

**Goodling, Monica**

---

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

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

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

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

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

---

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

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

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

**Goodling, Monica**

---

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

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

-----  
Sent from my BlackBerry Wireless Handheld

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

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Chief of Staff  
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---

[kyle.sampson@usdoj.gov](mailto:kyle.sampson@usdoj.gov)

**Goodling, Monica**

---

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

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

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

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

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

**Goodling, Monica**

---

**From:** Callier, Sandra M  
**Sent:** Thursday, January 18, 2007 1:10 PM  
**To:** Paige, Dana E; Hines, Marcia L; Barnes, Michelle D  
**Cc:** Goodling, Monica; Green, Saralene E; Scott-Finan, Nancy; Tracci, Robert N; Cabral, Catalina  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

**Importance:** High

ALL...

I searched ALL letter from members of congress from 1/1/2004 to 1/1/2007-with "CAROL LAM" and "LAM" as the subject and found no records from feinstein... other than the one listed below.

this may have been controlled as a sensitive issue and is not "searchable." I am including ES on this msg so that they can conduct a search of their "sensitive/classified" files.

**ES, pls advise. this info is needed as soon as possible. thanks for your help**

thanks,

Sandra M. Callier  
OLA - Office Manager  
Department of Justice  
RFK Building - Room 1612  
202-616-9864

---

**From:** Goodling, Monica  
**Sent:** Thursday, January 18, 2007 12:59 PM  
**To:** Green, Saralene E; Scott-Finan, Nancy; Cabral, Catalina; Tracci, Robert N; Callier, Sandra M  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

This isn't the right letter. Please keep looking. Thanks.

---

**From:** Green, Saralene E  
**Sent:** Thursday, January 18, 2007 12:57 PM  
**To:** Scott-Finan, Nancy; Goodling, Monica; Cabral, Catalina; Tracci, Robert N; Callier, Sandra M  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

Per your req'

<< File: Feinstein-incom-042506.tif >> << File: Feinstein-resp-060706.tif >>

**DATE OF DOCUMENT:** 04/25/2006  
**DATE RECEIVED:** 05/02/2006

**WORKFLOW ID:** 996921  
**DUE DATE:**

**FROM:** The Honorable Dianne Feinstein  
United States Senate  
  
Washington, DC 20510

**TO:** USA Carol Lam

**MAIL TYPE:** Congressional Priority

**SUBJECT:** (Fax rec'd from EOUSA) Urging USA Lam to review the FBI's request for arrest warrants for two individuals allegedly involved in the abduction of John Smith's three children by their mother, Francina Fernandez. Advises that Ms. Fernandez has revoked her U.S. citizenship and obtained Philippine citizenship, thereby ruling out the possibility for her deportation or extradition from the Philippines. States that the FBI has compiled evidence indicating that the maternal grandparents are involved in the abduction.

**DATE ASSIGNED**  
05/24/2006

**ACTION COMPONENT & ACTION REQUESTED**  
For OLA signature.  
Office of Legislative Affairs

**INFO COMPONENT:** OAG, ODAG, OLA, FBI, CRM

**COMMENTS:** 6/8/2006: OLA signed ltr dtd 6/7/2006. cc: EOUSA, CG files. 5/24/2006: EOUSA submitted proposed response for OLA signature.

**FILE CODE:** CONG

**EXECSEC POC:** Debbie Alexander: 202-616-0075

---

**From:** Scott-Finan, Nancy  
**Sent:** Thursday, January 18, 2007 12:42 PM  
**To:** Goodling, Monica; Cabral, Catalina; Tracci, Robert N; Green, Saralene E; Callier, Sandra M  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

Sara/Sandra  
Can you pull the Feinstein letter on Carol Lam from 2006, 2005, 2004 up and email it to us? Thanks.

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**From:** Goodling, Monica  
**Sent:** Thursday, January 18, 2007 12:39 PM  
**To:** Scott-Finan, Nancy; Cabral, Catalina; Tracci, Robert N  
**Subject:** I hear there is a letter from Feinstein on Carol Lam a year or two ago

I need it ASAP. Can you pull from your system ASAP and email to me?

**Goodling, Monica**

**From:** Goodling, Monica  
**Sent:** Thursday, January 18, 2007 1:19 PM  
**To:** Callier, Sandra M; Paige, Dana E; Hines, Marcia L; Barnes, Michelle D  
**Cc:** Green, Saralene E; Scott-Finan, Nancy; Tracci, Robert N; Cabral, Catalina  
**Subject:** Re: I hear there is a letter from Feinstein on Carol Lam a year or two ago

Try feinstein letters regarding San Diego or immigration prosecutions or border issues in California.

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

**From:** Callier, Sandra M  
**To:** Paige, Dana E; Hines, Marcia L; Barnes, Michelle D  
**CC:** Goodling, Monica; Green, Saralene E; Scott-Finan, Nancy; Tracci, Robert N; Cabral, Catalina  
**Sent:** Thu Jan 18 13:10:00 2007  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

ALL..

I searched ALL letter from members of congress from 1/1/2004 to 1/1/2007 with "CAROL LAM" and "LAM" as the subject and found no records from feinstein... other than the one listed below.

this may have been controlled as a sensitive issue and is not "searchable." I am including ES on this msg so that they can conduct a search of their "sensitive/classified" files.

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TO: USA Carol Lam

MAIL TYPE: Congressional Priority

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Sent: Thursday, January 18, 2007 12:42 PM  
To: Goodling, Monica; Cabral, Catalina; Tracci, Robert N; Green, Saralene E; Callier, Sandra M  
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**Goodling, Monica**

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**From:** Callier, Sandra M  
**Sent:** Thursday, January 18, 2007 2:01 PM  
**To:** Scott-Finan, Nancy; Goodling, Monica; Cabral, Catalina; Tracci, Robert N; Green, Saralene E  
**Cc:** Wade, Jill C  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

**Importance:** High

FYI: (in a effort to close the loop and bring all up to date)

a similar request was rec'd by OLA staffers from OLA/jill wade (who is on the hill)-- several letters on related subjects from FEINSTEIN and ISSA were provided directly to nancy and faxed to jill for review.

also, ES' search produced the same results as those conducted by OLA. no sensitive/classified letters were found using the keywords provided. please let me know if you need additional assistance.

thanks all,

Sandra M. Callier  
OLA - Office Manager  
Department of Justice  
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**Goodling, Monica**

---

**From:** Wade, Jill C  
**Sent:** Thursday, January 18, 2007 2:03 PM  
**To:** Callier, Sandra M; Scott-Finan, Nancy; Goodling, Monica; Cabral, Catalina; Tracci, Robert N; Green, Saralene E  
**Subject:** Re: I hear there is a letter from Feinstein on Carol Lam a year or two ago

We have all ltrs and AG has reviewed. Thanks team!

