

Goodling, Monica

From: Brand, Rachel
Sent: Thursday, October 20, 2005 10:16 AM
To: Mercer, Bill (ODAG); Taylor, Jeffrey (OAG); Goodling, Monica
Subject: FW: DOJ Policy on Prosecuting Illegal Aliens

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

From: Robert_Jacobs@who.eop.gov [mailto:Robert_Jacobs@who.eop.gov]
Sent: Thursday, October 20, 2005 9:55 AM
To: Brand, Rachel
Cc: Bounds, Ryan W (OLP); Cohn, Jonathan (CIV); Mullane, Hugh;
Michael_H_Neifach@who.eop.gov; Douglas_B_Baker@who.eop.gov
Subject: RE: DOJ Policy on Prosecuting Illegal Aliens

Thanks Rachel.

Since it is district-by-district, we would appreciate you letting us know what the policies are for the districts that cover the southwest border (e.g., the southern and western districts in Texas).

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

From: Rachel.Brand@usdoj.gov [mailto:Rachel.Brand@usdoj.gov]
Sent: Wednesday, October 19, 2005 11:24 PM
To: Jacobs, Robert
Cc: Ryan.W.Bounds@usdoj.gov; Jonathan.Cohn@usdoj.gov;
Hugh.Mullane2@usdoj.gov; Rachel.Brand@usdoj.gov; Neifach, Michael H.;
Baker, Douglas B.
Subject: Re: DOJ Policy on Prosecuting Illegal Aliens

The short answer is it's district-by-district. This issue is not within my office's purview. I'll ask the appropriate people in the am and get back to you.

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

From: Robert_Jacobs@who.eop.gov <Robert_Jacobs@who.eop.gov>
To: Brand, Rachel <Rachel.Brand@SMOJMD.USDOJ.gov>
CC: Bounds, Ryan W (OLP) <Ryan.W.Bounds@SMOJMD.USDOJ.gov>; Cohn, Jonathan (CIV) <JCohn@CIV.USDOJ.GOV>; Mullane, Hugh <Hugh.Mullane@SMOJMD.USDOJ.gov>; Michael_H_Neifach@who.eop.gov <Michael_H_Neifach@who.eop.gov>; Douglas_B_Baker@who.eop.gov <Douglas_B_Baker@who.eop.gov>
Sent: Wed Oct 19 19:37:08 2005
Subject: DOJ Policy on Prosecuting Illegal Aliens

Rachel -

Congressman Lamar Smith is concerned that the Administration's policy is to only prosecute aliens once they been caught entering the country illegally multiple times. Specifically, Smith cites Laredo, where he claims illegal aliens are apprehended and removed eight times before finally being prosecuted.

When I was in Phoenix with Jon, we met with USA Paul Charlton. Charlton told us that his office didn't prosecute illegal aliens until they were apprehended 13 times (after the initial removal order). His exceptions to that "policy" were: aliens with aggravated felonies; alien smugglers

with 12 or more people; and aliens who cross the border illegally with children not their own.

Understanding the resources to prosecute every illegal alien that is apprehended do not currently exist, can you please identify the official DOJ position on this issue. In other words:

- (a) Does DOJ have a policy on the number of times an alien is apprehended before being prosecuted?
- (b) What exceptions are there to this policy (e.g., aggravated felonies, alien smugglers, etc.)?
- (c) What is the minimum prosecutable offense before DOJ prosecutes illegal aliens?

We need to provide this response to the Chief's office by 12 PM tomorrow. Therefore, request a response ASAP tomorrow morning. My apologies for the short turn around time.

Regards -

Robert "Buzz" Jacobs
Director of Immigration Security Policy
Homeland Security Council
The White House
202-456-6917
rjacobs@who.eop.gov <mailto:rjacobs@who.eop.gov>

Goodling, Monica

From: Voris, Natalie (USAEO)
Sent: Tuesday, January 31, 2006 1:18 PM
To: Goodling, Monica; Sampson, Kyle; Scott-Finan, Nancy; Moschella, William
Cc: Sours, Raquel
Subject: RE: Border Case Load in NM

Attachments: tmp.htm; Metro Federated.ppt; New Mexico.pdf



tmp.htm (6 KB)



Metro
Federated.ppt (4 MB)



New Mexico.pdf
(161 KB)

All,

I've spoken to USA David Iglesias and the AUSA detailed to EOUSA from NM, John Crews. Also, I have asked EOUSA's Data Analysis to provide caseload comparisons. I don't want to delay necessary phone call prep, so I am forwarding what I have so far while Data Analysis runs the numbers requested.

The only two staffed USAOs in NM are in Albuquerque (HQs) and Las Cruces (branch office). The biggest problem in Albuquerque involves reservation crimes. 25 of the 26 reservations in NM are located in the northern part of NM, Albuquerque's jurisdiction. The number of violent crimes is high on reservations (specifically, murder, rape, and child sexual abuse are common) and take significant USAO resources away from the investigation and prosecution of other crimes.

In the Las Cruces branch office, immigration matters and narcotics are the most significant concerns. The quantity of these cases does squeeze out the USAO's ability to handle other cases. AUSAs have very high caseloads; and there are few judges in this part of the state. According USA Iglesias, there is only one district judge in Las Cruces (though several magistrate judges there).

USA Iglesias said that nobody from the USAO is side-barring the Senator, however he states that there is a severe need for more prosecutors in Las Cruces. He believes that the judges are likely seeking the Senator's assistance. It is also possible that the Senator is seeking assistance with the lack of district judges in Las Cruces. Iglesias reported that the Senior Judge transferred hundreds of immigration matters from Las Cruces to Albuquerque recently. As a result of these transfers, Iglesias believes the magistrate judges in Las Cruces are "not very busy." He reported that Las Cruces will receive another magistrate judge soon, but they need more district court judges instead of mag crt judges. Apparently Las Cruces will be getting a new courthouse sometime this year, though there is no indication that additional district judges will be provided. Iglesias stated that the Senator may be seeking more funding for AUSAs and support staff in Las Cruces given the focus on SW Border prosecutions.

I have attached a PowerPoint presentation that USA Iglesias provided to me when I asked for district information - please take a look at this attachment. I have also attached the AG's travel briefing memo from July 2005.

Please let me know if you need anything else. I will send our Data Analysis information as soon as I receive it.

Natalie

From: Moschella, William
Sent: Tuesday, January 31, 2006 10:55 AM
To: Sours, Raquel
Cc: Sampson, Kyle; Scott-Finan, Nancy; Voris, Natalie (USAEO)
Subject: Border Case Load in NM

Sen. Domenici called for the AG because he wants to discuss the criminal "docket and caseload" in New Mexico. Sen. Domenici offered to come here, talk on the phone, or we could stop in on the Senator.

I recommend the AG take the call or meeting (it is not urgent) and in the meantime will ask EOUSA for some information relating to this.

Natalie, how does our criminal case load in NM compare with other states? What are the biggest problems? Are immigration cases squeezing out other cases? I assume the Senator is hearing from either judges or others back home. Does the USA know of anyone who might be stirring something up?

MEETING WITH UNITED STATES ATTORNEY DAVID C. IGLESIAS
DISTRICT OF NEW MEXICO
United States Attorney's Office
Albuquerque, New Mexico
July 6, 2005
Doug Sheorn

I. PURPOSE

Meet with United States Attorney David C. Iglesias.

II. BACKGROUND

GENERAL DEMOGRAPHIC INFORMATION:

The District of New Mexico is comprised of the 33 counties of the State of New Mexico and covers approximately 121,000 square miles. Geographically, it is the third largest federal district. The population of the district is roughly 1,685,000, including 175,000 persons living on Indian reservations and in excess of 40,000 federal employees.

The federal government maintains a large presence in New Mexico. The district encompasses 34 million acres of federal public land, which comprises 43 percent of the total land surface. It contains 26 Native American reservations, Los Alamos and Sandia National Laboratories, and a repository for low-level nuclear waste near Carlsbad. Three major Air Force bases and the White Sands Missile Range have over 22,000 employees and cover approximately 1,250,000 acres in the district. In addition, almost 10 million acres of federal lands make up 10 national monuments, one national park (Carlsbad Caverns National Park), one national historic park (Chaco Culture National Historic Park), seven national forests, and eight national wildlife refuges. The Republic of Mexico and the district share roughly 180 miles of border. This significantly impacts federal law enforcement, particularly in the areas of illegal immigration and illegal drug trafficking.

The United States Attorney's Office (USAO) is headquartered in Albuquerque. The USAO's one staffed branch office is located in Las Cruces, approximately 230 miles south of Albuquerque. There is an unstaffed office in Santa Fe.

DISTRICT'S EVALUATION REPORT:

The last overall office evaluation was conducted during the week of March 4, 2002. The Honorable David C. Iglesias was serving as the United States Attorney (USA) at the time of the evaluation. USA Iglesias was well respected by the agencies, judiciary, and USAO staff. He provided good leadership to the USAO and was appropriately engaged in the operations of the office. His criminal and civil priorities addressed the specific crime

problems of the district while also supporting the named initiatives and priorities of the Department. The USAO was staffed with competent and experienced AUSAs and support staff.

The Criminal Division was operating well under the direction of the First AUSA, who also served as the Criminal Chief. The Criminal Division was busy and productive. Management of the criminal AUSAs appeared effective and appropriate. The AUSAs followed Department policy on Sentencing Guidelines. The Civil Division was well managed with respect to its personnel, organization, and workload. The Civil Chief was experienced, well respected, and accessible. The USAO's appellate procedures regarding brief reviews and moot court were in compliance with Department directives.

The USAO was appropriately addressing the Department's priority prosecution and civil initiatives. The Anti-Terrorism Advisory Counsel was formalized and actively working with other agencies to fulfill its mission. The Project Safe Neighborhoods Program was well run and effective. The USAO fully participated in the Southwest Border Initiative, several Weed and Seed sites, and the High Intensity Drug Trafficking Area program. Health Care Fraud (HCF) and Affirmative Civil Enforcement (ACE) were being adequately addressed despite some coordination problems. The FLU was doing a good job collecting debts owed the government. The USAO was properly pursuing asset forfeiture where appropriate.

The USAO had a strong commitment to serving the needs of the Indian communities within the district. A significant part of the USAO's focus on violent crime was a function of its exclusive jurisdiction over felonies in Indian Country. The USAO served as the local prosecutor for the 23 Indian Tribes in New Mexico, and fulfilling this role was a principal responsibility of the office's Violent Crime Section.

The Albuquerque headquarters office met the standards of security established by EOUSA. However, some serious security issues were identified in the Las Cruces branch office. Improvements were made to the Las Cruces office since the evaluation. The USAO continued to work with EOUSA to ensure all appropriate security measures were in place.

The Administrative Division provided excellent administrative support and was very knowledgeable and well respected by USAO personnel. Adequate staff was involved in the administrative processes to ensure internal controls were followed and proper separation of duties was met.

STAFFING:

FY 2005

On Wednesday, December 8, 2004, the President signed the Omnibus spending bill providing funding for the United States Attorneys' Office (USAO). The USAO in the District of New Mexico received a base funding allocation of \$11,224,700 (which included a one-time increase of \$8,000 to fund and support 131 positions). In addition,

the district received the following new position: One attorney position to support financial investigations in OCDETF cases.

Below is a summary by position type before and after the new position was received:

	<u>Before</u>	<u>After</u>
Attorney (including the USA)	65	66
Paralegal	10	10
Support (including analysts)	<u>55</u>	<u>55</u>
Total	130	131

FY 2004

In FY 2004, the USAO in the District of New Mexico received a funding allocation of \$11,161,400 (which included a one-time increase of \$84,000) to fund and support 130 positions.

FY 2003

In FY 2003, the USAO in the District of New Mexico received an allocation of \$10,461,200 (which included a one-time increase of \$63,000) to fund and support 130 positions.

SPECIAL ISSUES/CONSIDERATIONS:

As of June 16, 2005, the General Counsel's Office, EOUSA, is aware of the following pending employment/litigation matters/cases in the District of New Mexico:

1.

2.

3.

investigating the issues in AUSA Martinez' complaint.

4. Lucinda Toya, Victim Witness Advocate, has an Employee Relations matter pending. The district proposed a 5-day suspension for Ms. Toya based on the charge of failure to pay the balance on her government credit card. GCO is awaiting the district's decision.

III. PARTICIPANTS

David C. Iglesias, United States Attorney, District of New Mexico

IV. PRESS PLAN

Closed Press

V. SEQUENCE OF EVENTS

- Meet with United States Attorney David C. Iglesias.

VI. REMARKS

None

VII. ATTACHMENTS

1. Significant Case Listing for the District of New Mexico
2. Biography of United States Attorney David C. Iglesias
3. Photograph of United States Attorney David C. Iglesias
4. Phone list for the District of New Mexico

SIGNIFICANT CASE LISTING FOR THE DISTRICT OF NEW MEXICO

FIREARMS UNIT

United States v. Orlando Jose Garcia. Following a referral from the State of New Mexico's District Attorney's Office, the U.S. Attorney's Office for the District of New Mexico indicted the defendant, an armed career criminal, on multiple felon in possession of a firearm charges. This case exemplifies how a federal prosecution best met the needs of both the State of New Mexico and the United States. The State of New Mexico was barred by the New Mexico Habitual Offender Statute from using the defendant's prior criminal history due to the age of the defendant's convictions. Under the federal Armed Career Criminal Statute, the defendant faces a minimum imprisonment sentence of fifteen years for having three prior violent felony convictions.

