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EXECUTIVE SESSION
COMMITTEE ON THE JUDICIARY,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: MATTHEW WILHELM FRIEDRICH

Friday, May 4, 2007

Washington, D.C.

The interview in the above matter was held in Room
2138, commencing at 10:30 a.m.

Appearances:

FOR U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON THE
JUDICIARY:

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EXAMINATION

BY MR. MINCBERG:

Q Mr. Friedrich, would you state your full name for the record, please?

A My name is Matthew Wilhelm Friedrich.

Q And for the record we will have all counsel that will be questioning you today identify themselves. I'm Elliot Mincborg with the majority for the House Judiciary Committee.

Mr. Flores. Daniel Flores, House Judiciary Committee, minority.

Ms. Kernochan. Julia Kernochan, Senate Judiciary Committee, majority.

Mr. Miner. Matt Miner with the Senate Judiciary Committee, minority.

Mr. Mincborg. And as usual we have 2 representatives of the Department of Justice here with you as well. If you guys want to identify yourself briefly.

Mr. Hunt. Certainly. Jody Hunt for the Department of Justice.

Ms. Burton. And Faith Burton for the Department.

Mr. Mincborg.

Q Great. Now, Mr. Friedrich, if at any point I ask you any questions that are unclear or you don't understand, please let me know and I'll try to rephrase it. Otherwise I'll assume you understand my questions. Is that okay?

A All right.

Q And if at any point you want to take a break, let me know, and we will try to get through the line of questioning and accommodate you as soon as we can.

A Okay.

Q And, also, Mr. Friedrich, your testimony today is being taken as part of an authorized investigation under the jurisdiction of the Judiciary Committees of the United States House of Representatives and the United States Senate.

Do you understand that any knowing and willful misstatement that you provide in your testimony, including any omission of material information that renders any statement misleading, would be a violation of Section 1001 of Title 18 of the United States Code, which is a felony and could be prosecuted in Federal Court?

A Yes.

Q Mr. Friedrich, what is your current position at the Department of Justice?

A Counselor to the Attorney General.

Q And who do you report to in that position?

A The Chief of Staff, who is Kevin O'Connor.

Q And when did you assume that position?

A In early October of 2006.

Q Can you describe briefly your responsibilities in that position?

A I am the counselor for criminal and national security matters. I attend meetings with the Attorney General that pertain to those subjects. I give him advice on those subjects. I attend the morning security briefings with him. And generally that is my portfolio.

Q And I assume you also undertake assignments as given by the Attorney General or the Chief of Staff?

A Yes.

Q What was your position prior to becoming a counselor to the Attorney General in early October 2006?

A Principal Deputy and Chief of Staff of the Criminal Division.

Q And how long have you held that position?

A Since about August of '05. I should say, I was Chief of Staff when I came in. At some point I added the title of Principal Deputy.

Q In that capacity I assume you reported to Alice Fisher?

A Correct.

Q Who is, for the record, the head of the Criminal

Division?

A Correct.

Q And where were you before that?

A Before that I was an assistant United States attorney in the Eastern District of Virginia. I had been detailed to the Enron Task Force for a few years.

Q And that was until August '05 and starting when, approximately?

A I joined EDVA in 2001.

Q Now, moving forward to the time that you --

Well, what led you to go from being an AUSA in the Eastern District of Virginia to becoming Chief of Staff to the Criminal Division?

A I was -- I had been with DOJ since 1995. I had basically only been a line attorney for that time. And while I enjoyed it very much, for personal reasons I thought that it was time to get off the road and try something other than a courtroom.

Q And so you applied for that position and got it, in essence?

A I sort of let my interest be known, that I was interested in coming to Main Justice in some capacity. I was interviewed for a couple different positions and this ended up being the one that worked out.

Q Who wound up interviewing you?

A I guess I was interviewed at different times for different things. I interviewed at one point with the Attorney General, and with the Deputy Attorney General at the time.

Q Was Goodling involved in any of your interviews?

A No, not to my knowledge.

Q Now, let me move forward to your transition to becoming Counsel to the Attorney General in October. How did that come about?

A I became aware through Ms. Fisher that the Attorney General's Office had expressed an interest in my coming up. I thought about it for a while and thought that it would be something good to do and responded with my interest, was interviewed and hired.

Q And who interviewed you?

A If I recall, it was an interview with the Attorney General, with Kyle Sampson, with Courtney Elwood and with Monica Goodling.

Q Had you worked with people in the Office of the Attorney General prior to October of '06?

A Somewhat. I had more contact with the Deputy's Office. I had some contact with the Attorney General's Office.

Q Who in the Attorney General's Office had you worked with?

A Courtney Elwood, Kyle Sampson and Monica Goodling.

Q Can you describe to us the issues you worked on, respectively, with Mr. Sampson and Goodling?

A I don't know that I would say that I worked on issues. I would attend meetings where they would be present. In particular, there was a priorities coordination meeting at which all of them would be present. When Ms. Fisher was unable to attend, I would attend those. I worked some with Ms. Elwood, I believe, on an initiative relating to enforcement of offenses having to do with child pornography.

Q Let me ask this question more generally covering the entire period prior to December 7, '06 when you were either in the Criminal Division or in the counselor to the Attorney General's position. Prior to that December 7th date, did you have any knowledge, direct or indirect, of the plan to terminate a number of United States attorneys?

A Let me answer that question this way. If by plan you mean the process that Kyle Sampson had set up, in terms of how there were inputs into it, who was contributing what to that, I think the answer would be generally no. I mean, I saw documents once they were produced, that type of thing, and have learned, obviously, a lot about it following March 9. But in terms of knowledge, knowledge at the time of that process, I think the answer to that would be generally no.

In terms of a more general sense, I guess yes.

Q And just tell us what you mean by that.

A Okay. I know that prior to the time that I left the Criminal Division I had a sense that there was a, at least, potential willingness that certain U.S. attorneys, or potentially certain U.S. attorneys might be let go.

Q And where did you learn that from?

A I recall learning that from Kyle Sampson, or--not from Kyle Sampson. I recall learning that at that time--I know that Mike Elston told me about that at one point.

Q Do you remember when Mr. Elston told you?

A I don't remember, I don't remember exactly when.

Q Would it have been before or after you came to the OAG?

A I believe that it was, I believe that it was before, before OAG. I should also add that in answering that I'm putting aside any conversations that I may have had with members of my family.

Q As I understand it, your wife works at the White House in, I believe, the Counsel's Office?

A She worked until -- I think prior. I think she took maternity leave at some point around May of '05.

Q And she hadn't been back since?

A Correct.

Q Do you recall, I think this would have happened

before you came to the Office of the Attorney General, having any discussions or any communication with Monica Goodling relating to the potential replacement of Bud Cummins in Arkansas with Tim Griffin?

A There's a document that I know that has been produced that references a conversation, I believe, Monica had with me. What I recall about that is that she called me at one point. I believe it was during the time when Ms. Fisher may have been out of the office. So she called me and basically said, would I check with Ms. Fisher to see if she would be willing to take on, to take on Tim Griffin with the idea that he would be detailed down to Arkansas and that this would be a temporary arrangement, because Bud Cummins was looking for other -- would be transitioning out and this was sort of some stopgap type of measure.

Q And did you proceed to help try to arrange that?

A I relayed the request to Ms. Fisher. I think that she and Ms. Goodling talked about it separately from me. I think the decision was made to go ahead and I think he was hired.

