAttorneysOnly  
**Subject:** Happy Trails

Dear Friends,

This may NOT be the greatest job I've ever had.

It must be, however, a close second to my 6th Grade paper route, and only because I got a box of Butterfingers (Bonus Size) at Christmas from the newspaper's owner.

Still, I HAVE made the most friends, worked and played with wonderfully talented colleagues and had the opportunity to serve a great President in challenging times for our Country.

What a privilege this has been.

I will wrap up my service here in Seattle next month, and after leaving office will pursue new opportunities. As always, you are welcome to visit or call when you are in my neck of the woods.

All the best,

- JOHN

John McKay  
United States Attorney  
Seattle, Washington

3/13/2007

DAG000000027

FW: Happy Trails

Page 1 of 1

**McNulty, Paul J**

**From:** Mercer, Bill (USAMT) [Bill.Mercer@usdoj.gov]  
**Sent:** Thursday, December 14, 2006 1:06 PM  
**To:** McNulty, Paul J  
**Subject:** FW: Happy Trails

Sent from my GoodLink synchronized handheld (www.good.com)

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

**From:** McKay, John (USA WAW)  
**Sent:** Thursday, December 14, 2006 01:02 PM Eastern Standard Time  
**To:** USAEO-USAttorneysOnly  
**Subject:** Happy Trails

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It must be, however, a close second to my 6th Grade paper route, and only because I got a box of Butterfingers (Bonus Size) at Christmas from the newspaper's owner.

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What a privilege this has been.

I will wrap up my service here in Seattle next month, and after leaving office will pursue new opportunities. As always, you are welcome to visit or call when you are in my neck of the woods.

All the best,

- JOHN

John McKay  
United States Attorney  
Seattle, Washington

2/12/2007

DAG000000028

**McNulty, Paul J**

**From:** Battle, Michael (USAEO) [Michael.Battle@usdoj.gov]  
**Sent:** Thursday, December 14, 2006 3:27 PM  
**To:** McNulty, Paul J  
**Subject:** RE: USA replacements

If it is something that you need me on I can talk to you about it this afternoon when we have our weekly. I am also available before that.

**From:** McNulty, Paul J  
**Sent:** Thursday, December 14, 2006 1:03 PM  
**To:** Sampson, Kyle; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Moschella, William; Mercer, William W; Goodling, Monica; Sutton, Johnny K. (USATXW)  
**Subject:** RE: USA replacements

Just had a lengthy chat with Margaret and she is fine, although she has an issue on which I need to get back to her..

---

**From:** Sampson, Kyle  
**Sent:** Wednesday, December 13, 2006 2:25 PM  
**To:** Battle, Michael (USAEO)  
**Cc:** McNulty, Paul J; Elston, Michael (ODAG); Moschella, William; Mercer, William W; Goodling, Monica; Sutton, Johnny K. (USATXW)

**Subject:** USA replacements

Mike, Bill Kelley called to report that they are weathering two main complaints: in making the calls, Battle (1) wasn't clear whether the USAs in question would be permitted to resign, or instead were being fired; and (2) was too abrupt. Bill seemed nonplussed by the complaints, but nevertheless passed them on to me.

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- It's in our interest for you to land on your feet and maintain our good relations with the Department – how can I help?

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

3/13/2007

DAG00000029

RE: USA replacements

Page 2 of 2

kyle.sampson@usdoj.gov

3/13/2007

DAG000000030

**McNulty, Paul J**

**From:** Mercer, Bill (USAMT) [Bill.Mercer@usdoj.gov]  
**Sent:** Friday, December 15, 2006 2:07 PM  
**To:** McNulty, Paul J  
**Subject:** FW: It has been a great ride...

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----  
**From:** Cummins, Bud (USAARE)  
**Sent:** Friday, December 15, 2006 12:57 PM Eastern Standard Time  
**To:** USAEO-USAttorneysOnly  
**Subject:** RE: It has been a great ride...

Friends and Colleagues:

Next Wednesday, December 20, will be my final day as United States Attorney in the Eastern District of Arkansas. Simply put, this is the best job I have ever had. It may be the best job there is. I am very grateful that President Bush gave me this opportunity to serve. Perhaps the best aspect of this job has been getting to know each of you and establishing contacts all over the country with such special and talented people.

I could write a long essay about my feelings about this job and my experience here over the past five years, but I know you could write the same essay. Suffice to say that it has been an honor to serve in this way and at this time and with you.

