

**McNulty, Paul J**

**From:** Chiara, Margaret M. (USAMIW) [MM.Chiara@usdoj.gov]  
**Sent:** Sunday, March 04, 2007 11:00 PM  
**To:** McNulty, Paul J  
**Cc:** Elston, Michael (ODAG)  
**Subject:** WDMI

Paul: I respectfully request that you reconsider the rationale of poor performance as the basis for my dismissal. It is in our mutual interest to retract this erroneous explanation while there is still time. Please simply state that a presidentially appointed position is not an entitlement. No other explanation is needed.

As you know, I have assiduously avoided public comment by pursuing an informal version of the "witness protection program" in order to elude reporters! However, the legal community in Grand Rapids and organizations throughout Michigan are outraged that I am being labeled "a poor performer". Politics may not be a pleasant reason but the truth is compelling. Know that I am considered a personification of ethics and productivity. And as you surely realize, the unresolved Phil Green situation has definitely complicated the perception of DOJ in WDMI.

The notoriety of being one of the "USA-8" coupled with my age being constantly cited in the press is proving to be a formidable obstacle to securing employment. The best resolution with regard to both timing and outcome is the assistant director position at the NAC. I have already made it clear to the OLE Director that you do not consider former United States Attorney status a barrier to continued DOJ service. I ask that you endorse or otherwise encourage my selection for reasons discussed in previous e-mails. Given the quality and quantity of my contribution during the past 5+ years, I am confident that you are willing to provide affirmative assistance.

Margaret

3/9/2007

DAG000000101

**McNulty, Paul J**

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**To:** Chiara, Margaret M. (USAMIW)  
**Cc:** Elston, Michael (ODAG)  
**Subject:** RE: WDMI

Margaret:

I'm glad to hear your reputation in the Western Michigan legal community is strong. It was never our intention to harm it, and you know well how we have worked with you to help you make as smooth a transition as possible to your next opportunity.

That said our only choice is to continue to be truthful about this entire matter. The word "performance" obviously has not set well with you and your colleagues. By that word, we only meant to convey that there were issues about policy, priorities and management/leadership that we felt were important to the Department's effectiveness.

---

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Margaret

3/12/2007

DAG000000102

**McNulty, Paul J**

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**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 7:27 PM  
**To:** McNulty, Paul J; Moschella, William; Elston, Michael (ODAG); Goodling, Monica; Hertling, Richard; Scolinos, Tasia; Roehrkasse, Brian  
**Subject:** FW: Moschella Oral Testimony  
**Importance:** High  
**Attachments:** Moschella Oral Statement.doc

Gang, I just sent the below draft Moschella Oral Statement to the White House. Let me know if you have any comments (though I wouldn't mind giving the pen up at this point; let me know).

---

**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 7:25 PM  
**To:** 'Kelley, William K.'  
**Cc:** 'Oprison, Christopher G.'  
**Subject:** Moschella Oral Testimony  
**Importance:** High

Bill, can you forward this on to Dana and Cathie (and whomever else in the White House you deem appropriate) for review and approval? Thanks!



Moschella Oral  
Statement.doc (...)

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

William E. Moschella  
Opening Statement

Madam Chairman, Mr. Cannon, and Members of the Subcommittee, I appreciate the opportunity to testify today.

Let me begin by stating clearly that the Department of Justice appreciates the public service that was rendered by the seven U.S. Attorneys who were asked to resign last December. Each is a talented lawyer who served as U.S. Attorney for more than four years, and we have no doubt they will achieve success in their future endeavors – just like the 40 or so other U.S. Attorneys who have resigned for various reasons over the last six years.

But one of the Attorney General's most important responsibilities is to manage the Department of Justice. Part of managing the Department is ensuring that the President's and the Attorney General's priorities and the Department's policies are carried out consistently and uniformly. Individuals who have the high privilege of serving as presidential appointees have an obligation to carry out the Administration's priorities and policies.

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington) are tasked with making prosecutorial decisions – but that responsibility does not change or alter in any way the fact that they serve at the pleasure of the President and report to the Attorney General in the discharge of their offices. Nor does it change or alter the fact that if they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so that they can be replaced by other individuals who will.

To be clear, it was for reasons related to policy, priorities and management – what has been referred to broadly as “performance-related” reasons – that these U.S. Attorneys were asked to resign. To be sure, the Department – out of respect for the U.S. Attorneys at issue – would have preferred not to talk at all about those reasons, but disclosures in the press and requests for information from Congress altered those best laid plans. In hindsight, this situation could have been handled better. These U.S. Attorneys could have been informed at the time they were asked to resign about the reasons for the decision. Unfortunately, our failure to provide reasons to these individual U.S. Attorneys has only served to fuel wild and inaccurate speculation about our motives, and that is unfortunate because faith and confidence in our justice system is more important than any one individual.

That said, the Department stands by the decisions. It is clear that after closed door briefings with House and Senate members and staff, some agree with the reasons that form the basis for our decisions and some disagree – such is the nature of subjective judgments. Just because you might disagree with a decision, does not mean it was made for improper political reasons – there were appropriate reasons for each decision.

One troubling allegation is that certain of these U.S. Attorneys were asked to resign because of actions they took or didn't take relating to public corruption cases. These charges are dangerous, baseless and irresponsible. This Administration has never removed a U.S. Attorney

DAG000000104

to retaliate against them or interfere with or inappropriately influence a public corruption case. Not once.

The Attorney General and the Director of the FBI both have made public corruption a high priority. Integrity in government and trust in our public officials and institutions is paramount. Without question, the Department of Justice's record is one of great accomplishment that is unmatched in recent memory. The Department has not pulled any punches or shown any political favoritism. Public corruption investigations are neither rushed nor delayed for improper purposes.

Some, particularly in the other body, claim that the Department's reasons for asking these U.S. Attorneys to resign was to make way for preselected Republican lawyers to be appointed and circumvent Senate confirmation. The facts, however, prove otherwise. After the seven U.S. Attorneys were asked to resign last December, the Administration immediately began consulting with home-state Senators and other home-state political leaders about possible candidates for nomination. Indeed, the facts are that since March 9, 2006, the date the Attorney General's new appointment authority went into effect, the Administration has nominated 16 individuals to serve as U.S. Attorney and 12 have been confirmed. Furthermore, 18 vacancies have arisen since March 9, 2006. Of those 18 vacancies, the Administration (1) has nominated candidates for six of them (and of those six, the Senate has confirmed three of them); (2) has interviewed candidates for eight of them; and (3) is working to identify candidates for the remaining four of them. Let me repeat what has been said repeatedly and what the record reflects: the Administration is committed to having a Senate-confirmed U.S. Attorney in every single federal district.

