

CRIMINAL CASES HANDLED PER CRIMINAL ATTORNEY WORKYEAR
FISCAL YEARS 1997-2006

	FY97	FY98	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06
National Average	26	27.6	28.6	28.9	29.8	30	29	29.2	30.6	31.0
Average for Five Southwest Border Districts	54.5	64.4	72.5	79.2	82.4	85.9	85	85.8	89.5	91.2
Northern District Of Mississippi	25.8	22.3	21.1	25.4	27.7	25.5	21	24.6	24.2	22.7

Caseload data extracted from the United States Attorneys' Case Management System. Cases handled is the sum of cases pending at the end of the fiscal year, added to cases filed during the current fiscal year.

National Average does not include the five Southwest Border Districts.

Cases pending is actual data as of the end of the prior fiscal year. FY 2006 numbers are actual data through the end of September 2006. Data may reflect a slight decrease in pending counts due to August 2006 LIONS centralization

AUSA workyears extracted from USA-5 Resource Summary Reports.

Workyears for the District of Columbia United States Attorney's Office have been adjusted to subtract out workyears devoted to the District of Columbia Superior Court.

DAG000000201

Long, Linda E

From: Mercer, William W
Sent: Wednesday, February 28, 2007 10:07 AM
To: Long, Linda E
Subject: Fw: Farewell, Adios, Good bye, Auf Weidersehen

Will you print this?

-----Original Message-----
From: Mercer, Bill (USAMT) <Bill.Mercer@usdoj.gov>
To: Mercer, William W
Sent: Tue Feb 27 22:49:47 2007
Subject: FW: Farewell, Adios, Good bye, Auf Weidersehen

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

-----Original Message-----
From: Iglesias, David C. (USANM)
Sent: Tuesday, February 27, 2007 08:00 PM Eastern Standard Time
To: USAEO-USAttorneys
Subject: Farewell, Adios, Good bye, Auf Weidersehen

Dear friends and colleagues:

As King Solomon wrote more than 2,500 years ago, "there is a time for everything." It's time to say goodbye from this wonderful job. Tomorrow will be my last day as U.S. Attorney. It's been the most responsible job I've ever had and the second most exciting job I've ever had (nothing beats being launched off and landing on a Navy aircraft carrier). The years have been an unprecedented mixture of experiences, memories and accomplishments. Beyond the record number of criminal cases my AUSAs brought, I'm proud of my hard-working office and its 95% conviction rate. I'm proud to have successfully prosecuted the biggest political corruption case in New Mexico history. I'm proud of having nationally recognized Weed and Seed and PSN programs. But, it's more than just metrics, it's about forming friendships with many of you. I'll never forget going to Colombia and Mexico with Johnny Sutton, Paul Charlton and the late great Mike Shelby. I'll never forget visiting drug cartel lord Pablo Escobar's home in Medellin and realizing America saved Colombia from becoming the world's first "narcocracy." I'll never forget running in L.A.'s seedy MacArthur Park with Matt Whitaker in the early morning hours. I'll never forget speaking at Main Justice's Great Hall for Hispanic Heritage Month, or testifying before Congress, debating a member of Congress and Village Voice journalist on the Patriot Act, backseating an F-16, or getting an op-ed published on immigration reform in the Washington Times. I'll never forget former A.G. and Mrs. John Ashcroft giving us a walking tour of the Washington monuments at night. Heady stuff for a guy originally from Panama whose family is just one generation removed from subsistence living in the jungle.

As one of just several US Attorneys born outside the United States, I know the America dream lives. I'd like to thank President Bush for nominating me to be the United States Attorney almost 6 years ago. I am grateful to have been allowed the honor of making a difference in my community. We need US Attorneys who "maintain justice and do what is right" (Isaiah 56:1) and are willing to pay the price for doing so.

After taking off the month of March to decompress and performing Navy duty overseas in April, I will begin my new job. I haven't decided which of my options to pursue, but in the interim you can reach me at dciglesias@earthlink.net or 505.220.6150. I wish you all success in the next 22 months in keeping America safe against all enemies, foreign and domestic.

Respectfully,

David

Brinkley, Winnie

From: Mercer, Bill (USAMT) [Bill.Mercer@usdoj.gov]
Sent: Thursday, March 01, 2007 12:02 PM
To: Brinkley, Winnie
Subject: FW: Thank You

Please print

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

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

From: Bogden, Daniel (USANV)
Sent: Thursday, March 01, 2007 11:48 AM Eastern Standard Time
To: USAEO-USAttorneysOnly
Subject: Thank You

Today is my last day as United States Attorney for the District of Nevada. I will always remember and think back fondly on the 16 1/2 years I have spent with the Department of Justice – all in Nevada. It has been a dream job and dream career and one that always made me enjoy each and every day on the job. Not only was it a challenging and interesting job but a fulfilling one in which you really could and did make a difference. When I was asked to serve as United States Attorney, I knew at that time that in accepting the position, I would be foregoing my career as an Assistant United States Attorney. It was a difficult decision at the time because I was giving up the best job in the world, that of being an Assistant United States Attorney – prosecuting criminals and keeping our nation, state and communities safe. I knew some day I would come to this juncture in my DOJ career. Well that day is upon me — I know my decision to choose a career in the Department of Justice was the right one and I would do it again without any hesitation. Because being an AUSA is now the 2nd best job in my world, surpassed only by being the United States Attorney for the District of Nevada — the best job in the world. So as I step down as United States Attorney, I have no regrets. I realize how much our office has accomplished and how much we have achieved. We have accomplished what we set out to do — to “make a difference”. We have done so in all aspects of our work – criminal, civil, appellate, asset forfeiture and FLU – in an outstanding manner. I want to thank each of you for your collegiality and comraderie. It has been an honor and privilege serving with each of you. So I say goodbye to each of you and all my colleagues in the Department of Justice and wish you all well.

The very best to each of you,

Dan

Contact information:

Long, Linda E

From: Elston, Michael (ODAG)
Sent: Wednesday, November 29, 2006 1:05 PM
To: Long, Linda E
Subject: Fw: Significant Observations for NDCA Special Review

Attachments: tmp.htm; NDCA SIGOBS.wpd

Could you print these for me and for Paul?

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

From: Margolis, David
To: Moschella, William; Elston, Michael (ODAG)
Sent: Mon Oct 30 10:03:53 2006
Subject: FW: Significant Observations for NDCA Special Review



NDCA SIGOBS.wpd
(96 KB)

This s not good

United States Attorneys
Southern District of California (SDCA) – History of Contractor Support

- In FY 1995, SDCA received approval to hire contractors to address border issues. Initially, the district was able to absorb these costs through surplus payroll. As part of this agreement, for every new full-time permanent support staff position allocated, the district agreed to reduce the contract staff by the same amount. Over the years, this agreement was not upheld and significant amounts of funding were provided to SDCA by EOUSA to pay for contractors because the payroll surplus had dried up. Below is a chart that shows the one times provided to SDCA over the past 4 years:

	Contractor Costs	Funds Provided by EOUSA
FY 2002	\$2,604,035	\$2,220,808
FY 2003	2,817,614	2,343,700
FY 2004	2,762,381	2,385,000
FY 2005	2,331,348	2,000,000

- In April 2004, a letter from the Acting Chief Financial Officer, Theresa C. Bertucci was sent to the USA outlining a plan to reduce SDCA's contractor support. The district was supposed to take any and all actions necessary to reduce contractor costs by \$450,000 in FY 2005. As reflected in the chart, the district reduced their one-time requests in FY 2005, but their number of support employees has not been reduced proportionately. EOUSA continues to give the district one-times in support of these contractors.
- Attached is a comparison of support staff to attorneys in all of the extra large districts. With their current 41 contractors, SDCA has the highest support to attorney ratio of any of the extra large districts. The average ratio is .96 support staff for every attorney. SDCA's ratio is 1.24 support staff for every attorney (see attached).
- In order for SDCA to achieve a ratio more in line with the other extra large Southwest Border districts of 1.00 support staff for every attorney, they would need to go from 41 contractors to 13.
- SDCA could begin this process by reducing two contractors per pay period beginning in pay period 3/February 5 and continue this process until pay period 13/July 8. For the remaining 6 pay periods in FY 2006, SDCA would have to reduce one contractor per pay period to get to the desired level of 13 contractors at the beginning of FY 2007.
- Already in FY 2006, SDCA has obligated approximately \$500,000 out of their litigation budget for contractor support. Based on the plan outlined above, an additional \$820,000 would need to be provided. Therefore, in total a one time in FY 2006 of \$1.32 million is required for SDCA to adhere to the above plan.

DAG000000205

**AUSA to Support Staff Comparison
Extra Large USAOs – FY 2006
Southern California - includes 41 contractors**

Extra Large Districts	Attorney	Support*	Comparison Supt:Atty	Exceeds Average
Arizona	119	117	0.98	-0.02
California CD	259	212	0.82	
California ND	103	115	1.12	-0.16
California SD**	114	141	1.24	-0.28
DC	333	310	0.93	
Florida MD	101	101	1.00	-0.04
Florida SD	213	187	0.88	
Illinois ND	145	139	0.96	0.00
Massachusetts	104	89	0.86	
Michigan ED	98	113	1.15	-0.19
New Jersey	127	118	0.93	
New York ED	164	143	0.87	
New York SD	204	224	1.10	-0.14
Pennsylvania ED	122	112	0.92	
Texas SD	141	129	0.91	
Texas WD	110	110	1.00	-0.04
Virginia ED	110	100	0.91	
=====	=====			
	2567	2460	0.96 Average	
			Extra Large	

**AUSA to Support Staff Comparison
Extra Large USAOs – FY 2006
All SW Border Districts including SD CA at or below a ratio of 1.00
In order to achieve lower ratio SD CA must reduce contractor support from 41 to 13**

Extra Large Districts	Attorney	Support*	Comparison Supt:Atty	Exceeds Average
Arizona	119	117	0.98	-0.02
California CD	259	212	0.82	
California ND	103	115	1.12	-0.16
California SD	114	114	1.00	-0.04
DC	333	310	0.93	
Florida MD	101	101	1.00	-0.04
Florida SD	213	187	0.88	
Illinois ND	145	139	0.96	0.00
Massachusetts	104	89	0.86	
Michigan ED	98	113	1.15	-0.19
New Jersey	127	118	0.93	
New York ED	164	143	0.87	
New York SD	204	224	1.10	-0.14
Pennsylvania ED	122	112	0.92	
Texas SD	141	129	0.91	
Texas WD	110	110	1.00	-0.04
Virginia ED	110	100	0.91	
=====	=====			
	2567	2433	0.95 Average	
			Extra Large	

DAG000000206

BULLETS

1. Immigration cases (criminal)

From EOUSA data - - FY 2006

Immigration Cases charged - - 1,514 (numbers charged for this category in each 2005 and 2006 are the lowest recorded since 1996)

From EOUSA data - - FY 2005

Immigration Cases charged - - 1,441

More than 2,000 charged in 200, 2003, and 2004

2. Firearms cases

Sentencing Commission data - - FY 2006

only 10 defendants sentenced for a firearms offense where it was the lead charge

compare with Western District of Texas

Sentencing Commission data for FY 06 show sentencings for 2,699 immigration offense defendants and 214 defendants guilty of firearms crimes.