My contact information can be found below. I have not completely committed to the "next endeavor." Jody and I have four kids and the youngest is only five, so I know that whatever I do next may need to last awhile, so I am being a little picky. Maybe greedy is a better word. When Alexander Hamilton left the Department of the Treasury, he supposedly said "Having taken care of the nation's finances, I go to take a little care of my own which need my care not a little." I am currently thinking along those lines as well.

In the meantime I will be working on some individual cases and other projects.

I hope that you would never hesitate to contact me if I can be of service to you at any time.

Best Regards,

Bud

Bud Cummins  
1818 North Taylor, No. 301  
Little Rock, AR 72207

DAG00000031

**McNulty, Paul J**

**From:** Sampson, Kyle  
**Sent:** Monday, December 18, 2006 1:06 PM  
**To:** Goodling, Monica  
**Cc:** Mercer, William W; Moschella, William; McNulty, Paul J; Battle, Michael (USAEO)  
**Subject:** RE: USA Resignation

**From:** Goodling, Monica  
**Sent:** Monday, December 18, 2006 12:47 PM  
**To:** Sampson, Kyle  
**Subject:** FW: USA Resignation

FYI

**From:** Nowacki, John (USAEO) [mailto:John.Nowacki@usdoj.gov]  
**Sent:** Monday, December 18, 2006 10:25 AM  
**To:** Goodling, Monica; Elston, Michael (ODAG)  
**Subject:** USA Resignation

Paul Charlton has notified us that he will announce his resignation today, effective 31 January 2007.

3/13/2007

DAG000000032



**McNulty, Paul J**

**From:** Moschella, William  
**Sent:** Tuesday, December 19, 2006 7:35 PM  
**To:** McNulty, Paul J; Elston, Michael (ODAG)  
**Subject:** FW: U.S. ATTORNEY PAUL CHARLTON TO STEP DOWN AT END OF JANUARY  
**Attachments:** 2006-270(Charlton).wpd; 2006-270(Charlton).pdf

Got a Kyl quote.

**From:** Goodling, Monica  
**Sent:** Tuesday, December 19, 2006 1:53 PM  
**To:** Sampson, Kyle; Elston, Michael (ODAG); Mercer, William W; Moschella, William; Nowacki, John (USAEO); Battle, Michael (USAEO)  
**Subject:** FW: U.S. ATTORNEY PAUL CHARLTON TO STEP DOWN AT END OF JANUARY

FYI

**From:** Roehrkasse, Brian  
**Sent:** Tuesday, December 19, 2006 1:16 PM  
**To:** Goodling, Monica  
**Subject:** FW: U.S. ATTORNEY PAUL CHARLTON TO STEP DOWN AT END OF JANUARY

**From:** Smith, Kimberly A  
**Sent:** Tuesday, December 19, 2006 1:16 PM  
**To:** Ames, Andrew; Block, Jonathan; Blomquist, Kathleen M; Boyd, Dean; Brian Roehrkasse; Clarke, Elizabeth E (OPA); Holland, Eric W; Jean Card; Lesch, Jaclyn; Magnuson, Cynthia; Miller, Charles S; Mitchell, John A; Peterson, Evan; Schwartz, Arthur; Scolinos, Tasia; Sellers, Donna J.; Sierra, Bryan; Smith Kimberly A; Talamona, Gina; Williams, Linda Fitzgerald  
**Subject:** U.S. ATTORNEY PAUL CHARLTON TO STEP DOWN AT END OF JANUARY

3/13/2007

DAG000000033



FOR IMMEDIATE RELEASE  
December 19, 2006

*Office of the United States Attorney  
District of Arizona*

For Information Contact Public Affairs  
WYN HORNBUCKLE  
Telephone (602) 514-7625  
Cell (602) 525-2681

## **U.S. ATTORNEY PAUL CHARLTON TO STEP DOWN AT END OF JANUARY**

PHOENIX – U.S. Attorney Paul K. Charlton has announced he will resign his position as the U.S. Attorney for the District of Arizona and take a position as a partner with the firm of Gallagher and Kennedy, P.A. Charlton will step down at the end of January after more than five years as U.S. Attorney in which his office addressed many pressing challenges posed by terrorism, public corruption, illegal immigration, methamphetamine, and ensuring the rights of victims of federal crimes, among many others.