The case presented the following facts: On three separate occasions, the defendant, a felon, possessed a firearm over a span of five months. First, in April 2003, the defendant used a firearm to rob a fast food restaurant. The defendant was booked on state charges but then bonded out. Thereafter, in June of 2003, the Albuquerque Police Department stopped the defendant in a traffic stop and recovered a firearm on a floorboard below the location where the defendant was seated. The defendant was booked into state custody, but bonded out a second time. Finally, in August 2003, the Albuquerque Police Department once again pulled the defendant over in a traffic stop. This time they discovered another firearm on his person. The defendant was eventually indicted on federal firearms charges and was ordered detained. The defendant entered a guilty plea and is pending a sentencing hearing. The Presentence Report has been drafted and has factored the defendant's prior felony convictions and has deemed him as an Armed Career Criminal. The defendant will therefore be exposed to an imprisonment range of 180 to 210 months. This case is being prosecuted by AUSA David Walsh.

VIOLENT CRIME SECTION

The following are first degree murder cases involving child abuse:

United States v. Jorge Alberto Martinez and United States v. Felicia Smallbear. Under the PROTECT Act Amendments to 18 U.S.C. Section 1111, Congress added child abuse as a predicate felony for felony murder. The USAO has pending charges in two separate cases under this new provision.

In the first case (*United States v. Jorge Martinez*), the defendant struck his two-month-old daughter on the head, which resulted in serious injury leading to her death. According to the defendant, he accidentally dropped the baby onto a computer chair. However, the autopsy revealed that she sustained very serious head trauma that included bleeding of the brain and retinal hemorrhaging. The doctor has stated that the injury is inconsistent with the defendant's explanation of the injury. The alleged child abuse occurred within the special maritime jurisdiction of Kirtland Air Force Base. This case is being prosecuted by AUSA Samuel Winder.

In the second case (*United States v. Felicia Smallbear*), a twenty-three-year-old woman, a member of an Indian tribe, strangled, choked, and threw her boyfriend's seventeen month-old toddler into a fireplace. According to the defendant, she was the victim of physical abuse at the hands of the toddler's father. The defendant confessed to the child abuse. The defendant stated that she believed the toddler was the father, and she wanted "him to hurt like she had been hurt." The autopsy revealed the toddler sustained a skull fracture, retinal bleeding behind the eyes, and discoloration to the frontal brain consistent with choking or strangulation.

New Mexico appears to be the first district in the country to charge a defendant with first-degree murder pursuant to this amendment. The defendant in *United States v. Martinez* has filed a motion to dismiss the indictment as a violation of the defendant's right to due process under the Fifth Amendment to the Constitution. Specifically, the defendant argues that amendment does not require premeditation and child abuse cannot be a predicate felony for purposes of felony murder. The USAO is preparing for an appeal to the Tenth Circuit Court of Appeals in the event the Chief Judge finds the amendment unconstitutional. In *United States v. Smallbear*, the defendant has not filed a motion to dismiss, although the USAO anticipates the defendant filing a similar motion in the near future. This case is being prosecuted by AUSA Samuel Winder.

Augustin Caraza, et al., Investigation. This investigation was initiated by the FBI and has been joined by ICE. The Caraza Alien Smuggling Organization (CASO) is smuggling large numbers of illegal aliens, Mexican and possibly other national origins, on a daily basis across the borders of the United States. Upon arrival of the illegal aliens, CASO houses the aliens and makes arrangements for the aliens to be transported into the interior of the United States. CASO uses family members to hire local residents in Hatch, New Mexico, and pays them to retrieve wire money transfers that range from \$300 to \$5,000. It is suspected that CASO provides false documents to facilitate the smuggling and transportation of the aliens into the interior. Since the investigation opened, it has expanded to include the Morres and Alaniz families. Both families have a long history of alien smuggling in southern New Mexico. It is anticipated that after all other investigative methods have been exhausted, it may be necessary to apply for a Title III wiretap. Anticipated charges include alien smuggling and money laundering. This office has prosecuted many of the family members individually, but it is the goal of this investigation to prosecute the over-arching organization. This office has been active in advising the federal law enforcement agencies involved regarding what investigative methods may legally be used and what evidence is necessary for a successful prosecution.

CIVIL RIGHTS

United States v. John Gould. On October 16, 2002, inmate Tampico Verdin, a Mexican National with a history of psychiatric disorders, was badly beaten by six Dona Ana County Detention Officers at the Dona Ana County Detention Facility. He suffered broken ribs, a broken elbow, a cracked shoulder, and numerous bruises. At least part of this beating was administered when he was handcuffed and on the floor in a prone position. The detention officers, including John Gould, were indicted for violating 18

U.S.C. § 242. To date, felony convictions have been obtained on all defendants except for Gould, who is presently awaiting trial. The Department of Justice Civil Rights Division is working with this office on this case.

After being fired from the Dona Ana County facility, Gould hid the fact that he was federally indicted when he applied to be the Administrator of the Cibola County Detention Center. He was hired in this capacity, and engaged in further illegal conduct. Specifically, inmate James Barber was shot eleven times (fired at fifteen times) while he was alone in a cell, without clothing on, with a FN-303 firearm. That firearm, designed to use non-lethal force, fires rubber bullets. Gould shot Barber through the chow port opening of his cell door. He tried hiding in the corner of the cell, and was shot repeatedly in the back and rear. Barber has also been indicted for violating 18 U.S.C. § 242 in this incident. His wife, Violet Gould, a nurse at the facility, refused to treat the prisoner's infected wounds over the next several days. She also misrepresented to authorities the nature of the events. She has also been indicted for Witness Tampering, or obstruction of justice, in violation of 18 U.S.C. § 1514(b)(2). This case is being prosecuted by AUSA Miles Hanisee.

NARCOTICS SECTION

OCDETF Operations Foot Action and New Start. The Drug Enforcement Administration (DEA) initiated operation Foot Action in approximately December 2003. The goal of the investigation was to compile sufficient evidence against several large-scale heroin trafficking organizations operating in the Albuquerque, Santa Fe, and Espanola, New Mexico areas. Operation Foot Action has focused primarily in the Albuquerque area. To date, the USAO has conducted eight Title III wire interceptions that have proven very successful. The USAO has compiled sufficient evidence of heroin trafficking against approximately 35 individuals involved in distributing heroin in the Albuquerque area.

Evidence obtained from the Title III interceptions has also led to Title III investigations in the District of Arizona and the Southern District of California. Arizona is planning to begin interception of the telephone used by a Phoenix-based heroin source of supply for some of the Albuquerque distributors. Los Angeles DEA is in the early stages of initiating a Title III investigation into the heroin trafficking activities of yet another heroin source of supply for one of the Albuquerque based-dealers.

Additionally, in an effort to stem heroin trafficking activity in Espanola, New Mexico, the Federal Bureau of Investigation (FBI) in conjunction with the DEA, initiated Operation New Start in approximately July 2004. This investigation is currently targeting heroin trafficking activity in Espanola, Taos, and Santa Fe, New Mexico. DEA and FBI agents have learned that at least one of the suppliers investigated in Operation Foot Action is supplying dealers in the Espanola area. Operation New Start currently involves two Title III wire interceptions. The information gathered, to date, has yielded useful evidence against a number of individuals involved in high volume heroin distribution in Espanola, New Mexico. This case is being prosecuted by AUSA Erlinda O. Johnson.

WHITE COLLAR / GENERAL CRIMES SECTION

The Four Corners Amnesty Initiative. The United States Attorneys for Arizona, Utah, Colorado, and New Mexico declared a 90-day amnesty period for citizens who wished to return objects possessed in violation of the Native American Grave Protection Act (NAGPRA) or the Archeological Resource Protection Act (ARPA). The amnesty period began on May 20, 2004, and ended August 18, 2004. The Maxwell Museum at the University of New Mexico served as a depository for items returned. Many significant items of cultural patrimony, sacred items, or objects of archeological interest found on federal lands were returned, including objects collected by the Gallup High School's Archeology Club in the 1960s, and numerous sacred Pueblo prayer stick bundles. This initiative received national media attention. AUSA Mary Kay McCulloch assisted in this initiative.

United States v. Matthew Cohen, U.S. v. David Houseman. Cohen and Houseman, lawyers and CPAs, who admitted engaging in international tax fraud involving illegitimate deductions claimed from alleged economic activity in Costa Rica, entered guilty pleas. Cohen admitted to having caused the United States tax losses of approximately \$2.5 million dollars. Houseman, a member of the New Mexico bar for 50 years, admitted filing multiple years of false returns fraudulently claiming that all his income was subject to the foreign income tax exclusion. Two cooperating taxpayer defendants, Chris Key, a prominent attorney and former Rhodes Scholar, and Ruben Martinez, a dentist, were sentenced to terms of probation for their roles in this case. An additional defendant, Mikel Bornfield, a local accountant, is pending trial. This case is being prosecuted by AUSA Jonathon Gerson.

United States v. Peter Bussolini and Scott Alexander. Bussolini and Alexander, former Los Alamos National Lab employees, have pleaded guilty to having defrauded and stolen government property valued between \$130,000 and \$200,000 from the laboratory. This case, investigated by the FBI and DOE, garnered national media attention during Congressional inquiries into the management of LANL. Sentencing is pending. This case is being prosecuted by AUSA Fred Federici.

CIVIL DIVISION

Beller and Pfeifer v. United States. Plaintiff James Beller, on behalf of decedents Larry and Rita Beller, and Plaintiff Terry Pfeifer, on behalf of decedents Edward and Alice Ramaekers, brought this wrongful death action under the FTCA. Their decedents were killed on January 25, 2002, when the car in which they were riding was struck head-on by a government truck driven the wrong way in the eastbound lanes of Interstate 40 west of Albuquerque. The driver of the government truck, a BIA employee named Lloyd Larson, was extremely inebriated (*i.e.*, he had a blood alcohol concentration more than two and a half times the legal limit in New Mexico several hours after the collision). In the preceding 16 years, Larson had been arrested for DWI nine times, including two arrests in the seven months immediately preceding the collision; five of his DWI arrests had resulted in convictions.

Because the collision took place within the boundaries of an Indian reservation, Larson, who is a Native American, was subject to federal prosecution. Larson was indicted, pleaded guilty to four counts of second-degree murder, and was sentenced to four concurrent 20-year terms.

Plaintiffs alleged that Larson was acting within the scope of his employment at the time of the collision and the United States thus was vicariously liable for his tortious conduct under the doctrine of *respondeat superior*. They also alleged that, because his BIA supervisors knew or should have known of Larson's drinking problems and his DWI history, the United States was liable because these supervisors negligently entrusted a vehicle to Larson, and negligently hired, retained, trained, and supervised him. Plaintiffs further alleged that Larson's conduct in driving drunk and his supervisors' conduct in entrusting him with a vehicle given their knowledge of his DWI arrest and conviction history constituted "aggravating circumstances" which warranted the multiplication of damages under New Mexico law. Finally, Plaintiffs requested injunctive relief requiring that the BIA develop and implement a policy prohibiting employees with drinking problems and/or recent DWI convictions from driving government vehicles, and requiring that BIA conduct background investigations into its employees' driving histories. Plaintiff Beller sought more than \$72 million in damages and Plaintiff Pfeifer sought \$37 million in damages.

After extensive discovery and motion practice, Plaintiff Beller settled his claims for \$2,000,000 in December 2003. Plaintiff Pfeifer rejected a similar offer, and proceeded to trial. Immediately after an eight-day trial in April 2004, the Court found that Larson was not acting in the scope of his employment at the time of the collision and the United States therefore was not liable for his actions. It found, however, that the United States was negligent in entrusting a vehicle to Larson and in its hiring, training, supervision and retention of Larson. Applying the doctrine of comparative negligence, the Court found that Larson was responsible for 60% of Plaintiff Pfeifer's damages and the United States was responsible for 40%. The Court took the matter of actual damages under advisement and encouraged the parties to settle. Thereafter, Plaintiff Pfeifer accepted the Government's standing offer of \$2,000,000. The case was defended by AUSA Elizabeth M. Martinez, and Traci Colquette and James Touhey of the Civil Division's FTCA Branch.

BIOGRAPHY OF UNITED STATES ATTORNEY DAVID C. IGLESIAS

David C. Iglesias was born on January 15, 1958, in Panama City, Panama, is married, and has four children. He received a B.A. degree in 1980 from Wheaton College and a J.D. degree in 1984 from the University of New Mexico School of Law. He was admitted to the New Mexico Bar in 1984, the U.S. Military Courts in 1985, the U.S. District Court for the District of New Mexico in 1991, the Tenth Circuit Court of Appeals in 1993, and the U.S. Supreme Court in 1994.

Mr. Iglesias served in the United States Navy Judge Advocate General's Corps from 1984 to 1988 when he was honorably discharged from active duty as a Lieutenant. He has continued to serve his country in the United States Navy Reserve Judge Advocate General's Corps since 1988 with the rank of Commander.