In conclusion, let me make three points: First, although the Department stands by the decision to ask these U.S. Attorneys to resign, it would have been much better to have addressed the relevant issues up front with each of them. Second, the Department has not taken any action to influence any public corruption case – and would never do so. Third, the Administration did not intend to circumvent the confirmation process.

I would be happy to take you questions.

DAG00000105

**McNulty, Paul J**

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**From:** Moschella, William  
**Sent:** Monday, March 05, 2007 7:58 PM  
**To:** Sampson, Kyle; McNulty, Paul J; Elston, Michael (ODAG); Goodling, Monica; Hertling, Richard; Scolinos, Tasia; Roehrkasse, Brian  
**Subject:** RE: Moschella Oral Testimony

In the second graph, replace "the President's and the Attorney General's priorities and the Department's policies" with "the Administration's policies and priorities".

In the last graph, I suggest replacing "taken any action" with "asked anyone to resign".

This is really good. Thanks everyone for the collaboration.

---

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**Importance:** High

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**Importance:** High

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<< File: Moschella Oral Statement.doc >>

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But one of the Attorney General's most important responsibilities is to manage the Department of Justice. Part of managing the Department is ensuring that the President's and the Attorney General's priorities and the Department's policies are carried out consistently and uniformly. Individuals who have the high privilege of serving as presidential appointees have an obligation to carry out the Administration's priorities and policies.

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington) are tasked with making prosecutorial decisions – but that responsibility does not change or alter in any way the fact that they serve at the pleasure of the President and report to the Attorney General in the discharge of their offices. Nor does it change or alter the fact that if they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so that they can be replaced by other individuals who will.

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One troubling allegation is that certain of these U.S. Attorneys were asked to resign because of actions they took or didn't take relating to public corruption cases. These charges are dangerous, baseless and irresponsible. This Administration has never removed a U.S. Attorney

DAG000000107

to retaliate against them or interfere with or inappropriately influence a public corruption case. Not once.

The Attorney General and the Director of the FBI both have made public corruption a high priority. Integrity in government and trust in our public officials and institutions is paramount. Without question, the Department of Justice's record is one of great accomplishment that is unmatched in recent memory. The Department has not pulled any punches or shown any political favoritism. Public corruption investigations are neither rushed nor delayed for improper purposes.

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In conclusion, let me make three points: First, although the Department stands by the decision to ask these U.S. Attorneys to resign, it would have been much better to have addressed the relevant issues up front with each of them. Second, the Department has not taken any action to influence any public corruption case – and would never do so. Third, the Administration did not intend to circumvent the confirmation process.

I would be happy to take your questions.

DAG000000108



**McNulty, Paul J**

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**From:** Moschella, William  
**Sent:** Monday, March 05, 2007 9:37 PM  
**To:** Elston, Michael (ODAG); McNulty, Paul J  
**Cc:** Sampson, Kyle  
**Subject:** FW: Moschella Oral Testimony  
**Attachments:** Moschella Oral Statement - MYS (2).doc

Thoughts. I have no problems with the changes.

---

**From:** Oprison, Christopher G. [mailto:Christopher\_G.\_Oprison@who.eop.gov]  
**Sent:** Monday, March 05, 2007 9:33 PM  
**To:** Moschella, William  
**Cc:** Sampson, Kyle; Kelley, William K.; Scudder, Michael Y.; Fielding, Fred F.; Gibbs, Landon M.  
**Subject:** RE: Moschella Oral Testimony

Will - attached please find a redlined version with suggested edits. Thanks

Chris

---

**From:** Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]  
**Sent:** Monday, March 05, 2007 8:43 PM  
**To:** Oprison, Christopher G.  
**Cc:** Moschella, William  
**Subject:** RE: Moschella Oral Testimony

Thx, Chris. Will now has the pen, so please send the comments to him directly (but cc me, if you would). Thx!

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**From:** Oprison, Christopher G. [mailto:Christopher\_G.\_Oprison@who.eop.gov]  
**Sent:** Monday, March 05, 2007 8:40 PM  
**To:** Sampson, Kyle  
**Subject:** RE: Moschella Oral Testimony

we are gathering comments and should have this back to you shortly

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**Importance:** High

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<<Moschella Oral Statement.doc>>

3/12/2007

DAG000000109

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3/12/2007

DAG000000110

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Let me also stress that one of the Attorney General's most important responsibilities is to manage the Department of Justice. Part of managing the Department is ensuring that the President's and the Attorney General's priorities and the Department's policies are carried out consistently and uniformly. Individuals who have the high privilege of serving as presidential appointees have an obligation to carry out the Administration's priorities and policies.

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I would be happy to take your questions.

DAG000000112

**McNulty, Paul J**

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**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 10:24 PM  
**To:** Moschella, William; Elston, Michael (ODAG); McNulty, Paul J  
**Subject:** Re: Moschella Oral Testimony

No concerns here, though I would add your comments in.

-----Original Message-----  
**From:** Moschella, William  
**To:** Elston, Michael (ODAG); McNulty, Paul J  
**CC:** Sampson, Kyle  
**Sent:** Mon Mar 05 21:37:13 2007  
**Subject:** FW: Moschella Oral Testimony

Thoughts. I have no problems with the changes.

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**From:** Oprison, Christopher G. [mailto:Christopher\_G.\_Oprison@who.eop.gov]  
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**McNulty, Paul J**

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**From:** Moschella, William  
**Sent:** Tuesday, March 06, 2007 9:48 AM  
**To:** 'Oprison, Christopher G.'  
**Cc:** Sampson, Kyle; Kelley, William K.; Scudder, Michael Y.; Fielding, Fred F.; Gibbs, Landon M.; Scolinos, Tasia; McNulty, Paul J; Elston, Michael (ODAG); Goodling, Monica  
**Subject:** RE: Moschella Oral Testimony  
**Attachments:** moschellafinal.2.doc; moschellafinal.1.doc

All, attached is the final document. We accepted all of Chris's proposed changes. I have made some other small minor tweaks and those are tracked so that you can see them in "moschellafinal.1.doc" and the clean version is "moschellafinal.2.doc".