DAG000000207

Fiscal Year 2006 Guideline Sentences

CALIFORNIA, Southern



Gender, Race, and Ethnicity¹

	TOTAL		Male		Female	
TOTAL	2,535	100.0%	2,247	88.6%	288	11.4%
White	810	32.0%	686	84.7%	124	15.3%
Black	48	1.9%	41	85.4%	7	14.6%
Hispanic	1,664	65.6%	1,511	90.8%	153	9.2%
Other	13	0.5%	9	69.2%	4	30.8%

Departure Status²

	TOTAL	
TOTAL	2,491	100.0%
Sentenced Within Guideline Range	1,002	40.2%
Upward Departure from Guideline Range	4	0.2%
Upward Departure with <i>Booker</i> /18 U.S.C. § 3553	4	0.2%
Above Guideline Range with <i>Booker</i> /18 U.S.C. § 3553	5	0.2%
All Remaining Cases Above Guideline Range	2	0.1%
§5K1.1 Substantial Assistance Departure	152	6.1%
§5K3.1 Early Disposition Program Departure	1,003	40.3%
Other Government-Sponsored Below Guideline Range	75	3.0%
Downward Departure from Guideline Range	106	4.3%
Downward Departure with <i>Booker</i> /18 U.S.C. § 3553	12	0.5%
Below Guideline Range with <i>Booker</i> /18 U.S.C. § 3553	71	2.9%
All Remaining Cases Below Guideline Range	55	2.2%

Average Age ³	Mean	Median
TOTAL	33.3	31.0
Male	33.4	32.0
Female	31.9	29.0

Mode of Conviction ⁴		
TOTAL	2,637	100.0%
Plea	2,559	97.0%
Trial	78	3.0%

SENTENCING INFORMATION BY PRIMARY OFFENSE⁵

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffc	Counterftng	Firearms	Immigratn	All Other
	2,639	10	4	1	102	981	2	10	1,411	118
CASES INVOLVING PRISON⁶										
Total Receiving Prison	2,506	10	1	1	79	942	1	9	1,369	94
Prison	2,344	6	1	1	74	881	1	9	1,291	80
Prison/Community Split	162	4	0	0	5	61	0	0	78	14
Prison Term Ordered										
Up to 12 Months	669	0	1	0	32	340	0	3	257	36
13-24 Months	936	0	0	0	27	186	0	0	700	23
25-36 Months	213	0	0	0	8	100	0	0	101	4
37-60 Months	466	4	0	1	7	179	0	1	259	15
Over 60 Months	198	6	0	0	2	126	0	4	46	14
Mean Sentence	28.0	87.8	10.0	48.0	18.7	32.0	-	48.9	24.9	31.5
Median Sentence	18.0	77.5	10.0	48.0	15.0	21.0	-	54.5	21.0	15.0
CASES INVOLVING PROBATION										
Total Receiving Probation	109	0	3	0	22	35	1	1	23	24
Probation Only	77	0	2	0	15	28	1	1	15	15
Probation and Confinement	32	0	1	0	7	7	0	0	8	9
CASES INVOLVING FINES AND RESTITUTION⁷										
Total Receiving Fines and Restitution	139	7	3	1	36	26	0	2	27	37
Median Dollar Amount	\$4,000	\$6,780	\$3,000	\$2,064,745	\$100,773	\$1,500	-	\$3,605	\$500	\$9,000

Footnotes and a complete description of all variables in this table are provided in Appendix A.
SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

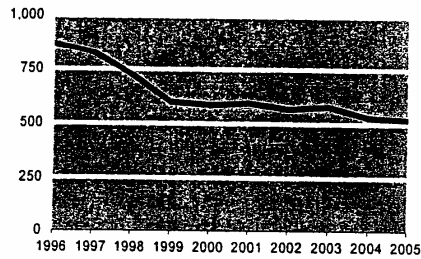
DAG00000208

San Diego, California

2005 Population: 1,272,148

Violent crime

Rate per 100,000 population



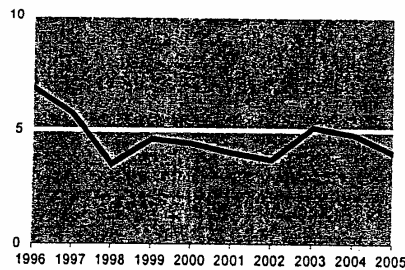
Rate change	
2004-2005	-2%
2001-2005	-13%
1996-2005	-40%

Number of violent crimes

2001	7,405
2002	7,193
2003	7,366
2004	6,774
2005	6,603

Murder

Rate per 100,000 population



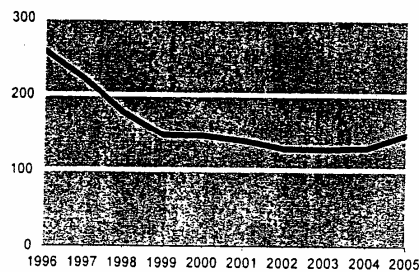
Rate change	
2004-2005	-17%
2001-2005	0%
1996-2005	-41%

Number of murders

2001	50
2002	47
2003	65
2004	62
2005	51

Robbery

Rate per 100,000 population



Rate change	
2004-2005	12%
2001-2005	6%
1996-2005	-43%

Number of robberies

2001	1,729
2002	1,627
2003	1,626
2004	1,650
2005	1,862

DAG00000209

San Diego, California

Uniform Crime Reports Detail

Rate per 100,000 population

Year	Violent crime rate	Murder and nonnegligent manslaughter rate	Forcible rape rate	Robbery rate	Aggravated assault rate	Property crime rate	Burglary rate	Larceny-theft rate	Motor vehicle theft rate
1996	868.6	6.8	31.5	256.6	573.7	4401.5	736.8	2712.2	952.5
1997	827.7	5.7	32.5	220.2	569.4	4157.9	689.9	2553.9	914.0
1998	725.2	3.5	30.8	175.9	515.0	3788.3	609.5	2354.4	824.4
1999	598.4	4.6	28.7	146.3	418.8	3405.3	530.3	2108.7	766.3
2000	585.3	4.4	28.5	145.3	407.1	3204.1	549.0	1881.2	773.8
2001	594.2	4.0	27.4	138.7	424.0	3453.8	579.3	2010.2	864.3
2002	567.1	3.7	26.0	128.3	409.1	3384.8	602.3	1937.7	844.8
2003	578.7	5.1	31.9	127.8	414.0	3644.2	634.5	2022.3	987.4
2004	528.7	4.8	29.1	128.8	365.9	3546.4	570.1	1964.2	1012.2
2005	519.0	4.0	29.6	146.4	339.1	3632.7	586.6	1934.8	1111.3

Number of offenses

Year	Violent crime total	Murder and nonnegligent Manslaughter	Forcible rape	Robbery	Aggravated assault	Property crime total	Burglary	Larceny-theft	Motor vehicle theft
1996	10,148	79	368	2,998	6,703	51,425	8,608	31,688	11,129
1997	9,789	67	384	2,604	6,734	49,173	8,159	30,204	10,810
1998	8,744	42	371	2,121	6,210	45,677	7,349	28,388	9,940
1999	7,411	57	355	1,812	5,187	42,176	6,568	26,117	9,491
2000	7,160	54	349	1,777	4,980	39,199	6,717	23,015	9,467
2001	7,405	50	342	1,729	5,284	43,039	7,219	25,050	10,770
2002	7,193	47	330	1,627	5,189	42,931	7,639	24,577	10,715
2003	7,366	65	406	1,626	5,269	46,382	8,076	25,739	12,567
2004	6,774	62	373	1,650	4,689	45,443	7,305	25,168	12,970
2005	6,603	51	376	1,862	4,314	46,213	7,462	24,613	14,138

Sources: FBI Uniform Crime Reports prepared by the National Archive of Criminal Justice Data

Police employment

Year	Sworn	Civilian	Total
2000	2112	756	2868
2001	2154	760	2914
2002	2123	790	2913
2003	2062	761	2823
2004	2031	734	2765
2005	2070	753	2823

Source: FBI Uniform Crime Reports

DAG00000210

City and State statistical profile

	San Diego	California
Population		
2003 estimate	1,266,753	35,484,453
Percent change, April 1, 2000 to July 1, 2003	3.5%	4.8%
Net change, April 1, 2000 to July 1, 2003	43,324	1,612,800
2000 census	1,223,400	33,871,648
Net change, 1990 to 2000	112,369	4,060,221
Percent change, 1990 to 2000	10.1%	13.6%
Demographic characteristics		
Age		
Persons under 5 years old, percent, 2000	6.7%	7.3%
Persons under 18 years old, percent, 2000	24.0%	27.3%
Persons 65 years old and over, percent, 2000	10.5%	10.6%
Gender		
Female persons, percent, 2000	49.6%	50.2%
Race and ethnicity		
White persons, percent, 2000 *	60.2%	59.5%
Black or African American persons, percent, 2000 *	7.9%	6.7%
American Indian and Alaska Native persons, percent, 2000 *	0.6%	1.0%
Asian persons, percent, 2000 *	13.6%	10.9%
Native Hawaiian and Other Pacific Islander, percent, 2000 *	0.5%	0.3%
Persons reporting some other race, percent, 2000 *	12.4%	16.8%
Persons reporting two or more races, percent, 2000	4.8%	4.7%
Persons of Hispanic or Latino origin, percent, 2000 **	25.4%	32.4%
Foreign born and language		
Foreign born persons, percent, 2000	25.7%	26.2%
Language other than English spoken at home, pct age 5+, 2000	37.4%	39.5%
Households		
Number and size of households		
Households, 2000	450,691	11,502,870
Persons per household, 2000	2.61	2.87
Homeownership rate, 2000	49.5%	56.9%
Income and poverty		
Median household income, 1999	\$45,733	\$47,493
Per capita money income, 1999	\$23,609	\$22,711
Persons below poverty, percent, 1999	14.6%	14.2%
Geography		
Land area, 2000 (square miles)	324	155,959
Persons per square mile, 2000	3,771.90	217.2

* includes persons reporting only one race

** Hispanics may be of any race, so also are included in applicable race categories.

DAG000000211

San Diego

Questions for cities with decreases in violent crime:

Please be prepared to discuss the following questions with us during our visit, providing, when available, supporting evidence:

Decreased violence

1. To what do you attribute the decrease in homicides and/or robberies between 2004 and 2005? Robberies were up 2.3% in 2005 when compared to 2004.