“Paul Charlton has been an extraordinary public servant during a time of grave challenge to our national security,” said U.S. Senator Jon Kyl. “We will miss his strong and principled leadership.”

USA Charlton made the announcement to his staff Monday afternoon. “I am immensely proud of what the men and women of this office have accomplished over the past five years,” Charlton stated. “I am grateful to the President, the Department of Justice and Arizona’s dedicated law enforcement community for this incredible opportunity to serve. I’m excited to open a new chapter in my career, and to face the very new and different challenges of private practice.”

Paul K. Charlton was appointed U.S. Attorney by President George W. Bush on November 12, 2001 and confirmed by the United States Senate. In the wake of the 9/11 terrorist attacks, Charlton established the Anti-Terrorism Task Force (now called ATAC - the Anti-Terrorism Advisory Council), which has improved statewide law enforcement communication and coordination to fight terrorism and explored how to better secure nuclear power plants, water supply, air travel, rail transportation, and computer security. In 2006, Charlton established a National Security Division within the U.S. Attorney’s Office to actively work with law enforcement agencies on terrorism related criminal cases.

FBI Special Agent in Charge of the Phoenix Division John E. Lewis stated: “Paul Charlton has supported the FBI’s investigative efforts on many fronts and has been most proactive concerning the Bureau’s number one priority, protecting the United States from terrorist attacks. As the FBI works with many law enforcement agencies concerning terrorism matters, USA Charlton has dedicated resources to support terrorism investigations and other national security issues. I applaud and appreciate USA Charlton’s work as he has served the District of Arizona.”

“Paul Charlton has served Arizona exceptionally well over the last five years,” said Arizona Attorney General Terry Goddard. “He has forged partnerships across state, local and federal jurisdiction, and this has made Arizona a safer place to live.”

Another chief goal of USA Charlton has been to advocate for the rights of federal crime victims. He expanded the Victim Advocate staff in his office to better serve crime victims. In 2002, the U.S. Attorney’s Office Victim Witness Program was awarded the Federal Service Award and this

-MORE-

DAG00000034

December the U.S. Department of Justice announced that the Arizona U.S. Attorney's Office would serve as a national "Model Program."

In an effort to address the growing problems posed by methamphetamine, in the summer of 2005, Charlton met with Arizona federal and tribal law enforcement agencies to discuss how to confront the methamphetamine problems in Indian Country. After gaining commitments for assistance from federal and tribal law enforcement, he consulted with and invited Arizona's 21 tribes to participate in the Arizona Indian Country Methamphetamine Eradication Initiative. Since then, numerous Indian tribes have engaged in the Initiative, resulting in multiple arrests of methamphetamine dealers in the Navajo Nation, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache and the White Mountain Apache tribal communities.

"Paul has proven time and time again to be an outstanding law enforcement leader for the people of Arizona," said DEA Special Agent in Charge Timothy J. Landrum. "I have developed a strong personal and professional relationship with Paul. His innovative initiatives to combat crime on tribal lands and to battle the scourge of methamphetamine will leave a standing legacy that other federal districts will strive to emulate. His dedication to protecting the people of Arizona and the United States will be missed, but never forgotten."

In 2004, USA Charlton joined U.S. Attorneys in Utah, New Mexico, and Colorado to address Indian tribal concerns over the damage, theft, and trafficking in cultural patrimony and archeological resources. Together they initiated a 90-day amnesty from federal prosecution, resulting in telephone tips and returns of cultural patrimony belonging to tribes throughout the Southwest.

"It is with regret that the Inter Tribal Council of Arizona extends its heart felt good wishes to Paul Charlton," said Inter Tribal Council Executive Director John Lewis. "Paul has proven to be very responsive to the law enforcement needs of tribal governments in Arizona. He understands the sovereign status of the tribes and the U.S. Government's commitment to recognize this status and at the same time the need to carry out the U.S. Government's constitutional directed responsibility of Trust for Indian tribes. He will be greatly missed."

U.S. Attorney Charlton made public corruption cases a priority, sending a clear message that the U.S. Attorney's Office would hold public officials to the highest standards of ethical conduct. He joined with federal, state, and local law enforcement to identify, investigate, and aggressively prosecute corrupt public officials. This included several successful prosecutions of corrupt border officials, such as Fernando Arango and Michael Anderson, who received stiff penalties for taking bribes from and assisting narcotics traffickers.