J

Jill C. Wade  
U.S. DEPARTMENT OF JUSTICE  
Office of Legislative Affairs  
(202) 514-3597

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

**From:** Callier, Sandra M  
**To:** Scott-Finan, Nancy; Goodling, Monica; Cabral, Catalina; Tracci, Robert N; Green, Saralene E  
**CC:** Wade, Jill C  
**Sent:** Thu Jan 18 14:00:46 2007  
**Subject:** RE: I hear there is a letter from Feinstein on Carol Lam a year or two ago

FYI: (in a effort to close the loop and bring all up to date)

a similar request was rec'd by OLA staffers from OLA/jill wade (who is on the hill). several letters on related subjects from FEINSTEIN and ISSA were provided directly to nancy and faxed to jill for review.

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4

OAG000000704

I need it ASAP. Can you pull from your system ASAP and email to me?

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Monday, January 22, 2007 5:52 PM  
**To:** Nowacki, John (USAEO)  
**Subject:** RE: Charlton resignation

Are our interviews set up for this week yet? If not, please get them set up asap. Thanks.

---

**From:** Nowacki, John (USAEO) [mailto:John.Nowacki@usdoj.gov]  
**Sent:** Monday, January 22, 2007 5:48 PM  
**To:** Goodling, Monica; Elston, Michael (ODAG)  
**Subject:** Charlton resignation

FYI – Charlton has moved his resignation up a day; it is now effective on 30 January.

**Goodling, Monica**

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**From:** Nowacki, John (USAEO) [John.Nowacki@usdoj.gov]  
**Sent:** Monday, January 29, 2007 3:27 PM  
**To:** Goodling, Monica; Elston, Michael (ODAG)  
**Subject:** Bogden resignation letter

**Attachments:** letter1.pdf



letter1.pdf (382 KB)

We have just received the attached resignation letter from Daniel Bogden. His resignation, according to the letter, is effective on midnight, February 28.

<<letter1.pdf>>

**Goodling, Monica**

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**From:** Elston, Michael (ODAG)  
**Sent:** Thursday, February 01, 2007 3:52 PM  
**To:** Hertling, Richard  
**Cc:** Sampson, Kyle; Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca  
**Subject:** Bud Cummins

just called to let me know that Pryor's and Schumer's staff have called and asked him to testify on Tuesday. He declined, but wanted to know if we wanted him to testify -- would tell the truth about his circumstances and would also strongly support our view of S 214.

Thoughts?

**Goodling, Monica**

---

**From:** Scott-Finan, Nancy  
**Sent:** Friday, February 02, 2007 4:57 PM  
**To:** Sampson, Kyle; Goodling, Monica  
**Subject:** FW: (Clearance) AMS-110-15 (DAG Testimony on USA, S.214)

**Attachments:** ODAGMcNultyTestimonySJC2-6-07PoliticizationofUSAAttorneysclearedfinal.doc;  
ODAGMcNultyTestimonySJC2-6-07PoliticizationofUSAAttorneysclearedfinal.pdf



ODAGMcNultyTesti ODAGMcNultyTesti  
monySJC2-6-07P... monySJC2-6-07P...

Paul's testimony has been cleared by OMB and is attached.

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

**From:** Blackwood, Kristine  
**Sent:** Friday, February 02, 2007 4:52 PM  
**To:** Scott-Finan, Nancy  
**Cc:** Seidel, Rebecca  
**Subject:** RE: (Clearance) AMS-110-15 (DAG Testimony on USA, S.214)

Try this one

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

**From:** Blackwood, Kristine  
**Sent:** Friday, February 02, 2007 4:48 PM  
**To:** Scott-Finan, Nancy  
**Cc:** Seidel, Rebecca  
**Subject:** RE: (Clearance) AMS-110-15 (DAG Testimony on USA, S.214)

Here's the corrected and cleared version.

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

**From:** Seidel, Rebecca  
**Sent:** Friday, February 02, 2007 4:36 PM  
**To:** 'Simms, Angela M.'; Blackwood, Kristine  
**Cc:** Scott-Finan, Nancy  
**Subject:** RE: (Clearance) AMS-110-15 (DAG Testimony on USA, S.214)

Thank you for all your help Angie! We know you must be flooded today.

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

**From:** Simms, Angela M. [mailto:Angela.M\_Simms@omb.eop.gov]  
**Sent:** Friday, February 02, 2007 4:36 PM  
**To:** Blackwood, Kristine  
**Cc:** Scott-Finan, Nancy; Seidel, Rebecca  
**Subject:** (Clearance) AMS-110-15 (DAG Testimony on USA, S.214)

---

Kristine,

This testimony on S.214 is cleared, as amended.

Angie  
202-395-3857

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

**From:** Seidel, Rebecca [mailto:Rebecca.Seidel@usdoj.gov]  
**Sent:** Friday, February 02, 2007 4:24 PM  
**To:** Green, Richard E.; Simms, Angela M.  
**Cc:** Scott-Finan, Nancy; Blackwood, Kristine  
**Subject:** FW: DAG testimony on USA firings issue

Importance: High

see below, this is apparently the only comment from WH counsel's office. We accept. Does this mean it is cleared? I spoke with Todd Braunstein at a meeting we were at together and understood his comments were only suggestions. Has he responded to our response yet? Didn't get the impression he was going to push.