---

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3/12/2007

DAG000000115

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DAG000000116



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Deleted: – but that responsibility does not change or alter in any way the fact that

Deleted: in the discharge of their offices

Deleted: Nor does it change or alter the fact that if

Deleted: To be sure,

DAG000000117

to retaliate against them or interfere with or inappropriately influence a public corruption case. Not once.

The Attorney General and the Director of the FBI both have made public corruption a high priority. Integrity in government and trust in our public officials and institutions is paramount. Without question, the Department's record is one of great accomplishment that is unmatched in recent memory. The Department has not pulled any punches or shown any political favoritism. Public corruption investigations are neither rushed nor delayed for improper purposes.

Deleted: of justice

Some, particularly in the other body, claim that the Department's reasons for asking these U.S. Attorneys to resign was to make way for preselected Republican lawyers to be appointed and circumvent Senate confirmation. The facts, however, prove otherwise. After the seven U.S. Attorneys were asked to resign last December, the Administration immediately began consulting with home-state Senators and other home-state political leaders about possible candidates for nomination. Indeed, the facts are that since March 9, 2006, the date the Attorney General's new appointment authority went into effect, the Administration has nominated 16 individuals to serve as U.S. Attorney and 12 have been confirmed. Furthermore, 18 vacancies have arisen since March 9, 2006. Of those 18 vacancies, the Administration (1) has nominated candidates for six of them (and of those six, the Senate has confirmed three of them); (2) has interviewed candidates for eight of them; and (3) is working to identify candidates for the remaining four of them. Let me repeat what has been said many times before and what the record reflects: the Administration is committed to having a Senate-confirmed U.S. Attorney in every single federal district.

Deleted: repeatedly

In conclusion, let me make three points: First, although the Department stands by the decision to ask these U.S. Attorneys to resign, it would have been much better to have addressed the relevant issues up front with each of them. Second, the Department has not taken any action to influence any public corruption case – and would never do so. Third, the Administration at no time intended to circumvent the confirmation process.

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Deleted: not

I would be happy to take your questions.

DAG000000118

**McNulty, Paul J**

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**From:** Chiara, Margaret M. (USAMIW) [MM.Chiara@usdoj.gov]  
**Sent:** Tuesday, March 06, 2007 9:34 PM  
**To:** McNulty, Paul J  
**Cc:** Elston, Michael (ODAG)  
**Subject:** WDMI  
**Importance:** High

Today's Congressional events make clear that I am, indeed, among the "USA - 8". Shortly after his opening statement, but before citing the perceived deficiencies of my former colleagues, Will Moschella stated that the two United States Attorneys not present were dismissed because of management problems. Apparently Kevin Ryan (whom I do not know) and I share the same reason for termination.

Michael Elston told me on more than one occasion, that the rationale for dismissal was on a continuum of sorts and that I am on the *de minimus* end after Dan Bogden. It is abundantly clear that this regrettable situation could have been better managed if the reasons for the dismissals were initially communicated to the affected United States Attorneys.

So, I now need to know what is the management problem to which Mr. Moschella referred?

Margaret

3/12/2007

DAG000000119

**McNulty, Paul J**

**From:** Chiara, Margaret M. (USAMIW) [MM Chiara@usdoj.gov]  
**Sent:** Tuesday, March 06, 2007 9:34 PM  
**To:** McNulty, Paul J  
**Cc:** Elston, Michael (ODAG)  
**Subject:** WDMI  
**Importance:** High

Today's Congressional events make clear that I am, indeed, among the "USA - 8". Shortly after his opening statement, but before citing the perceived deficiencies of my former colleagues, Will Moschella stated that the two United States Attorneys not present were dismissed because of management problems. Apparently Kevin Ryan (whom I do not know) and I share the same reason for termination.

Michael Elston told me on more than one occasion, that the rationale for dismissal was on a continuum of sorts and that I am on the *de minimus* end after Dan Bogden. It is abundantly clear that this regrettable situation could have been better managed if the reasons for the dismissals were initially communicated to the affected United States Attorneys.

So, I now need to know what is the management problem to which Mr. Moschella referred?

Margaret

3/9/2007

DAG000000120

**McNulty, Paul J**

**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 2:30 PM  
**To:** McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** FW:  
**Importance:** High

All, please see the below. I propose to you all that I propose 5pm to Bill -- I assume they'll want us to go over there. Thoughts?

---

**From:** Kelley, William K. [mailto:William\_K\_Kelley@who.eop.gov]  
**Sent:** Monday, March 05, 2007 1:57 PM  
**To:** Sampson, Kyle  
**Subject:**

Kyle--We've been tasked with getting a meeting together with you, Paul, Will, DOJ leg and pa, and maybe Battle - today -- to go over the Administration's position on all aspects of the US Atty issue, including what we are going to say about the proposed legislation and why the US Attys were asked to resign. There's a hearing tomorrow at which Will is scheduled to testify, so we have to get this group together with some folks here asap. Can you look into possible times? Thanks, and sorry to impose.

3/12/2007

DAG000000121

**McNulty, Paul J**

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**From:** Elston, Michael (ODAG)  
**Sent:** Monday, March 05, 2007 2:33 PM  
**To:** Sampson, Kyle; McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Roehrkassee, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** RE:

5 p.m. is fine with the DAG

---

**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 2:30 PM  
**To:** McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkassee, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** FW:  
**Importance:** High

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3/12/2007

DAG000000122

**McNulty, Paul J**

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**From:** Scolinos, Tasia  
**Sent:** Monday, March 05, 2007 2:35 PM  
**To:** Sampson, Kyle; McNulty, Paul J; Moschella, William; Hertling, Richard; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** Re:

Works for me

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

**From:** Sampson, Kyle  
**To:** McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**CC:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Sent:** Mon Mar 05 14:30:17 2007  
**Subject:** FW:

All, please see the below. I propose to you all that I propose 5pm to Bill -- I assume they'll want us to go over there. Thoughts?