Q And then detailed down to Arkansas?

A That is my understanding.

Q In your experience in the Criminal Division, or generally in the Justice Department, has that kind of arrangement been made before that you're aware of?

A You know, I don't know, I don't know the answer to that. It hadn't happened during the time that I was there. Certainly people are frequently detailed in and detailed out, that type of thing, so I'm not sure how to answer that.

Q I guess what I'm referring to is not so much the detailed in and detailed out, but the notion that we've got somebody who we want to become a U.S. attorney somewhere and can't quite place him yet and we would like a temporary place for that person and then detail him to where he's going to be, that kind of situation?

A I had not encountered a situation like the one that I described before.

Q Was there any further discussion of the circumstances surrounding Mr. Cummins' departure and Mr. Griffin's being put into the U.S. attorney slot?

A Not that I recall in that exchange.

Q I do want to ask you about one document relating to that issue that we just talked about, which I'll ask to be marked as Friedrich Exhibit 1. And this, for the record, bears Bates stamp numbers OAG626 to 627, and at the top is an e-mail from Monica Goodling to Mr. Griffin showing, among others, a copy to you.

A Okay.

[Friedrich Exhibit No. 1
was marked for identification.]

BY MR. MINCBERG:

Q Do you recall seeing that document before?

A I mean, it has my name on it. I have no reason to question that I received it. As I sit here and look at it, I don't have an independent memory of having received it, but I certainly don't question that I probably did.

Q Just for clarification there's a reference in the first line to the EOD date being September 27th. Do you know what that refers to?

A I am guessing, I don't know, I'm guessing that that stands for entry on duty, but I don't know. It's pointed out to me that there's no -- on the second page there's a list of who's read this and my name doesn't have something next to it.

Q So it looks like you may not have read it at the time?

A It's possible. Actually, as I see this now, I am remembering that I was, I was in Alaska for some period of time in September, and I believe it was this time.

Q Got it. Did you have any other involvement, either at the time you were in the Criminal Division or after you went to the Office of the Attorney General, in implementing any of the plans to terminate or replace the U.S. attorneys?

A I don't think so.

Q I want to ask about one other issue relating to one

of the U.S. attorneys, or actually to several of them, that I think came up before you moved over to the Office of the Attorney General. Do you recall discussions with Brent Ward or Mike Elston about the issue of obscenity prosecutions?

A I do.

Q Tell us what you remember about that.

A What I recall in a general sense is that at the time that I joined the Criminal Division, that the Attorney General had announced publicly that he regarded obscenity prosecutions as important and wanted more of them to be brought. And predating my entry to the Criminal Division there was a task force that was set up in part to accomplish that purpose, to explore bringing obscenity prosecutions. A Director for that effort was hired. They began investigations. In the course of that effort, I know that Ms. Fisher felt it was important to try to partner with the U.S. Attorney's Offices in bringing these cases for a number of reasons. And as the cases proceeded, you know, Brent Ward or others would reach out to different districts.

Q And Brent Ward was that person who was hired as the Director I take it?

A He was.

Q Go ahead. I'm sorry.

A That is okay. Mr. Ward would reach out and would be met with varying levels of interest by districts. I recall

that, and I see the e-mail in front of you to your right, that in a couple of instances, one involving Arizona, one involving Nevada, the reception was basically, you know, we don't, we're not going help out with this, that we simply don't have the resources to contribute. And I'm shorthanding the response. It may have been more nuanced than that. I know that that e-mail goes on at some length. But I remember basically it was a request to be involved, for an AUSA to be assigned a partner in the case, and that the reaction back in shorthand was basically we don't have the resources for this.

That was something that I brought through that e-mail to the attention of Mr. Elston simply from the standpoint that, you know, I viewed, and I know that Ms. Fisher views the Criminal Division as being on the same line as the U.S. Attorney's Office, because we are not above them, they don't report to us, they report to the Deputy's Office. And while we were trying to, you know, trying to support the Obscenity Task Force's efforts, the division in terms of allocation of resources, the reporting of the U.S. Attorney's Office is up to the Deputy's Office, so I brought this to Mike's attention.

Q And do you recall what happened as a result of your bringing it to his attention?

A I recall that before I brought it to Mike's

attention I had brought it to Bill Mercer's attention before that time, so this was a continuation. There was a time when Bill Mercer, I think, was moving on from the Principal Deputy position and Mike was Chief of Staff and he was there, and there was some transition between them. Not that they changed jobs, but essentially Bill was moving on to something else and Mike was there in the Chief of Staff's role.

I remember that there was consideration given to whether or not one of them would make a call to either of these individuals to say, you know, hey, can you help us out here, that type of thing. I myself had called Mr. Charlton in one instance and had had that same type of conversation with him.

Q And I'll get back to that conversation in a minute. But did in fact a call occur to either Mr. Charlton, or I take the other was Mr. Bogden, is that correct?

A Yes. By either Mike or Bill. I don't know as I sit here. It's possible it did. I don't know.

Q So you don't know to what extent it was later determined that either of the U.S. attorneys should cooperate further or that they simply didn't have the resources to cooperate further?

A I don't think that I do. I know that Brent at times when I was in the AG's Office would call Kyle. It's

possible that I may have learned something about that then, but I don't think so. I don't ever remember thinking that this has been resolved one way or another.

Q Now, tell us about your conversation with Mr. Charlton on that subject.

A I called Mr. Charlton on one occasion that I can remember simply to say that the task force was interested in doing this case, that we were interested in partnering with him, that this was, you know, an initiative that had been announced by the AG and, you know, essentially could they see their way through to assigning an AUSA to help. And his response was basically that they didn't believe that they had the resources to do that.

Q And what happened after that on that issue?

A I think after that issue that is when this -- I believe that this e-mail would have post-dated that conversation.

Q And then you then referred it, essentially, to the Deputy's Office, as you described?

A Yes, that's right.

Q I am going to ask to have marked one exhibit here, just because there's some handwriting on it that I'm hoping you might be able to help us with.

A Okay.

Q So we'll ask to have marked as Exhibit 2 a document

that has Bates numbers DAG507 to 509.

And you'll see at the top there is reflected an e-mail from you to Mr. Elston at the end of August of 2006.

A Right.

[Friedrich Exhibit No. 2
was marked for identification.]

BY MR. MINCBERG:

Q Do you recall sending that e-mail?

A Yes.

Q And this is the manner in which you began to refer this issue to Mr. Elston, is that correct?

A Mr. Mincberg, I can't say that this was the beginning or some part of some other process. That is hard for me to say.

Q Okay. Fair enough. Let me put it a different way. This was part of a process of referring the issue to Mr. Elston, is that right?

A Yes.

Q Do you recall anything in particular about the discussion that you asked for here, other than what you've told us so far?

A I think what I've told you so far is essentially it. That these are -- you know, to the extent that these are cases that, you know, are a priority to the AG that the Criminal Division is meant to bring forward, that this was the reaction of at least a couple districts that we had approached. And to the extent that the Deputy's Office felt that this was a priority, that they would need to sort of take it up from there.

Q Now, in some unredacted versions of documents

related to this issue, there's a reference, I believe it's from Mr. Ward, not to a particular U.S. attorney, but to a problem with the FBI not having or not making available the resources that the task force thought was important to this issue. Do you recall that issue coming up as part of the problem here?

A With respect to obscenity cases generally?