"U.S. Attorney Paul Charlton has been a steadfast supporter of law enforcement and has played a tremendous part in the United States Border Patrol's efforts in bringing control to our nation's borders," stated National Border Patrol Chief David V. Aguilar, the chief Border Patrol officer for the United States. "The void left by U.S. Attorney Charlton's departure will be one that will be felt by the entire law enforcement community. Arizona can and should be proud of Mr. Charlton for what he has done for his country and state during his tenure."

USA Charlton also worked to build the capacity of the U.S. Attorney's Office to address pressing issues of illegal immigration, drug trafficking, and crimes in Indian Country. In 2002, Charlton

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DAG000000035

made temporary offices in Yuma and Flagstaff permanent, and during his tenure he brought on 16 new Assistant U.S. Attorney positions. Under his leadership, the U.S. Attorney's Office expanded prosecutions, increasing the number of criminal cases charged in federal district court from 3,979 in fiscal year 2001 to 5,026 in FY 2005.

Arizona Department of Public Safety Director Roger Vanderpool stated: "The law enforcement community is losing a great partner. Paul has shown he is a man of great integrity. He is a proven leader and will be missed."

Cochise County Sheriff Larry A. Dever stated: "I was saddened to hear Paul is leaving us. He has served Arizona law enforcement and the people of the State of Arizona in the highest traditions of the office. It has been a great honor to work with him over the past several years and I will miss my friend. We wish him the best in his new endeavor."

The Attorney General will appoint an interim U.S. Attorney who will serve until such time as the President nominates and the Senate confirms a new U.S. Attorney. In the interim, USA Charlton pledged to work with the Department of Justice and Arizona's law enforcement community to ensure a smooth transition.

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DAG000000036



FOR IMMEDIATE RELEASE  
December 19, 2006

*Office of the United States Attorney  
District of Arizona*

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-MORE-

DAG00000037

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In 2004, USA Charlton joined U.S. Attorneys in Utah, New Mexico, and Colorado to address Indian tribal concerns over the damage, theft, and trafficking in cultural patrimony and archeological resources. Together they initiated a 90-day amnesty from federal prosecution, resulting in telephone tips and returns of cultural patrimony belonging to tribes throughout the Southwest.

"It is with regret that the Inter Tribal Council of Arizona extends its heart felt good wishes to Paul Charlton," said Inter Tribal Council Executive Director John Lewis. "Paul has proven to be very responsive to the law enforcement needs of tribal governments in Arizona. He understands the sovereign status of the tribes and the U.S. Government's commitment to recognize this status and at the same time the need to carry out the U.S. Government's constitutional directed responsibility of Trust for Indian tribes. He will be greatly missed."

U.S. Attorney Charlton made public corruption cases a priority, sending a clear message that the U.S. Attorney's Office would hold public officials to the highest standards of ethical conduct. He joined with federal, state, and local law enforcement to identify, investigate, and aggressively prosecute corrupt public officials. This included several successful prosecutions of corrupt border officials, such as Fernando Arango and Michael Anderson, who received stiff penalties for taking bribes from and assisting narcotics traffickers.

"U.S. Attorney Paul Charlton has been a steadfast supporter of law enforcement and has played a tremendous part in the United States Border Patrol's efforts in bringing control to our nation's borders," stated National Border Patrol Chief David V. Aguilar, the chief Border Patrol officer for the United States. "The void left by U.S. Attorney Charlton's departure will be one that will be felt by the entire law enforcement community. Arizona can and should be proud of Mr. Charlton for what he has done for his country and state during his tenure."

USA Charlton also worked to build the capacity of the U.S. Attorney's Office to address pressing issues of illegal immigration, drug trafficking, and crimes in Indian Country. In 2002, Charlton

-MORE-

DAG000000038

made temporary offices in Yuma and Flagstaff permanent, and during his tenure he brought on 16 new Assistant U.S. Attorney positions. Under his leadership, the U.S. Attorney's Office expanded prosecutions, increasing the number of criminal cases charged in federal district court from 3,979 in fiscal year 2001 to 5,026 in FY 2005.

Arizona Department of Public Safety Director Roger Vanderpool stated: "The law enforcement community is losing a great partner. Paul has shown he is a man of great integrity. He is a proven leader and will be missed."

Cochise County Sheriff Larry A. Dever stated: "I was saddened to hear Paul is leaving us. He has served Arizona law enforcement and the people of the State of Arizona in the highest traditions of the office. It has been a great honor to work with him over the past several years and I will miss my friend. We wish him the best in his new endeavor."