Mr. Iglesias was appointed by the Attorney General as the interim United States Attorney for the District of New Mexico on October 16, 2001, and was subsequently sworn in as the Presidentially appointed United States Attorney for his district on October 17, 2001. Mr. Iglesias served as an Associate with Walz and Associates of Albuquerque from 2001 until his appointment as USA. Prior to this position, he was a General Counsel for the New Mexico Taxation and Revenue Department, 1998 - 2001; a Chief Counsel for the New Mexico Risk Management Legal Office, 1995 - 1998; a White House Fellow and Special Assistant to the Secretary of Transportation, 1994 - 1995; an Assistant City Attorney for the Albuquerque City Attorney's Office, 1991 - 1994; an Assistant Attorney General for the New Mexico Attorney General's Office, 1988 - 1991.



David Claudio Iglesias
United States Attorney
District of New Mexico

NEW MEXICO

United States Attorney: David C. Iglesias

HEADQUARTERS:

Phone Numbers

Office: (505) 346-7274
Fax: (505) 346-7296

Address

Mailing: P.O. Box 607
Albuquerque, NM 87103
Shipping: 201 Third Street, N.W.
Suite 900
Albuquerque, NM 87102

Official Position	Name	Phone Numbers
*USA	<u>David C. Iglesias</u>	
Secretary to USA	<u>Lois Golden</u>	
First AUSA	<u>Larry Gomez</u>	
Executive AUSA	<u>Rumaldo Armijo</u>	
Criminal Chief	<u>Larry Gomez</u>	
Civil Chief	<u>Jan Mitchell</u>	
ATAC CIO	<u>Ron Lopez</u>	
Chief, Appellate	<u>David N. Williams</u>	
Chief, Asset Forfeiture	<u>Stephen R. Kotz</u>	
Chief, OCDETF	<u>James Braun</u>	
Admin Officer	<u>Ruth M. Cox</u>	
Intelligence Research Specialist	<u>Anthony Elsworth</u>	

OAG000000078

Systems Manager Teresa Moore

-/W Coordinator Anita E. Perry

LECC Coordinator Ron Lopez

BRANCH OFFICE: Las Cruces

Site Phone Number

Office: (505) 522-2304
Fax: (505) 522-2391

Site Address

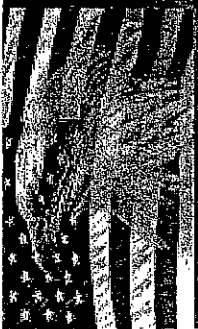
Mailing: 555 South Telshor
 Suite 300
 Las Cruces, NM 88011
Shipping: 555 South Telshor
 Suite 300
 Las Cruces, NM 88011