Q Yes.

A I know that there were certainly back and forths with the FBI over the appropriate level of resources.

Q So was one of the complaints relating to the obscenity enforcement issue the question of getting the FBI, as well as U.S. attorneys, to devote more resources to the issue?

A I'm sorry, complaints by whom?

Q By the Obscenity Task Force.

A I think that that is fair to say. That at times they had, the Director of the task force had concerns about the staffing of FBI resources.

Q Now, the handwriting on this document, is this your handwriting or Mr. Elston's handwriting, do you know?

A It is not my handwriting. I don't know whose handwriting it is.

Q Now, did you ever have a conversation with Mr. Bogden about his attempt to cooperate with the Obscenity

Task Force?

A No.

Q So you wouldn't know one way or the other whether he was given an opportunity by the Deputy Attorney General or others to explain his resource constraints and the level to which he attempted to cooperate?

A I don't think so.

Q Let me now bring you forward in time to the period that you have started to work with Mr. Sampson and Goodling in the Office of the Attorney General. Do you recall Mr. Sampson or others raising with you a subject of voter fraud some time in October of '06?

A I do.

Q Tell us what you remember.

A I remember sort of two discrete things. The first of which was, as I said, before I joined the Attorney General's Office in October of 2006, and I know there may be calendar entries or such that reflect this, but as I sit here without them in front of me, some time after I joined the office but before the election, Kyle Sampson came to me at one point and said, essentially, that there had been concerns raised by the White House about either rampant voter fraud or lax enforcement in three districts, or in three locations, and essentially asked me to sort of check out what we were hearing about this and get back to him,

which I did.

Q And what were the three jurisdictions?

A It would help me to -- I think I can get them, but it would help me to have the document in front of me.

Q Okay. Well, why don't we start with the calendar entry.

A Okay.

Q We'll ask this to be marked as, I believe it's Exhibit 3.

And this is marked for the record OAG1447.

A Yes.

[Friedrich Exhibit No. 3
was marked for identification.]

BY MR. MINCBERG:

Q Is this the calendar entry to which you referred?

A Yes, it is.

Q And I take it at some point you produced this to Ms. Burton or other representatives?

A Yes, I did.

Q How did that come about?

A There was an initial production that was made. There was a secondary request, I believe, relating to Steven Biskupic in Wisconsin of voter fraud. In the course of looking for documents that I might have responsive to that, I located this and immediately turned it over to these

folks.

Q Terrific. Is this the calendar entry that you were referring to that might help refresh your recollection about the specifics of this?

A Yes.

Q So let me ask you if this document refreshes your recollection about the three jurisdictions you were asked to look at?

A Yes. The three jurisdictions I have here are Philly, Milwaukee and ALB, meaning Albuquerque. So those three jurisdictions.

Q And then next to that you have the word election fraud, is that right?

A Yes.

Q And is this, to the best of your memory, the date that you had this conversation with Mr. Sampson?

A That is hard to say. I can't say that I followed a regular practice in terms of putting down the exact date when things came in. Probably. But that is the best I can say.

Q And by "this" we mean October 12, 2006?

A Yes.

Q Did Mr. Sampson elaborate on how he had learned about the White House concerns about voter fraud?

A Not that I recall.

Q Did he tell you from whom he had learned about these concerns?

A Not that I recall. I simply -- it's certainly possible that he did. What I remember him saying at that time was the White House, and that is all I remember. I mean, obviously, there's been testimony and so forth since then where people have referred to this.

Q Right.

A But in terms of my memory now as to what I remember from that time, I remember White House.

Q So tell us then what you did in response to Mr. Sampson's inquiry?

A I called Ben Campbell, who was the Chief of Staff of the Criminal Division, and essentially relayed the request and said, you know, what are you guys hearing about -- have you heard anything about lax enforcement or sort of rampant fraud in these three jurisdictions?

Q And tell us what he told you.

A There again, I would like to lean on my notes, if I can. There's another document that I know you probably have seen that represents his pass back to me.

Q Let's do that.

We'll have marked as the next exhibit, this is No. 4, a series of pages bearing the Bates stamps OAG820 to 851.

[Friedrich Exhibit No. 4

was marked for identification.]

BY MR. MINCBERG:

Q Is this the document to which you were referring?

A No. This is something completely separate. The last page of this, which is Bates stamped OAG852, not to be presumptuous, may we mark this separately?

Q Well, we could. Our problem is that it was all produced together. Why don't we simply refer to it as OAG852?

A Okay. First of all. OAG 852 is completely separate in my head, and in my belief, from the remainder of Exhibit 4.

Q Okay.

A OAG852, if I recall, Ben at some point called me back, Ben Campbell at some point called me back and these notes reflect his pass back to me, which I then relayed to Kyle. Would you like me to read the notes?

Q Very much.

A Okay. Starting from the top and working the way down, to the extent there are abbreviations, I'm going to read what they mean to me as opposed to what they say on the page. Philly, Milwaukee, Albuquerque. Philly is a problem. Milwaukee/Albuquerque not too bad. Rural New Mexico is bad. Donsanto, dash, PI, meaning Public Integrity, hears about problems, but rarely do much. Could be the difficulty of

cases. New Mexico papers cases well.

Moving to the left, Appalachia and the South are biggest problem areas. Bad: Nevada, New Mexico, Middle District of Georgia, Eastern District of New York. Good: Milwaukee and Philadelphia are crossed out. Then it says, Milwaukee good at the local level. Federal level so-so, Philly indifferent on the federal side.

Q And why was it that you called Mr. Campbell about this?

A In terms of a quick place to check to sort of see voter fraud trends, it would be the Public Integrity Section. And that is who Ben checked with about this.

Q And Ben himself works in the Criminal Division?

A Correct.

Q But in not in the Public Integrity Section?

A Correct. That's right.

Q Which part of the Criminal Division does he work in?

A Ben was the Chief of Staff after me.

Q I see.

A I think his title was acting Chief of Staff.

Q Do you know whom in the Public Integrity Section he consulted with?

A I don't. I recognize the name Donsanto as being Craig Donsanto, who is an employee within the Public Integrity Section. So I don't -- aside from that I don't

know.

Q Other than what you've now translated for us in these notes, is there anything else you recall about your conversation with Mr. Campbell?

A I don't.

Q Did you do anything else other than have this conversation with Mr. Campbell pursuant to Mr. Sampson's directive to you?

A No.

Q What did you do after the conversation with Mr. Campbell?

A I passed this information on to Kyle.

Q When you say you passed it along, in what form?

A I believe that I went in there with these as my notes, told him what I had learned and that was it.

Q Did you leave the notes with him?

A No.

Q So these notes then were produced, I take it, from your files, not from Mr. Sampson's files?

A That's correct.

Q And that would have been as part of the initial production, as you understood it, that was done by the Justice Department in this situation?

A Yes.

Q Do you recall what Mr. Sampson's reaction was to

your report to him?

A I don't recall any substantive response that would indicate anything, for example, what he might do with it or that type of thing. I don't recall anything like that. I think it was just thanks. Let me say, it is possible that I communicated this to the AG, but I just can't be sure about that. I know I communicated it to Kyle. I can't rule out that I would have communicated this to the AG.

Q What would lead you to raise that possibility?

A I just can't rule it out.

Q Had you heard or learned that this was an issue that the AG was interested in?

A I don't think I knew that at that time.