The Attorney General will appoint an interim U.S. Attorney who will serve until such time as the President nominates and the Senate confirms a new U.S. Attorney. In the interim, USA Charlton pledged to work with the Department of Justice and Arizona's law enforcement community to ensure a smooth transition.

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DAG000000039

**McNulty, Paul J**

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**From:** McNulty, Paul J  
**Sent:** Friday, January 05, 2007 2:12 PM  
**To:** Sampson, Kyle; Elston, Michael (ODAG); Goodling, Monica  
**Subject:** RE: USAs

I talked to Margaret before Christmas and gave her a one month extension (I think) pursuant to our previous discussions. We agreed to talk in the new year to see how the search was going with the likelihood that she would need the extra month. Wasn't Mercer going to talk to Dan? I will be talking to David E. this afternoon. I have not talked to any of the others.

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

**From:** Sampson, Kyle  
**Sent:** Friday, January 05, 2007 11:50 AM  
**To:** Elston, Michael (ODAG); Goodling, Monica; McNulty, Paul J  
**Subject:** Re: USAs

And we granted 1-month extensions for Dan and Margaret, but not Carol -- right?

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Elston, Michael (ODAG)  
**To:** Goodling, Monica; Sampson, Kyle; McNulty, Paul J  
**Sent:** Fri Jan 05 11:36:01 2007  
**Subject:** Re: USAs

Do you want me to call Kevin? I have a pretty good relationship with him.

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

**From:** Goodling, Monica  
**To:** Sampson, Kyle; McNulty, Paul J; Elston, Michael (ODAG)  
**Sent:** Fri Jan 05 11:34:48 2007  
**Subject:** RE: USAs

I have not yet heard or seen anything from these offices. Lam, Bogden, and Chiara have asked Mike Battle for extensions.

---

**From:** Sampson, Kyle  
**Sent:** Thursday, January 04, 2007 7:34 PM  
**To:** McNulty, Paul J; Elston, Michael (ODAG); Goodling, Monica  
**Subject:** USAs

Of our list, I'm aware of Iglesias, Charlton, and McKay making it known publicly that they are leaving. Have Lam, Ryan, Bogden, or Chiara done so yet? What is the status of these?

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



Phone call

Page 1 of 2

**McNulty, Paul J**

**From:** Iglesias, David C. (USANM) [David.C.Iglesias@usdoj.gov]  
**Sent:** Friday, January 05, 2007 5:22 PM  
**To:** McNulty, Paul J  
**Subject:** RE: Phone call

505.224.1406 is my direct line. 6:30 your time is fine. Thanks.

**From:** McNulty, Paul J  
**Sent:** Friday, January 05, 2007 3:19 PM  
**To:** Iglesias, David C. (USANM)  
**Subject:** RE: Phone call

I'll call you, so please send me your number. It looks like it will be closer to 6:30. Thanks.

**From:** Iglesias, David C. (USANM) [mailto:David.C.Iglesias@usdoj.gov]  
**Sent:** Friday, January 05, 2007 3:50 PM  
**To:** McNulty, Paul J  
**Subject:** RE: Phone call

Paul: No problems, thanks for getting back to me. Yes, 6 pm your time (4 my time) works for me. What number should I call?

**From:** McNulty, Paul J  
**Sent:** Friday, January 05, 2007 1:34 PM  
**To:** Iglesias, David C. (USANM)  
**Subject:** RE: Phone call

David, I'm sorry for my slow response. I've been swamped with a short work-week. Will you be available for a call at 6:00 my time?

**From:** Iglesias, David C. (USANM) [mailto:David.C.Iglesias@usdoj.gov]  
**Sent:** Wednesday, January 03, 2007 2:40 PM  
**To:** McNulty, Paul J  
**Subject:** Phone call  
**Importance:** High

Paul:

Happy New Year! Hope your holidays were as pleasant and relaxing as mine were.

Is there a good time I can call you today thru Friday to discuss what day my resignation will become effective? I asked for a 2 month extension when I talked to Mike Battle on 7 DEC 06 and have heard nothing definite back. I assure you my call will be pleasant and respectful.

Regards,

3/13/2007

DAG000000041

Phone call

Page 2 of 2

David

2/13/2007

DAG000000042

**McNulty, Paul J**

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**From:** Sampson, Kyle  
**Sent:** Friday, January 05, 2007 7:13 PM  
**To:** McNulty, Paul J  
**Subject:** Re: USAs

Yes.