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

From: Oprison, Christopher G.  
[mailto:Christopher\_G.\_Oprison@who.eop.gov]  
Sent: Friday, February 02, 2007 4:02 PM  
To: Seidel, Rebecca; Scott-Finan, Nancy  
Cc: Gibbs, Landon M.; Brosnahan, Jennifer R.; McIntosh, Brent J.; Brady, Ryan D.  
Subject: RE: DAG testimony on USA firings issue

Here are the comments I sent earlier today to our front office:

I have no legal objections. One minor wordsmithing edit: on Page 7, paragraph starting "As you know, . . ." In the third sentence, substitute "government" for "government's".

My apologies, ladies, for the delay. Thanks for following up.

Christopher G. Oprison  
Associate Counsel to the President  
phone: (202) 456-5871  
fax: (202) 456-5104

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

From: Seidel, Rebecca [mailto:Rebecca.Seidel@usdoj.gov]  
Sent: Friday, February 02, 2007 3:55 PM  
To: Scott-Finan, Nancy; Oprison, Christopher G.; Brosnahan, Jennifer R.; McIntosh, Brent J.  
Cc: Gibbs, Landon M.  
Subject: Re: DAG testimony on USA firings issue

As of 20 min ago, Angela at omb had not received anything from WH counsel.

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

From: Scott-Finan, Nancy  
To: 'Oprison, Christopher G.' <Christopher\_G.\_Oprison@who.eop.gov>; Brosnahan, Jennifer R. <Jennifer\_R.\_Brosnahan@who.eop.gov>; McIntosh, Brent J. <Brent\_J.\_McIntosh@who.eop.gov>; Seidel, Rebecca  
~~Cc: Gibbs, Landon M. <Landon\_M.\_Gibbs@who.eop.gov>~~  
Sent: Fri Feb 02 15:49:04 2007  
Subject: RE: DAG testimony on USA firings issue

We have not received comments from WH Counsel through the OMB passback process; only from DPC.

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

From: Oprison, Christopher G.  
[mailto:Christopher\_G.\_Oprison@who.eop.gov]  
Sent: Friday, February 02, 2007 3:46 PM  
To: Brosnahan, Jennifer R.; McIntosh, Brent J.; Seidel, Rebecca  
Cc: Scott-Finan, Nancy; Gibbs, Landon M.  
Subject: RE: DAG testimony on USA firings issue

Correct - Landon forwarded them, I believe

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

From: Brosnahan, Jennifer R.  
Sent: Friday, February 02, 2007 3:45 PM  
To: McIntosh, Brent J.; 'rebecca.seidel@usdoj.gov'  
Cc: 'nancy.scott-finan@usdoj.gov'; Oprison, Christopher G.  
Subject: RE: DAG testimony on USA firings issue

Chris reviewed and submitted comments, I believe...

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

From: McIntosh, Brent J.  
Sent: Friday, February 02, 2007 3:23 PM  
To: 'rebecca.seidel@usdoj.gov'  
Cc: 'nancy.scott-finan@usdoj.gov'; Brosnahan, Jennifer R.  
Subject: Re: DAG testimony on USA firings issue

Not me. I'm on paternity leave. Ccing Jenny, who may know status.

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

From: Seidel, Rebecca  
To: McIntosh, Brent J.  
Cc: Scott-Finan, Nancy  
Sent: Fri Feb 02 15:08:16 2007  
Subject: DAG testimony on USA firings issue

OMB tells us they are only waiting to hear from WH counsel's office, otherwise it is cleared. Need to give to DAG to take home for weekend. Can u fin out who is reviewing for you guys and nudge? (Is it you ? :))



**Goodling, Monica**

---

**From:** Elston, Michael (ODAG)  
**Sent:** Saturday, February 03, 2007 6:19 PM  
**To:** Goodling, Monica  
**Subject:** Fw: WDMI

**Importance:** High

Give 'em an inch ....

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

**From:** Chiara, Margaret M. (USAMIW) <MM.Chiara@usdoj.gov>  
**To:** McNulty, Paul J  
**CC:** Elston, Michael (ODAG)  
**Sent:** Sat Feb 03 13:39:28 2007  
**Subject:** WDMI

Michael Elston telephoned on Friday afternoon with the welcome news that February 23 should be the date for announcing my resignation followed by a departure date of March 9. I appreciate the consideration.

Here's what I should have mentioned. I am the NAIS chair. Our first field-based meeting in over a year is scheduled on March 13 and 14 in North Carolina. Gretchen Shappert and the Eastern Band of Cherokee Indians are hosting the meeting and a tribal summit which will include 26 federally recognized tribes in the region. Secretary of the Interior Kempthorn is expected to attend. The NAIS staff detailee, who is from WDMI, was terminated despite an outstanding evaluation because EOUSA would not renew her detail. The replacement has not been announced nor will he be available to assist. It makes good sense for me to prepare, ( which I have been doing ), and chair the meeting. This is particularly true because 4 NAIS members are part of "the group" ( Charlton, Bogden, McKay, Igelsias ). It is better for me to handle this situation than an interim chair.

My resignation announcement continues to be on February 23; the departure date would be March 16. I trust that this minor adjustment for good cause is acceptable to you.

Margaret

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Sunday, February 04, 2007 12:34 PM  
**To:** Elston, Michael (ODAG)  
**Subject:** RE: WDMI

John and I are in the office. Call us when you're free. 3-4435

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

**From:** Elston, Michael (ODAG)  
**Sent:** Saturday, February 03, 2007 6:19 PM  
**To:** Goodling, Monica  
**Subject:** Fw: WDMI  
**Importance:** High

Give 'em an inch ....