Q Let's take a look at -- I'm sorry, one other question about the conversation with Mr. Sampson. Do you recall when that was?

A I don't. It would have been certainly in '06, certainly in '06, and certainly prior to--I just don't know. Certainly in '06. I don't remember that it was that long an amount of time. Obviously I just started. I didn't want the task to go unanswered for months on end. I just don't have a clear recollection.

Q Let's go back to the beginning or the first page of Exhibit 4, which is OAG820.

A Yes.

Q And I think this has been identified before as the cover page of an envelope addressed to Mr. Sampson with a Post-It Note to you, to Matt, 10-17-06.

A Yes.

Q Can you identify this part of the exhibit?

A Yes.

Q Tell us what it is.

A This is a document which I produced from my files.

Q And when and from whom did you get it?

A Okay. As to the when, I recall it being after the inquiry we just discussed a moment ago with respect to the three jurisdictions. It was some time after that. I see a date on here of 10-17-06. This looks like 8 characters long. I think this is my handwriting. But since the characters are so short, I can't be 100 percent sure, but I think that is my handwriting. So I was given this document by Kyle Sampson.

Q And what did he say when he gave it to you?

A What I recall was that Kyle came into my office at some point with this document in his hand and that the two of us were in my office. I recall him saying that he had been given this packet, he either said by Karl Rove or by Rove's shop. I don't remember which of those two, but it was one of those two things.

And he said essentially that this was something that

they wanted to pass along to us to take a look at. And I said to Kyle -- I think at that point I may have opened it, opened the packet and looked at it, perhaps looked at the first page and said something like, you know, what does that mean? And he said, well, you know, they just want us to take a look at it. There was sort of a pause and I just sort of looked at Kyle and he said, to the best of my memory his exact words were, do with it what you will.

Q And what did you do with it?

A Not a darn thing. I did not disseminate it, I did not copy it, I did not communicate it down the chain of command in substance or in form.

Q Did you look at it?

A Yes, I looked at it. I jump ahead of myself. Kyle left and I reviewed this document briefly. And I did not need to review it for a lengthy period of time to know what I was going to do with it.

Q And explain to us what you mean by that.

A I noticed a number of things about the document. First, that this appeared to be, you know, a bunch of -- I couldn't tell if it was related information or unrelated information, it's really the first part of the packet that I focused on. I noticed that it had been prepared by -- looking at just the top, RPW, it looked like it had been prepared by some Republican organization.

Q You're referring now to page OAG821?

A I am. That it had been prepared by some type of Republican organization. I noticed that. I noticed that these were -- these appeared to be--they look like clippings, I mean, clippings from a newspaper or summary clippings from a newspaper. And that these related to events that had occurred that would be within an applicable statute of limitations and that they were specific events. And among somewhere -- I guess, you know, the thought in my mind at the time was, you know, you either pass this down the chain of command or not. And the chain of command of which I am a part is sort of the criminal enforcement chain of command. And among the other concerns I remember thinking about at the time -- this was, again, somewhat short before the election. And I recalled from my days as a member of the Campaign Finance Task Force that there was a policy manual known as the Red Manual that governs the Federal prosecution of election crimes. There is a policy within that manual that basically speaks towards the initiation of new enforcement actions or other enforcement actions or, more particularly, investigations right before an election. And while I'm paraphrasing the policy it basically means be sensitive about big new investigations right before an election because you don't want just the fact of an investigation to influence an election itself.

And, again, that was sort of third down my list, but it was something that I was sensitive to.

So based on all of those concerns I did not believe that this was an appropriate document to forward down the criminal enforcement chain of command and I set it aside where it basically stayed set aside until I was asked to search for documents responsive to the inquiry that brings us here today.

Q Let me ask you to turn in particular to a page towards the end of the document, OAG850. Do you recall looking at this page of the document?

A I don't. That doesn't mean I didn't at the time, but I don't. I frankly did not -- once I had made sort of a determination about this, I did not continue to review the document.

Q Do you recall noticing the notation in the upper left-hand corner, discuss with Harriet?

A I see that notation. I don't have reason to disagree with you that that's what it says. I don't know whose handwriting that is, and I don't know anything about it.

Q Were there any further conversations with Mr. Sampson or anyone else in the October or November, December '06 time frame relating to election fraud or voter fraud that you recall?

A In the October, November, December time frame relating to a voter fraud, not that I recall.

Q Did you ever have any conversations with anybody at the White House about this subject?

A No.

Q Other than your conversation with Mr. Campbell, do you recall getting any other information about the issue of voter or election fraud in any of the jurisdictions that you discussed, including Wisconsin, New Mexico and Philadelphia?

A Can you state that question again?

Q Other than your conversation with Mr. Campbell that you've described --

A Right.

Q -- do you recall getting any other information or having any other discussions relating to voter or election fraud in Pennsylvania, Wisconsin or New Mexico?

A I do. I do. I recall being at my desk in June of 2006. And I recall receiving -- it was late in the day. And I recall receiving a phone call from Monica Goodling. And what I remember her saying was that there were a couple of lawyers in her office from New Mexico, one of whom was a member of a presidential board, that they had concerns about voter fraud in New Mexico. I believe she mentioned that they had been over at the White House earlier in the day, that they were there essentially for that day only, and that

she wanted to bring them down to see me to talk about voter fraud, which she did.

Q And tell us what you remember about that conversation.

A I remember that they came down. She brought them down not long after she called me, that there were two gentlemen, one of whose name was Mickey Barnett, the other whose name I think was Pat Rogers. I will tell you there's a document that has been produced, I believe by Ms. Goodling, that references these two gentlemen. I believe that relates to this. I believe that these are the folks who she brought down.

So they came down and I met with them in my office. I remember it was late in the day. I remember trying to find someone to sit in on the meeting with me. At some point Noel Hillman joined the meeting. Noel was a career employee at DOJ who had shortly there before been the head of Public Integrity and who had moved up to the front office in a counselor position. And so Noel came in and joined this meeting. But I can't tell you at what point in the meeting he walked in, but Noel came in.

I remember a few things being discussed. They were both from New Mexico. I have a family member from New Mexico. We exchanged some pleasantries about the State. I remember that they said that they had concerns about voter

fraud in their State. I talked to them about a voter fraud initiative that had been undertaken, as I understand it that predated my time, but by the Criminal Division, that these cases were regarded as serious cases. Whether they occurred for the benefit of Republicans or occurred for the benefit of Democrats, that they were regarded as serious cases and should be prosecuted.

I also recall that they had some voter fraud cases, or at least one voter fraud case in their State that they didn't feel was moving. That sufficient attention was not being paid to it, that they had brought this to the attention of the FBI and the U.S. Attorney in New Mexico, Dave Iglesias. And I don't think I had heard the name Dave Iglesias before that meeting. I knew we had a U.S. attorney in New Mexico. I just didn't know his name. And they complained about that. They complained that this case wasn't moving, to which I believe I responded essentially that the Criminal Division, as I had said before, is sort of on the same line as U.S. attorneys offices, but they don't report to us. And in terms of complaints with the U.S. attorneys offices, you know, that is something to raise with the Deputy's Office, or EOUSA. So sort of referred them there.

But they were not happy with Dave Iglesias. I certainly remember that. They had concern about, or

articulated concern about a particular case. I don't remember the name of the individual subject, but I do remember the name ACORN, which I understand to be some type of voter registration organization. They had a concern about ACORN.