---

**From:** Kelley, William K. [mailto:William\_K\_Kelley@who.eop.gov]  
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**To:** Sampson, Kyle  
**Subject:**

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**McNulty, Paul J**

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**From:** Hertling, Richard  
**Sent:** Monday, March 05, 2007 2:38 PM  
**To:** Sampson, Kyle; McNulty, Paul J; Moschella, William; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** Re:

I will rearrange my schedule to make myself available to meet everyone else's schedule. 5 will work.

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

**From:** Sampson, Kyle  
**To:** McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**CC:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Sent:** Mon Mar 05 14:30:17 2007  
**Subject:** FW:

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**Subject:**

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**McNulty, Paul J**

---

**From:** McNulty, Paul J  
**Sent:** Monday, March 05, 2007 3:39 PM  
**To:** Sampson, Kyle; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** RE:

I can take 4 others in my car and there would be no need for WAVES info.

---

**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 2:49 PM  
**To:** McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** RE:  
**Importance:** High

Okay -- two things:

1. We are set for 5pm at the White House. I need WAVES info from each of you: DOBs and SSNs.
2. Kelley says that among other things they'll want to cover (1) Administration's position on the legislation (Will's written testimony says that we oppose the bill, raising White House concerns); and (2) how we are going to respond substantively to each of the U.S. Attorney's allegations that they were dismissed for improper reasons.

---

**From:** Sampson, Kyle  
**Sent:** Monday, March 05, 2007 2:30 PM  
**To:** McNulty, Paul J; Moschella, William; Hertling, Richard; Scolinos, Tasia; Battle, Michael (USAEO)  
**Cc:** Elston, Michael (ODAG); Roehrkasse, Brian; Goodling, Monica; Washington, Tracy T  
**Subject:** FW:  
**Importance:** High

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---

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**Sent:** Monday, March 05, 2007 1:57 PM  
**To:** Sampson, Kyle  
**Subject:**

Kyle--We've been tasked with getting a meeting together with you, Paul, Will, DOJ leg and pa, and maybe Battle - today -- to go over the Administration's position on all aspects of the US Atty issue, including what we are going to say about the proposed legislation and why the US Atty's were asked to resign. There's a hearing tomorrow at which Will is scheduled to testify, so we have to get this group together with some folks here asap. Can you look into possible times? Thanks, and sorry to impose.

3/12/2007

DAG000000125

**McNulty, Paul J**

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**From:** Mercer, Bill (ODAG)  
**Sent:** Thursday, June 29, 2006 10:00 PM  
**To:** McNulty, Paul J; Elston, Michael (ODAG)  
**Subject:** Fw: Friday morning

I've forwarded to Linda. It looks like 9 is open.

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: McKay, John (USAWAW)  
To: Mercer, Bill (ODAG)  
Sent: Thu Jun 29 21:29:23 2006  
Subject: Re: Friday morning

9am on or Saturday.

-----Original Message-----  
From: Mercer, Bill (ODAG) <Bill.Mercer2@usdoj.gov>  
To: McKay, John (USAWAW) <JMckay@usa.doj.gov>  
Sent: Thu Jun 29 15:14:08 2006  
Subject: Re: Friday morning

What are your possible times for a mtg in the AM?

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: McKay, John (USAWAW)  
To: Mercer, Bill (ODAG)  
CC: McNulty, Paul J  
Sent: Tue Jun 27 13:04:18 2006  
Subject: Friday morning

Bill,

I'm in DC Friday and Saturday for LINX meetings with NCIS (Dir. Tom Betro and DAD Mike Dorsey) and Tom McWeeney. If you and Paul are available early Friday morning (and you aren't flooded out), could we get a cup of coffee or something?

As we discussed, we are at a critical juncture in which huge demand among U.S. Attorneys resulting from a strong LINX program and successes in the field are smack up against serious failures by the DOJ law enforcement components to comply with the DAG Memo on LINX and RDEX last year. As you know from our briefing, the U.S. Attorneys have recommended a few discrete actions be taken by the DAG and the AG to support our work and to secure our partnerships (including funding) with DOD and DHS. Our (DOJ) long silence to the offer by DOD is leaving me, Deb Yang and 20 or more U.S. Attorney's in a very exposed and difficult

..... BOB is close to pulling the plug on the offer (which I recommended be accepted as set out in a proposed interdepartmental memo for Paul's consideration), and mid level bureaucrat nay-sayers at FBI, DEA, ATF, Main Justice and an array of consultants who sniff lucrative contracts are picking us apart. All NCIS expansion to U.S. Attorney's is on hold (and I am holding off very insistent U.S. Attorneys in South Carolina, North Carolina, Connecticut, Nebraska, Iowa, Missouri, California (L.A. and Sacramento), all of whom have seen the Working Group strategic plan and proposal for support from the DAG.

I do have a short memo suggesting how we might reconcile the national build out on information sharing between the R-DEX, N-DEX and LInX systems. Paul needs to get advice on this from operators in the field -- not GS 14 technoids who don't investigate or prosecute cases. I don't hold the keys to knowledge on this, but I have been at this for a few years, and we have done what Paul and the AGAC have requested by presenting a workable plan based on a previously endorsed pilot (by Jim Comey).

Let me know if we can get together Friday morning (or Saturday anytime). Thanks, again Bill - what will we do without you?

- JOHN

**McNulty, Paul J**

---

**From:** McKay, John (USAWAW)  
**Sent:** Monday, July 24, 2006 9:20 PM  
**To:** McNulty, Paul J  
**Subject:** Re: In DC

Thanks, Paul!

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

**From:** McNulty, Paul J <Paul.J.McNulty@usdoj.gov>  
**To:** McKay, John (USAWAW) <JMcKay@usa.doj.gov>  
**CC:** Yang, Debra Wong (USACAC) <DYang@usa.doj.gov>  
**Sent:** Mon Jul 24 16:19:49 2006  
**Subject:** RE: In DC

John: I have drafts of the England letter and my larger policy memo on my desk. I don't think it's necessary to circulate my letter to England before I send it out; it's pretty straightforward. I'll be sure to hit the concerns you mention. After I finish reviewing the policy memo, I will share it with your subcommittee for feedback. This memo will be a comprehensive statement of the Department's strategic direction on regional information sharing. We are working closely with the CIO, but the policy decisions will get made here in ODAG. Mike's "reluctance" is only that these drafts were prepared for me, and he was not presuming to distribute them without checking with me first (what any good staff guy would/should do). Thanks.