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**From:** Chiara, Margaret M. (USAMIW) <MM.Chiara@usdoj.gov>  
**To:** McNulty, Paul J  
**CC:** Elston, Michael (ODAG)  
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---

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	Elston, Michael (ODAG)	Read: 2/4/2007 4:18 PM

**Goodling, Monica**

---

**From:** Hertling, Richard  
**Sent:** Tuesday, February 06, 2007 6:36 PM  
**To:** Moschella, William; Elston, Michael (ODAG); McNulty, Paul J; Sampson, Kyle; Goodling, Monica; Scolinos, Tasia  
**Cc:** Scott-Finan, Nancy  
**Subject:** FW:

I intend to push back and offer Will and Mike for the briefing, not the DAG. Members can't be unhappy with the PADAG and CoS to the DAG. We ought to convene to discuss how we respond to questions and what we are prepared to offer by way of the EARS reports.

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**From:** Bharara, Preet (Judiciary-Dem) [mailto:Preet\_Bharara@Judiciary-dem.senate.gov]  
**Sent:** Tuesday, February 06, 2007 6:33 PM  
**To:** Hertling, Richard  
**Subject:** RE:

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**Sent:** Tuesday, February 06, 2007 11:41 AM  
**To:** Hertling, Richard  
**Subject:** Re:

I'll bring the beer.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: Hertling, Richard <Richard.Hertling@usdoj.gov>

To: Bharara, Preet (Judiciary-Dem)  
Sent: Tue Feb 06 11:35:25 2007  
Subject: Re:

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-----Original Message-----  
From: Bharara, Preet (Judiciary-Dem) <Preet\_Bharara@Judiciary-dem.senate.gov>  
To: Hertling, Richard  
Sent: Tue Feb 06 11:27:06 2007  
Subject: Re:

So, when are we having our private session?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: Hertling, Richard <Richard.Hertling@usdoj.gov>  
To: Bharara, Preet (Judiciary-Dem)  
Sent: Tue Feb 06 06:50:02 2007  
Subject:

Preet: sorry this took so long, but here, as you requested, is a list of a few instances in which the former regime for selecting interim US Attorneys caused problems for DOJ. See you later this morning.

<<Examples of Difficult Transition Situations.pdf>>

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**Sent:** Tuesday, February 06, 2007 7:03 PM  
**To:** Hertling, Richard; Moschella, William; McNulty, Paul J; Sampson, Kyle; Goodling, Monica; Scolinos, Tasia  
**Cc:** Scott-Finan, Nancy  
**Subject:** Re:

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Mike

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**Sent:** Tue Feb 06 18:36:13 2007  
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<<Examples of Difficult Transition Situations.pdf>>

**Goodling, Monica**

**From:** Moschella, William  
**Sent:** Tuesday, February 06, 2007 7:11 PM  
**To:** Elston, Michael (ODAG); Hertling, Richard; McNulty, Paul J; Sampson, Kyle; Goodling, Monica; Scolinos, Tasia  
**Cc:** Scott-Finan, Nancy  
**Subject:** Re:

We also need to decide who will testify before the HJC next week. Whoever it is needs to be fully looped into what is being said on the Hill.

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
**From:** Elston, Michael (ODAG)  
**To:** Hertling, Richard; Moschella, William; McNulty, Paul J; Sampson, Kyle; Goodling, Monica; Scolinos, Tasia  
**CC:** Scott-Finan, Nancy  
**Sent:** Tue Feb 06 19:02:32 2007  
**Subject:** Re:

Paul wants to try to put this to bed, so if only Paul will satisfy them (or avoid offending them), he'll do it. If it is Paul, it may not be Friday. If it is Friday, it will need to be late in the day because we will probably need an hour of prep in the morning.

Mike

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**To:** Moschella, William; Elston, Michael (ODAG); McNulty, Paul J; Sampson, Kyle; Goodling, Monica; Scolinos, Tasia  
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**CC:** Burton, Faith; Seidel, Rebecca  
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**Subject:** Briefing on EARS reports

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**Cc:** Burton, Faith; Seidel, Rebecca  
**Subject:** RE: Briefing on EARS reports

Thursday, February 15th  
The time that was given to me was 10:15 am  
It is the Adm Law Subcommittee, chaired by Sanchez with Cannon as the RRM.

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

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**Sent:** Tuesday, February 06, 2007 7:27 PM  
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**Goodling, Monica**

**From:** Elston, Michael (ODAG)  
**Sent:** Friday, February 09, 2007 5:28 PM  
**To:** Goodling, Monica  
**Subject:** Fw: Solution

This idea may help us avoid linking this to the others. What do you think?

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

**From:** McNulty, Paul J  
**To:** Elston, Michael (ODAG)  
**Sent:** Fri Feb 09 17:25:15 2007  
**Subject:** FW: Solution

Could we make this happen? Hire her into an EOUSA slot and then send her down to the NAC?

---

**From:** Chiara, Margaret M. (USAMIW) [mailto:MM.Chiara@usdoj.gov]  
**Sent:** Friday, February 09, 2007 1:55 PM  
**To:** McNulty, Paul J  
**Subject:** Solution

Paul: You may recall from earlier communication with me that I have owned a home in South Carolina for several years. The announcement (below) is for a detail at the NAC for which I am completely qualified and which I would enjoy doing. Obviously, I am not currently eligible for a detail position. Will you please intervene to make the position available for me? It would provide a timely and satisfactory solution to my current job search. Thank you.

Margaret

Experienced Prosecutor Needed to Serve as an Assistant Director, Office of Legal Education, EOUSA, Columbia, South Carolina

The Office of Legal Education (OLE), Executive Office for United States Attorneys, U.S. Department of Justice, seeks an experienced Assistant United States Attorney to serve as an Assistant Director (AD) for Criminal Programs at the National Advocacy Center in Columbia, South Carolina. This detail is for two years, with the possibility of renewal for additional years. This is a reimbursable detail.

~~The AD will lead a program manager and program assistant in coordinating up to 35 training classes per year at the National Advocacy Center in Columbia, SC. Responsibilities will include course design; instructor recruitment and training; student selection; course administration, and post-course review. The AD will report to OLE's Director and Deputy Director. Applicants must have excellent interpersonal and management skills, be responsible and self-sufficient, communicate effectively orally and in writing, possess extensive experience as a prosecutor in criminal law, and possess experience working with task forces or interagency projects.~~

The AD selected for this position will be housed in the Kirkland Apartment Building, directly across the street from the NAC, and will be entitled to one trip home each month.