And my reply to that was basically this. You know, again, U.S. attorneys offices—we are not over U.S. attorneys offices. We do have an interest in voter fraud, and that the organization that works on voter fraud in terms of the Criminal Division's responsibility was the Public Integrity Section. And that, you know, they, as anyone, were free to relay concerns to them, but that that was a conversation that they needed to have with the career officials in the Public Integrity Section. So to the extent you're interested in doing it, I'm not saying that you should, those are the people to talk to.

And it was not -- as I say, it was not a lengthy meeting. They basically said if you ever get out here, give us a buzz, and that was it, in terms of that meeting.

Q Was there anything subsequent to that meeting that you recall relating to that subject?

A I remember after that talking to people in the Public Integrity Section. And I remember, if you'll give me a little latitude, I remember having the following concern in my head --

Q Sure.

A -- which was that the people that I met did not seem to have -- I don't mean to insult them, but they didn't seem to have a high degree of sophistication in terms of DOJ or how it worked. What I didn't want to have happen is to have them call Public Integrity and say Matt Friedrich just told us that we should open a case. I didn't know them. I didn't know what they would do or not do.

So I called Public Integrity. At that time they were in a transition period that I remember. The head of the Public Integrity would either have been Andy Lourie, L-O-U-R-I-E, or his deputy Brenda Morris. Andy was coming in in an acting capacity. I don't remember who was there at the time. I worked with Public Integrity a lot. I interacted a lot with those folks. And I remember having a very brief conversation with one of them where I essentially said, listen, some folks came in to see me about a voter fraud matter -- I may have passed on the name of ACORN -- and you may hear about this from them. If you hear about this from them, they may mention my name. The fact that they mention my name shouldn't be read by you as some type of endorsement that either a case should be opened or not. If they call you, handle it as you do anything else, and what you guys choose to do with this is up to you.

I will say that I later read a New York Times article

about these individuals in this matter. The article mentioned that at one point Dave Iglesias' office had, without my knowledge, consulted with the career folks and that no case was ever brought against this -- regarding the case that they were worried about. So that was the follow-up that I recall. I also remember hearing at one point essentially, yes, there's a case open on this in New Mexico, but I can't tell you exactly when.

Q In any of this discussion do you recall something called the Vigil case coming up? It's actually spelled V-I-G-I-L.

Mr. Hunt. I don't know anything about that, but I just want to caution that to the extent he answers a question, just to be careful not to confirm or deny the existence of any investigation.

Mr. Mincberg. I should make clear for the record this is a case that was tried --

Mr. Hunt. Okay.

Mr. Mincberg. -- by Mr. Iglesias.

Mr. Hunt. That's something I'm not familiar with, so I just wanted to make that on the record. That is fine.
Thank you.

Mr. Friedrich. I'm sorry, did what?

BY MR. MINCBERG:

Q Do you recall any discussion in the context of any

of these discussions relating to New Mexico about the Vigil case that may have been pronounced "Vegil"?

A Okay. That name doesn't ring a bell with me.

Now, I will also add, inasmuch you asked about sort of any information without restriction to time frame. As I said, I had a family member from New Mexico. And when I went home for Thanksgiving I did call Mr. Barnett, as he had offered to meet him. We went to breakfast. He brought Pat and one other gentleman whose name escapes me as I sit here. I had a pleasant breakfast, discussed a couple of things, talked about the State, that type of stuff. They also basically repeated what they had -- I remember them repeating basically what they had said before in terms of unhappiness with Dave Iglesias and the fact that this case hadn't gone any place. And I basically, again, in response to their concerns about Iglesias, I made clear then, in the similar manner that I had when I was in the Criminal Division, that since I had subsequently moved to the AG's Office, Personnel was not something that I worked on. I did not want to be some type of liaison for concerns about U.S. attorneys.

Q And this was you think around Thanksgiving of '06?

A Yes.

Q Was there any discussion at all about a possibility of Mr. Iglesias not being U.S. attorney in the future?

A It was clear to me that they did not want him to be the U.S. attorney. And they mentioned that they had essentially -- they were sort of working towards that.

Q And did they mention with whom they had communicated about that?

A They mentioned that they had communicated that with Senator Domenici, and they also mentioned Karl Rove.

Q Did they mention Goodling again at that point?

A No.

Q Anything more specific about what they said concerning their communications with Senator Domenici or Karl Rove?

A Not that I recall. Just that they -- you know, that they were clearly undertaking some type of effort and had expressed those views to those people.

Q And at that time did you have any knowledge of the possibility of Mr. Iglesias or other U.S. attorneys being terminated in the future?

A I did. I had -- at some point when I was in the AG's Office, I had -- Kyle Sampson had basically told me that there was some type of effort being undertaken and had mentioned districts in which there might be a possibility of a removal. New Mexico among them.

Q When did that conversation occur?

A In November.

Q What else did Mr. Sampson tell you about that?

A That was basically it.

Q So when you had the conversation with these people in New Mexico something kind of clicked in your head in essence?

A Yes, I knew that that was a possibility. And I did not discuss with them anything in terms of what was on the DOJ side of the fence, because that was not my role to do. Personnel was not in my portfolio, and I didn't do that.

Q And let me go back again briefly to that conversation that you had in the Thanksgiving of '06 period. Again, the people that were in that conversation were who?

A In November '06?

Q Right.

A The breakfast?

Q That's correct.

A It was Mickey Barnett, Pat Rogers and one other gentleman whose name I don't remember as I sit here now.

Q And that other gentleman was introduced to you by one of those other two?

A Yes. My memory is I got ahold of Mickey to go to, Mr. Barnett, to go to breakfast and then he invited these other folks.

Q Does the name Weh or Weh ring a bell, W-E-H?

A No.

Q Do you recall whether that other person was a Republican party official?

A I don't think so. I don't think so --

Q Do you recall --

A -- but I don't know.

Q Do you recall anything about who that other person was?

A I do, and this is sort of an odd thing.

Q That is okay.

A This individual had had a prior business transaction with a family member of mine, which I think I can probably -- if you'll give me leave to do so, I think I can probably get the name, if it's of interest to you, and get it back to you.

Q That would be extremely helpful. And we will just leave a blank space in the transcript. And if you could fill it in, that would be extremely helpful.

A Okay.

[Following the deposition, the witness provided the name of this third individual as Duncan Scott.]

Q Thank you. One other small thing, going back to Exhibit 4, in that last page. You had told us that the information you got when you were in New Mexico was that the Federal level was so-so. I think you translated your notes in that way. Am I correct?

A The Federal level was so-so as to where?

Q As to -- oh, I'm sorry, I apologize. That is as to Milwaukee, not New Mexico, is that correct?

A Yes.

Q My mistake.

RPTS SCOTT

DCMN ROSEN

BY MR. MINCBERG:

Q Can you recall any other discussions or getting any other information any time in calendar year 2006 about the termination of Mr. Iglesias as U.S. Attorney?

A I don't think so.

Q Moving back very quickly to the voter fraud issue, had you heard from Mr. Sampson or, perhaps, from the Attorney General that the Attorney General had received complaints or concerns about that from the White House?

A I don't think -- I certainly have an understanding of that, but I believe my understanding was formed after March 9th.

Q We're going to get to the period after March 9th in just a minute.

A Okay.

Q Just as a final question, going to the period just in calendar year 2006, before we get -- or I'm sorry. Let me strike that.