2. Are you experiencing a decrease in 2006?
Slight decrease in homicides to date. We experienced about a 7% decrease so far in 2006.

Impact of changes in the population

3. Have there been any demographic or societal changes within your jurisdictions within the past few years that you believe have had an impact on the rates of violent crime? For example, large changes in population or the composition of the population, etc.
In some of our jurisdictions, there has been an increase in low income housing. In some of the Hispanic communities, many families are living under one roof. This increases our population density. Dense population causes increases in crimes related to violence.

4. What role has race/ethnicity or (illegal) immigrant status of victims or offenders played in the homicides/robberies in your jurisdiction in 2004 and 2005? Did this change in any way during the two years?
2004 Homicides: 60% of offenders were minorities
2004 Robberies: 60% of offenders were minorities

2005 Homicides: 70% were minorities
2005 Robberies: 60% of offenders were non Caucasian.

5. What proportion of the homicides and/or robberies in your jurisdiction was committed by juveniles in 2004-2005? By young adults? If there was a difference in that proportion during the past two years, to what do you attribute the change?
2004 Homicides: 12% were juvies
2004 Robberies: 18% were juvies

2005 Homicides: 1% were juvies
2005 Robberies: 20% were juvies

DAG000000212

Role of gangs and drugs

6. What is the nature of the gang problem in your community? For example, does it involve local gangs or "crews" or national or regional gangs? What role have changes in gang violence played in the decreased violence in your community?
In our jurisdiction we have approximately 48 different gang affiliations. The total number of documented gang members is 3,164.
7. Did your community experience changes in drug markets or drug availability in 2005?
The availability is always high due to our close proximity to Mexico.

Firearms

8. What role have changes in the use or availability of guns played in the decrease? Have you seen changes in illegal gun trafficking either in volume and/or type from out of your jurisdiction or out of your state? Have you seen a change in the number of incidents involving shootings? Our gang investigators and task forces have noticed an increase in weapons seizures.

Changes in the characteristics of violence

9. (For homicide cities) Has there been a change in the percentage of murders committed in your jurisdiction by strangers or persons unknown to the victim?
No significant change. 20% of the suspects are unknown to the victim.
10. (For homicide cities) What proportion of the murders committed in your jurisdiction was domestic in nature or involved intimate partners? What programs are in place to assist victims of domestic/intimate partner violence? Have there been any changes during the past few years in these programs that have moderated or enhanced their impact?
2004 was 20%
2005 was less than 1%
2006 16%
11. (For robbery cities) Please provide the distribution of robberies in your jurisdiction by type (i.e., bank, street, convenience store, home invasion, etc.) for 2004 and 2005? Was there a change in the nature of robberies between 2004 and 2005?
In 2005, a noticeable increase in strong arm robberies from 2004.

Criminal Justice Resources

12. How many sworn officers did you have in your jurisdiction in 2004 and 2005? Were there any changes made in their deployment? If yes, what impact do you think that changes in available manpower played in the decrease in homicides and/or robberies?
In 2004 we had: 939 sworn
In 2005 we had: 859 sworn (80 positions down)

In 2005 we added the East County Gang Task Force. (SDSO, DA, Probation, La Mesa, ECPD, ICE, State Parole, ATF.

LGS Gang Suppression Team.
Regular gang and warrant sweeps.

13. Is there adequate prison and jail space in your state and community or are violent offenders being released early or not being held pre-trial?

No. Average daily population is over 5,200.

There is not adequate space in state prisons. They are pending a crisis and have threatened to stop accepting new admissions. The state prison overcrowding situation presents a very real threat to local governments. Our current county jail population is high, but within court-ordered limits by a narrow margin.

We do take advantage of all lawful early release mechanisms, including a 10% across-the-board reduction of sentences authorized by the court in our population monitoring lawsuit. We do not distinguish between violent and non-violent offenders in applying that sentence credit. With respect to pre-trial, we are fairly restrictive on acceptance of misdemeanors, and make significant use of book-and-release for DUI and other similar offenses.

14. Were there any significant changes in available financial and other resources to prevent or respond to crime between 2004 and 2005? If so, what was the nature of these changes?

What impact do you believe that they had on the decrease in homicides/robberies?
Lots of grants, state and federal.

Programs

15. What new law enforcement programs or modifications to existing programs have been introduced in your jurisdiction to respond to homicides and/or robberies? What role did these programs play in the reduction in homicides and/or robberies in your jurisdiction? Please be as specific as possible in identifying new programs or changes in existing programs.

Gang Suppression Team (LGS)
US Marshals Fugitive Task Force

16. Are programs in place in your community to deal with reentry of offenders from prison? How effective are they in preventing recidivism?

For years, we have offered educational and vocational training programs aimed at improving offender outcomes. The State of California is currently trying to expand its prisoner reentry programming. Among their strategies is SB618, in which a partnership has been formed between state and local government. Instead of wasting valuable time while offenders sit in prison reception centers awaiting exams and assessment, those assessments will now be done in

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jails prior to the prison transfer, in order that selected prisoners can get integrated into programming sooner. Inmates are selected from those with relatively short terms who will be paroled into the participating county.

We are also working with the State in trying to help them site a 500-bed reentry facility in the county. The concept involves a program-intensive secure facility operated by the State where persons pending parole to our county would receive services and get connected with parole officials, medical and mental health resources, employment assistance, etc.

It is too soon to evaluate any program effectiveness, but considering that parolees currently just step off a bus into our communities with no preparation suggests that the effectiveness of these efforts can only be positive.

17. What programs/resources are needed for your jurisdiction to continue to be successful in reducing the rate of homicide and/or robbery in the future?

Additional information

18. Please provide any additional information that you believe is pertinent to the discussion of the decrease in homicides and/or robberies in your jurisdiction between 2004 and 2005.

PSN - San Diego, CA

Context:

The United States Attorney's Office (USAO) for the Southern District of California (SDCA) is headquartered in San Diego with a branch office in El Centro, located in Imperial Valley. San Diego is a major urban center that is the second largest city in California and the seventh largest in the United States. As such, it experiences the array of criminal activities—violent, drug-related, and white collar—present in any metropolitan area. SDCA is affected substantially by its proximity to Mexico. Both San Diego County and Imperial County have large Mexican cities immediately to their south. Tijuana, directly adjacent to San Diego, has a population estimated at two million people and is Mexico's third largest and fastest growing city. San Diego and Tijuana taken together constitute the largest binational metropolis in the world. Similarly, Mexicali, bordering Imperial County on the south, is the state capital of Baja California and has a population estimated at over one million people.

SDCA is home to the largest concentration of navy and Marine Corps installations in the world. In addition to military bases, there are "pockets" of federal territorial jurisdiction on federal facilities throughout San Diego. For example, SDCA has exclusive jurisdiction over the old Customs House at the San Ysidro Port of Entry and concurrent jurisdiction with respect to the San Diego Metropolitan Correctional Center, which houses as many as 1,000 federal prisoners. Because of its location, SDCA continues to be a major corridor for both illegal immigration and illicit drug trafficking activities. Two of the three busiest land ports of entry on the Southwest Border are located in SDCA. The San Ysidro Port of Entry, 15 miles south of downtown San Diego, is the busiest land border crossing in the world—inspecting more than 46 million persons and 14 million vehicles annually. Three other ports of entry (Otay Mesa, Calexico/Mexicali, and Imperial Valley) as well as two additional inspection points (Tecate and Andrade) are within the jurisdiction.

Task Force:

According to information obtained recently from the USAO, the following are members of the PSN Task Force: United States Attorney's Office, San Diego County District Attorney's Office, San Diego City Attorney's Office, U.S. Probation Department, San Diego County Sheriff's Department; San Diego, Escondido, Chula Vista, El Cajon, National City, and La Mesa Police Departments; ATF; FBI; U.S. Marshals Service; North County Gang Task Force; Violent Crime Task Force; Fugitive Task Force; Children's Initiative, and San Diego Association of Governments; and San Diego Gang Commission. The task force meets the fourth Thursday of every month at the USAO. The USAO reports that these meetings have resulted in a re-energized Task Force to develop and implement PSN strategies. There is a new Grants Committee consisting of a former United States Attorney, former Police Chief, former U.S. Marshal, and an educator. The task force also established a Law Enforcement Subcommittee with San Diego Police Captain as chair.

Problem Analysis:

District reporting indicates that an assessment of the nature and scope of gun violence was undertaken based on other police data, crime mapping, crime incident reviews, community-level

data, and offender surveys/interviews/or focus groups. The sources of gun violence identified were gangs, drugs, domestic violence, felons in possession, corrupt FFLs, straw purchasers, Brady false statements and aliens in possession, with gangs noted as the most important. Also, the Task Force recently sent a survey to local law enforcement to ascertain gang information, such as, number of gangs, rate of growth, types of crimes occurring in their specific area, and any gaps in services.

Strategies:

In October 2005, the USAO reported using joint federal-local prosecution screening of firearms, increased federal prosecution of firearms cases, investigations of criminal organized gang violence, and use of education programs and school-based prevention initiatives. More recently, the USAO reports an improved case review process in firearm cases. The Task Force has also set the following goals for 2006-2007, some of which have already been met: aggressively investigate illegal possession and sale of firearms cases; increase the number of gun crime cases prosecuted by the USAO by 500%; distribute prosecution protocols and a DVD on PSN to every local, state, and federal law enforcement agency; conduct regional one-day firearms training session focused on federal firearms laws, firearms identification, and hidden compartments; produce and distribute to local media outlets three PSN radio and TV public service announcements regarding gun crime prosecution and prevention; conduct five PSN community educational forums regarding gun crime prevention (participants will include a police officer, prosecutor/judge, medical care provider - i.e., ER physician, victim, and ex-offender); introduce ATF's G.R.E.A.T. Program into four to five additional middle/high schools; distribute 6,000 PSN posters and 10,000 PSN book covers to area schools, recreation centers, businesses, etc.; secure billboard space for PSN ads in five areas of district; and conduct four "in-person" school visits by juvenile judge, prosecutor, police officer, probation officer, ex-offender, and victim.