**United States Attorney's office
District of New Mexico**

Metro Federated Republican Women

**Albuquerque, New Mexico
January 11, 2006**



OFFICE OVERVIEW

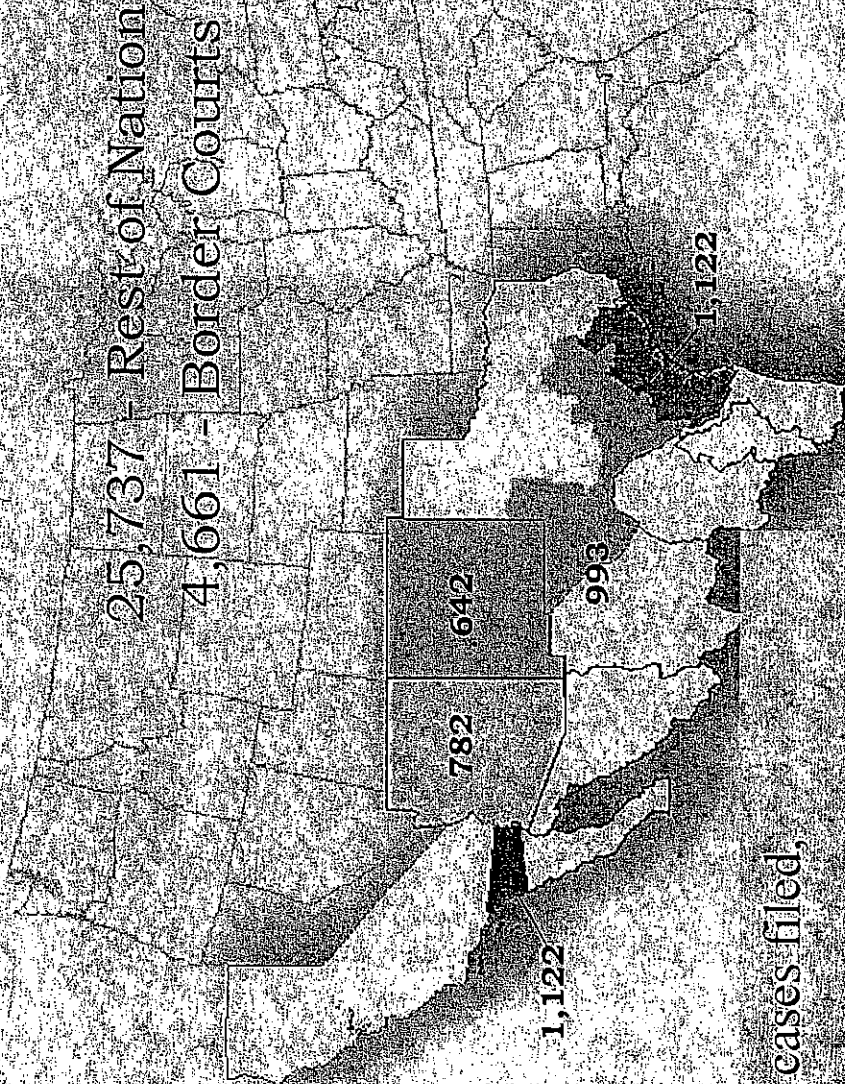
Rapid Growth

Challenges

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2005 BORDER CONFERENCE

Criminal Felony Case Filings - 1994



Of the total cases filed,

15% were filed in Border Courts

2005 BORDER CONFERENCE

Criminal Felony Case Filings - 2004

39,198 - Rest of Nation

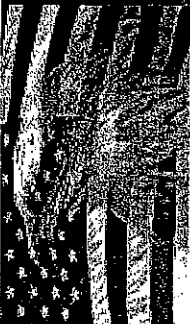
20,067 - Border Courts



Of the total cases filed,

34% were filed in Border Courts

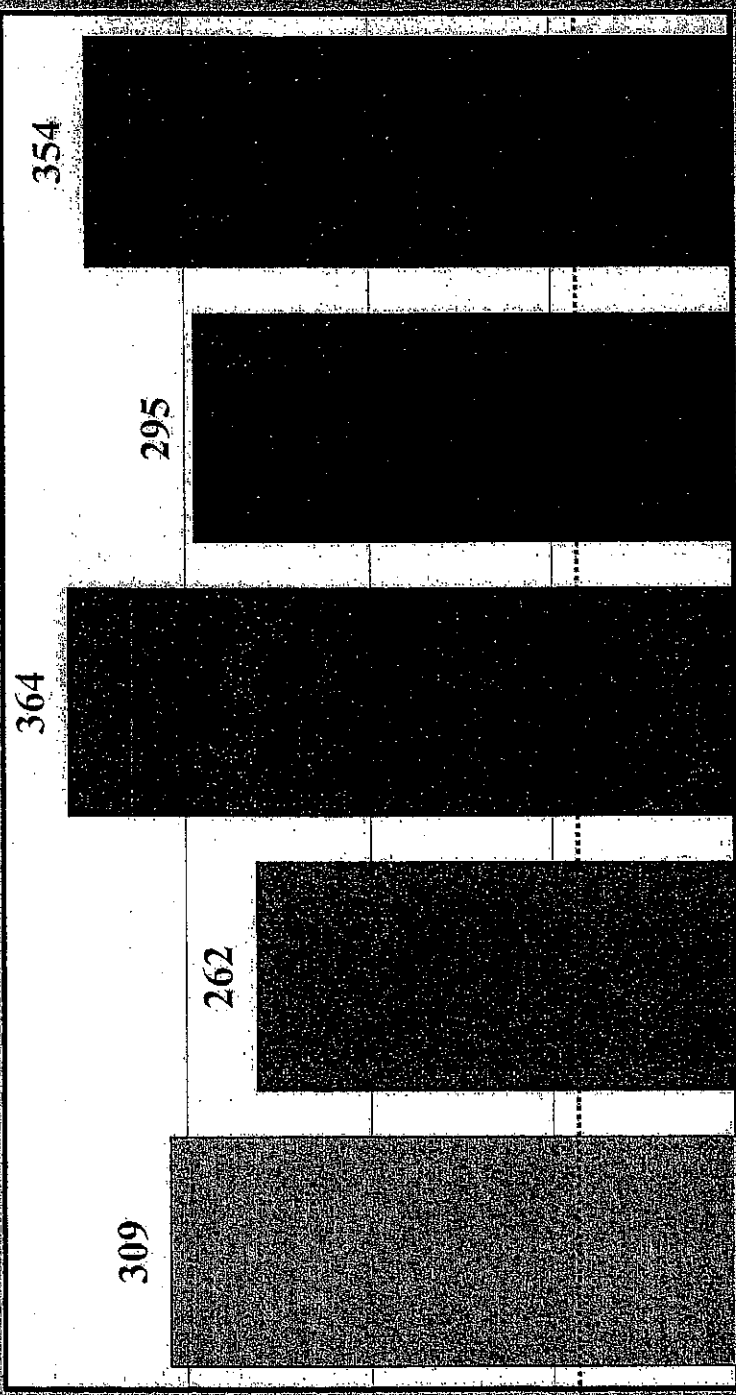
Intelligence Gathering



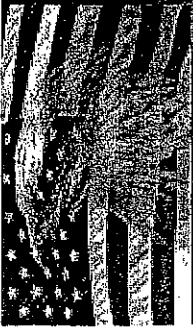


DELINQUENCY PER AUTHORIZED JUDGESHIP IN THE FIVE SOUTHWEST BORDER DISTRICTS

For the 12-Month Period Ending 9/30/04

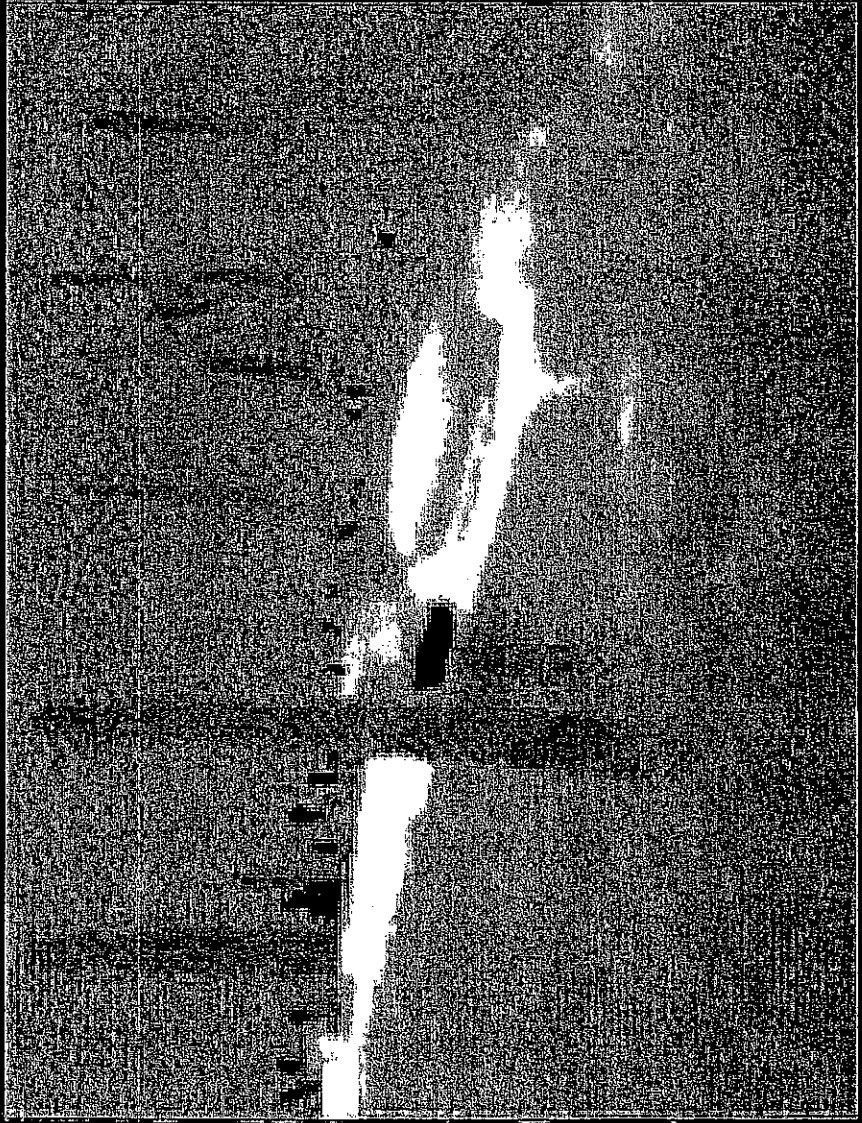


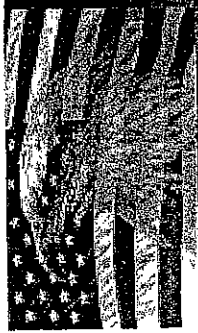
NAI Average
88



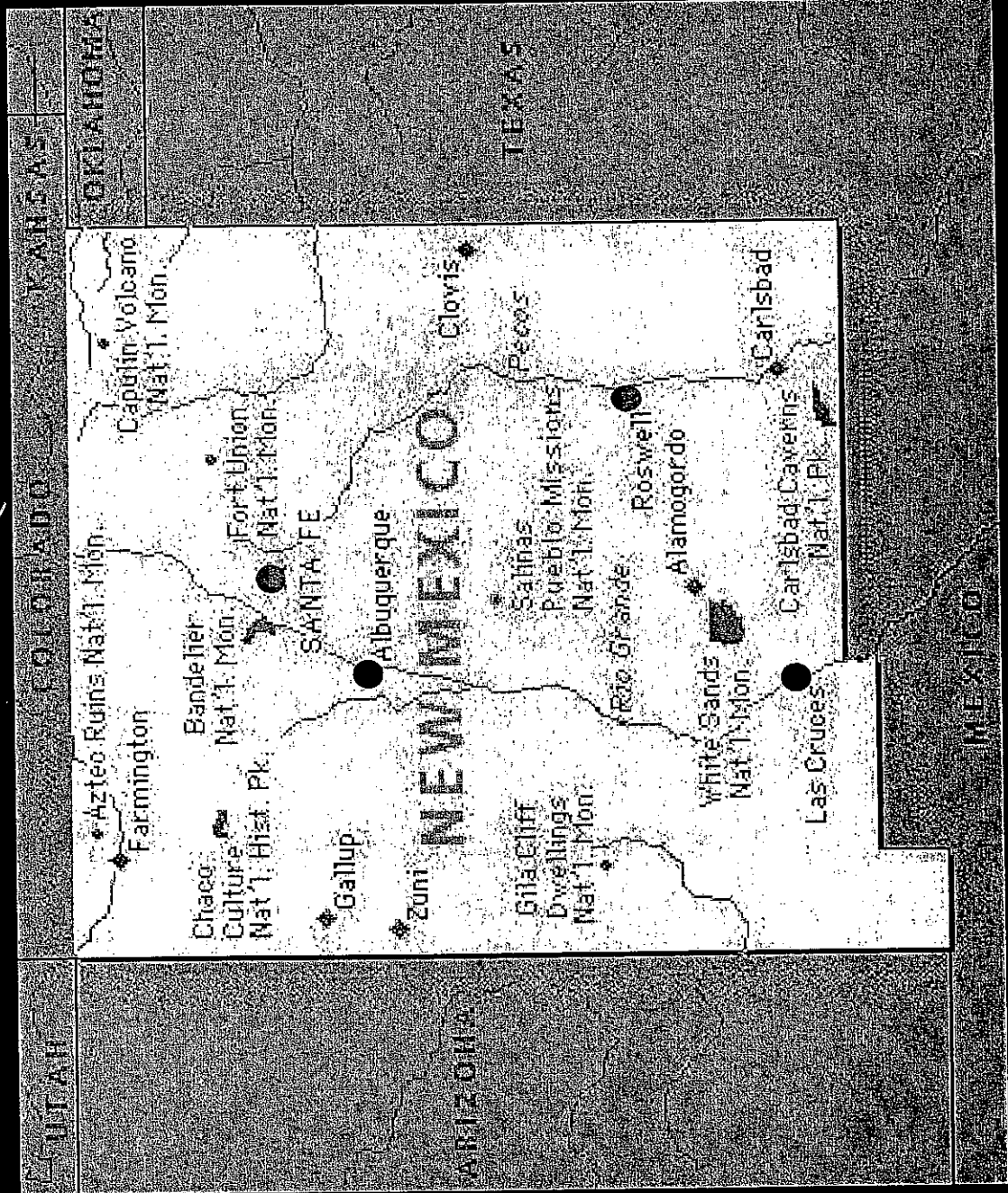
The Biggest problem

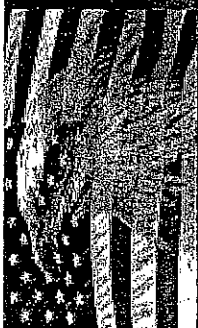
- Per aUSA, nm is #1 for immigration cases
- 180 miles of border with Mexico





District of New Mexico Geography

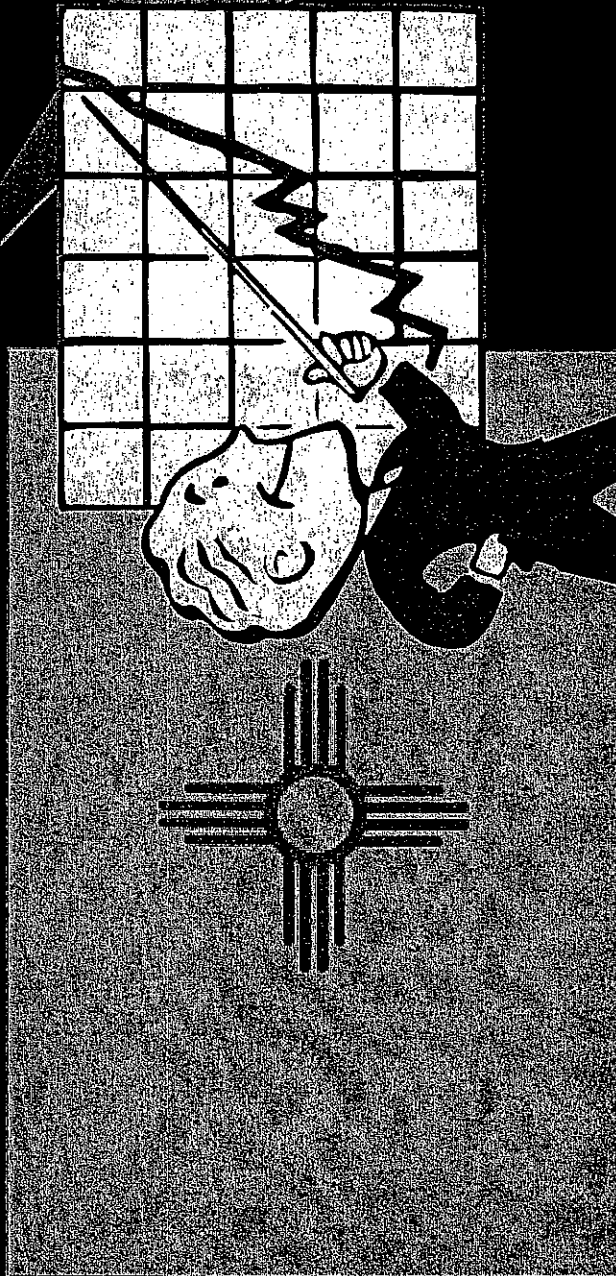




Factors Affecting USAO Workload

- **Federal Presence:**
 - 43% of state is Federal
 - 26 Native American Reservations
 - 2 National labs
 - 3 Air Force bases, missile range

District of new mexico statistics

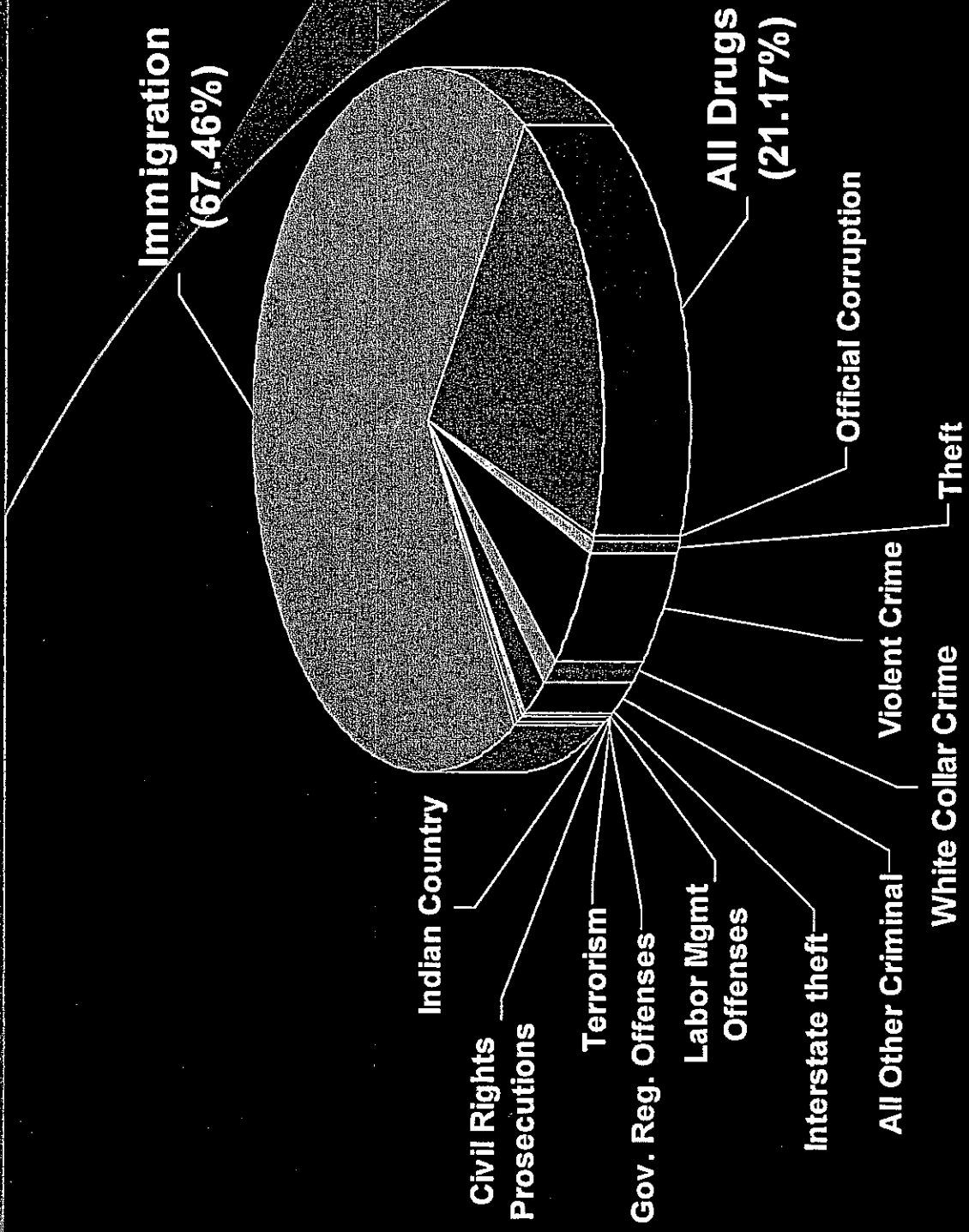




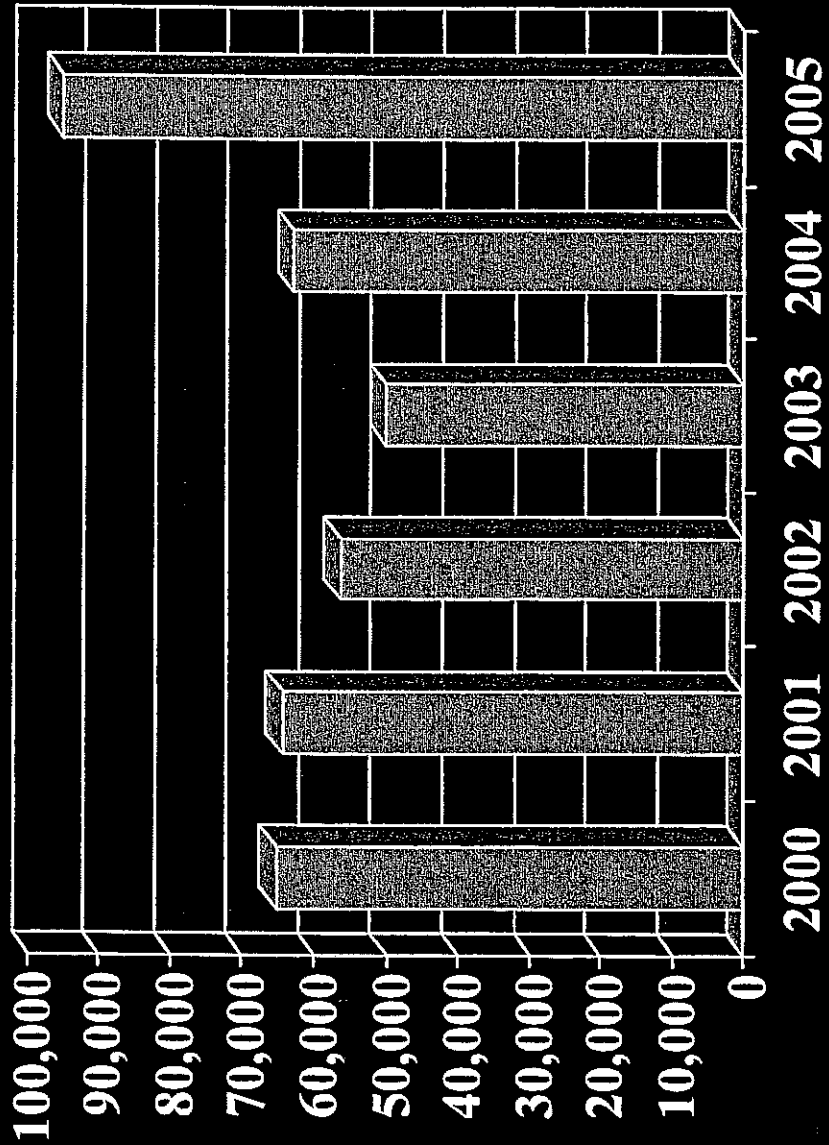
Office Priorities

1. Anti-Terrorism
2. Gun Prosecutions
3. Indian Country
4. Immigration/drugs

NM Criminal Caseload (fy-04)