Going to the period up to and including December 7th, 2006, the date that the U.S. attorneys were actually terminated --

A Yes.

Q -- is there any other information you can recall directly or indirectly relating to those terminations?

A To those terminations generally?

Q Yes, or to any of them in particular.

A Well, I mean, obviously, you have seen e-mails of mine that were discussions about, you know, discussing prosecutions and that type of thing. I don't view those as being -- I guess that's sort of the ordinary conduct of the Department, so I'm not sure what you're asking me.

Q Just whether there were any other discussions, any other information that you got directly or indirectly from Mr. Rove, from Ms. Goodling or from anybody else relating to the terminations.

A Okay. I have never spoken to Mr. Rove.

Q All right. I misspoke. I meant Mr. Sampson or Ms. Goodling --

A Okay.

Q -- or anyone else.

A I'm sorry. Just restate that for me one more time. I'm sorry.

Q Why don't I break that question down.

A Okay.

Q Do you recall at any time before December 7th, 2006 any additional discussions besides which you have testified to today with Mr. Rove or with Ms. Goodling relating to the

terminations of U.S. attorneys in 2006?

A I have never spoken -- I have never spoken to Mr. Rove.

Q I've done it again. Let me strike that and try it one more time.

A Okay.

Mr. Minberg. Off the record.

(Discussion held off the record).

BY MR. MINCBERG:

Q Other than what you've testified to today, do you recall any other discussions with Mr. Sampson or with Ms. Goodling relating to the terminations of United States Attorneys in 2006 that occurred in 2006?

A Not as to Ms. Goodling. As to Mr. Sampson, I mean, in December, it's certainly possible that we talked about this after they occurred, but I'm not putting my finger on some specific conversation.

Q Now let me turn to the period after December 7th, 2006. As an individual in the Office of Attorney General, did you have involvement in dealing with the issue of the terminations of the U.S. attorneys?

A You know, I think the fair way to answer that is, prior to the time that Kyle Sampson resigned, I think it is fair to say I had very limited involvement, and I think the documents and e-mails that you have probably show you that.

After Kyle left, I had a very different role.

Q And you're referring also -- well, when you refer to when he left, you're referring to when precisely?

A I would need something to refresh -- I want to be precise.

Q Well, you mentioned --

A There was a time when -- I mean, for example, I believe the A.G. had a press conference on March 13th. I believe, as a part of that, it was announced that Kyle had resigned as chief of staff, so it would have been --

Q Around that time?

A -- around that time that he left.

Q Okay. Let me ask you a little bit about the period prior to that time frame. Attorney General Gonzales, as I think you know, testified before the Senate Judiciary Committee initially in January --

A Yes. Yes. Yes.

Q -- of 2007.

A Yes.

Q Were you involved in the preparation for that?

A Yes. Yes.

Q Did the subject of U.S. attorneys come up in that preparation?

A Yes. Yes.

Q Tell us what you recall about that.

A What I recall about that was that -- I mean, if you'll permit me, the context of general preps like that is that they cover a wide range of subjects. There are double notebooks with tabs A through ZZZ, and there are a number of issues, and large numbers of people are brought in in those types of preps.

I recall that this was one subject and that I was there when it was discussed. I was not the briefer on the subject and that it was essentially -- it was among the things that were briefed.

Q Who was the briefer on that subject?

A I remember -- if I remember correctly, I thought there was discussion -- I mean there would be -- I think there is some entry that would show who was there, and subject looking to that, I think it might have been Mike Elston and/or Kyle Sampson. I do not know.

Q Tell us whatever you can recall about what was discussed at that session on the content of the issue of the U.S. attorneys' terminations.

A I just remember it was not -- it was not expected to be a major issue. It was something that some time was devoted to. I do not think it was something that was flagged as something that people would spend a lot time with, and if you were to ask me something else specific, I might remember. I just don't -- nothing is triggering any

more detail in my memory.

Q Do you recall any discussion about what it was that was suggested that the Attorney General say about that issue?

A I thought that there were some type of written talking points for that or that there was some prepared material, and I remember -- I believe I remember people going over that prepared material in a discussion about it.

Q No other recollections on that subject?

A I don't think so.

Q Okay. Let me move forward a little bit in time --

A Again, just to be clear -- and I believe I have said this. My area was criminal and national security issues. On those things, I would be more engaged. As to personnel, this was not something that I considered myself involved with.

Q Let me move forward a little bit in time to Deputy Attorney General McNulty's testimony --

A Yes.

Q -- before the Senate Judiciary Committee --

A Yes.

Q -- in early February.

A Yes.

Q Did you have any involvement in that?

A No.

Q Do you recall getting any information subsequent to his testimony relating to that?

A Do I recall getting information subsequent to his testimony? I don't recall -- I'm sorry. Can you just help me? What type of information are you talking about?

Q Well, let's show you a document.

A Okay.

Q It may help a little bit.

Mr. Mincborg. I'll ask to have this marked as Exhibit 5. It is a document bearing Bates Stamps OAG855 to 857.

[Friedrich Exhibit No. 5
was marked for identification.]

BY MR. MINCBERG:

Q 855 appears to be an e-mail from Kyle Sampson to Michael Beck in the Office of Attorney General, which you received a copy of as reflected up top.

A Yes.

Q Do you recall this e-mail?

A Yes, I think that I do.

Q Tell us what you recall.

A Let me just read this for 2 seconds.

Q Sure.

A [(Reviews document.) Okay. If I can just make an observation, this is attached to something else that I don't

think it relates to.

Q Yes, I believe you're right.

A Okay.

Q Let's focus for the moment just on page 855.

A Okay. Yes, I remember this. If I remember correctly, this e-mail came in at a time when I and others were traveling with the Attorney General in Brazil and other countries, and so, yes, I remember the e-mail.

Q And tell us what you recall about it.

A The context of it, as I recall, was that the Attorney General -- the Deputy Attorney General had testified while the Attorney General was on travel and that the Attorney General, I believe, had read some accounts -- news accounts -- of that testimony, and was not happy with it and that I believe there were communications back with D.C., and then this was sent as a result.

Q And tell us what you remember about what the Attorney General said about why he was not happy with the testimony.

A I have two -- I think there are two things I would say in response to that. One is what you heard, what I think the Attorney General testified to in terms of his understanding at the time about sort of performance-related removals, and I also think that he -- I guess it's something of an irony all of this, but the Attorney General didn't

ever want to get us in a place where sort of the individual aspects of these U.S. attorneys were discussed, that that wasn't something that was fair to them, and I think that, to the extent that the deputy's testimony was sort of steered in that regard, I don't think he was happy with that because that's not the way that he wanted things to go, really, out of respect for those folks. So, briefly, that's what I remember.

Q During those discussions, or at any other time in your interactions with the Attorney General, do you recall any discussions with him about the reasons these U.S. attorneys were terminated?

Mr. Hunt. Discussions with whom?

Mr. Mincberg. The Attorney General.

Mr. Hunt. Oh. Could you specify the time frame again -- I'm sorry -- or reask the question?

Mr. Mincberg. Actually, I would like to not specify.

Mr. Hunt. I'm sorry. Would you repeat the question again or have it read back.

Mr. Mincberg. I'm happy to ask it again.

Mr. Hunt. Okay.

BY MR. MINCBERG:

Q During the time that Mr. McNulty's testimony came up --

A Okay.