In the outreach area, the PSN task force began negotiations to produce three DOJ-approved PSAs and for additional billboard space for the PSN message; secured additional funding for G.R.E.A.T. programs in high-risk schools; produced and distributed Gun Safety Posters, brochures, and book covers; conducted eight youth forums; conducted five community forums with parents and community representatives; and negotiated for five billboards and nine bus transit stops to post the PSN message.

Outcomes:

National Firearm Statistics

CASES FILED 2004	11,067
CASES FILED 2005	10,841
CASES FILED 2006	10,425
PERCENTAGE CHANGE 2004-2005	-2%
PERCENTAGE CHANGE 2005-2006	-3.8%
PERCENTAGE CHANGE 2000-2006	66%

DEFENDANTS 2004	12,962
DEFENDANTS 2005	13,062
DEFENDANTS 2006	12,479
PERCENTAGE CHANGE 2004-2005	0.8%
PERCENTAGE CHANGE 2005-2006	-4.5%
PERCENTAGE CHANGE 2000-2006	54.9%

Southern District of California Firearms Statistics

CASES FILED 1993	57
CASES FILED 2000	16
CASES FILED 2004	18
CASES FILED 2005	12
CASES FILED 2006	17
PERCENTAGE CHANGE 2004-2005	-33.3%
PERCENTAGE CHANGE 2005-2006	41.7%
PERCENTAGE CHANGE 2000-2006	6.3%

DEFENDANTS 1993	77
DEFENDANTS 2000	29
DEFENDANTS 2004	18
DEFENDANTS 2005	14
DEFENDANTS 2006	20
PERCENTAGE CHANGE 2004-2005	-22.2%
PERCENTAGE CHANGE 2005-2006	-42.9%
PERCENTAGE CHANGE 2000-2006	-31.0



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U.S. ATTORNEY RESIGNATIONS

DISTRICT:	LEADERSHIP ASSESSMENT:	EARS:
<p>Dan Bodgen (NV) Term expired: Nov. 2, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007</p> <p><i>general assessment:</i></p> <p><i>- Good job on gen cases</i></p>	<ul style="list-style-type: none"> <i>Very important district being underserved (Las Vegas target for terrorism, violent crime, drugs/organized crime).</i> <i>Resistant to at least one leadership priority (obscenity task force)</i> <i>Lack of energy and leadership for highly visible district with serious crime issues.</i> <i>Problems with security prosecution</i> 	<ul style="list-style-type: none"> March 3-7, 2003 USA Bogden is highly regarded by the federal judiciary, the law enforcement and civil client agencies, and the staff of the USAO. AUSAs failed to consistently follow DOJ policies with regard to firearms prosecutions (924(c)), reporting adverse decisions and appellate practice. <p><i>management</i></p>
<p>Paul Charlton (AZ) Term expired: Nov. 14, 2005 Called: Dec. 7, 2006 Resignation: Jan. 30, 2007</p> <p><i>- judgment</i></p> <p><i>- management</i></p>	<ul style="list-style-type: none"> <i>Repeated instances of defiance, insubordination, actions taken contrary to instructions, and actions taken that were clearly unauthorized.</i> <i>Worked outside of proper channels without regard to the approved process or impact on others (i.e. budget resources).</i> <i>Ex- multiple failures to follow AG's instruction on death penalty. Sought criticism after "seek"</i> <i>Ex: required FBI to videotape interviews despite FBI policy.</i> <i>Ex: refusal(?) to comply with a leadership priority (obscenity).</i> <i>Ex: contrary to guidance from Main Justice that it was poor judgment, put an employee on "leave without pay" status so she could become a paid press secretary for the 2002 gubernatorial campaign (supporting the candidate who was challenging Napolitano).</i> <i>Border district</i> 	<ul style="list-style-type: none"> December 8-12, 2003 USA Charlton is well respected by the USAO staff, investigative and civil client agencies, local law enforcement community, Native American Nations, and judiciary regarding his integrity, professionalism, and competence. <i>The USA's and FAUSAs adherence to the chain of command in the Organizational Chart has led to a perception by some that he is inaccessible.</i> <i>Pereception among AUSAs that management is not open to suggestions or criticism.</i> <i>Judges complain about inadequate AUSA of complaints prior to</i> <p><i>possible</i></p> <p><i>review</i></p>

		<p>submission.</p> <ul style="list-style-type: none"> • AUSAs fail to follow DOJ policies regarding charging and pleas; lack knowledge of DOJ prior approval requirements for media and attorney subpoenas. • Corporate fraud not being addressed in Phoenix or Tucson. • Line civil AUSAs compromise bankruptcy claims without authority to do so. • Case management system not used/contains inaccurate information. • On one occasion, office erroneously appointed SAUSA an AUSA and did so without required security papers or drug test.
<p>(NOT PUBLIC) Term expired: Nov. 2005 Called: Dec. 7, 2006 Resignation: anticipated Mar. 9, 2007 (NOT PUBLIC)</p>	<ul style="list-style-type: none"> • During USA's tenure, the office has become <u>fractured, morale has fallen, and the USA has lost the confidence of the leadership team and some career prosecutors.</u> • The problems here have required an <u>on-site visit by management experts from our EOUSA to visit and mediate with members of the leadership team.</u> <p><i>Borden</i></p>	<ul style="list-style-type: none"> • July 12-16, 2004 • USA is a well regarded, hard-working, and capable leader who has the respect and confidence of the judiciary, the agencies, and USAO personnel. <u>Made significant improvements over prior, dysfunctional leadership.</u> • CRM division (3 managers rather than 1 CRM chief) hampers supervision/management of the division, • Structure prevents management from effectively managing resources in most areas of prosecution; no

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Started of well b/c of prior problems

Misc. Management issues

		<p>assurance that DOJ priorities/policies being carried out.</p> <ul style="list-style-type: none"> AUSAs with 5 yrs experience exempt from most review (e.g., intake decisions, plea agreements) and thus no idea whether those line AUSAs follow DOJ policies. Noticeable differences in workload/productivity contribute to discontent in CRM division. *
<p>David Iglesias (NM) Term expired: Oct. 17, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007</p>	<ul style="list-style-type: none"> Critically-important border district being underserved. Perceived to be an "absentee landlord" who relies on the FAUSA to run the office. <i>Under performing generally</i> <i>lack-luster manager</i> 	<ul style="list-style-type: none"> November 14-18, 2006 USA Iglesias is experienced in legal, management, and community relations work and is respected by the judiciary, agencies, and staff. (Report does note heavy reliance on FAUSA to manage operations.) Poor morale exists in Las Cruces due to appointment of inexperienced supervisor (and growing immigration caseload). Insufficient resources assigned to growing criminal caseload. *
<p>Carol Lam (SDCA) Term expired: Nov. 18, 2006 Called: Dec. 7, 2006 Resignation: Feb. 15, 2007</p> <p><i>use of time management</i></p>	<ul style="list-style-type: none"> Despite the significant management challenges and needs of an extra-large border district with complex litigation, she has focused too much attention and time on personally trying cases than managing the USAO. Failure to perform in relation to significant leadership priorities (i.e. immigration and gun 	<ul style="list-style-type: none"> February 7-11, 2005 USA Lam is an effective manager of the USAO and a respected leader for the District. She is active in Department activities and is respected by the judiciary, law enforcement agencies, and the USAO staff.

	<p>crime).</p> <ul style="list-style-type: none"> • Ex: The President has made <u>clear that he expects strong immigration enforcement efforts</u>, but SDCA has only brought a fraction of the cases that other significant border districts are doing. While some good numbers on alien smuggling: <ul style="list-style-type: none"> - Only 422 illegal re-entry cases in 2005 where AZ did 1,491 and NM did 1,607; - Only 470 illegal entry cases in 2005 where AZ did 3,409 and NM did 1,194; - In June 2006, Sen. Feinstein wrote a letter to the AG complaining about the high prosecution guidelines which kept these numbers low. • Ex: The President has made clear he expects <u>gun crime prosecution to be a significant effort</u>, but SDCA has only brought a fraction of the cases of other extra-large districts. Despite its size and population, it <u>ranks 91 out of 93 districts in terms of average numbers of firearms cases since FY 2000</u> (doing only an average of 18 cases). 	<ul style="list-style-type: none"> • While quality of cases is high, the number of immigration cases per AUSA work year statistically lower than other border USAOs; <u>quantity of some proactive investigative matters/cases is modest and not consistent with Department priorities (e.g., crimes against children)</u>. • <u>Morale issues noted in general crimes section.</u> • Problems with intake of firearms referrals – <u>ATF complains that it takes too long to get a prosecution decision.</u> • Indictment review too time consuming, esp. in routine cases. • AUSAs unfamiliar with DOJ policy requiring presentation of exculpatory evidence to grand juries. • <u>Information security issues (improper transportation and disposal of computer media).</u>
<p>John McKay (WDWA) Term expired: Oct. 30, 2005 Called: Dec. 7, 2006 Resignation: Jan. 31, 2007</p>	<ul style="list-style-type: none"> • Pattern of insubordination, <u>poor judgment</u>, and demonstration of <u>temperament issues in seeking policy changes without regard to appropriate methods or tactics.</u> • <u>Extensive focus and travel outside of district to advocate policy changes, rather than proper focus on running the office.</u> 	<ul style="list-style-type: none"> • March 13-17, 2006 • USA McKay is an effective, well-regarded, and capable leader of the USAO and the District's law enforcement community. • Some personnel not handling grand jury material appropriately; other information security issues.