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

**From:** McKay, John (USAWAW)  
**Sent:** Monday, July 24, 2006 6:56 PM  
**To:** McNulty, Paul J  
**CC:** Yang, Debra Wong (USACAC)  
**Subject:** Fw: In DC

Paul,

Apparently your authorization is necessary for me to see the draft letter to England and the policies being developed by OCIO.

Deb and our committee, as you pointed out can be of assistance here, and I don't understand Mike Scudder's reluctance to share them with us. In particular, the letter to Gordon England needs to clearly set forth DOD's commitment to Los Angeles and the continued NCIS expansion of LInX under US Attorney leadership.

Thanks again for all of your help.

- JOHN

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

**From:** Scudder, Michael (ODAG) <Michael.Scudder2@usdoj.gov>  
**To:** McKay, John (USAWAW) <JMcKay@usa.doj.gov>  
**CC:** Yang, Debra Wong (USACAC) <DYang@usa.doj.gov>  
**Sent:** Mon Jul 24 15:36:28 2006  
**Subject:** RE: In DC

John:

I'll stay in touch on these. The DAG is working on them, and if he authorizes me to send them to you, I'll do so right away. This

afternoon I again relayed your request.

Regards,

Mike

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

From: McKay, John (USAWAW)  
Sent: Monday, July 24, 2006 9:36 AM  
To: Scudder, Michael (ODAG)  
Cc: Yang, Debra Wong (USACAC)  
Subject: In DC

Mike,

As I mentioned our call last week, I'm in DC late tonight until Friday morning. I know you are working on the letter to DEPSECDEF England, which I am anxious to review. I also would like the "policy documents" the DAG referenced - can you get them together for me, or should I contact Van Hitch or Mike Duffy?





Thanks very much.

John McKay  
United States Attorney  
Seattle, Washington

**McNulty, Paul J**

**From:** Charlton, Paul (USAAZ)  
**Sent:** Wednesday, July 26, 2006 3:30 PM  
**To:** McNulty, Paul J  
**Subject:** FW: Prosecution Issues

**Attachments:** tmp.htm; narc defs charged.pdf; narc cases opened.pdf; narc cases charged.pdf

 tmp.htm (7 KB)  narc defs charged.pdf (8 KB)  narc cases opened.pdf (8 KB)  narc cases charged.pdf (8 KB)

Paul - here it is. Would you mind letting me know if you got this?  
Thanks and thanks especially for the good news. Paul

---

**From:** Charlton, Paul (USAAZ)  
**Sent:** Tuesday, July 25, 2006 4:45 PM  
**To:** Brand, Rachel; Nash, Stuart (ODAG)  
**Cc:** Macklin, Kristi R; Bounds, Ryan W (OLP); Knauss, Dan (USAAZ)  
**Subject:** RE: Prosecution Issues

Rachel - we cannot break out weight limits on our prosecutions. Nor can I obtain the numbers of cases taken by the county attorney as a result of our policy. Below are our overall narcotics prosecutions for the years 2000 to present. They are good numbers but show a drop in 2005 when we could not hire. I just got off of the phone with the fourth county attorney's criminal chief and would modify my earlier response to say as follows:

We have altered our threshold guidelines for the Tucson Sector so that we prosecute marijuana cases of 500 pounds and above. There are exceptions. If the marijuana is found on the Tohono O'odham Indian Reservation, we take all of their cases, regardless of weight, because of our trust obligation. In any other area of the Tucson Sector, we take the case regardless of weight if their is an ongoing investigation regarding the smuggling ring, or some other compelling factor exists, such as endangerment, assault on the officer, or a repeat offender. Three of the four county attorney's have agreed to take cases under our marijuana threshold, the fourth has not issued a blanket policy to accept those cases, but has agreed to take them on a case by case basis. To date, we are unaware of any case that was referred to the county attorney that was declined for threshold reasons alone.

Let me know if you need more.

Paul

---

**From:** Brand, Rachel  
**Sent:** Tuesday, July 25, 2006 4:03 PM  
**To:** Nash, Stuart (ODAG); Charlton, Paul (USAAZ)  
**Cc:** Macklin, Kristi R; Bounds, Ryan W (OLP); Knauss, Dan (USAAZ)

Subject: Re: Prosecution Issues

Do you know how many marijuana cases you prosecute over 500 lbs in a year and how many are taken by the county attorneys?

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

From: Charlton, Paul (USAAZ)  
To: Nash, Stuart (ODAG); Brand, Rachel  
CC: Macklin, Kristi R; Bounds, Ryan W (OLP); Knauss, Dan (USAAZ)  
Sent: Tue Jul 25 18:51:04 2006  
Subject: RE: Prosecution Issues

It is true. We no longer have the resources to prosecute marijuana cases under 500 pounds. The exception is the Tohono O'odham Indian reservation, where we will prosecute all drug cases based on our trust obligation. Three of the four border county attorneys have agreed to prosecute marijuana cases under 500 pounds, filling the void we have left. It is unclear what the policy of the fourth county attorney will be. We have heard of no cases going unprosecuted based on our new guidelines.  
Paul

---

From: Brand, Rachel  
Sent: Tuesday, July 25, 2006 3:21 PM  
To: Nash, Stuart (ODAG); Charlton, Paul (USAAZ)  
Cc: Bounds, Ryan W (OLP); Macklin, Kristi R  
Subject: Fw: Prosecution Issues

Gentlemen: what's the response to this?

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

From: Douglas B. Baker@who.eop.gov <Douglas\_B.\_Baker@who.eop.gov>  
To: Brand, Rachel  
CC: Robert\_Jacobs@who.eop.gov <Robert\_Jacobs@who.eop.gov>  
Sent: Tue Jul 25 17:53:58 2006  
Subject: Prosecution Issues

<<tmp.htm>> Rachel:

I understand that Barry Jackson has asked a question about the variable prosecution policies by AUSA Sector for illegal immigration. We have another question posed by Speaker Hastert. He understands that the AUSA for Nogales will not prosecute marijuana possession for amounts less than 500 lbs. Seems unlikely to me, but need to get to the truth as this

was raised in meeting with POTUS.