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
**From:** McNulty, Paul J  
**To:** Sampson, Kyle  
**Sent:** Fri Jan 05 19:07:49 2007  
**Subject:** RE: USAs

Just talked to Iglesias and he is working at lining up a job. He has a couple of interviews next week and hopes things will work out quickly. Overall, he has a positive attitude, especially from a spiritual perspective. However, he's anxious about the deadline coming and not having anything finalized. Albuquerque is a small legal market and he's not certain how it will all shake out. He has four kids with a stay-at-home wife. He wants to know if he will have some flexibility if nothing is lined up by 1/31. I told him I would get back to him next week. I would like to tell him to work hard with the assumption that he only has until the end of the month, but we can be flexible if he needs a little more time. Doesn't sound like it will take even another full month. OK with you?

-----Original Message-----  
**From:** Sampson, Kyle  
**Sent:** Friday, January 05, 2007 11:50 AM  
**To:** Elston, Michael (ODAG); Goodling, Monica; McNulty, Paul J  
**Subject:** Re: USAs

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Sent from my BlackBerry Wireless Handheld

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**To:** Goodling, Monica; Sampson, Kyle; McNulty, Paul J  
**Sent:** Fri Jan 05 11:36:01 2007  
**Subject:** Re: USAs

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To: McNulty, Paul J; Elston, Michael (ODAG); Goodling, Monica  
Subject: USAs

Of our list, I'm aware of Iglesias, Charlton, and McKay making it known publicly that they are leaving. Have Lam, Ryan, Bogden, or Chiara done so yet? What is the status of these?

Kyle Sampson  
Chief of Staff  
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(202) 514-2001 wk.  
(202) 305-5289 cell  
kyle.sampson@usdoj.gov

**McNulty, Paul J**

---

**From:** Elston, Michael (ODAG)  
**Sent:** Friday, January 05, 2007 9:20 PM  
**To:** Battle, Michael (USAEO)  
**Cc:** Sampson, Kyle; McNulty, Paul J; Goodling, Monica  
**Subject:** Phone Conversations

Paul, Kyle, Monica and Mike:

I spoke separately with both Carol and Kevin this evening. Both of these are in essentially the same posture (Kevin explained that he sent the DAG a letter by FedEx yesterday requesting until April 30; I have not seen it, but his description made it sound similar to Carol's earlier letter). In addition to the office/case related concerns (which is still their primary focus), both are now concerned that they cannot get it together in three weeks. Carol also noted the problem created by Iglesias's announcement. On the DAG's suggestion, I advised both of them to treat the deadline as real and begin developing a strategy. Kevin advised me that he has contacted a head hunter. I asked both of them to call me early next week so we can talk further about the extension request. I told them that we wanted to work with them as much as possible, but that any extension -- if there is an extension at all -- would probably be measured in weeks rather than months.

Both expressed continuing dismay at the situation and the timing. Carol also shared with me that she and several others (presumably Paul, David and Kevin) have been comparing notes. I said that I was not going to discuss any other personnel situation.

I will provide a further update and recommendation to you after I speak with them early next week.

Mike

**McNulty, Paul J**

**From:** Chiara, Margaret M. (USAMIW) [MM.Chiara@usdoj.gov]  
**Sent:** Saturday, January 06, 2007 8:08 PM  
**To:** McNulty, Paul J  
**Subject:** Status Report

As promised, this is the first status report, with periodic updates to follow, on progress made to secure employment.

Mike Battle contacted me about available Immigration Judge positions. I had ample time over the holidays to research the option and to consult with persons who are knowledgeable about these particular courts. While there is a strong inclination to settle this situation quickly by any means possible, I have concluded that the Immigration Judge would be the wrong "next step" for me. Thank you for providing the alternative.

Here are three possibilities within DOJ where your assistance would be helpful. (1) OIG Attorney-Advisor GS-0905-14/15. Application deadline is January 8. (2) SMART Office at OJP. I am aware that SMART Director Laura Rogers will need assistance implementing the "Adam Walsh" mandate. I have already contacted Ms. Rogers indicating my interest in such an assignment. Note that I previously contact Assistant AG Regina Schofield regarding employment options at OJP. Actually, OJP is the DOJ entity for which my experience and current interest are most suited. (3) NAC options which I realize presently do not exist due to funding constraints. Also, I have contacted OPR Director Marshall Jarrett regarding organizational opportunities. Currently, the only position available is a one year detail. Given my considerable OPR experience as a USA, I am confident that I could make a useful contribution if a permanent staff position were made available.