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	<p><i>large downward departures ←</i></p>	<ul style="list-style-type: none"> • Noncompliance with Ashcroft memo noted. • Downward departures for substantial assistance not documented as required by DOJ policy.
<p>Kevin Ryan (NDCA) Term expired: Aug. 2, 2006 Called: Dec. 7, 2006 Resignation: Feb. 16, 2007</p>	<ul style="list-style-type: none"> • During his tenure, the office has become the <u>most fractured office in the Nation</u>, <u>morale has fallen</u> to the point that it is harming our prosecutorial efforts, and the USA has lost the confidence of many of the career prosecutors who are leaving the office. • The problems here have <u>required multiple on-site visits by management and personnel experts from EOUSA.</u> <p><i>Special review</i></p>	<ul style="list-style-type: none"> • Special: March 27-31, 2006 • Overall, USA Ryan effectively manages relations with the outside agencies, the local community, and the judiciary, although some judges expressed concern that he does not adequately communicate with them. • Although, under USA Ryan's leadership, the USAO effectively manages its substantive work, <u>his management style and practices have contributed, at least in part, to low morale among a number of the line AUSAs in the Criminal Division in the San Francisco office.</u>
<p>Bud Cummins (EDAR) Term expired: Jan. 9, 2006 <i>(In April 2006, Cummins repeated previous statements that he would not stay for the whole second term and that he was leaving for private sector later that year)</i> Called: June 2006 Resigned: December 2006</p>	<ul style="list-style-type: none"> • He had completed his four-year term and indicated he would not stay for the entire second term, so we worked on developing a replacement plan. 	<p>[Requested]</p>

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U.S. ATTORNEY RESIGNATIONS & REPLACEMENTS

DISTRICT:	ACTING/INTERIM SELECTION:	STATUS OF POTENTIAL NOMINEE:
Dan Bodgen (NV) Term expired: Nov. 2, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007	(FAUSA has declined to be acting USA due to his pending casework; identifying and interviewing other candidates)	Sen. Ensign will recommend potential candidates.
Paul Charlton (AZ) Term expired: Nov. 14, 2005 Called: Dec. 7, 2006 Resignation: Jan. 30, 2007	Chief AUSA Daniel Knauss was appointed interim USA: <ul style="list-style-type: none"> • 34 ½ years as a federal prosecutor. • 2 years as an adjunct law professor. 	Senators McCain and Kyl recommended one candidate; candidate was interviewed 1/16/07.
(NOT PUBLIC) Term expired: Nov. 2, 2005 Called: Dec. 7, 2006 Resignation: Mar. 9, 2007 (NOT PUBLIC)	(Not yet interviewing, because vacancy is not public)	When USA announces resignation, the Administration will seek recommendations of potential candidates from the WH-designated Republican lead.
David Iglesias (NM) Term expired: Oct. 17, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007	(Interviewed two career prosecutors to date; decision pending)	Sen. Domenici has recommended potential candidates; interviews were held 1/17/07.
Carol Lam (SDCA) Term expired: Nov. 18, 2006 Called: Dec. 7, 2006 Resignation: Feb. 15, 2007	(Interviewed four career prosecutors to date; decision pending)	Parsky Commission will recommend potential candidates.
John McKay (WDWA) Term expired: Oct. 30, 2005 Called: Dec. 7, 2006 Resignation: Jan. 31, 2007	Criminal Chief Jeffrey Sullivan was appointed interim USA: <ul style="list-style-type: none"> • 27 years as a state/local prosecutor; • 5 years as a federal prosecutor; • 3 years in private practice. 	Rep. Reichert has recommended potential candidates; interviews were held 2/9/07.
Kevin Ryan (NDCA) Term expired: Aug. 2, 2006 Called: Dec. 7, 2006 Resignation: Feb. 16, 2007	(Identifying and interviewing qualified career prosecutors; decision pending)	Parsky Commission will recommend potential candidates.

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<p>Bud Cummins (EDAR) Term expired: Jan. 9, 2006</p> <p><i>(In April 2006, Cummins repeated previous statements that he would not stay for the entire second term and that he would be leaving for the private sector soon.)</i></p> <p>Called: June 2006 Resigned: December 2006</p>	<p>Tim Griffin:</p> <ul style="list-style-type: none"> • 2 years as a federal prosecutor (one year at DOJ plus one year full-time in the military); • 10 years in the JAG Corps, U.S. Army Reserve (now a Major); • 6 months as special assistant to the Assistant Attorney General for the Criminal Division; • 1 year as associate independent counsel, <i>In re: Henry Cisneros</i>; • 2 years as senior investigative counsel, House Gov't Reform Committee; • 1 year private practice; • Additional experience as special assistant to the President and RNC research director. 	<p>Administration is consulting with Senators Lincoln and Pryor.</p>
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• Originally recommended by Rep. for WDAR

PAUSA issue: Griffin was always our choice

**VACANCIES OVER THE PAST YEAR:
(13 since March of 2006)**

- **There are many reasons why a U.S. Attorney may retire or resign.**
- **Nearly half were confirmed or appointed to new federal positions:**
 - ✓ Paul McNulty, EDVA, 3/06 (to become DAG)
 - ✓ Tom Johnston, NDWV, 4/06 (to become federal district court judge)
 - ✓ Frank Whitney, EDNC, 6/06 (to become federal district court judge)
 - ✓ Bert Garcia, PR, 6/06 (to return family to home state of Texas)
 - ✓ Ken Wainstein, DC, 9/06 (to become AAG of NSD)
 - ✓ Mike Heavican, NE, 10/06 (to become Chief Justice on the state's Supreme Court)
 - ✓ Lisa Godbey Wood, SDGA, 2/07 (to become federal district court judge)
- **Others left to pursue private sector opportunities (i.e. Jim Vines, MDTN) or retired at the end of a long career (i.e. Charles Larson, NDIA).**

Full list of resignations since last March in reverse date order (14 total):

- Lisa Godbey Wood, SDGA (confirmed to be federal district court judge, but not yet appointed)
- *John McKay, WDW, 1/07 (has said he will teach at a law school)*
- *Paul Charlton, AZ, 1/07 (going into private practice)*
- *Bud Cummins, EDAR, 12/06 (pursuing private sector opportunities)*
- Chuck Larson, NDIA, 12/06 (to take federal retirement)
- Deb Yang, CDCA, 11/06 (to go into private practice)
- Jim Vines, MDTN, 10/06 (to move to D.C. and go into private practice)
- Mike Heavican, NE, 10/06 (to become Chief Justice on the state's Supreme Court)
- Ken Wainstein, DC, 9/06 (to become AAG of NSD)
- Frank Whitney, EDNC, 6/06 (to become federal district court judge)
- Bert Garcia, PR, 6/06 (to return family to home state of Texas)
- Tom Johnston, NDWV, 4/06 (to become federal district court judge)
- Todd Graves, WDMO, 3/06 (started his own firm)
- Paul McNulty, EDVA, 3/06 (to become DAG)

Additional U.S. Attorneys are pending confirmation/appointment to new federal positions (4):

- Bill Mercer, MT (to become Associate Attorney General)
- Joe Van Bokkelen, NDIN (to become federal district court judge)
- Roslynn Mauskopf, EDNY (to become federal district court judge)
- Steve Murphy, EDMI (to become federal court of appeals judge)

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CURRENT & UPCOMING VACANCIES

Current vacancies (16):

- **Maine** (since 2001) – still continuing to request names from senators
- **Southern District of West Virginia** (since 2005) - waiting on names from congresswoman
- **Eastern District of Tennessee** (since 2005) – candidate selected but waiting on home-state senator sign-off
- **Alaska** (since 1/06) – waiting on names from senators
- **Southern District of Illinois** (since 2005 or 3/06, depending) - nomination sent to last Congress but not approved; on hold
- **Western District of Missouri** (since 3/06) - nomination pending
- **Puerto Rico** (since 6/06) - nomination pending
- **District of Columbia** (since 9/06) - candidate in background review
- **Nebraska** (since 10/06) - candidate in background review
- **Middle District of Tennessee** (since 10/06) - waiting on additional names from senators
- **Central District of California** (since 11/06) – working with home-state commission
- **Eastern District of Arkansas** (since 12/06) - candidate in background
- **Northern District of Iowa** (since 12/06) - candidate selected but waiting on home-state senator sign-off
- **District of Arizona** (since 1/07) – would like to request more names from senators
- **Western District of Washington** (since 1/07) – interviews being scheduled
- **Southern District of Georgia** (since 2/7/07) – waiting on additional names from senators

Publicly-announced or known upcoming resignations (8):

- **Nevada**, Dan Bogden, 2/28/07 – waiting on names
- **Southern District of California**, Carol Lam, 2/15/07 – waiting on names
- **Northern District of California** Kevin Ryan, 2/16/07 – waiting on names
- **New Mexico**, David Iglesias, 2/28/07 – candidate selected but waiting on home-state senator sign-off
- **Montana**, Bill Mercer, pending confirmation of new position
- **Northern District of Indiana**, Joe Van Bokkelen, pending confirmation of new position
- **Eastern District of New York**, Roslynn Mauskopf, pending confirmation of new position
- **Eastern District of Michigan**, Steve Murphy, pending confirmation of new position

Non-public resignation (1)

DAG00000228

Sending a Message

- 1) Important question
- 2) Fair analysis: no basis for concern.
- 3) At least 4 reasons:

1. If AG or I thought it was true, we wouldn't do it.

2. Public corruption is one of our top priorities, and the message out of Washington (and example) is strong pro-prosecution.

3. USAs have too much integrity.

4. Many agents and prosecutors are involved; can't slow them down even if we wanted to.

- Our intent was for this to send no message.
personal phone calls

DAG000000229

Who Are They

- 1) AG declined to name them out of respect for their privacy and to avoid any unnecessary embarrassment.
- 2) Long practice on Capitol Hill to avoid harming individual reputations in public hearings.
- 3) Support appropriate briefings
- 4) Everyone had served their full 4 year term.
- 5) Less than 10

Why

- 1) AG has acknowledged that they were performance related.
- 2) Various degrees of dissatisfaction. Not for cause, but good reason.
- 3) Decided not to discuss with USA because it unavoidably leads to objections and comparisons.
- 4) ^{Further comment} May offer some information to Senators, but AG believes it's important to avoid getting into personnel decisions.
- 5) We do not need cause, so there is not necessarily an objective record. EARS reports will not be of much help stipulate
- 6) Rule out: - Intent to interfere
- misconduct
- 7) Members concerns will always be given appropriate consideration.
- 8) Margolis involved and supportive.

DAG000000231

Arkansas

- 1) Griffin is well qualified. More prosecution experience than Cummins or Casey.
- 2) Griffin came back from Iraq and wanted an opportunity to serve.
- 3) Cummins was given 6 months notice — smooth transition.
- 4) Cummins served full 4 year term.
- 5) Not performance related.
- 6) Opportunity for new energy with a strong candidate.
- 7) Always intended to nominate after consultation with home-state senators Pryor and Lincoln.
objection will be given "substantial weight."
- 8) Cummins was politically active. ~~Congressional~~

Stats

Since March 9, 2006

- 15 nominations (12 confirmed)
- 13 vacancies (5 nominations)

making good progress in most of the others.