Interested applicants should send a resume; cover letter; and letter of support from your U.S. Attorney to arrive as soon as possible but not later than February 23, 2007, addressed to Cammy Chandler, Deputy Director, Office of Legal Education, 1620 Pendleton Street, Columbia, SC 29201.



E-mail and fax submissions are also acceptable. Ms. Chandler's fax number is (803) 705-5110 and her e-mail address is [cammy.chandler@usdoj.gov](mailto:cammy.chandler@usdoj.gov)  
<<mailto:cammy.chandler@usdoj.gov>>

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:41 PM  
**To:** Hertling, Richard; Elston, Michael (ODAG); Nowacki, John (USAEO)  
**Subject:** Release

**Attachments:** Hewitt - Schools Release.pdf

Richard -- Schools is informing his staff right now. Nowacki is calling the judge. Elston is calling Kevin Ryan. You are clear to go ahead and start calling the Senators.

All -- Please confirm once you have completed your calls and we'll get the release to SDCA at that point. Thanks.



Hewitt - Schools  
Release.pdf (...)

**Tracking:**

**Recipient**  
Hertling, Richard  
Elston, Michael (ODAG)  
Nowacki, John (USAEO)

**Read**  
Read: 2/15/2007 4:51 PM

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:47 PM  
**To:** Scolinos, Tasia  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

No - having trouble getting Kevin Ryan and the judge. We'll let you know when we're clear.

---

**From:** Scolinos, Tasia  
**Sent:** Thursday, February 15, 2007 4:46 PM  
**To:** Goodling, Monica  
**Subject:** FW: Drew Holmes/LA Daily Journal/213-229-5523

Is this out yet?

---

**From:** Miller, Asa G  
**Sent:** Thursday, February 15, 2007 4:45 PM  
**To:** Scolinos, Tasia  
**Cc:** Block, Jonathan  
**Subject:** Drew Holmes/LA Daily Journal/213-229-5523

RE: requests confirmation that the DOJ has appointed an interim USA in San Diego. The San Diego office confirmed the current USA's last day was today he says.

**Tracking:** Recipient Read  
Scolinos, Tasia Read: 2/15/2007 4:48 PM

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:51 PM  
**To:** Scolinos, Tasia  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

We've got calls in to everyone, but we can not give this to a reporter before we get the outgoing USA, the Senators, and the Chief Judge notified.

---

**From:** Scolinos, Tasia  
**Sent:** Thursday, February 15, 2007 4:48 PM  
**To:** Goodling, Monica  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

I am leaving to catch a plane . . .

---

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**To:** Goodling, Monica  
**Subject:** FW: Drew Holmes/LA Daily Journal/213-229-5523

Is this out yet?

---

**From:** Miller, Asa G  
**Sent:** Thursday, February 15, 2007 4:45 PM  
**To:** Scolinos, Tasia  
**Cc:** Block, Jonathan  
**Subject:** Drew Holmes/LA Daily Journal/213-229-5523

RE: requests confirmation that the DOJ has appointed an interim USA in San Diego. The San Diego office confirmed the current USA's last day was today he says.

**Tracking:** Recipient Read  
Scolinos, Tasia Read: 2/15/2007 4:54 PM

**Goodling, Monica**

---

**From:** Elston, Michael (ODAG)  
**Sent:** Thursday, February 15, 2007 4:51 PM  
**To:** Goodling, Monica; Hertling, Richard; Nowacki, John (USAEO)  
**Subject:** RE: Release

I have spoke to Kevin.

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:41 PM  
**To:** Hertling, Richard; Elston, Michael (ODAG); Nowacki, John (USAEO)  
**Subject:** Release

Richard -- Schools is informing his staff right now. Nowacki is calling the judge. Elston is calling Kevin Ryan. You are clear to go ahead and start calling the Senators.

All -- Please confirm once you have completed your calls and we'll get the release to SDCA at that point. Thanks.

<< File: Hewitt - Schools Release.pdf >>

**Goodling, Monica**

---

**From:** Scolinos, Tasia  
**Sent:** Thursday, February 15, 2007 4:55 PM  
**To:** Goodling, Monica  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

I get that - but I am letting you know that I may not be available to handle if I am in the air. Please work with Jonathan to get it out to the districts for release.

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:51 PM  
**To:** Scolinos, Tasia  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

We've got calls in to everyone, but we can not give this to a reporter before we get the outgoing USA, the Senators, and the Chief Judge notified.

---

**From:** Scolinos, Tasia  
**Sent:** Thursday, February 15, 2007 4:48 PM  
**To:** Goodling, Monica  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

I am leaving to catch a plane . . .

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:47 PM  
**To:** Scolinos, Tasia  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

No - having trouble getting Kevin Ryan and the judge. We'll let you know when we're clear.

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**Sent:** Thursday, February 15, 2007 4:56 PM  
**To:** Elston, Michael (ODAG); Goodling, Monica; Nowacki, John (USAEO)  
**Subject:** RE: Release

I have spoken to Feinstein's counsel. Call went fine. I have left a vm for Boxer's counsel to call me back.

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**To:** Goodling, Monica; Hertling, Richard; Nowacki, John (USAEO)  
**Subject:** RE: Release

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All -- Please confirm once you have completed your calls and we'll get the release to SDCA at that point. Thanks.

<< File: Hewitt - Schools Release.pdf >>

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 5:03 PM  
**To:** Scolinos, Tasia  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

Kevin and Feinstein calls now complete. Judge has a message and we'll circle back, but we're good to launch. Hewitt has the release and is working with the SDCA PIO and NDCA PIO is getting it right now, so you can deliver to the below reporter and anyone else who calls OPA directly.

---

**From:** Scolinos, Tasia  
**Sent:** Thursday, February 15, 2007 4:55 PM  
**To:** Goodling, Monica  
**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

I get that - but I am letting you know that I may not be available to handle if I am in the air. Please work with Jonathan to get it out to the districts for release.

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**From:** Goodling, Monica  
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**Subject:** RE: Drew Holmes/LA Daily Journal/213-229-5523

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Is this out yet?