Thank you for accompanying me on this journey! Margaret

3/13/2007

DAG000000046

**McNulty, Paul J**

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**From:** Elston, Michael (ODAG)  
**Sent:** Tuesday, January 09, 2007 2:34 PM  
**To:** Sampson, Kyle; McNulty, Paul J  
**Subject:** Fw: WF 1117121 - resignation letter from USA Kevin Ryan

What should I do?

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

**From:** Nowacki, John (USAE0) <John.Nowacki@usdoj.gov>  
**To:** Elston, Michael (ODAG); Goodling, Monica; Battle, Michael (USAE0)  
**Sent:** Tue Jan 09 14:31:02 2007  
**Subject:** Fw: WF 1117121 - resignation letter from USA Kevin Ryan

First we've seen from him. Note the departure date of 4/27. Will check whether that accurately reflects the letter.

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

**From:** Beeman, Judy (USAE0) <JBeeman@usa.doj.gov>  
**To:** Murphy, Sean (USAE0) <SMurphyl@usa.doj.gov>; Nowacki, John (USAE0) <JNowacki@usa.doj.gov>  
**Sent:** Tue Jan 09 14:26:26 2007  
**Subject:** FW: WF 1117121 - resignation letter from USA Kevin Ryan

FYI. Judy

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**From:** Harden, Cyndi A  
**Sent:** Tuesday, January 09, 2007 2:13 PM  
**To:** Beeman, Judy (USAE0); West, Nicole (USAE0)  
**Cc:** Smith, Mauri E  
**Subject:** WF 1117121 - resignation letter from USA Kevin Ryan

ExSec assigned this workflow to EOUSA yesterday with a two week due date. Even though the USA is not leaving until 4/27/07, the AG would like a retirement letter for his signature prepared within the 2-week time frame. Please pass this email/information on to those who will be preparing the retirement letter.

Thanks, Cindy

**McNulty, Paul J**

**From:** Iglesias, David C. (USANM) [David.C.Iglesias@usdoj.gov]  
**Sent:** Thursday, January 11, 2007 2:28 PM  
**To:** McNulty, Paul J  
**Subject:** Thank you  
**Importance:** High

Paul: First, on behalf of my wife and kids, thank you for going to bat for me regarding the extension. I talked to your staffer yesterday and he passed the good news. I'll be preparing my resignation package which should be in DC by early next week. Please also know that I've been a veritable whirling dervish in sending out emails, resumes, bios phone calls, etc. I've had one interview and expect more in the next week or so.

Would you mind if I list you as a reference?

Again, thanks for your support and prayers.

Regards,

David

Proverbs 19:25

**From:** McNulty, Paul J  
**Sent:** Friday, January 05, 2007 3:19 PM  
**To:** Iglesias, David C. (USANM)  
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**From:** McNulty, Paul J  
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**To:** Iglesias, David C. (USANM)  
**Subject:** RE: Phone call

David, I'm sorry for my slow response. I've been swamped with a short work-week. Will you be available for a call at 6:00 my time?

3/9/2007

DAG000000048



Phone call

Page 2 of 2

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**Sent:** Wednesday, January 03, 2007 2:40 PM  
**To:** McNulty, Paul J  
**Subject:** Phone call  
**Importance:** High

Paul:

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Regards,

David

3/9/2007

DAG000000049

**McNulty, Paul J**

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**From:** McNulty, Paul J  
**Sent:** Thursday, January 11, 2007 4:38 PM  
**To:** Iglesias, David C. (USANM)  
**Subject:** Re: Thank you

You're most welcome, brother. I would be happy to be a reference for you. Keep me posted.

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** Iglesias, David C. (USANM) <David.C.Iglesias@usdoj.gov>  
**To:** McNulty, Paul J  
**Sent:** Thu Jan 11 14:28:11 2007  
**Subject:** Thank you

Paul: First, on behalf of my wife and kids, thank you for going to bat for me regarding the extension. I talked to your staffer yesterday and he passed the good news. I'll be preparing my resignation package which should be in DC by early next week. Please also know that I've been a veritable whirling dervish in sending out emails, resumes, bios phone calls, etc. I've had one interview and expect more in the next week or so.

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