Q -- with the Attorney General or at any other time, do you recall any discussions with the Attorney General concerning the reasons these U.S. attorneys were terminated?

A When you say "or at any other time," up to and including the present?

Q Yes.

A Okay. Let me take it from prior to March 9th first, and then we'll go back to March 9th.

Q Okay.

A As to any reason why these or other people were terminated, discussions with the Attorney General, I have some memory prior to March 9th the Attorney General's mentioning, as to David Iglesias, that he was contacted by Senator Domenici. I remember that. I guess I would just have to go -- do you have a list of the names? That would help me just to go person by person.

Q Why don't I just read them off.

A All right. Okay.

Q Anything else, by the way, on Mr. Iglesias before we --

A Not that I recall prior to March 9th.

Q Okay. I'm happy to draw that as a dividing line for the moment.

A Okay. All right.

Q Carol Lam?

A Discussions with the Attorney General about Carol Lam prior to March 9th, not that I recall.

Q John McKay?

A Not that I recall.

Q Bud Cummins?

A As to Bud Cummins, in the context of this trip, I believe it was the Attorney General's belief at that time that Bud Cummins' removal had involved something related to performance, that it was not just some sort of a swap, and I believe that's a belief that he had at that time that he expressed to me.

Q Anything more specific than that as to the reasons?

A No.

Q Paul Charlton?

A Not that I recall.

Q Dan Bogden?

A Not that I recall.

Q Daniel Ryan?

A Daniel -- or Kevin Ryan?

Q I'm sorry. Kevin Ryan.

A Not that I recall.

Q My mistake. Margaret Chiara?

A Not that I recall.

Q Now, a couple of times, you have mentioned March 9th as a significant date. Why is that a significant date, from

your perspective, on this issue?

A Well, my understanding is that there has been some type of line drawn as to the responses sort of on what has been described to me as the "memos on memos" theory in terms of the Department's response to this issue.

Q I see.

A I'll let my able colleagues describe that more fully.

Q Okay. Well, I'm thinking of another concern about on or about March 9th. Do you recall -- I guess it would have been just the day before March 9th -- on March 8th, any conversations with Kyle Sampson or others about the U.S. Attorney issue?

A On March 8th. I'm drawing a blank on that. Just simply, that date, as I sit here, doesn't hold some significance to me. If there is some other context or something --

Q Well, let me see if I can refresh your recollection without going into exactly, exactly --

A All right.

Q -- who said what.

There has been testimony that, on March the 8th, Mr. Sampson brought to the attention of certain other Department officials a number of e-mails that, among other things, showed earlier White House involvement --

A Okay.

Q -- on this issue, and there was discussion of that with Mr. Moschella, and there was some testimony that you may have entered the room during or towards the end of that conversation. Does that help refresh your recollection?

A I appreciate that. No, it doesn't. I don't remember them.

Q Do you recall having a discussion around March 8th about additional e-mails being surfaced or additional information being surfaced about the involvement of the White House on this subject?

A I don't.

Q Okay. As to this one specific e-mail that happens to be around that same day, I want to see if we can get a little bit of help from you in translating it. This will be Exhibit 6, and it is an e-mail bearing Bates Number OAG1225.

[Friedrich Exhibit No. 6

was marked for identification.]

Mr. Friedrich. Okay.

BY MR. MINCBERG:

Q The top e-mail here appears to be an e-mail from Michael Elston to you --

A Okay.

Q -- dated March 8th.

First of all, do you happen to recall this e-mail?

A I think so.

Q Okay. Tell us what you recall about it.

A Well, to explain the context of it, starting with the e-mail at the bottom of Exhibit 6, it references the subject line as International Matters Meeting. As a part of my portfolio, I have some responsibility in terms of the A.G.'s international travel, and I have a meeting every Friday with a number of people that goes over not only his travel but international matters generally of interest to the Department, and people from the criminal division and other parts of the Department attend that meeting.

What I'm asking for here is an individual named MacAtamney, who is the "Mac" referenced here who works in the deputy's office. I think I had some indication that Mr. MacAtamney wouldn't be able to make that meeting. One of the things that Mr. MacAtamney will bring to that meeting is a list of principals committee and deputies committee meetings for the following week's national security meeting, which is the "pc/dc list."

So I'm simply saying, "Guys, since he's not going to be there, could somebody else bring the list," and this is the response I got. In other words, Mike said, "I can't because I've got to go someplace else."

Q Right. Mr. Elston is saying he "will be briefing HJC Republicans on my Bud Cummins conversations."

A Right.

Q Was that something you were familiar with, that subject?

A No. No.

Q Did you have any conversations with Mr. Elston about that subject?

A I mean, obviously, I read the press reports where that was characterized and saw testimony about it and that type of thing, and I have a general sense that Mike was upset in terms of how that was described, but other than that, no.

Mr. Mincborg. Why don't we take a short break. I want to consult with a few of my colleagues, but I think we may be approaching the end of my questioning.

Mr. Friedrich. Okay.

[Recess.]

Mr. Mincborg. Back on the record.

[Friedrich Exhibit No. 7
was marked for identification.]

BY MR. MINCBERG:

Q Mr. Friedrich, I have placed in front of you a document marked as Exhibit 7 with the Bates Number OAG819.

Is that another page from your calendar entry?

A Yes.

Q The date on this one reads October 16th; is that

correct?

A Yes.

Q Can you translate that for us?

A "Ben Campbell: Iglesias - 3 jurisdictions."

Q Okay. Explain the significance of that notation.

A I think this relates to the inquiry that I described before in terms of checking out -- the request that had come in in terms of potential voter fraud in three jurisdictions. It's just another entry relating to that.

Q I guess what I'm curious about in particular is that, in addition to referring to the three jurisdictions which we have talked about before, the name "Iglesias" is written down here. Can you explain that?

A I mean, by that time, I knew that he was a U.S. attorney in one of those jurisdictions, so that may be why it's there. I don't have any -- this doesn't trigger any other memory in terms of why that's there.

Q Did Mr. Campbell mention Mr. Iglesias by name?

A He may have. I don't remember. I mean the notes that I have represent his pass-back to me.

Q Those notes that we have looked at before -- do you think it was the same conversation that is reflected on this calendar entry or was that different?

A This very brief calendar entry and the one like it relate to the pass-back of notes. I think they're all part

of the same thing. You're indicating to me that that doesn't make sense.

Q I'm not sure what you mean by the "pass-back."

A The last page of Exhibit 4, as I've indicated, was Ben's -- well, this has now become a detached page.

Yes. OAG852 was the pass-back from Ben to me of the information he gathered in response to my request, and I view Exhibit 7 as a predecessor to that.

Q So, in other words, as best you can reconstruct, Exhibit 7, your calendar entry, would have occurred before you took the notes that were on the last page of Exhibit 4?

A I believe that's probably right.

Q So does that suggest there were several conversations about this?

A No. This may have just been a reminder to me to follow up on this, that I'd gotten another thing, and I may have made a note to myself to follow up. I don't think -- I only remember the one conversation with Kyle in terms of tasking this out to me.

Q When you say you had gotten another thing, I'm not sure I know what you meant by that just a minute ago.

A I'm not either. If you want to read it back, I can try to clarify what I meant.

Mr. Mincberg. Why don't we do that briefly.

[The record was read back as requested.]

Mr. Friedrich. Yes, I think all this means to me is that this was a reminder to myself to follow up on the earlier inquiry.