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**Sent:** Thursday, February 15, 2007 4:45 PM  
**To:** Scolinos, Tasia  
**Cc:** Block, Jonathan  
**Subject:** Drew Holmes/LA Daily Journal/213-229-5523

RE: requests confirmation that the DOJ has appointed an interim USA in San Diego. The San Diego office confirmed the current USA's last day was today he says.

Tracking:	Recipient	Read
	Scolinos, Tasia	Read: 2/15/2007 6:16 PM



**Goodling, Monica**

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**From:** Hewitt, Karen (USACAS) [Karen.Hewitt@usdoj.gov]  
**Sent:** Thursday, February 15, 2007 5:39 PM  
**To:** Goodling, Monica  
**Cc:** Nowacki, John (USAEO)  
**Subject:** RE: Release

I just confirmed that the DOJ press release went out to our local list. Carol Lam is about to send an internal e-mail to our staff about the interim appointment.

On a separate note, it is very good news about Scott Schools. He has always provided outstanding counsel to the offices in the field and I know we here in San Diego respect him very much.

Thanks again,  
Karen

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 1:59 PM  
**To:** Hewitt, Karen (USACAS)  
**Cc:** Nowacki, John (USAEO)  
**Subject:** Release

Karen -- Here is the final release for use by your district's PIO. You are free to release at this time. Please confirm once it has gone out to your local list. Thank you and congratulations once again.

<<Hewitt - Schools Release.pdf>>

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**Goodling, Monica**

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**From:** Nowacki, John (USAEO) [John.Nowacki@usdoj.gov]  
**Sent:** Thursday, February 15, 2007 5:40 PM  
**To:** Hertling, Richard; Elston, Michael (ODAG); Goodling, Monica  
**Subject:** RE: Release

I have spoken with the judge.

---

**From:** Hertling, Richard  
**Sent:** Thursday, February 15, 2007 4:56 PM  
**To:** Elston, Michael (ODAG); Goodling, Monica; Nowacki, John (USAEO)  
**Subject:** RE: Release

I have spoken to Feinstein's counsel. Call went fine. I have left a vm for Boxer's counsel to call me back.

---

**From:** Elston, Michael (ODAG)  
**Sent:** Thursday, February 15, 2007 4:51 PM  
**To:** Goodling, Monica; Hertling, Richard; Nowacki, John (USAEO)  
**Subject:** RE: Release

I have spoke to Kevin.

---

**From:** Goodling, Monica  
**Sent:** Thursday, February 15, 2007 4:41 PM  
**To:** Hertling, Richard; Elston, Michael (ODAG); Nowacki, John (USAEO)  
**Subject:** Release

Richard -- Schools is informing his staff right now. Nowacki is calling the judge. Elston is calling Kevin Ryan. You are clear to go ahead and start calling the Senators.

All -- Please confirm once you have completed your calls and we'll get the release to SDCA at that point. Thanks.

---

<< File: Hewitt - Schools Release.pdf >>

**Goodling, Monica**

---

**From:** Hertling, Richard  
**Sent:** Thursday, February 15, 2007 6:17 PM  
**To:** Nowacki, John (USAE0); Elston, Michael (ODAG); Goodling, Monica  
**Subject:** RE: Release

I have now also talked to Boxer's counsel. He too was fine.

---

**From:** Nowacki, John (USAE0) [mailto:John.Nowacki@usdoj.gov]  
**Sent:** Thursday, February 15, 2007 5:40 PM  
**To:** Hertling, Richard; Elston, Michael (ODAG); Goodling, Monica  
**Subject:** RE: Release

I have spoken with the judge.

---

**From:** Hertling, Richard  
**Sent:** Thursday, February 15, 2007 4:56 PM  
**To:** Elston, Michael (ODAG); Goodling, Monica; Nowacki, John (USAE0)  
**Subject:** RE: Release

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**Sent:** Thursday, February 15, 2007 4:51 PM  
**To:** Goodling, Monica; Hertling, Richard; Nowacki, John (USAE0)  
**Subject:** RE: Release

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All -- Please confirm once you have completed your calls and we'll get the release to SDCA at that point. Thanks.

<< File: Hewitt - Schools Release.pdf >>

**Goodling, Monica**

---

**From:** Lam, Carol (USACAS) [Carol.Lam@usdoj.gov]  
**Sent:** Friday, February 16, 2007 12:46 AM  
**To:** USAEO-USAttorneysOnly  
**Subject:** Contact information

Colleagues,

I'm signing off in a couple of hours, so I wanted to pass along my contact information. Thank you for your collegiality and comraderie. It has been a privilege serving with you.

Warm regards,

Carol

Contact information:

**From:** H.E. Cummins [mailto: ]  
**Sent:** Tue 2/20/2007 5:06 PM  
**To:** Dan Bogden; Paul K. Charlton; David Iglesias; Carol Lam; McKay, John (Law Adjunct)  
**Subject:** on another note

Mike Elston from the DAG's office called me today. The call was amiable enough, but clearly spurred by the Sunday Post article. The essence of his message was that they feel like they are taking unnecessary flak to avoid trashing each of us specifically or further, but if they feel like any of us intend to continue to offer quotes to the press, or organize behind the scenes congressional pressure, then they would feel forced to somehow pull their gloves off and offer public criticisms to defend their actions more fully. I can't offer any specific quotes, but that was clearly the message. I was tempted to challenge him and say something movie-like such as "are you threatening ME???", but instead I kind of shrugged it off and said I didn't sense that anyone was intending to perpetuate this. He mentioned my quote on Sunday and I didn't apologize for it, told him it was true and that everyone involved should agree with the truth of my statement, and pointed out to him that I stopped short of calling them liars and merely said that IF they were doing as alleged they should retract. I also made it a point to tell him that all of us have turned down multiple invitations to testify. He reacted quite a bit to the idea of anyone voluntarily testifying and it seemed clear that they would see that as a major escalation of the conflict meriting some kind of unspecified form of retaliation.