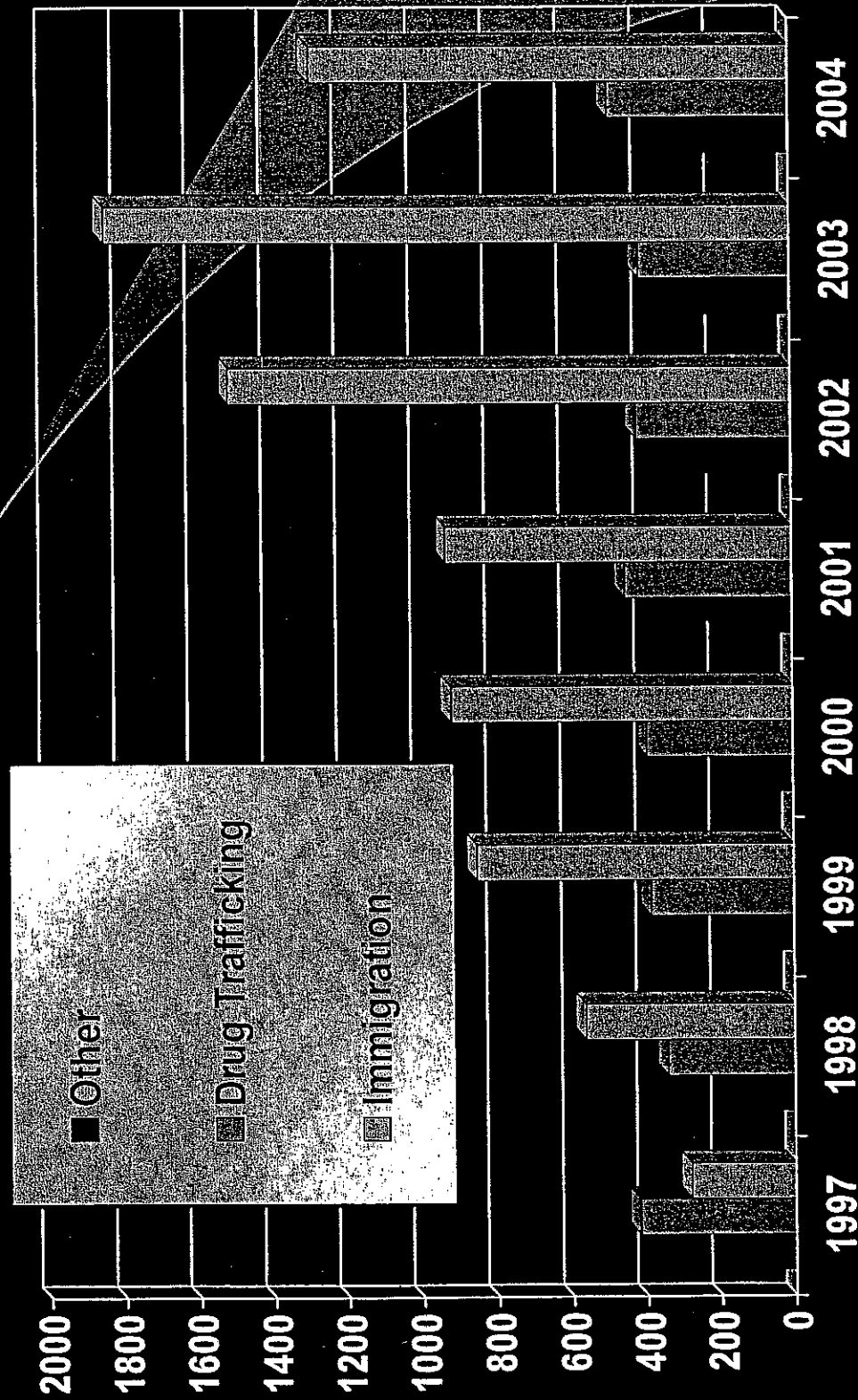
Alien Apprehensions by NM Border Patrol Stations



2005 is a straight line projection based upon apprehensions as of 4-15-2005 (27,822 apprehended)