- 23 opportunities to nominate and 15 nominations made.

private
notice

- 2 career interims named so far in 7 districts.

Balance of Power

- 1) Congressional oversight and DOJ accountability
- 2) Best to have Senate confirmed USAs
- 3) No evidence of abuse

AUSA Morale

- 1) Used to turnover
- 2) NAAUSA quote
- 3) Always my concern

Section Process

- 1) Same interview team for everyone.
- 2) Lead by long-time career DOJ lawyer
Dave Margolis.

WH personnel & counsel consulted -- POTUS appointments

DAG000000234

§ 543. Special attorneys

(a) The Attorney General may appoint attorneys to assist United States attorneys when the public interest so requires.

(b) Each attorney appointed under this section is subject to removal by the Attorney General.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 543, Act June 25, 1948, c. 646, 62 Stat. 911, which related to oath of office for United States Marshals, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 563 of this title by section 4(c) of Pub.L. 89-554.

§ 544. Oath of office

Each United States attorney, assistant United States attorney, and attorney appointed under section 543 of this title, before taking office, shall take an oath to execute faithfully his duties.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 544, Acts June 25, 1948, c. 646, 62 Stat. 911; Sept. 2, 1958, Pub.L. 85-856, 72 Stat. 1104, which related to bonds of United States marshals, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 564 of this title by section 4(c) of Pub.L. 89-554.

545. Residence

(a) Each United States attorney shall reside in the district for which he is appointed, except that these officers of the District of Columbia, the Southern District of New York, and the Eastern District of New York may reside within 20 miles thereof. Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof. The provisions of this subsection shall not apply to any United States attorney or assistant United States attorney appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district. Pursuant to an order from the Attorney General or his designee, a United States attorney or an assistant United States attorney may be assigned dual or additional responsibilities that exempt such officer from the residency requirement in this subsection for a specific period as established by the order and subject to renewal.

(b) The Attorney General may determine the official stations of United States attorneys and assistant United States attorneys within the districts for which they are appointed.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618, and

Title XXXII, § 320932, Sept. 13, 1994, 108 Stat. 2135; Pub.L. 109-177, Title V, § 501(a), Mar. 9, 2006, 120 Stat. 246.)

HISTORICAL AND STATUTORY NOTES**Effective and Applicability Provisions**

2006 Acts. Pub.L. 109-177, Title V, § 501(b), Mar. 9, 2006, 120 Stat. 246, provided that: "The amendment made by subsection (a) [amending this section] shall take effect as of February 1, 2005."

Prior Provisions

A prior section 545, Act June 25, 1948, c. 646, 62 Stat. 911, which related to vacancies in the office of the United States Marshal, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 565 of this title by section 4(c) of Pub.L. 89-554.

§ 546. Vacancies

(a) Except as provided in subsection (b), the Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant.

(b) The Attorney General shall not appoint as United States attorney a person to whose appointment by the President to that office the Senate refused to give advice and consent.

(c) A person appointed as United States attorney under this section may serve until the qualification of a United States Attorney for such district appointed by the President under section 541 of this title.

[(d) Repealed. Pub.L. 109-177, Title V, § 502, Mar. 9, 2006, 120 Stat. 246]

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618, and amended Pub.L. 99-646, § 69, Nov. 10, 1986, 100 Stat. 3616; Pub.L. 109-177, Title V, § 502, Mar. 9, 2006, 120 Stat. 246.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 546, Act June 25, 1948, c. 646, 62 Stat. 911, which related to the death of a marshal, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 566 of this title by section 4(c) of Pub.L. 89-554.

§ 547. Duties

Except as otherwise provided by law, each United States attorney, within his district, shall—

(1) prosecute for all offenses against the United States;

(2) prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned;

(3) appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the

§ 545. Residence

(a) Each United States attorney shall reside in the district for which he is appointed, except that these officers of the District of Columbia, the Southern District of New York, and the Eastern District of New York may reside within 20 miles thereof. Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof. The provisions of this subsection shall not apply to any United States attorney or assistant United States attorney appointed for the Northern Mariana Islands who at the same time is serving in the same capacity in another district.

(b) The Attorney General may determine the official stations of United States attorneys and assistant United States attorneys within the districts for which they are appointed.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618, and amended Pub.L. 95-530, § 1, Oct. 27, 1978, 92 Stat. 2028; Pub.L. 96-91, Oct. 25, 1979, 93 Stat. 700; Pub.L. 103-322, Title XXXII, § 320932, Sept. 13, 1994, 108 Stat. 2135.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 545, Act June 25, 1948, c. 646, 62 Stat. 911, which related to vacancies in the office of the United States Marshal, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 565 of this title by section 4(c) of Pub.L. 89-554.

§ 546. Vacancies

(a) Except as provided in subsection (b), the Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant.

(b) The Attorney General shall not appoint as United States attorney a person to whose appointment by the President to that office the Senate refused to give advice and consent.

(c) A person appointed as United States attorney under this section may serve until the earlier of—

(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

(2) the expiration of 120 days after appointment by the Attorney General under this section.

(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618, and amended Pub.L. 99-646, § 69, Nov. 10, 1986, 100 Stat. 3616.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 546, Act June 25, 1948, c. 646, 62 Stat. 911, which related to the death of a marshal, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 566 of this title by section 4(c) of Pub.L. 89-554.

§ 547. Duties

Except as otherwise provided by law, each United States attorney, within his district, shall—

(1) prosecute for all offenses against the United States;

(2) prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned;

(3) appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury;

(4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and

(5) make such reports as the Attorney General may direct.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 547, Acts June 25, 1948, c. 646, 62 Stat. 912; Oct. 18, 1962, Pub.L. 87-845, § 8, 76A Stat. 699, which related to powers and duties of marshals, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted in section 569 of this title, by section 4(c) of Pub.L. 89-554.

§ 548. Salaries

Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code.

(Added Pub.L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 618, and amended Pub.L. 98-473, Title II, § 1701(a), Oct. 12, 1984, 98 Stat. 2184.)

HISTORICAL AND STATUTORY NOTES**Prior Provisions**

A prior section 548, Act June 25, 1948, c. 646, 62 Stat. 912, which related to administration of oaths by marshals, was repealed by Pub.L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632.

TALKING POINTS: U.S. ATTORNEY NOMINATIONS AND INTERIM APPOINTMENTS BY THE ATTORNEY GENERAL

Overview:

- In every single case, it is a goal of the Bush Administration to have a U.S. Attorney that is confirmed by the Senate. Use of the AG's appointment authority is in no way an attempt to circumvent the confirmation process. To the contrary, when a United States Attorney submits his or her resignation, the Administration has an obligation to ensure that someone is able to carry out the important function of leading a U.S. Attorney's office during the period when there is not a presidentially-nominated, senate-confirmed (PAS) U.S. Attorney. Whenever a U.S. Attorney vacancy arises, we consult with the home-state Senators about candidates for nomination.
- Our record since the AG-appointment authority was amended demonstrates we are committed to working with the Senate to nominate candidates for U.S. Attorney positions. Every single time that a United States Attorney vacancy has arisen, the President either has made a nomination or the Administration is working, in consultation with home-State Senators, to select candidates for nomination.
 - ✓ Specifically, since March 9, 2006 (when the AG's appointment authority was amended), the Administration has nominated 15 individuals to serve as U.S. Attorney (12 have been confirmed to date).

U.S. Attorneys Serve at the Pleasure of the President:

- United States Attorneys are at the forefront of the Department of Justice's efforts. They are leading the charge to protect America from acts of terrorism; reduce violent crime, including gun crime and gang crime; enforce immigration laws; fight illegal drugs, especially methamphetamine; combat crimes that endanger children and families like child pornography, obscenity, and human trafficking; and ensure the integrity of the marketplace and of government by prosecuting corporate fraud and public corruption.
- The Attorney General and the Deputy Attorney General are responsible for evaluating the performance the United States Attorneys and ensuring that United States Attorneys are leading their offices effectively.
- United States Attorneys serve at the pleasure of the President. Thus, like other high-ranking Executive Branch officials, they may be removed for any reason or no reason. That on occasion in an organization as large as the Justice Department some United States Attorneys are removed, or are asked or encouraged to resign, should come as no surprise. United States Attorneys never are removed, or asked or encouraged to resign, in an effort to retaliate against them or interfere with or

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inappropriately influence a particular investigation, criminal prosecution or civil case.

- Whenever a vacancy occurs, we act to fill it in compliance with our obligations under the Constitution, the laws of the United States, and in consultation with the home-state Senators. The Senators have raised concerns based on a misunderstanding of the facts surrounding the resignations of a handful of U.S. Attorneys, each of whom have been in office for their full four year term or more.
- The Attorney General and the Deputy Attorney General are responsible for evaluating the performance the U.S. Attorneys and ensuring that they are leading their offices effectively. However, U.S. Attorneys are never removed, or asked or encouraged to resign, in an effort to retaliate against them or interfere with or inappropriately influence a particular investigation, criminal prosecution or civil case.

The Administration Must Ensure an Effective Transition When Vacancies Occur:

- When a United States Attorney has submitted his or her resignation, the Administration has -- in every single case -- consulted with home-state Senators regarding candidates for the Presidential nomination and Senate confirmation. The Administration is committed to nominating a candidate for Senate consideration everywhere a vacancy arises, as evidenced by the fact that there have been 124 confirmations of new U.S. Attorneys since January 20, 2001.
- With 93 U.S. Attorney positions across the country, the Department often averages between 8-15 vacancies at any given time. Because of the important work conducted by these offices, and the need to ensure that the office is being managed effectively and appropriately, the Department uses a range of options to ensure continuity of operations.
- In some cases, the First Assistant U.S. Attorney is an appropriate choice. However, in other cases, the First Assistant may not be an appropriate option for reasons including that he or she: resigns or retires at the same time as the outgoing U.S. Attorney; indicates that he/she does not want to serve as Acting U.S. Attorney; has ongoing or completed OPR or IG matters in their file, which may make his/her elevation to the Acting role inappropriate; or is subject of an unfavorable recommendation by the outgoing U.S. Attorney or otherwise does not enjoy the confidence of those responsible for ensuring ongoing operations and an appropriate transition until such time as a new U.S. Attorney is nominated and confirmed by the Senate. In those cases, the Attorney General has appointed another individual to lead the office during the transition, often another senior manager from that office or an experienced attorney from within the Department.