I don't personally see this as any big deal and it sounded like the threat of retaliation amounts to a threat that they would make their recent behind doors senate presentation public. I didn't tell him that I had heard about the details in that presentation and found it to be a pretty weak threat since everyone that heard it apparently thought it was weak.

I don't want to stir you up conflict or overstate the threatening undercurrent in the call, but the message was clearly there and you should be aware before you speak to the press again if you choose to do that. I don't feel like I am betraying him by reporting this to you because I think that is probably what he wanted me to do. Of course, I would appreciate maximum opsec regarding this email and ask that you not forward it or let others read it.

---

Bud

OAG00000740

**Goodling, Monica**

---

**From:** Hertling, Richard  
**Sent:** Wednesday, February 28, 2007 12:50 PM  
**To:** Moschella, William; Goodling, Monica  
**Subject:** FW: Urgent

Nothing from NM in OLA.

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

**From:** Scott-Finan, Nancy  
**Sent:** Wednesday, February 28, 2007 12:18 PM  
**To:** Hertling, Richard; Burton, Faith  
**Subject:** RE: Urgent

My notes from that time frame are about the direct contact between staff for Congressman [redacted] in [redacted] about [redacted] and trying to get [redacted] in [redacted] to minimize his contacts with Senator [redacted]

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

**From:** Hertling, Richard  
**Sent:** Wednesday, February 28, 2007 12:11 PM  
**To:** Burton, Faith; Scott-Finan, Nancy  
**Subject:** Re: Urgent

October 06

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

**From:** Burton, Faith  
**To:** Hertling, Richard; Scott-Finan, Nancy  
**Sent:** Wed Feb 28 12:10:17 2007  
**Subject:** RE: Urgent

I do not recall any contact by USA Iglesias; I can check my notes if we have a time frame.

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

**From:** Hertling, Richard  
**Sent:** Wednesday, February 28, 2007 12:07 PM  
**To:** Scott-Finan, Nancy; Burton, Faith  
**Subject:** Re: Urgent

Was that an Oklahoma case?

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

**From:** Scott-Finan, Nancy  
**To:** Hertling, Richard; Burton, Faith  
**Sent:** Wed Feb 28 12:05:14 2007  
**Subject:** RE: Urgent

---

I am trying to recall. There was contact with one of the Western States USAs about either an environmental or Indian case. I receive reports about Members reaching out to the USAs about cases all too frequently and have to return calls with the "neither confirm nor deny" or provide the public record pleadings.

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

**From:** Hertling, Richard  
**Sent:** Wednesday, February 28, 2007 11:59 AM  
**To:** Scott-Finan, Nancy; Burton, Faith  
**Subject:** Urgent

Was either of you ever contacted by NM US Attorney Iglesias last year alerting you to contacts he received from 2 MCs on a specific case?

**Goodling, Monica**

---

**From:** Scott-Finan, Nancy  
**Sent:** Monday, March 05, 2007 8:11 AM  
**To:** Goodling, Monica  
**Subject:** RE: Updated USA documents - PUBLIC

Which are the ones that need to be replaced in the briefing book: talking points, fact sheet and prosecution stats? Thanks

**From:** Goodling, Monica  
**Sent:** Saturday, March 03, 2007 3:31 PM  
**To:** Sampson, Kyle; Moschella, William; Scolinos, Tasia; Roehrkasse, Brian; Hertling, Richard; Elston, Michael (ODAG); Scott-Finan, Nancy; Seidel, Rebecca  
**Subject:** Updated USA documents - PUBLIC

Attached please find updated documents in advance of this week's hearing. (These include the resignations in Nevada and New Mexico, where we elevated the First Assistant to the position of Acting U.S. Attorney under the Vacancy Reform Act; no additional resignations are expected before mid-March, when Chiara departs.) Please let me know if you have any questions. Thanks!

<< File: TPS - US Attorney vacancy-appointment points.pdf >> << File: FACT SHEET - USA appointments.pdf >> << File: Examples of Difficult Transition Situations.pdf >> << File: USA prosecution only stats.pdf >> << File: WHY 120 DAYS IS NOT REALISTIC.doc >> << File: Griffin Talkers.doc >> << File: Griffin resume.doc >>

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Monday, March 05, 2007 8:12 AM  
**To:** Scott-Finan, Nancy  
**Subject:** RE: Updated USA documents - PUBLIC

Yes, plus Griffin talkers

---

**From:** Scott-Finan, Nancy  
**Sent:** Monday, March 05, 2007 8:11 AM  
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Tracking:	Recipient	Read
	Scott-Finan, Nancy	Read: 3/5/2007 8:14 AM



**Goodling, Monica**

---

**From:** Rice, Dorianna C  
**Sent:** Monday, March 05, 2007 10:07 AM  
**To:** Goodling, Monica  
**Subject:** FW: Discontinuation of SSBI-PR

Hi Monica - can you please confirm that USA Chiara has resigned. thanks

Dorianna

---

**From:** Kaloudis, Patricia B. [mailto:Patricia.Kaloudis@ic.fbi.gov]  
**Sent:** Monday, March 05, 2007 8:56 AM  
**To:** Rice, Dorianna C  
**Subject:** RE: Discontinuation of SSBI-PR

Doriana, we have another pending reinvestigation on Margaret Chiara Newman, US Attorney Western District of Michigan. SPSS Melanie Leblanc (who will be assuming my duties when I depart at the end of March), left a couple of messages last week. Please confirm we should discontinue this BI ? USA Chiara Newman has advised she has resigned.

Thanks

Pat

202-324-6946

**Goodling, Monica**

---

**From:** Goodling, Monica  
**Sent:** Monday, March 05, 2007 10:09 AM  
**To:** Rice, Dorianna C  
**Subject:** RE: Discontinuation of SSBI-PR

She will resign effective March 16th.