Thanks,

Doug

## Narcotics Defendants Charged

	2000	2001	2002	2003	2004	2005	2006	Total
Total	1,696	1,700	2,036	2,490	2,406	2,417	1,314	11,761

7/25/2006



## Narcotics Cases Opened

	2000	2001	2002	2003	2004	2005	2006	Total
Total	983	978	1,235	1,460	1,659	1,537	911	8,763

7/25/2006

DAG000000133

## Narcotics Cases Charged

	2000	2001	2002	2003	2004	2005	2006	Total
Total	1,069	1,075	1,347	1,510	1,503	1,418	624	7,102

7/25/2006

**McNulty, Paul J**

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**From:** Brand, Rachel  
**Sent:** Friday, July 28, 2006 10:47 AM  
**To:** McNulty, Paul J; Elston, Michael (ODAG); Nash, Stuart (ODAG)  
**Cc:** Bounds, Ryan W (OLP)  
**Subject:** FW: Prosecution Issues

Fyi - we responded to this follow-up based on info Charlton gave us. We have an inquiry back to Charlton about why there's this difference, since I wouldn't be surprised if we get that follow-up question from the WH.

-----Original Message-----  
**From:** Bounds, Ryan W (OLP)  
**Sent:** Thursday, July 27, 2006 7:43 PM  
**To:** 'Douglas\_B.\_Baker@who.eop.gov'; Brand, Rachel  
**Cc:** Robert\_Jacobs@who.eop.gov  
**Subject:** RE: Prosecution Issues

Nogales is indeed in the Tucson sector. The only other sector in the District of Arizona is the Yuma sector, for which the USAO maintains a 250-pound threshold for marijuana cases with the same exceptions that apply in the Tucson sector. (We are told that the Yuma County Attorney accepts all cases that are referred for failing to meet the 250-pound threshold.)

-----Original Message-----  
**From:** Douglas\_B.\_Baker@who.eop.gov [mailto:Douglas\_B.\_Baker@who.eop.gov]  
**Sent:** Thursday, July 27, 2006 4:30 PM  
**To:** Brand, Rachel  
**Cc:** Bounds, Ryan W (OLP); Robert\_Jacobs@who.eop.gov  
**Subject:** RE: Prosecution Issues

Rachel:

A quick question for clarity purposes. Is Nogales in the Tucson sector? And more importantly, does the USA apply a different policy in other sectors in Arizona? (OK so two questions)

Thanks,

Doug

-----Original Message-----  
**From:** Rachel.Brand@usdoj.gov [mailto:Rachel.Brand@usdoj.gov]  
**Sent:** Wednesday, July 26, 2006 6:38 PM  
**To:** Baker, Douglas B.  
**Cc:** Jacobs, Robert; Ryan.W.Bounds@usdoj.gov; Rachel.Brand@usdoj.gov  
**Subject:** RE: Prosecution Issues

I've talked to the U.S. Attorney in Arizona. Here's what he says:

"We have altered our threshold guidelines for the Tucson Sector so that we prosecute marijuana cases of 500 pounds and above. There are exceptions. If the marijuana is found on the Tohono O'odham Indian Reservation, we take all of their cases, regardless of weight, because of our trust obligation. In any other area of the Tucson Sector, we take the case regardless of weight if there is an ongoing investigation regarding the smuggling ring, or some other compelling factor exists, such as endangerment, assault on the officer, or a repeat offender."

There are three major issues to keep in mind when considering this fact:

1) Because we are a federal system and states also have jurisdiction to investigate and prosecute drug offenses, the prosecution threshold has not resulted in a real gap of enforcement on marijuana cases. According to the US Attorney, three of the four border county attorneys in Arizona have agreed to prosecute marijuana cases involving less than 500 pounds. While the fourth county attorney has not issued a blanket policy of accepting cases involving less than 500 pounds, he has agreed to take them on a case-by-case basis. Since the implementation of this drug weight threshold, the U.S. Attorney's Office in Arizona is unaware of any case referred to the county attorneys that completely fell between the cracks of enforcement.

2) Across the country, the Department of Justice's focus is and has been on large, and especially international, drug trafficking rings. For example, the Organized Crime Drug Enforcement Task Force (OCDETF) focuses on prosecuting entire organizations, not necessarily responding to each enforcement event. This is partly a function of limited resources and partly because these are the types of cases that federal law enforcement (as opposed to state and local law enforcement) is uniquely equipped to handle.

3) Finally, higher prosecution thresholds are simply going to be a fact of life if the state of budget/resources in the SWB US Attorneys' offices remains what it is now. These districts, and perhaps especially Arizona, are absolutely stretched to the limit. Our focus recently has been on immigration enforcement, but insufficient resources affects every type of enforcement, including narcotics cases. US Attorneys' offices must always triage and prioritize, and the need to do so is especially acute here. We'd be happy to get you more info on the staggering caseload that each Assistant US Attorney in Arizona currently carries. It is true that we will be adding 20 new immigration prosecutors and 5 OCDETF prosecutors to the SWB districts with the money from the supplemental, and I would imagine this would be part of the response to Speaker Hastert. Just for your information, however -- do not expect this to effect a radical change in those districts' ability to take smaller cases. It is only a first step.

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

From: Douglas\_B.\_Baker@who.eop.gov [mailto:Douglas\_B.\_Baker@who.eop.gov]  
Sent: Tuesday, July 25, 2006 5:54 PM  
To: Brand, Rachel  
Cc: Robert\_Jacobs@who.eop.gov  
Subject: Prosecution Issues

Rachel:

I understand that Barry Jackson has asked a question about the variable prosecution policies by AUSA Sector for illegal immigration. We have another question posed by Speaker Hastert. He understands that the AUSA for Nogales will not prosecute marijuana possession for amounts less than 500 lbs. Seems unlikely to me, but need to get to the truth as this was raised in meeting with POTUS.