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The Administration Is Nominating Candidates for U.S. Attorney Positions:

- Since March 9, 2006, when the appointment authority was amended, the Administration has nominated 15 individuals for Senate consideration (12 have been confirmed to date).
- Since March 9, 2006, when the appointment authority was amended, 13 vacancies have been created. Of those 13 vacancies, the Administration nominated candidates to fill 5 of these positions (3 were confirmed to date), has interviewed candidates for 7 positions, and is waiting to receive names to set up interviews for 1 position – all in consultation with home-state Senators.

The 13 Vacancies Were Filled on an Interim Basis Using a Range of Authorities, in Order To Ensure an Effective and Smooth Transition:

- In 4 cases, the First Assistant was selected to lead the office and took over under the Vacancy Reform Act's provision at: 5 U.S.C. § 3345(a)(1). That authority is limited to 210 days, unless a nomination is made during that period.
- In 1 case, the First Assistant was selected to lead the office and took over under the Vacancy Reform Act's provision at: 5 U.S.C. § 3345(a)(1). However, the First Assistant took federal retirement a month later and the Department had to select another Department employee to serve as interim under AG appointment until such time as a nomination is submitted to the Senate.
- In 7 cases, the Department selected another Department employee to serve as interim under AG appointment until such time as a nomination is submitted to the Senate.
- In 1 case, the First Assistant resigned at the same time as the U.S. Attorney, creating a need for an interim until such time as a nomination is submitted to the Senate.

Amending the Statute Was Necessary:

- Last year's amendment to the Attorney General's appointment authority was necessary and appropriate.
- We are aware of no other federal agency where federal judges, members of a separate branch of government and not the head of the agency, appoint interim staff on behalf of the agency.
- Prior to the amendment, the Attorney General could appoint an interim United States Attorney for only 120 days; thereafter, the district court was authorized to appoint an interim United States Attorney. In cases where a Senate-confirmed United States Attorney could not be appointed within 120 days, the limitation on

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the Attorney General's appointment authority resulted in numerous, recurring problems.

- The statute was amended for several reasons:
 - 1) The previous provision was constitutionally-suspect in that it is inappropriate and inconsistent with sound separation of powers principles to vest federal courts with the authority to appoint a critical Executive Branch officer such as a United States Attorney;
 - 2) Some district courts – recognizing the oddity of members of one branch of government appointing officers of another and the conflicts inherent in the appointment of an interim United States Attorney who would then have many matters before the court – refused to exercise the court appointment authority, thereby requiring the Attorney General to make successive, 120-day appointments;
 - 3) Other district courts – ignoring the oddity and the inherent conflicts – sought to appoint as interim United States Attorney wholly unacceptable candidates who did not have the appropriate experience or the necessary clearances.
- Court appointments raise significant conflict questions. After being appointed by the court, the judicial appointee would have authority for litigating the entire federal criminal and civil docket for this period before the very district court to whom he was beholden for his appointment. Such an arrangement at a minimum gives rise to an appearance of potential conflict that undermines the performance of not just the Executive Branch, but also the Judicial one. Furthermore, prosecutorial authority should be exercised by the Executive Branch in a unified manner, with consistent application of criminal enforcement policy under the supervision of the Attorney General.
- Because the Administration is committed to having a Senate-confirmed United States Attorney in all districts, changing the law to restore the limitations on the Attorney General's appointment authority is unnecessary.

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FACT SHEET: UNITED STATES ATTORNEY APPOINTMENTS

NOMINATIONS AFTER AMENDMENT TO ATTORNEY GENERAL'S APPOINTMENT AUTHORITY

Since March 9, 2006, when the Congress amended the Attorney General's authority to appoint interim United States Attorneys, the President has nominated 15 individuals to serve as United States Attorney. The 15 nominations are:

- **Erik Peterson** – Western District of Wisconsin;
- **Charles Rosenberg** – Eastern District of Virginia;
- **Thomas Anderson** – District of Vermont;
- **Martin Jackley** – District of South Dakota;
- **Alexander Acosta** – Southern District of Florida;
- **Troy Eid** – District of Colorado;
- **Phillip Green** – Southern District of Illinois;
- **George Holding** – Eastern District of North Carolina;
- **Sharon Potter** – Northern District of West Virginia;
- **Brett Tolman** – District of Utah;
- **Rodger Heaton** – Central District of Illinois;
- **Deborah Rhodes** – Southern District of Alabama;
- **Rachel Paulose** – District of Minnesota;
- **John Wood** – Western District of Missouri; and
- **Rosa Rodriguez-Velez** – District of Puerto Rico.

All but Phillip Green, John Wood, and Rosa Rodriguez-Velez have been confirmed by the Senate.

VACANCIES AFTER AMENDMENT TO ATTORNEY GENERAL'S APPOINTMENT AUTHORITY

Since March 9, 2006, there have been 13 new U.S. Attorney vacancies that have arisen. They have been filled as noted below.

For 4 of the 13 vacancies, the First Assistant United States Attorney (FAUSA) in the district was selected to lead the office in an acting capacity under the Vacancies Reform Act, *see* 5 U.S.C. § 3345(a)(1) (first assistant may serve in acting capacity for 210 days unless a nomination is made) until a nomination could be or can be submitted to the Senate. Those districts are:

- **Central District of California** – FAUSA George Cardona is acting United States Attorney
- **Southern District of Illinois** – FAUSA Randy Massey is acting United States Attorney (a nomination was made last Congress for Phillip Green, but confirmation did not occur);

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- **Eastern District of North Carolina** – FAUSA George Holding served as acting United States Attorney (Holding was nominated and confirmed);
- **Northern District of West Virginia** – FAUSA Rita Valdrini served as acting United States Attorney (Sharon Potter was nominated and confirmed).

For 1 vacancy, the Department first selected the First Assistant United States Attorney to lead the office in an acting capacity under the Vacancies Reform Act, but the First Assistant retired a month later. At that point, the Department selected another employee to serve as interim United States Attorney until a nomination could be submitted to the Senate, *see* 28 U.S.C. § 546(a) (“Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant”). This district is:

- **Northern District of Iowa** – FAUSA Judi Whetstone was acting United States Attorney until she retired and Matt Dummermuth was appointed interim United States Attorney.

For 8 of the 13 vacancies, the Department selected another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate, *see* 28 U.S.C. § 546(a) (“Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant”). Those districts are:

- **Eastern District of Virginia** – Pending nominee Chuck Rosenberg was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Deputy Attorney General (Rosenberg was confirmed shortly thereafter);
- **Eastern District of Arkansas** – Tim Griffin was appointed interim United States Attorney when incumbent United States Attorney resigned;
- **District of Columbia** – Jeff Taylor was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Assistant Attorney General for the National Security Division;
- **District of Nebraska** – Joe Stecher was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Chief Justice of Nebraska Supreme Court;
- **Middle District of Tennessee** – Craig Morford was appointed interim United States Attorney when incumbent United States Attorney resigned;
- **Western District of Missouri** – Brad Schlozman was appointed interim United States Attorney when incumbent United States Attorney and FAUSA resigned at the same time (John Wood was nominated);
- **Western District of Washington** – Jeff Sullivan was appointed interim United States Attorney when incumbent United States Attorney resigned; and
- **District of Arizona** – Dan Knauss was appointed interim United States Attorney when incumbent United States Attorney resigned.

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**ATTORNEY GENERAL APPOINTMENTS AFTER AMENDMENT TO
ATTORNEY GENERAL'S APPOINTMENT AUTHORITY**

The Attorney General has exercised the authority to appoint interim United States Attorneys a total of 12 times since the authority was amended in March 2006.

In 2 of the 12 cases, the FAUSA had been serving as acting United States Attorney under the Vacancies Reform Act (VRA), but the VRA's 210-day period expired before a nomination could be made. Thereafter, the Attorney General appointed that same FAUSA to serve as interim United States Attorney. These districts include:

- **District of Puerto Rico** – Rosa Rodriguez-Velez (Rodriguez-Velez has been nominated); and
- **Eastern District of Tennessee** – Russ Dedrick

In 1 case, the FAUSA had been serving as acting United States Attorney under the VRA, but the VRA's 210-day period expired before a nomination could be made. Thereafter, the Attorney General appointed another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate. That district is:

- **District of Alaska** – Nelson Cohen

In 1 case, the Department originally selected the First Assistant to serve as acting United States Attorney; however, she retired from federal service a month later. At that point, the Department selected another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate. That district is:

- **Northern District of Iowa** – Matt Dummermuth

In the 8 remaining cases, the Department selected another Department employee to serve as interim United States Attorney until a nomination could be submitted to the Senate. Those districts are:

- **Eastern District of Virginia** – Pending nominee Chuck Rosenberg was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Deputy Attorney General (Rosenberg was confirmed shortly thereafter);
- **Eastern District of Arkansas** – Tim Griffin was appointed interim United States Attorney when incumbent United States Attorney resigned;
- **District of Columbia** – Jeff Taylor was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Assistant Attorney General for the National Security Division;
- **District of Nebraska** – Joe Stecher was appointed interim United States Attorney when incumbent United States Attorney resigned to be appointed Chief Justice of Nebraska Supreme Court;

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- **Middle District of Tennessee** – Craig Morford was appointed interim United States Attorney when incumbent United States Attorney resigned;
- **Western District of Missouri** – Brad Schlozman was appointed interim United States Attorney when incumbent United States Attorney and FAUSA resigned at the same time (John Wood was nominated);
- **Western District of Washington** – Jeff Sullivan was appointed interim United States Attorney when incumbent United States Attorney resigned; and
- **District of Arizona** – Dan Knauss was appointed interim United States Attorney when incumbent United States Attorney resigned.

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UNITED STATES ATTORNEYS STATISTICS

Average Ages of U.S. Attorneys:

- Average age of President George W. Bush U.S. Attorneys: 44.82 years
- Average age of President Bill Clinton U.S. Attorneys: 44.67 years

Status of Our U.S. Attorneys' Four-Year Terms:

- 43 districts are currently being led by a U.S. Attorney nominated by President George W. Bush and confirmed by the Senate in 2001 or 2002. All of these U.S. Attorneys have completed their four year terms and continue to serve at the pleasure of the President (5 of the 43 have announced their resignations).
- Only 6 districts are currently being led by the first U.S. Attorney nominated by President Bush and confirmed by the Senate -- but who are still serving their four year terms.
- 44 districts are either being led by their second Presidentially-nominated and Senate-confirmed U.S. Attorney, or are currently awaiting a nomination. These U.S. Attorneys have not completed their four year terms.