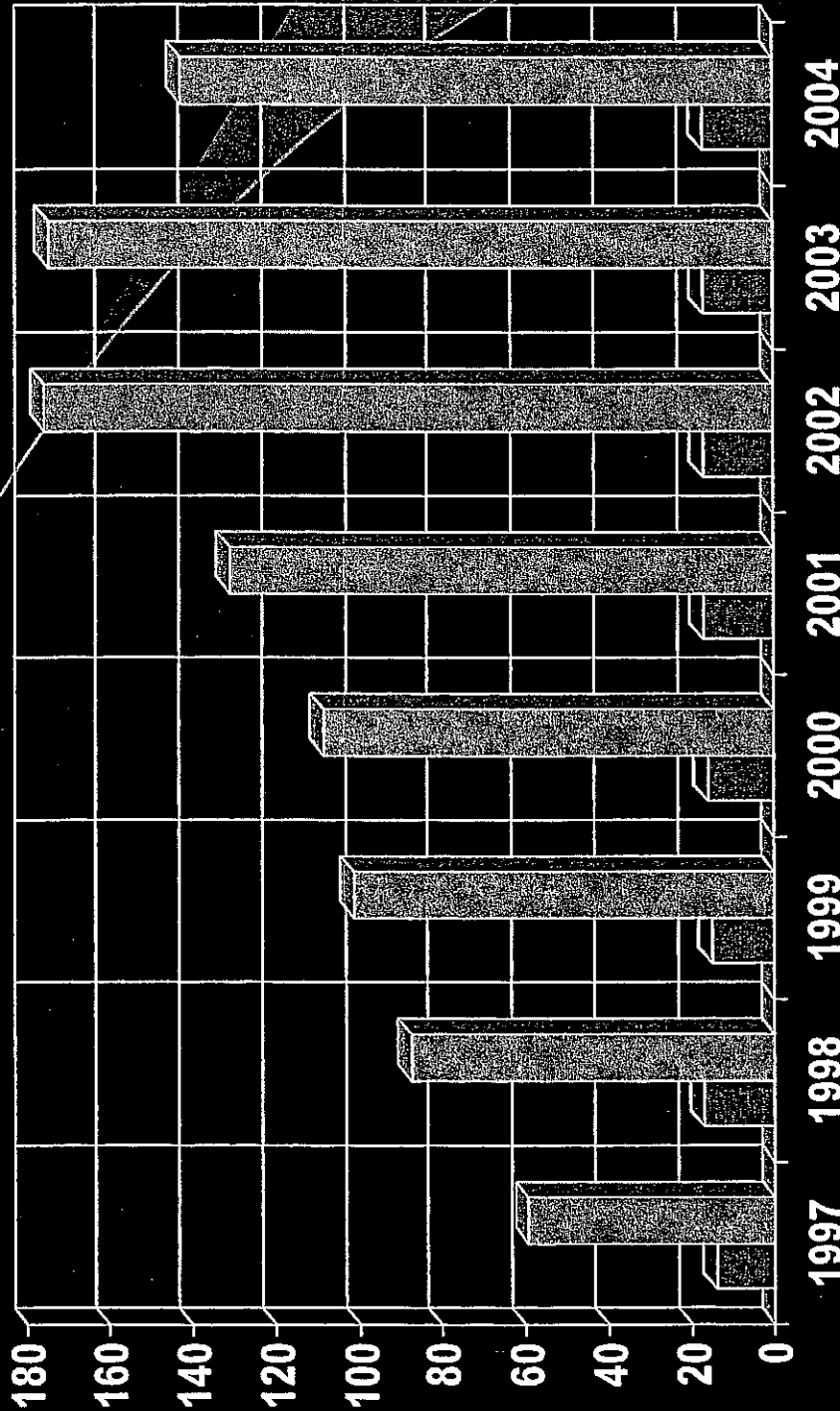
LAS CRUCES BRANCH OFFICE

Caseload by Type per Year



LAS CRUCES BRANCH OFFICE

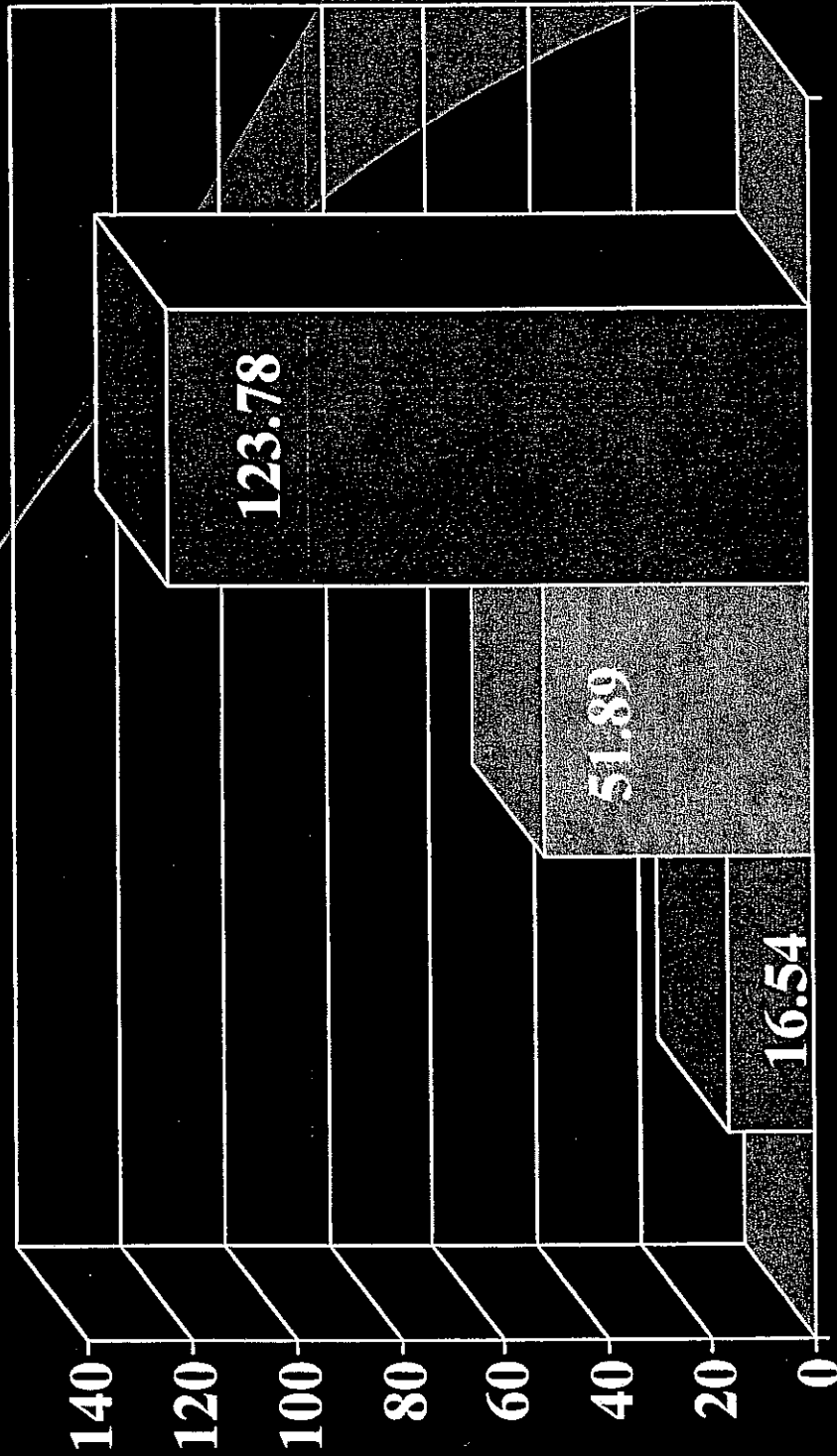
Average Caseload Per AUSA



Number of AUSA's

Cases Per AUSA

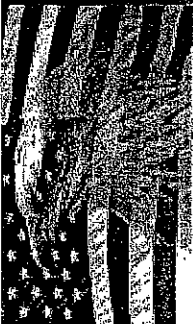
FY 2004 Criminal Cases Filed per AUSA



Cases per AUSA

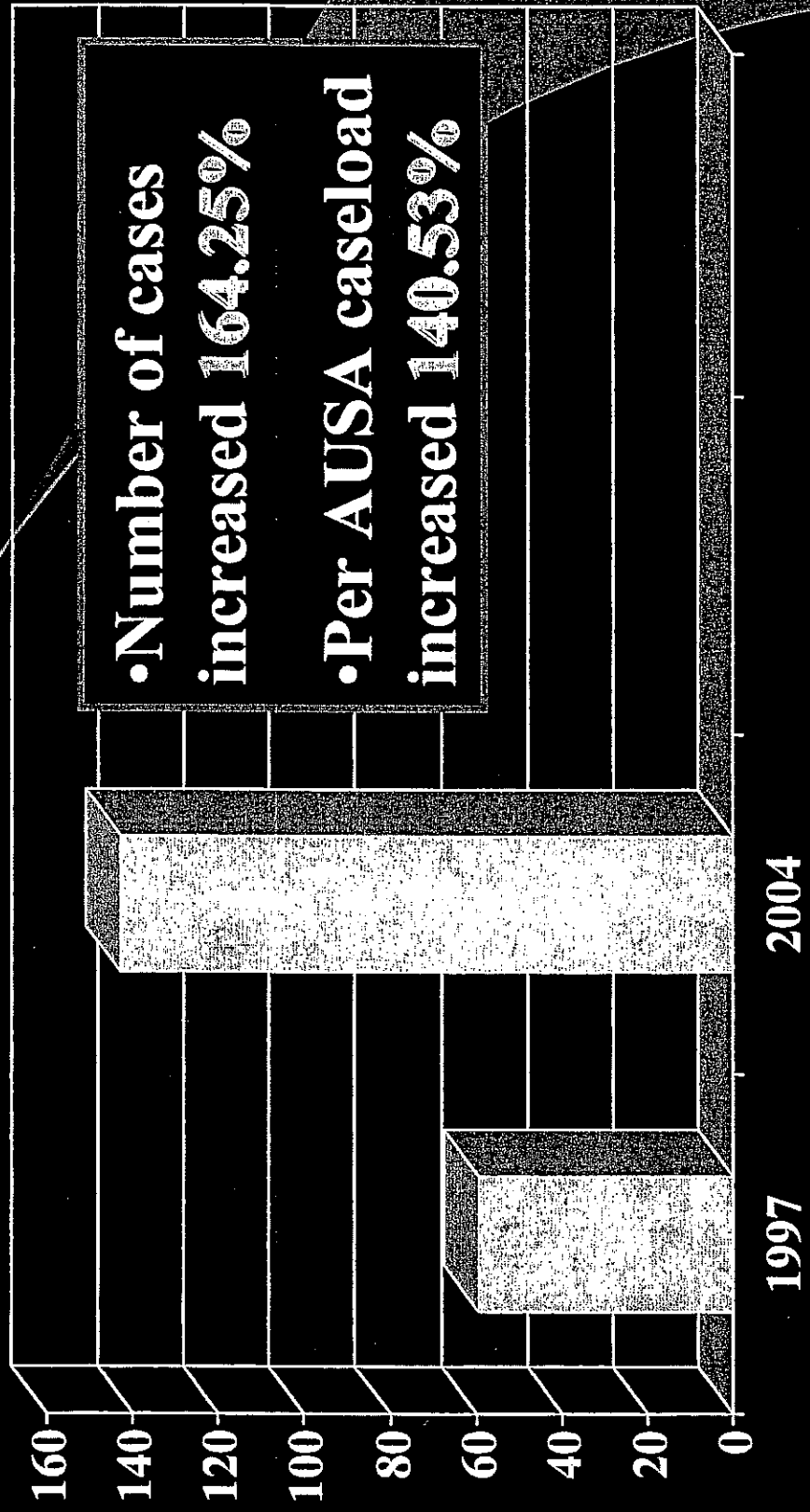
□ Nat'l Avg. □ New Mexico □ LC Branch

Operating with Technology



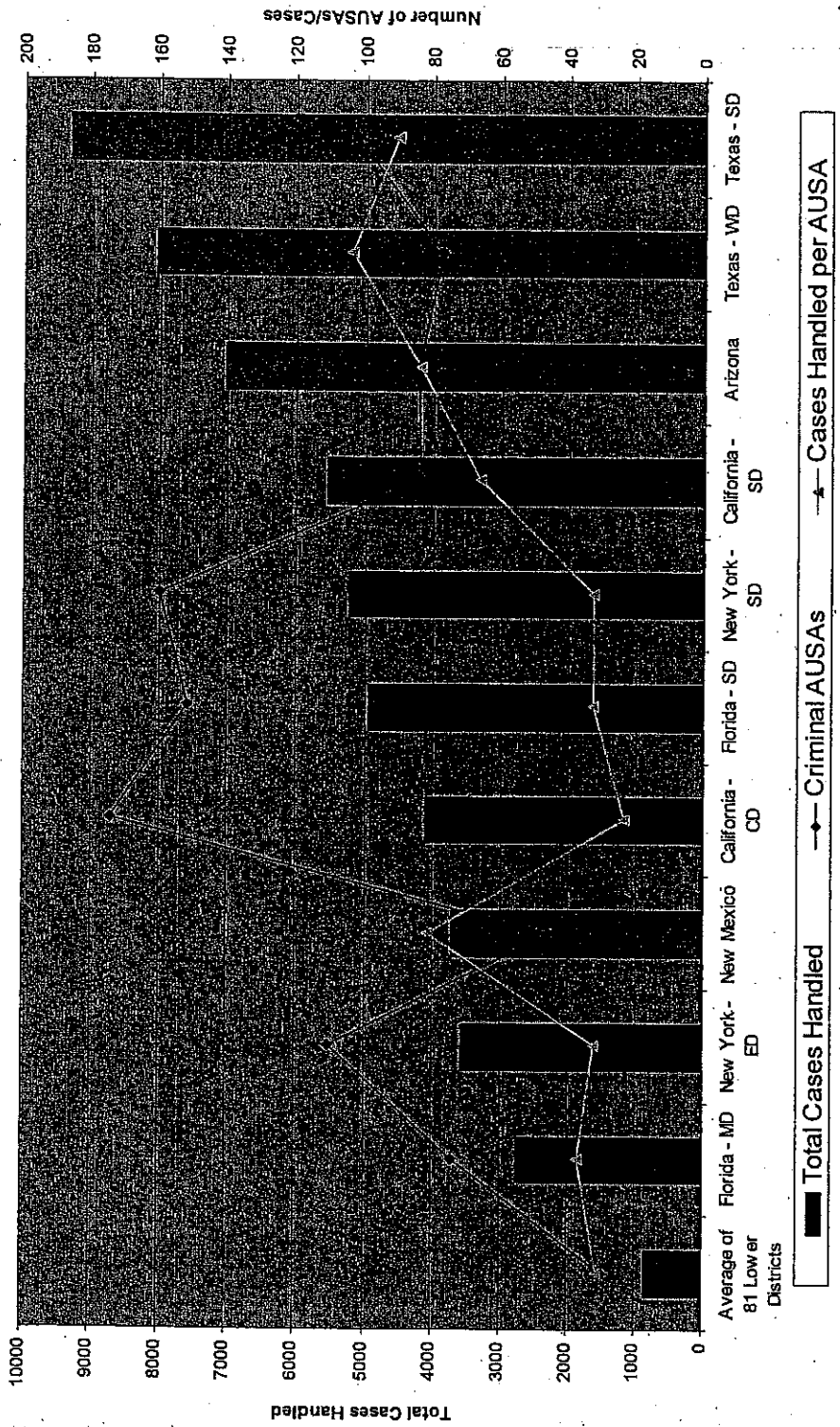


Caseload Increase Impact Upon Las Cruces Branch Office

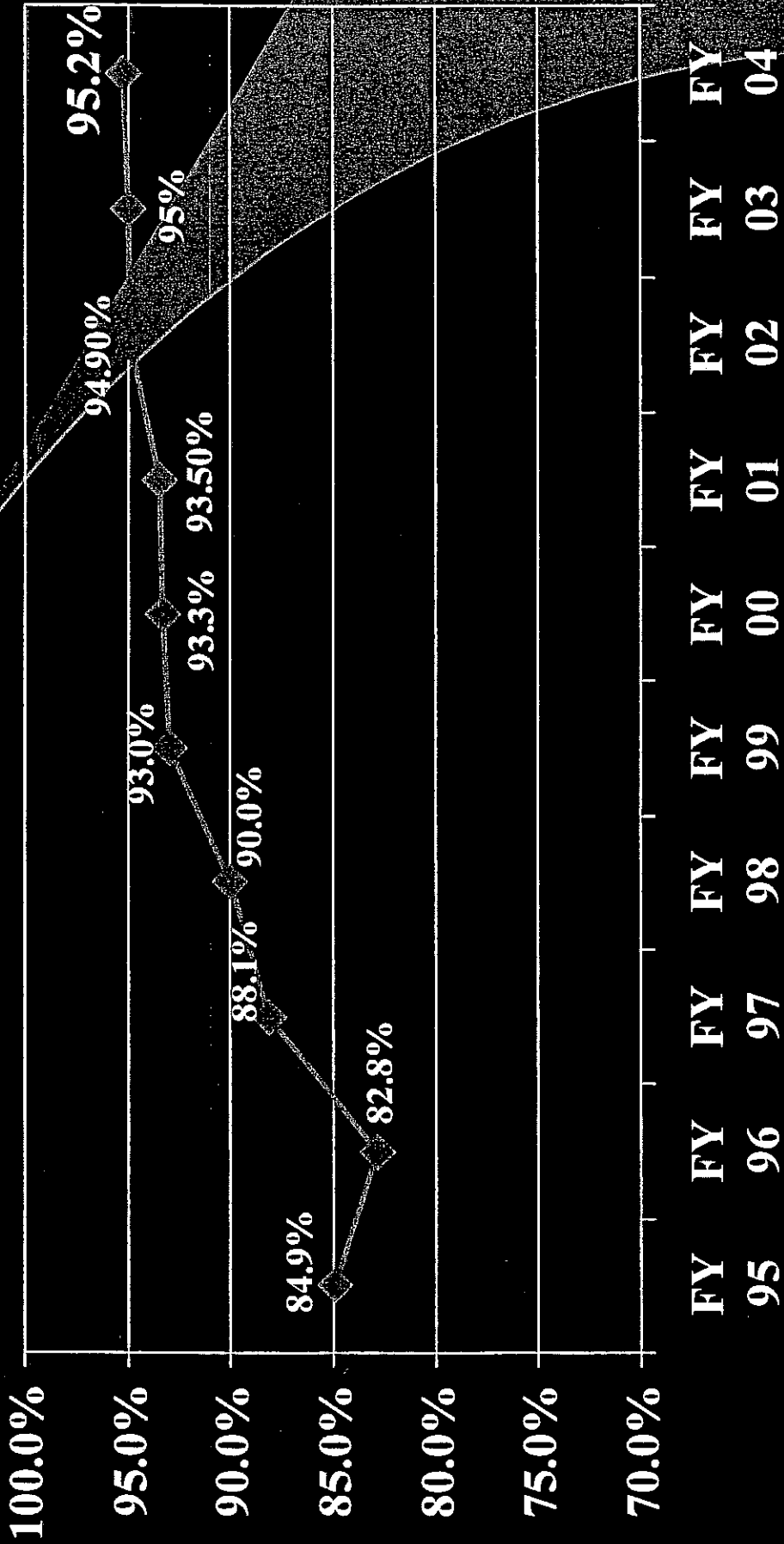


NM Criminal Caseload

National Statistics FY 2004
 (Criminal Cases, AUSAs Reported and Caseload Per AUSA)
 (Original data obtained from EOUSA. Chart adapted from SD Texas overview graph)



Criminal Conviction rate



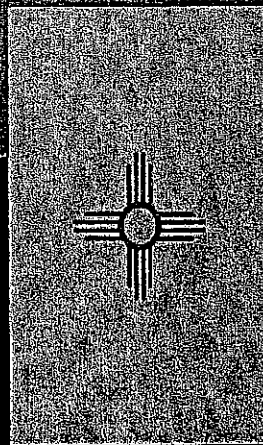


Additional FY-04 stats

- **99.1% of guilty defendants plead**
- **95.3% guilty defendants received prison time**
- **The district of New Mexico had a 90.8% conviction rate on all drug offenses**



Questions?



Goodling, Monica

From: Goodling, Monica
Sent: Tuesday, June 13, 2006 7:06 PM
To: Voris, Natalie (USAEO); Courtwright_S@who.eop.gov
Subject: RE: Pre-Nom ED/AR

Natalie gets all the credit.

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

From: Voris, Natalie (USAEO)
Sent: Tuesday, June 13, 2006 6:59 PM
To: Courtwright_S@who.eop.gov
Cc: Goodling, Monica
Subject: RE: Pre-Nom ED/AR

Susan:

As requested, attached is the pre-nomination paperwork for John Timothy Griffin (ED/AR). At your direction, I have not included the WH Form ("snp" document). I do not have a photo for Mr. Griffin. Please let me know if you need anything else. I have included a past WH Questionnaire to provide you with additional information about Mr. Griffin.

Thank you,

Natalie

Goodling, Monica

From: Courtwright_S@who.eop.gov
Sent: Wednesday, June 14, 2006 10:18 AM
To: Goodling, Monica
Subject: FW:

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



tmp.htm (2 KB) resume.doc (64 KB) military bio 2006 revised.doc ...

Monica,

Griffin's resume and military bio are attached. I believe e-mail may be the best way to reach him now. His e-mail address is listed below.

Regards,

Susan

From: Tim Griffin [mailto:griffinjag@earthlink.net]
Sent: Thursday, June 01, 2006 12:28 PM
To: Klingler, Richard D.
Cc: Dixon, Grant
Subject: Re:

J. TIMOTHY GRIFFIN

EDUCATION

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

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

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

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

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

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

WORK EXPERIENCE

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

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

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

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

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

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

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

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

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

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

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

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

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

- ✓ Supervised day-to-day operations.

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

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

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

- ✓ Drafted legal memoranda and pleadings and conducted depositions.

SUMMARY OF MILITARY SERVICE

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

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

ACTIVITIES AND ASSOCIATIONS

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

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

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

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

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

The Oxford Society. 1991-Present.

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

Reserve Officers Association. Life Member.