Thanks,

Doug

**McNulty, Paul J**

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**From:** Rosenberg, Chuck (USAVAE)  
**Sent:** Friday, September 08, 2006 12:56 PM  
**To:** McNulty, Paul J  
**Subject:** RE: AGAC/RIS Working Group - McNulty Letter

Some are chagrined and embarrassed. I have the sense that a number signed on without really reading it or thinking it through. Relatedly, some are mad at John McKay (and I think he will contact - or has contacted - you to apologize for sending the letter to outsiders, which was apparently not blessed by the group) and are probably happy to let him take the heat. Either way, I expected that you would have heard from most of them by now. Odd.

PS: Don is a very good man and I know he is upset that he joined the letter.

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

**From:** McNulty, Paul J  
**Sent:** Friday, September 08, 2006 12:30 PM  
**To:** Rosenberg, Chuck (USAVAE)  
**Subject:** RE: AGAC/RIS Working Group - McNulty Letter

This evidence is entirely cumulative at this point.

By the way, I've been surprised at how few USAs have responded to my email. I did hear from Don by the way. Any theory why only a handful have contacted me?

Thanks.

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

**From:** Rosenberg, Chuck (USAVAE)  
**Sent:** Friday, September 08, 2006 7:27 AM  
**To:** McNulty, Paul J  
**Subject:** FW: AGAC/RIS Working Group - McNulty Letter

More (unsolicited) evidence that I did not join this letter.

>  
> 

---

**From:** Williams, Kim (USAVAE)  
> **Sent:** Thursday, September 07, 2006 9:18 PM  
> **To:** Rosenberg, Chuck (USAVAE)  
> **Subject:** FW: AGAC/RIS Working Group - McNulty Letter

>  
> Read the attached. You said you weren't interested, but your name is  
> still attached to this letter. You may want to read over this. I took  
> my time opening this e-mail because I thought it was more soliciting,  
> but check it out.

>  
> 

---

**From:** Bernier, Colleen (USAWAW)  
> **Sent:** Thursday, August 31, 2006 5:48 PM  
> **To:** Williams, Kim (USAVAE)  
> **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) 551-7970  
Fax: (206) 551-2054

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

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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;

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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  
August 30, 2006  
Page - 4

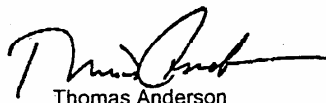
Paul, our confidence in you and your leadership of law enforcement information sharing remains firm and enthusiastic. We look forward to meeting with you at your earliest convenience. As always, we are cognizant of the tremendous demands on your time.

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



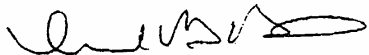
Thomas Anderson  
United States Attorney  
District of Vermont



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



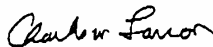
Karin Immergut  
United States Attorney  
District of Oregon



Ed Kubo  
United States Attorney  
District of Hawaii



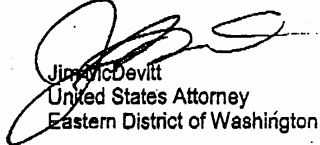
Carol Lam  
United States Attorney  
Southern District of California



Charles Larson  
United States Attorney  
Northern District of Iowa

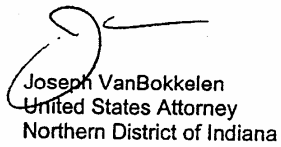
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Honorable Paul J. McNulty  
August 30, 2006  
Page - 5

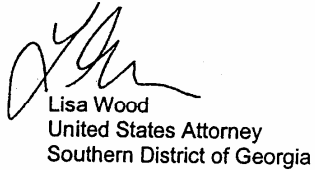


Jim Devitt  
United States Attorney  
Eastern District of Washington

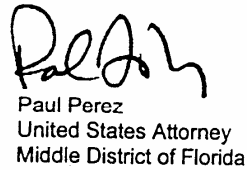
Unavailable for  
Signature  
Chuck Rosenberg  
United States Attorney  
Eastern District of Virginia



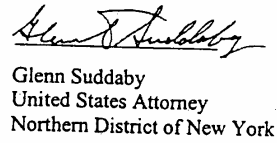
Joseph VanBokkelen  
United States Attorney  
Northern District of Indiana



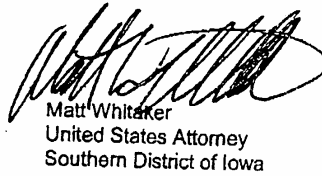
Lisa Wood  
United States Attorney  
Southern District of Georgia



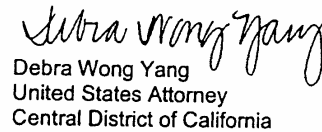
Paul Perez  
United States Attorney  
Middle District of Florida



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

DAG000000143

**McNulty, Paul J**

---

**From:** Rosenberg, Chuck (USAVAE)  
**Sent:** Friday, September 08, 2006 7:27 AM  
**To:** McNulty, Paul J  
**Subject:** FW: AGAC/RIS Working Group - McNulty Letter

**Attachments:** tmp.htm; McNulty Ltr.pdf



tmp.htm (3 KB)



McNulty Ltr.pdf  
(229 KB)

More (unsolicited) evidence that I did not join this letter.

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> 

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> **Sent:** Thursday, September 07, 2006 9:18 PM  
> **To:** Rosenberg, Chuck (USAVAE)  
> **Subject:** FW: AGAC/RIS Working Group - McNulty Letter  
>  
> Read the attached. You said you weren't interested, but your name is  
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> my time opening this e-mail because I thought it was more soliciting,  
> but check it out.  
>  
> 

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> **Sent:** Thursday, August 31, 2006 5:48 PM  
> **To:** Williams, Kim (USAVAE)  
> **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>>  
>

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Seattle, WA 98101-1271  
Phone (206) 553-4620  
Fax: (206) 553-2054  
e-mail: Colleen.Bernier@usdoj.gov*

<<McNulty Ltr.pdf>>

**McNulty, Paul J**

---

**From:** Elston, Michael (ODAG)  
**Sent:** Friday, September 22, 2006 7:40 PM  
**To:** Goodling, Monica; McNulty, Paul J  
**Subject:** RE: FYI

Even when he is in Ireland he causes problems! He needs to stop writing letters.