---

**From:** Rice, Dorianna C  
**Sent:** Monday, March 05, 2007 10:07 AM  
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202-324-6946

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**Tracking:**

Recipient  
Rice, Dorianna C

Read  
Read: 3/5/2007 10:11 AM

**Goodling, Monica**

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Thanks



.Pat

202-324-6946

**Goodling, Monica**

---

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

   
moschellafinal.2.doc (35 KB) moschellafinal.1.doc (36 KB)

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

---

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

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

Chris

---

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

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

---

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

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

---

**From:** Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]

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

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

<<Moschella Oral Statement.doc>>

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

William E. Moschella  
Opening Statement

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

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

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

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington) are duty bound not only to make prosecutorial decisions, but also to implement and further the Administration and Department's priorities and policy decisions. In carrying out these responsibilities they serve at the pleasure of the President and report to the Attorney General. If a judgment is made that they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so that they can be replaced by other individuals who will.

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

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

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

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

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

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

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

I would be happy to take your questions.

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William E. Moschella  
Opening Statement

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

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

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

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Deleted: the Department's

U.S. Attorneys in the field (as well as Assistant Attorneys General here in Washington) are duty bound not only to make prosecutorial decisions, but also to implement and further the Administration and Department's priorities and policy decisions. In carrying out these responsibilities they serve at the pleasure of the President and report to the Attorney General. If a judgment is made that they are not executing their responsibilities in a manner that furthers the management and policy goals of departmental leadership, then it is appropriate that they be asked to resign so that they can be replaced by other individuals who will.

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

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

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

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

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

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

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

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I would be happy to take your questions.

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**Goodling, Monica**

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**From:** Elwood, Courtney  
**Sent:** Tuesday, March 06, 2007 10:11 AM  
**To:** Moschella, William; Sampson, Kyle; Hertling, Richard; Goodling, Monica  
**Subject:** Call from Bill Kelley on QFR responses on USA firings  
**Importance:** High

Bill called this morning and spoke to me in Kyle's absence. Chris Oprison told Bill that DOJ was preparing QFR answers that addressed contacts between WH, Hill, and DOJ on USAs. He wants to make sure that he is given, in advance, whatever DOJ plans to say in response to these questions. I told him that QFR responses are always circulated through OMB and WHCO, and I am sure that happen in this case.

I know nothing 'bout this, so I pass this along to those of you who may.

I suggest that Kyle or someone else give Bill a call for clarification, if necessary.

*Courtney Simmons Elwood  
Deputy Chief of Staff and  
Counselor to the Attorney General  
U.S. Department of Justice  
(w) 202.514.2267  
(c) :  
(fax) 202.305.9687*

**Department of Justice  
EXECUTIVE SECRETARIAT  
CONTROL SHEET**

**DATE OF DOCUMENT:** 04/01/2005  
**DATE RECEIVED:** 04/13/2005

**WORKFLOW ID:** 780668  
**DUE DATE:**

**FROM:** Mr. Reagan Dunn  
Councilmember  
Metropolitan King County Council  
516 3rd Avenue  
Seattle, WA 98104-2372

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**TO:** AG

**MAIL TYPE:** General

**SUBJECT:** (Rec'd from OAG) Requesting a federal investigation into whether illegitimate voting and processing errors in King County during the 2004 Washington state general election were the result of unlawful efforts to undermine election system safeguards. Ltr also signed by Councilmembers Kathy Lambert, David Irons, Jane Hague, Pete von Reichbauer, and Steve Hammond.

**DATE ASSIGNED**  
07/28/2005

**ACTION COMPONENT & ACTION REQUESTED**  
For OIPL signature.  
Office of Intergovernmental and Public Liaison

**INFO COMPONENT:** OAG, ODAG, OASG, OIPL, EOUSA, CRT (Acosta)

**COMMENTS:** 8/24/2005: OIPL replied by ltrs (six) dtd 8/19/05. cc to CRM.  
7/28/2005: CRM submitted 6 proposed ltrs for OIPL signature.  
5/25/2005: Per CRT, reassign to CRM.  
4/14/2005: Per AG request, ES provided separate copy for CRT AAG Acosta. OIPL to review CRT's response prior to dispatch.

**FILE CODE:** AG FILE: INVESTIGATIONS State

**EXECSEC POC:** Shirley McKay: 202-514-5305

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## Metropolitan King County Council

Room 1200, King County Courthouse  
516 Third Avenue  
Seattle, WA 98104-3272

(206) 296-0100  
FAX (206) 296-0198  
TTY/TDD (206) 296-1024

April 1, 2005

The Honorable Alberto Gonzales  
United States Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

Dear Attorney General Gonzales:

We are writing to request a federal investigation into whether illegitimate voting and processing errors in King County during the 2004 Washington state general election were the result of unlawful efforts to undermine election system safeguards.

In the five months since November's election we have learned that hundreds of unqualified voters voted in King County on Election Day. We have also learned that large numbers of unverified provisional ballots were voted at polling locations contrary to state law. We do not know whether widespread voting by unqualified voters or the unprecedented number of processing errors was a consequence of misfortune, willful neglect or orchestrated conduct.

Our constituents are left without a firm understanding of the extent of ballot processing errors and unqualified voting that occurred. Allegations of voter fraud, public admission of "mistakes" made by King County elections officials, and a growing list of felons who cast illegal votes continue to threaten the legitimacy of past and future elections.

On two occasions the King County Council had the opportunity to hear from local elections officials. Several of our questions regarding the accuracy of certain reports and numbers went unanswered. In addition, more facts came to light regarding provisional ballots and felons voting. Recently, King County Prosecuting Attorney Norm Maleng announced that his legal staff would be reviewing a list of alleged felon voters and his office has already announced that 118 individuals' voter registrations will be challenged.

Officials at all levels of government have a vested interest in eliminating voter fraud. The United States Department of Justice in particular has always made it a top priority to ensure fair and accurate elections — including investigating alleged voter fraud. We are confident that an investigation by your office will play a crucial role in determining whether allegations of voter fraud are true.

As representatives in King County government, we are working collaboratively to repair many of these failed mechanisms. However, we believe that legitimacy is unreachable without the active scrutiny of a neutral party to independently investigate these complex allegations. We understand the delicate nature of this issue, and call on the objective resources of Department of Justice to help legitimize the administration of future elections while restoring the public faith that every legal vote counts.

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