BIOGRAPHICAL SUMMARY

December 23, 2005

GRIFFIN, John Timothy,

Captain, Judge Advocate General's Corps, USAR

Date and Place of Birth: 21 August 1968, Charlotte, NC

Mandatory Removal Date: 14 June 2024

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

Enlisted Service: None

Source and Date of Commission: Direct, 15 June 1996

Years of Commissioned Service: Over nine years

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

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

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

OAG000000108

BIOGRAPHICAL SUMMARY (Continued)

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

Chronological List of Appointments:

1LT	USAR	15 June 1996
CPT	USAR	20 March 2000

Chronological Record of Duty Assignments:

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

BIOGRAPHICAL SUMMARY (Continued)

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

Goodling, Monica

From: Goodling, Monica
Sent: Tuesday, June 20, 2006 10:29 AM
To: Sampson, Kyle
Subject: RE: Draft JSC Agenda Attached

Yes

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

From: Sampson, Kyle
Sent: Tuesday, June 20, 2006 10:28 AM
To: Goodling, Monica
Subject: FW: Draft JSC Agenda Attached

Did Mike talk to Bud Cummins?

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

From: Macklin, Kristi R
Sent: Tuesday, June 20, 2006 9:50 AM
To: Brand, Rachel; Sampson, Kyle
Cc: Martinson, Wanda
Subject: Fw: Draft JSC Agenda Attached

Are you two going to be back in time for JSC tomorrow?

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

From: Courtwright_S@who.eop.gov
To: Macklin, Kristi R
Sent: Tue Jun 20 09:10:14 2006
Subject: Draft JSC Agenda Attached

Good morning Kristi,

The draft JSC agenda for tomorrow is attached.

Regards,

Susan

Tracking:	Recipient	Read
	Sampson, Kyle	Read: 6/20/2006 10:29 AM

Goodling, Monica

From: Goodling, Monica
Sent: Tuesday, June 20, 2006 11:45 AM
To: 'SJennings@gwb43.com'
Subject: RE: USATTY meeting

Happy to do so. Thanks.

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

From: SJennings@gwb43.com [mailto: SJennings@gwb43.com]
Sent: Tuesday, June 20, 2006 11:42 AM
To: Goodling, Monica
Subject: RE: USATTY meeting

It is sensitive -- perhaps you should do it.

I am going to send an email to both of you and let you two work out the scheduling.

J. Scott Jennings
Special Assistant to the President and
Deputy Political Director
The White House
Washington D.C. 20502
sjennings@gwb43.com
Office: 202-456-5275

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

From: Monica.Goodling@usdoj.gov [mailto: Monica.Goodling@usdoj.gov]
Sent: Tuesday, June 20, 2006 11:30 AM
To: Scott Jennings
Subject: RE: USATTY meeting

Sure -- I'm happy to do it if it involves sensitive issues. If it's more generic resources type of conversation, our EOUSA Director is here this week and available. Just let me know.

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

From: SJennings@gwb43.com [mailto: SJennings@gwb43.com]
Sent: Tuesday, June 20, 2006 10:16 AM
To: Goodling, Monica
Subject: USATTY meeting

I have a person from New Mexico coming to town this week - he is the President's nominee for the US Postal Board of Governors. He was heavily involved in the President's campaign's legal team.

His name is Mickey Barnett, and he has requested a meeting with someone at DOJ to discuss the USATTY situation there.

Would someone in EOUSA or you or Kyle be available?

J. Scott Jennings

Special Assistant to the President and

Deputy Political Director

The White House

Washington D.C. 20502

sjennings@gwb43.com

Office: 202-456-5275

Goodling, Monica

From: Goodling, Monica
Sent: Friday, July 07, 2006 3:46 PM
To: Hardos, Debbie (USAEO)
Subject: Look up asap

Debbie - remember the chart we had with people's oath dates? How many are past their four years - need asap. Thanks.

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

From: Robert_F_Hoyt@who.eop.gov
To: Monica M. Goodling
Sent: Jul 7, 2006 3:36 PM
Subject: RE: Would you please give me a call ASAP?

We just spoke.

Can you give me a sense (ball park) of how many US Attys are currently in a holdover position?

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

From: Monica.Goodling@usdoj.gov [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, July 07, 2006 3:24 PM
To: Hoyt, Robert F.
Subject: Re: Would you please give me a call ASAP?

Dan Koffsky, a career lawyer in OLC, is calling you now to answer any questions you have and will give you the statutory language. Let me know if you need anything else.

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

From: Robert_F_Hoyt@who.eop.gov
To: Goodling, Monica
Sent: Fri Jul 07 15:06:53 2006
Subject: Would you please give me a call ASAP?

I tried reaching your office by phone, but no one answers and the voicemail isn't working.

Thanks,

Bob

Goodling, Monica

From: Goodling, Monica
Sent: Friday, July 07, 2006 3:58 PM
To: 'Robert_F._Hoyt@who.eop.gov'
Subject: Re: Would you please give me a call ASAP?

We have 93 USA positions - currently, 77 are filled by Presidential appointments (the others are acting or interims). Of the 77, 44 are holding over past their 4 year terms as of today.

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

From: Robert_F._Hoyt@who.eop.gov
To: Goodling, Monica
Sent: Fri Jul 07 15:36:11 2006
Subject: RE: Would you please give me a call ASAP?

We just spoke.

Can you give me a sense (ball park) of how many US Attys are currently in a holdover position?

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

From: Monica.Goodling@usdoj.gov [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, July 07, 2006 3:24 PM
To: Hoyt, Robert F.
Subject: Re: Would you please give me a call ASAP?

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

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To: Goodling, Monica
Sent: Fri Jul 07 15:06:53 2006
Subject: Would you please give me a call ASAP?

I tried reaching your office by phone, but no one answers and the voicemail isn't working.

Thanks,

Bob

Goodling, Monica

From: Goodling, Monica
Sent: Friday, August 18, 2006 5:27 PM
To: Sampson, Kyle
Subject: Re: Conf Call, re: Tim Griffin

Cummins is not yet gone. Will need to ck in with him on his status and give him a timeline, particularly if we go this route since it's faster than the nom/conf route, obviously.

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

From: Sampson, Kyle
To: Goodling, Monica
Sent: Fri Aug 18 17:13:20 2006
Subject: RE: Conf Call, re: Tim Griffin

I agree, but don't think it really should matter where we park him here, as AG will appoint him forthwith to be USA. (Is Cummins gone?)

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

From: Goodling, Monica
Sent: Friday, August 18, 2006 12:09 PM
To: Sampson, Kyle
Subject: Re: Conf Call, re: Tim Griffin

Fyi - to catch you up on the latest here (unless something else has happened this week), scott and I spoke last thurs or fri and this is what's going on...

We have a senator prob, so while wh is intent on nominating, scott thinks we may have a confirmation issue. Also, WH has a personnel issue as tim returns to the states this week and is still on WH payroll. The possible solution I suggested to scott was that we (DOJ) pick him up as a political, examine the BI completed in May pursuant to his WH post, and then install him as an interim. That resolves both the WH personnel issue and gets him into the office he and the WH want him in. I asked Elston to feel out the DAG on bringing Tim into one of the vacant ADAG spots there, just for a short time until we install him in Arkansas. The DAG wanted to look at his resume, and I sent it him before I left. Was going to run this plan by you once I knew the DAG was onboard. If not, I suppose we can look at CRIM, but knowing Tim, my guess is he'd prefer something else given that he was in CRIM in 2001. (Tim knows nothing about my idea for a solution at this point - wanted your signoff, and a home for him, before I called him.)

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

From: Sampson, Kyle
To: 'SJennings@gwb43.com' <SJennings@gwb43.com>; Goodling, Monica
Sent: Fri Aug 18 11:52:05 2006
Subject: RE: Conf Call, re: Tim Griffin

Tell us when, Scott, and we'll be on it.

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

From: SJennings@gwb43.com [mailto:SJennings@gwb43.com]
Sent: Friday, August 18, 2006 11:41 AM
To: Sampson, Kyle; Goodling, Monica
Subject: Conf Call, re: Tim Griffin

Can we get a call together on this Monday or Tuesday ... after you are

back, Monica?

J. Scott Jennings

Special Assistant to the President and

Deputy Political Director

The White House

Washington D.C. 20502

sjennings@gwb43.com

Office: 202-456-5275

Goodling, Monica

From: Chelsea_M_Holden@who.eop.gov
Sent: Monday, September 11, 2006 4:06 PM
To: Goodling, Monica
Subject: RE: Tim Griffin

Thank you!

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

From: Monica.Goodling@usdoj.gov [mailto:Monica.Goodling@usdoj.gov]
Sent: Monday, September 11, 2006 3:58 PM
To: Holden, Chelsea M.
Subject: RE: Tim Griffin

WHITE HOUSE

April-Sept 2005 Commissioned Officer Special Assistant to the President
\$92,500 annual

CONSULTANT Jan-April 2005 \$180,000 annual

REPUBLICAN NATIONAL COMMITTEE

2002 \$125,000 annual
2003 \$150,000 annual
2004 \$156,000 annual
(Dates are approximate)

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

From: Chelsea_M_Holden@who.eop.gov
[mailto:Chelsea_M_Holden@who.eop.gov]
Sent: Monday, September 11, 2006 11:17 AM
To: Goodling, Monica; Williamson, Angela
Subject: Tim Griffin

Do y'all have highest previous salary?

Thank you!
Chelsea

Goodling, Monica

From: Luis_A_Reyes@who.eop.gov
Sent: Wednesday, September 13, 2006 10:39 AM
To: Goodling, Monica
Subject: RE: Cleared

Dumb question. Remind me what DJES is? Where will Tim go?

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

From: Monica.Goodling@usdoj.gov [mailto:Monica.Goodling@usdoj.gov]
Sent: Wednesday, September 13, 2006 10:18 AM
To: Holden, Chelsea M.; Angela.Williamson@usdoj.gov; Reyes, Luis A.
Cc: Frans, Luke; Curran, Kevin H.
Subject: RE: Cleared

Thank you!

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

From: Chelsea_M_Holden@who.eop.gov
[mailto:Chelsea_M_Holden@who.eop.gov]
Sent: Wednesday, September 13, 2006 10:07 AM
To: Williamson, Angela; Goodling, Monica; Luis_A_Reyes@who.eop.gov
Cc: Luke_Frans@who.eop.gov; Kevin_H_Curran@who.eop.gov;
Chelsea_M_Holden@who.eop.gov
Subject: Cleared

Please clear the following individuals for permanent status:

John Timothy Griffin
DOJ

Counselor to the Assistant Attorney General DJES - 2364 \$142,900
(Cleared via ESCS)

Goodling, Monica

From: Goodling, Monica
Sent: Wednesday, September 13, 2006 4:17 PM
To: Sampson, Kyle

I added Washington, D.C. to Section II for you. I recommend removing W.D.N.C. from Section V. -- there are plenty of others there to start with and I don't think she merits being included in that group at this time.

+++++

Harriet, the U.S. Attorney ranks currently break down as follows:

I. Vacancies w/o Candidates

D. Alaska
E.D. Tenn.
S.D.W.V.

II. USAs Who Have Been (Or Will Be) Nominated for Other Things (I am strongly of the view that we should be working now to get their replacements selected, nominated, and in the pipeline)

III. USAs Who, Rumor Has It, Will Be Leaving in Coming Months

IV. USA in the Process of Being Pushed Out

E.D. Ark. (Bud Cummins)

V. USAs We Now Should Consider Pushing Out

D. Ariz. (Paul Charlton)
S.D. Cal. (Carol Lam)

W.D. Mich. (Margaret Chiara)
D. Nev. (Dan Bogden)

W.D. Wash. (John McKay)

VI. Summary

I am only in favor of executing on a plan to push some USAs out if we are ready and willing to put in the time necessary to select candidates and get them appointed -- it will be counterproductive to DOJ operations if we push USAs out and then don't have replacements ready to roll. In addition, I strongly recommend that, as a matter of policy, we utilize the new statutory provisions that authorize the AG to make USA appointments. We can continue to do selection in JSC, but then should have DOJ take over entirely the vet and appointment. By not going the PAS route, we can give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less cost to the White House

What say you?

Kyle

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

From: Harriet Miers@who.eop.gov [mailto:Harriet Miers@who.eop.gov]

Sent: Wednesday, September 13, 2006 2:39 PM

To: Sampson, Kyle

Subject: United States Attorneys

Kyle, any current thinking on holdover U. S. Attorneys? Any recent word on intentions?

Tracking:

Recipient

Sampson, Kyle

Read

Read: 9/13/2006 4:20 PM

Goodling, Monica

From: Goodling, Monica
Sent: Thursday, November 16, 2006 3:26 PM
To: Griffin, Tim (USAARE)
Subject: RE: hey

I don't feel strongly, but I'd have him resign at 10 a.m. on Friday (he doesn't need to come in, unless he wants to attend your swearing in to show support), and we can work ahead of time to ensure a judge can do it (you'll have at least one duty judge in the courtroom) who will be available. The release could go Thursday, or first thing Friday morning. But no strong feelings here.