---

**From:** Goodling, Monica  
**Sent:** Friday, September 22, 2006 7:38 PM  
**To:** Elston, Michael (ODAG); McNulty, Paul J  
**Subject:** FYI

Office Of U.S. Attorney 'stressed'  
By Paul Shukovsky, P-I REPORTER  
Seattle Post-Intelligencer, September 22, 2006

Federal prosecutor has seen budget steadily shrink

The federal prosecutor for Western Washington says his office is "stressed to the limit" because of years of budget cuts that threaten to slow the pace of criminal prosecutions. U.S. Attorney John McKay has issued this warning to county prosecutors and special agents in charge of federal agencies, including the FBI, the Drug Enforcement Administration and Immigration and Customs Enforcement: "We may not be as responsive as you want us to be on the cases you refer to us."

The office has been hemorrhaging prosecutors and support staff members even as the other Washington is poised to impose another budget cut for the 2006-07 fiscal year. The office, which handles federal criminal prosecutions and civil cases involving the U.S. government, is down six criminal prosecutors and one civil attorney, leaving 58 assistant U.S. attorneys, McKay said.

Fourteen positions in the office are unfilled, and McKay still must pay his 118 employees a mandatory 3 percent cost-of-living raise. McKay said he is proud that the office has been able to maintain its productivity -- prosecuting more than 800 defendants last year. "We are on track to do slightly more than that" this year, he said.

But cases that might have been prosecuted under tougher federal laws are increasingly being sent to local prosecutors. "We're not taking as many of these cases as we'd like to take," McKay said. "We're working hard to take up the slack, but we're not always successful in taking the cases we should." A bigger budget would mean more prosecutions in burgeoning problem areas, such as cybercrime, according to McKay's top assistant, Mark Bartlett.

"You'd see more cases like 'botnet,' " he said, referring to the recent prosecution of a young man from California who infected thousands of computers around the world for personal profit. "You'd see more collaboration with Microsoft and other intellectual-property firms where piracy is a huge concern."

The office's cybercrime unit has two vacancies that "prevent us from being as proactive as we'd like to be," Bartlett said.

In fiscal 2003-04, the office's budget was \$12.1 million. In fiscal 2004-05, it slid to \$11.4 million. In the current fiscal year ending next week, the budget will have shrunk further, to \$11 million.

It's not clear what the next budget will bring, but McKay has been told that the best case is a flat budget and that more cuts are possible. The strain on the U.S. Attorney's Office is being felt in Whatcom County, where criminals who move contraband such as drugs, undeclared cash and illegal immigrants across the U.S.-Canadian border are arrested by the federal agents, but frequently prosecuted by locals.

McKay said his office is declining about 80 percent of the cases at the border that could be prosecuted in federal court. It's a lost opportunity, he said.

"We try to flip people by putting them through federal prosecution," said McKay, using a slang term for persuading criminals to cooperate with law enforcement in return for a lighter sentence. "We don't have that flexibility right now."

Whatcom County Prosecutor Dave McEachran said he's "amazed" that McKay is facing the possibility of more budget cuts. McEachran needs federal prosecutors to take some of the load off his attorneys, who are handling an average of 200 felony cases apiece.

"We have a huge caseload here," he said. McEachran said local prosecutors on the U.S. side of the Mexican border had to threaten to stop prosecuting arrests made by federal agents to get federal dollars to help them with the crush of border-related crime.

There have been attempts by northern border prosecutors to get similar federal assistance. But they have never received congressional approval, McEachran said. Cuts in the U.S. attorney's budget also affect violent crimes such as bank robberies, which occur at a high rate in Western Washington.

Bank robberies can be prosecuted federally, and those convicted given harsher sentences. But "most of them are shifting over to the locals," McKay said. Only the most violent cases or serial bank robberies are seeing the inside of a federal courtroom.

As for "note jobs," in which an unarmed robber slides a demand note to a teller -- "we're not seeing those," McKay said. "This is going into our third year of really tough budgets," he said. "We keep expecting it to get fixed, but that's dependent on Congress."

**McNulty, Paul J**

---

**From:** Roehrkasse, Brian  
**Sent:** Tuesday, September 26, 2006 3:51 PM  
**To:** Elston, Michael (ODAG); Smith, Kimberly A; Nowacki, John (USAEO)  
**Cc:** McNulty, Paul J; Scolinos, Tasia  
**Subject:** SEATTLE POST-INTELLIGENCER - Office of U.S. attorney 'stressed'

I happened to see this article when I was traveling last week in the Northwest. These comments are not exactly helpful. John, anything we can do?

**SEATTLE POST-INTELLIGENCER**

[http://seattlepi.nwsource.com/local/286099\\_prosecutors22.html](http://seattlepi.nwsource.com/local/286099_prosecutors22.html)

**Office of U.S. attorney 'stressed'**

**Federal prosecutor has seen budget steadily shrink**

*Friday, September 22, 2006*

**By PAUL SHUKOVSKY**  
P-I REPORTER

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*P-I reporter Paul Shukovsky can be reached at 206-448-8072 or paulshukovsky@seattlepi.com.*

Brian Roehrkasse  
Deputy Director of Public Affairs  
U.S. Department of Justice  
(202) 514-2007

**McNulty, Paul J**

---

**From:** USAEO-OTD  
**Sent:** Thursday, October 05, 2006 3:54 PM  
**To:** USAEO-USAttorneys@usa.doj.gov; USAEO-FirstAUSAs@usa.doj.gov; USAEO-AdminOfficers@usa.doj.gov  
**Cc:** USAEO-USASecretaries@usa.doj.gov; USAEO-CrimChiefs@usa.doj.gov; USAEO-CivChiefs@usa.doj.gov  
**Subject:** Resignation Guidance for United States Attorneys  
**Attachments:** tmp.htm; Resignation Guidance.pdf; Resignation Guidance Attach.pdf



tmp.htm (4 KB)



Resignation Guidance.pdf (22 K)



Resignation Guidance Attach.pdf

reply to this address.

This is an unattended E-Mail account. Please do not

**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

Please see the attached memorandum regarding Resignation Guidance for United States Attorneys.

To open attachment right click, select "open" select "open it", and select "ok".

Attachment

<<Resignation Guidance.pdf>> <<Resignation Guidance Attach.pdf>>

cc: All United States Attorneys' Secretaries