This Administration Has Demonstrated that It Values Prosecution Experience. Of the 124 Individuals President George W. Bush Has Nominated Who Have Been Confirmed by the Senate:

- 98 had prior experience as prosecutors (79 %)
 - 71 had prior experience as federal prosecutors (57 %)
 - 54 had prior experience as state or local prosecutors (44%)
- 104 had prior experience as prosecutors or government litigators on the civil side (84 %)
- 10 had judicial experience (8%); 13 had Hill experience (10%)
- Of the 10 who had worked at Main Justice in the George W. Bush Administration before being nominated for a U.S. Attorney position, please note that 8 were either career AUSAs or former career AUSAs. *

In Comparison, of President Clinton's 122 Nominees Who Were Confirmed by the Senate:

- 84 had prior experience as prosecutors (69 %)
 - 56 had prior experience as federal prosecutors (46 %)
 - 40 had prior experience as state or local prosecutors (33 %)
- 87 had prior experience as prosecutors or government litigators on the civil side (71 %)
- 12 had judicial experience (9 %); 10 had Hill experience (8 %)

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Since the Attorney General's Appointment Authority Was Amended on March 9, 2006, the Backgrounds of Our Nominees Has Not Changed. Of the 15 Nominees Since that Time:

- 13 of the 15 had prior experience as prosecutors (87%) – *a higher percentage than before.*
 - 11 of the 15 had prior experience as federal prosecutors (73%) – *a higher percentage than before the change*; 10 were career AUSAs or former career AUSAs and 1 had federal prosecution experience as an Assistant Attorney General of the Civil Rights Division
 - 4 of the 15 nominees had experience as state or local prosecutors (27%)

Those Chosen To Be Acting/Interim U.S. Attorneys since the Attorney General's Appointment Authority Was Amended on March 9, 2006, Have Continued To Be Highly Qualified. Of the 13 districts in which vacancies have occurred, 14 acting and/or interim appointments have been made:

- 13 of the 14 had prior experience as federal prosecutors (93%)

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CURRENT & UPCOMING VACANCIES

Current vacancies (15):

- **Maine** (since 2001) – still continuing to request names from senators
- **Southern District of West Virginia** (since 2005) - waiting on names from congresswoman
- **Eastern District of Tennessee** (since 2005) – candidate selected but waiting on home-state senator sign-off
- **Alaska** (since 1/06) – waiting on names from senators
- **Southern District of Illinois** (since 2005 or 3/06, depending) - nomination sent to last Congress but not approved; on hold
- **Western District of Missouri** (since 3/06) - nomination pending
- **Puerto Rico** (since 6/06) - nomination pending
- **District of Columbia** (since 9/06) - candidate in background review
- **Nebraska** (since 10/06) - candidate in background review
- **Middle District of Tennessee** (since 10/06) - waiting on additional names from senators
- **Central District of California** (since 11/06) – working with home-state commission
- **Eastern District of Arkansas** (since 12/06) - candidate in background
- **Northern District of Iowa** (since 12/06) - candidate selected but waiting on home-state senator sign-off
- **District of Arizona** (since 1/07) – would like to request more names from senators
- **Western District of Washington** (since 1/07) – interviews being scheduled

Publicly-announced or known upcoming resignations (9):

- **Nevada**, Dan Bogden, 2/28/07 – waiting on names
- **Southern District of California**, Carol Lam, 2/15/07 – waiting on names
- **Northern District of California** Kevin Ryan, 2/16/07 – waiting on names
- **New Mexico**, David Iglesias, 2/28/07 – candidate selected but waiting on home-state senator sign-off
- **Southern District of Georgia**, Lisa Wood, 2/7/07, pending appointment to court – waiting on additional names from senators
- **Montana**, Bill Mercer, pending confirmation of new position
- **Northern District of Indiana**, Joe Van Bokkelen, pending confirmation of new position
- **Eastern District of New York**, Roslynn Mauskopf, pending confirmation of new position
- **Eastern District of Michigan**, Steve Murphy, pending confirmation of new position

Non-public resignation (1):

- **Western District of Michigan**, Margaret Chiara, 3/07

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**VACANCIES OVER THE PAST YEAR:
(13 since March of 2006)**

- **There are many reasons why a U.S. Attorney may retire or resign.**
- **Nearly half were confirmed or appointed to new federal positions:**
 - ✓ Paul McNulty, EDVA, 3/06 (to become DAG)
 - ✓ Tom Johnston, NDWV, 4/06 (to become federal district court judge)
 - ✓ Frank Whitney, EDNC, 6/06 (to become federal district court judge)
 - ✓ Bert Garcia, PR, 6/06 (to return family to home state of Texas)
 - ✓ Ken Wainstein, DC, 9/06 (to become AAG of NSD)
 - ✓ Mike Heavican, NE, 10/06 (to become Chief Justice on the state's Supreme Court)
- **Others left to pursue private sector opportunities (i.e. Jim Vines, MDTN) or retired at the end of a long career (i.e. Charles Larson, NDIA).**

Full list of resignations since last March in reverse date order (13 total):

- *John McKay, WDWA, 1/07 (has said he will teach at a law school)*
- *Paul Charlton, AZ, 1/07 (going into private practice)*
- *Bud Cummins, EDAR, 12/06 (pursuing private sector opportunities)*
- Chuck Larson, NDIA, 12/06 (to take federal retirement)
- Deb Yang, CDCA, 11/06 (to go into private practice)
- Jim Vines, MDTN, 10/06 (to move to D.C. and go into private practice)
- Mike Heavican, NE, 10/06 (to become Chief Justice on the state's Supreme Court)
- Ken Wainstein, DC, 9/06 (to become AAG of NSD)
- Frank Whitney, EDNC, 6/06 (to become federal district court judge)
- Bert Garcia, PR, 6/06 (to return family to home state of Texas)
- Tom Johnston, NDWV, 4/06 (to become federal district court judge)
- Todd Graves, WDMO, 3/06 (started his own firm)
- Paul McNulty, EDVA, 3/06 (to become DAG)

Additional U.S. Attorneys are pending confirmation/appointment to new federal positions (5):

- Lisa Godbey Wood, SDGA (confirmed to be federal district court judge, but not yet appointed)
- Bill Mercer, MT (to become Associate Attorney General)
- Joe Van Bokkelen, NDIN (to become federal district court judge)
- Roslynn Mausekopf, EDNY (to become federal district court judge)
- Steve Murphy, EDMI (to become federal court of appeals judge)

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BIOGRAPHIES OF U.S. ATTORNEYS FROM ARKANSAS

EASTERN DISTRICT

Attorney General Appointment of Tim Griffin (37 years old at appointment)
Appointed 12/20/2006

Educational Background:

- B.A. from Hendrix College in Arkansas in 1990
- Graduate school at Pembroke College, Oxford University in 1991
- J.D. from Tulane Law School in 1994

Prosecution & Military Background:

- Officer—currently a major—in the U.S. Army Judge Advocate General's (JAG) Corps (over ten years), including service as a Brigade Judge Advocate, U.S. Army JAG Corps., Operation Iraqi Freedom, 101st Airborne Division (Air Assault) May-Aug 2006 (approx. 3 months)
- Special Assistant U.S. Attorney, Eastern District of Arkansas, Sept 2001-June 2002 (9 months)
- Special Assistant to the Assistant Attorney General for the Criminal Division, U.S. Department of Justice (approx. 15 months)
- Senior Investigative Counsel, Committee on Government Reform, U.S. House of Representatives, 1997-1999 (approx. 2 ½ years total)
- Associate Independent Counsel, U.S. Office of Independent Counsel David Barrett (16 months)
- Associate Attorney, Jones, Walker, Waechter, Poitevent, Carrere & Dcnegre, L.L.P. (approx. one year)
- Military Honors: Army Commendation Medal with Five Oak Leaf Clusters; Army Achievement Medal with Four Oak Leaf Clusters; Army Reserve Components Achievement Medal with Two Oak Leaf Clusters; National Defense Service Medal; Iraq Campaign Medal; Global War on Terrorism Service Medal; Armed Forces Reserve Medal with Bronze Hourglass and "M" Devices; Army Service Ribbon; and Army Reserve Overseas Training Ribbon with "3" Device; and Combat Action Badge.

Political experience:

- Special Assistant to the President & Deputy Director, Office of Political Affairs, The White House (approximately 5 months; then on military leave)
- RNC Research Dir. & Dep. Communications Dir., 2004 Presidential Campaign (approx. 2 ½ years)
- RNC Dep. Research Director, 2000 Presidential Campaign (approx. 1 ½ years)

George W. Bush USA: H.E. "Bud" Cummins (42 years old at nomination)
Nominated 11/30/2001; confirmed 12/20/2001

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Talkers:

- Unlike Mr. Griffin, he did not attend top-rated universities.
- *However, like Mr. Griffin, he had political experience.* In 2000, he served as Arkansas Legal Counsel to the Bush/Cheney campaign, was part of the GOP Florida Ballot Recount Team in Broward County, and was an Arkansas Elector. He was also the Republican nominee for the U.S. Congress 2nd Congressional District in 1996.

Background:

- B.S./B.A. from University of Arkansas in 1981
- J.D. from University of Arkansas Little Rock School of Law in 1989
- Private Law Practice and State Director, NFIB/Arkansas (approximately 3 years)
- Chief Legal Counsel for the Arkansas Governor (approximately one year)
- Private Law Practice 1993-1996 (approximately 3 years)
- Clerk to Chief Judge, United States District Court, Eastern District of Arkansas (approximately one year)
- Clerk to United States Magistrate Judge, United States District Court, Eastern District of Arkansas (approximately 2 years)
- Five separate gubernatorial appointments as Special Justice to Supreme Court of Arkansas

Clinton USA: Paula Jean Casey (42 years old at nomination)

Nominated 8/6/93; confirmed 9/21/93

Talkers:

- Unlike Mr. Griffin, she did not attend top-rated universities.
- Unlike Mr. Griffin, she did not have military or federal prosecution experience.
- *However, like Mr. Griffin, she had political experience.* She volunteered on the political campaigns of the President who nominated her and was a former student of his. In addition to owing the President her job, then-Governor Clinton had also appointed her husband to a state agency position. She was also a law student of then-Professor Bill Clinton. (See *Associated Press*, 11/10/93)

Background:

- B.A. from East Central Oklahoma University in 1973
- J.D. from University of Arkansas Law School in 1976
- Staff attorney for the Central Arkansas Legal Services (approximately 3 years)
- Deputy Public Defender (less than one year)
- Supervisor of Legal Clinic at University of Arkansas Law School (approximately 2 years)

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