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

From: Griffin, Tim (USAARE)
Sent: Thursday, November 16, 2006 2:31 PM
To: Goodling, Monica
Subject: RE: hey

cool.

a couple of concerns.

if his last day is Friday the 22nd, that is the Friday before Christmas and it will be (a) difficult to find the chief judge probably and (b) weird to issue a press release on my taking over the next day (Saturday) or that Monday (Christmas).

i am going on a long scheduled vacation the week of the 9-16 December in St. John. it is the continuation of the honeymoon that was cut short due to the white house's need for me to start asap. i would like to come back from that and have bud leave that week. i dont want to become the u.s. attorney and then be gone the following week.

what do you in your infinite wisdom suggest that i/we do.

thanks, TG

From: Goodling, Monica
Sent: Thursday, November 16, 2006 1:26 PM
To: Griffin, Tim (USAARE)
Subject: Re: hey

No negative ramifications and no real restriction - although it's unusual for the person's last day to be anything other than a Friday, unless they are moving as fast as possible to become a fed judge or something like that ...

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

From: Griffin, Tim (USAARE)
To: Goodling, Monica
Sent: Thu Nov 16 14:17:32 2006
Subject: RE: hey

ok, i spoke with bud today and we hope to nail down a firm last day for

him today or tomorrow.

before we do, can it be any day or is there some negative retirement consequence to him ending and me beginning on a day that is not the last day of the pay period?

for press and other reasons, we would likely pick a wednesday or thursday for him to leave and i will start the next day. before we set that day, i want to make sure there is no restriction on the day we pick.

thanks, TG

From: Goodling, Monica
Sent: Monday, November 13, 2006 3:26 PM
To: Griffin, Tim (USAARE)
Subject: Re: hey

Once Bud finalizes his day/time, I'll handle letting folks know up here and we will get you a draft press release to edit/review. We will also schedule an interview -- we do that with everyone, even Jeff Taylor who worked directly for the AG.

Because it would be an AG appointment, you would need to be sworn in to be effective -- so Bud should resign on a workday at a reasonable time, say, 9am or 4pm on a Friday -- but you would need to be sworn in at whatever time he lists, so it should be a decent time to get a judge. (You should not contact any judges - at the appropriate time, EOUSA will call to notify the Chief Judge of the AG's decision and would ask him to swear you in.)

Keep me posted, thanks!

-----Original Message-----
From: Griffin, Tim (USAARE)
To: Goodling, Monica
Sent: Mon Nov 13 15:38:00 2006
Subject: hey

Bud is thinking about making Thursday, December 21st his last day, give or take a day. Is a particular day preferable? He mentioned that he would like to put out a press release about his leaving late that day and then the next day we would put one out on me? How does that sound? How much notice do you need? What do you need from me on this end? Bud is going to prepare a draft resignation letter that I would get to you.
THANK YOU, TG

P.S. do I need to mention to kyle or tasia?

Goodling, Monica

From: Sampson, Kyle
Sent: Thursday, December 14, 2006 6:37 PM
To: Goodling, Monica
Subject: FW:

fyi, WH wants this guy for NM USA, but Domenici is not so sure
supposedly, Domenici is going to send over names tomorrow (not even waiting for Iglesias' body to cool)

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Thursday, December 14, 2006 4:32 PM
To: Sampson, Kyle
Subject:

Goodling, Monica

From: Sampson, Kyle
Sent: Tuesday, December 19, 2006 6:27 PM
To: Goodling, Monica
Subject: FW: Another Griffin article

fyi

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

From: Sampson, Kyle
Sent: Tuesday, December 19, 2006 6:27 PM
To: 'Oprison, Christopher G.'
Subject: RE: Another Griffin article

My thoughts:

1. I think we should gum this to death: ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say, "no never" (and the longer we can forestall that, the better), then we can tell them we'll look for other candidates, ask them for recommendations, evaluate the recommendations, interview their candidates, and otherwise run out the clock. All of this should be done in "good faith," of course.
2. Officially, Tim is the U.S. Attorney, and will identify himself as such on pleadings and other official documents. I think it's fine for us to refer to him as an "interim U.S. Attorney" in talking points, with the understanding that by "interim U.S. Attorney" we mean AG-appointed (as opposed to Presidentially-appointed and Senate confirmed) U.S. Attorney.
3. Overall, I think we should take the temperature way down -- our guy is in there so the status quo is good for us. Ask for them to consider him; note that he is qualified and doing a good job whenever asked; pledge to desire a Senate-confirmed U.S. Attorney; and otherwise hunker down.
4. The only thing really at risk here is a repeal of the AG's appointment authority. We intend to have DOJ leg affairs people on notice to work hard to preserve this (House members won't care about this; all we really need is for one Senator to object to language being added to legislative vehicles that are moving through). There is some risk that we'll lose the authority, but if we don't ever exercise it then what's the point of having it? (I'm not 100 percent sure that Tim was the guy on which to test drive this authority, but know that getting him appointed was important to Harriet, Karl, etc.)

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

From: Oprison, Christopher G. [mailto:Christopher_G._Oprison@who.eop.gov]
Sent: Tuesday, December 19, 2006 6:16 PM
To: Sampson, Kyle
Subject: RE: Another Griffin article

Thanks. I raised that issue with Harriet earlier. Seems to me that (1) Pryor and Lincoln are taking steps to back DOJ/WH into a corner on Tim Griffin and commit to not commit on him as a nominee; and (2) "interim" may be a source of confusion or, worse, a term that Pryor's and Lincoln's office can springboard from to press for their own nominee rather than rallying behind Tim. What are your thoughts? If this is a Section 546 AG appointment for unlimited duration, Tim can call himself "US Attorney" rather than "interim" or "acting" and our talkers should avoid referring to him as "interim." What are your thoughts?

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

From: Sampson, Kyle [mailto:Kyle:Sampson@usdoj.gov]
Sent: Tuesday, December 19, 2006 5:36 PM
To: Oprison, Christopher G.
Subject: FW: Another Griffin article

fyi

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

From: Scolinos, Tasia
Sent: Tuesday, December 19, 2006 5:34 PM
To: Sampson, Kyle; Goodling, Monica
Cc: Roehrkassee, Brian
Subject: RE: Another Griffin article

I agree - those are stronger talkers.

BR- who in our office took this call? Let's make sure they have these new points if we get another call. Thanks.

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

From: Sampson, Kyle
Sent: Tuesday, December 19, 2006 5:30 PM
To: Goodling, Monica; Scolinos, Tasia
Subject: RE: Another Griffin article

Monica/Tasia, I'm a little concerned about this:

"A Justice Department spokesman has said officials will work with the Arkansas congressional delegation 'in the near future' to make a nomination, and that Griffin was nominated on an interim basis because of the timing of Cummins' resignation."

I think would prefer:

- * When a U.S. Attorney vacancy arises, someone needs to be appointed -- even if on an interim basis -- to fill the vacancy and do the work of the U.S. Attorney.
- * Griffin was appointed on an interim basis because of the timing of Cummins' resignation.
- * It is our hope that, in every federal district, we'll be able to have a U.S. Attorney who was nominated by the President and confirmed by the Senate.

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

From: Goodling, Monica
Sent: Tuesday, December 19, 2006 12:22 PM
To: 'Oprison, Christopher G.'; Sampson, Kyle
Subject: Another Griffin article

FYI

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

From: griffinjag@comcast.net
Sent: Tuesday, December 19, 2006 10:49 AM
To: Goodling, Monica
Subject: Another one

Lincoln calls appointment of Rove assistant 'unfortunate'

By ANDREW DeMILLO Associated Press Writer

LITTLE ROCK (AP) Arkansas Sen. Blanche Lincoln called President Bush's decision to appoint political adviser Karl Rove's former assistant as interim U.S. attorney for eastern Arkansas 'unfortunate' because she believes it bypasses the normal approval process.

'I think it's very unfortunate that the president would choose not to go down the normal route,' Lincoln, D-Ark., told The Associated Press in an interview on Monday.

The Justice Department announced Friday that Tim Griffin would replace Bud Cummins, who plans to resign Dec. 20. There is no maximum amount of time someone can serve as an interim U.S. attorney.

'This is a person who's going to be implementing the law of the land, and I have concerns from what I read in terms of his political nature,' Lincoln said. 'People need to know that and the way you know that is by going through the processes. The reason we have processes and committees and hearings is so there will be a transparency in the people that are going to serve, and that won't exist in this case.'

Arkansas' lone Republican in Congress, Rep. John Boozman, last week said Griffin was highly qualified for the position. But Griffin, who worked on President Bush's re-election campaign in 2004, likely wouldn't have faced a fair hearing in the soon-to-be Democratically controlled Senate, Boozman said.

A native of Magnolia, Griffin now serves as special assistant U.S. attorney for the eastern district of Arkansas. Griffin has previously served as special assistant to President Bush and deputy director of political affairs at the White House, as well as deputy communications director for the Republican National Committee.

He recently finished a year of active duty in Iraq and is an Army Reserve major, serving in the Judge Advocate General's Corps.

A spokesman for Sen. Mark Pryor, D-Ark., on Friday criticized the appointment for avoiding the normal appointment process.

"The senator is concerned that, by announcing an interim (appointment) and not making a nomination, they're determining who the nominee is," Pryor spokesman Michael Teague said Friday. "They're basically circumventing the constitutional process."

A Justice Department spokesman has said officials will work with the Arkansas congressional delegation "in the near future" to make a nomination, and that Griffin was nominated on an interim basis because of the timing of Cummins' resignation.

Lincoln said the White House had contacted her earlier in the year and said they were interested in appointing him to Bud Cummins' position. She said her office had expressed concern about his appointment.

"I don't know that much more about him than you could find if you Googled him," Lincoln said. "That's what we did."

Goodling, Monica

From: Sampson, Kyle
Sent: Monday, January 08, 2007 2:28 PM
To: Goodling, Monica
Cc: 'Leslie_Fahrenkopf@who.eop.gov'
Subject: FW: FYI

Importance: High

Attachments: Document.pdf



Document.pdf (285 KB)

Monica, here are Sen. Domenici's recommendations for U.S Attorney for the District of New Mexico. He intends, apparently, to send a fifth recommendation shortly. Unless Leslie objects, will you get the process rolling for these four? Thanks.

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

From: Looney, Andrea B. [mailto:Andrea_B._Looney@who.eop.gov]
Sent: Monday, January 08, 2007 10:21 AM
To: Fahrenkopf, Leslie; Brosnahan, Jennifer R.; Sampson, Kyle; Brand, Rachel; Macklin, Kristi R
Subject: FW: FYI

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

From: Wolff, Candida P.
Sent: Monday, January 08, 2007 10:16 AM
To: Looney, Andrea B.; O'Hollaren, Sean B.
Subject: FW:

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

From: Bell, Steve (Domenici) [mailto:steve_bell@domenici.senate.gov]
Sent: Monday, January 08, 2007 10:12 AM
To: Wolff, Candida P.; Scott Jennings; kr@georgewbush.com
Subject: FW:

Sent out Friday; a fifth name coming today...

To repeat: is our overwhelming choice and will take the job...

Thanks for everything...

Bell

DOMENICI RECOMMENDS FOUR TO WHITE HOUSE FOR U.S. ATTORNEY POSITION IN NEW MEXICO

WASHINGTON – U.S. Senator Pete Domenici today announced that he has recommended four distinguished attorneys to President Bush for his consideration as the next U.S. Attorney for New Mexico.

In response to the Bush Administration's request for recommendations following the departure of David Iglesias, Domenici has submitted the following names to the White House: Jim Bibb of Santa Fe, T. Glenn Ellington of Santa Fe, Charles Peifer of Albuquerque, and Pat Rogers of Albuquerque.

The names will now be vetted by the Administration. Following that process, President Bush will nominate a new U.S. Attorney, who will then be considered for confirmation by the U.S. Senate.

"It is my pleasure to recommend four individuals that I believe would serve New Mexico and the nation with distinction as United States Attorney for our state. I am familiar with each of them, and I believe that they have the necessary legal backgrounds and right temperament for the job. I look forward to President Bush's choice," Domenici said.

Bibb, who was the Republican nominee for Attorney General of New Mexico in 2006, has been an Assistant U.S. Attorney and is a Major in the New Mexico Army National Guard. In addition to two years in private practice, he was a Special Agent for the FBI and an Assistant District Attorney in the 4th Judicial District. He graduated from UNM School of Law.

Ellington currently is in private practice with Ellington & Ellington, L.L.C. Prior to that, he was Secretary of Taxation and Revenue for the state of New Mexico, and has served as a District and Appellate Judge. He is a graduate of UNM School of Law.

Peifer is an attorney with the Albuquerque firm of Peifer, Hanson and Mullins, where he has been a litigator for the past sixteen years. He also served as Chief Assistant Attorney General for New Mexico, where he supervised the four civil divisions of the New Mexico Department of Justice. He holds a law degree from Cornell Law School.

Rogers is a longtime member of the Albuquerque firm Modrall, Sperling, Roche, Harris and Sisk, where he serves on the Executive Committee. He has served as General Counsel to the New Mexico Republican Party and was on the Board of Directors of the Mountain States Legal Federation. He graduated from Georgetown University Law Center.

The nation's 93 U.S. Attorneys, under the direction of the Attorney General, are the chief federal law enforcement officers of the United States. The position has three statutory responsibilities: the prosecution of criminal cases brought by the federal government; the prosecution and defense of civil cases in which the United States is a party; and the collection of debts owed the federal government which are administratively uncollectible.

FOR IMMEDIATE RELEASE
JANUARY 3, 2007

CONTACT: MAIT LEBTOURNEAU
(202) 224-7098

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