BY MR. MINCBERG:

Q So, if I'm understanding what you're saying, you think that Exhibit 7 would have been a reminder to yourself prior to the time that you had the conversation with Mr. Campbell, the substantive conversation with Mr. Campbell?

A I think that's probably right.

Q So what was it that led you, in addition to referring to the three jurisdictions that you testified to before, to specifically put down "Iglesias" in these notes?

A I think I've answered that.

I knew that Iglesias was one of the jurisdictions. I don't have any independent memory that tells me why Iglesias is listed separately.

Q I mean Steve Biskupic was the U.S. Attorney in one of the other jurisdictions, correct?

A That's true.

Q But you didn't put his name down.

A That's correct.

Q Do you have any recollection at all as to why one and not the other?

A No.

Q Okay. Now, I wanted to show you what I'm pretty sure will be our last exhibit, and I'll try to clarify something if we could.

This will be Exhibit 8, and it bears the Bates Number OAG22.

[Friedrich Exhibit No. 8
was marked for identification.]

BY MR. MINCBERG:

Q And I should make clear, Mr. Friedrich, this does not reflect a copy to you, and I'm not suggesting that you saw it, but as you will see, the bottom two e-mails here reflect an e-mail sent -- actually, two e-mails sent from Mr. Sampson to Dabney Friedrich at the White House.

Do you see that?

A Yes.

Q Is she your wife?

A Yes.

Q What I'm confused about is that you'd indicated to us before that she had been on maternity leave beginning in 2005 and hadn't been back, and this e-mail is dated April of 2006.

A I'm sorry. I must have meant 2006. I'm sorry.

Q Okay. So that, as of this point in April of 2006, she was still in the White House?

A I would have to check as to the date of her

departure. I know she left -- our second child was born in mid-May, so she would have left sometime prior to this time. Exactly when she left, I would have to check.

Q Mid-May of 2006?

A Yes. I'm sorry. I might have just misspoke.

Q No. No. That's fine.

Did you, in fact, have discussions with your wife prior to November 7th of 2006 about the termination of U.S. attorneys?

A I want to make it clear. This was not something that my wife and I worked on together. That having been said, I'm not going to discuss private communications or conversations I had with my wife.

Q So you're declining to answer that question based on marital privilege, I assume?

A I am.

Q Okay. I'm not now asking you the content of those discussions. I'm only asking whether those discussions occurred.

A I'm not going to discuss conversations that I had with my wife, period.

Q So you are declining to answer that question?

A Yes.

Q Did you have any discussions with anybody in the Department of Justice about or relating to your

conversations with your wife, if any, about this subject?

A I don't think so.

Mr. Minberg. Mr. Friedrich, I'm very happy to tell you that I have no further questions for you, and I'll turn the questioning over to my colleague from the House.

Mr. Flores. We can go off the record.

[Recess.]

EXAMINATION

BY MR. FLORES

Q Mr. Friedrich, just a few questions that I have for you. You referred earlier to a packet labeled "Exhibit 4" in this interview --

A Yes.

Q -- and its having been passed to you by Kyle Sampson and your having received it; isn't that correct?

A Yes.

Q You had testified that you did nothing with it after that other than briefly reviewing it; is that correct?

A Correct.

Q Did Mr. Sampson ever cycle back around to you to follow up on this issue?

A No.

Q Thank you.

You also testified earlier that, in June of 2006, you received a call from Monica Goodling about the presence of a

couple of New Mexico lawyers in her office, and in the end, they had come down to your office to talk to you about issues in New Mexico; is that not correct?

A That's right.

Q After that meeting, did Monica Goodling ever follow up on that with you?

A I don't think she did. If she followed up, it was simply to say thanks for taking the time.

Q You also spoke earlier as to, following your encounter with individuals in New Mexico at a breakfast in November of 2006 at which those individuals discussed with you some matters relating to Mr. Iglesias, Mr. David Iglesias, that you might have talked to Kyle Sampson and Monica Goodling about that conversation; isn't that correct?

A I do not remember that.

Q Okay.

A I do not remember that.

Q Do you have any recollection of discussing that matter with them?

A I recall at one time relaying a general description of the June meeting and follow-up lunch to Kyle and to the A.G.

Q And what might you have said in that?

A I basically gave an abbreviated description of what I talked about here today.

Q Did either of them ever follow up with you on that conversation?

A In terms of what?

Q In terms of anything. You've said that you briefed them, in short, about the information that you had. I'm just wondering if --

A I'm sorry. I did not brief them about the information that I had.

Q Okay. Put it in your terms.

A Okay. I didn't brief them about the information that I had until '07 in this one conversation that I'm talking about.

Q Okay. I've got you. Thanks.

Just one last question. With regard to Mr. Cummins, you discussed in your earlier testimony that, at some time, the Attorney General had suggested to you that a request for Mr. Cummins' resignation or considerations of requesting that resignation might have been based on more than just, if I can paraphrase it, a desire to swap out Mr. Cummins for Mr. Griffin but, instead, that there might have been a performance issue with Mr. Cummins; isn't that correct?

A I believe that that was the Attorney General's belief at the time.

Q Okay. Do you recall any further detail that was shared with you about what that performance issue might have

been?

A No.

Mr. Flores. I think that's it for me. Thank you.

Mr. Bharara. Can we just take a 3-minute break so we can see how much we have?

Mr. Hunt. Yes.

[Recess.]

EXAMINATION

BY MS. KERNOCHAN:

Q Okay. I'm going to skip around a little bit since we've already had a lot of questions.

First of all, I just want to follow up a little bit on the report that we looked at earlier of the voter fraud in Wisconsin. I don't recall which exhibit it was. It was numbered OAG820.

Did you ever receive similar reports from Karl Rove or the White House on other jurisdictions for U.S. attorneys?

A No.

Q Do you know if Karl Rove or others in the White House ever compiled similar data on other jurisdictions or U.S. attorneys?

A No.

Q Did you or anyone --

A No, I don't know that.

Q Right. Did you or anyone working with or for you

review similar reports for other jurisdictions?

A No.

Q You said earlier that, at Kyle Sampson's request, you looked into complaints that were conveyed to the Attorney General about three U.S. attorneys who were not prosecuting voter fraud aggressively enough in the three jurisdictions we discussed previously.

A I don't believe I indicated that I conveyed -- that those complaints were conveyed to the Attorney General. They may have been. That was not something that I knew at the time.

Q Okay. You testified that you asked Ben Campbell to speak to the public integrity section and to look into it and to get back to you. Did you ever talk to the public integrity section directly about the complaints?

A I don't think so.

Q You also said that you reported your conclusions, or the information that you received, to Kyle Sampson orally.

Did you share those conclusions or those findings with anyone besides Kyle Sampson?

A I don't think so.

Q Did you ever write a written --

A I also would -- I'm not meaning to quibble. I don't know that I would say that they were my conclusions. They were simply the information that Ben Campbell had provided

to me.

Q Okay. Did you ever put those conclusions into writing other than the notes that we looked at previously?

A No.

Q Did anything else happen afterwards with regard to those three jurisdictions and the information that you had gotten?

A Not that I can think of.

Q With regard again to OAG820 and the succeeding report on issues in Wisconsin, did you discuss or are you aware of anybody else who discussed those documents with Steven Biskupic?

A No.

Q Are you aware of any complaints about any other U.S. Attorney who was fired regarding his or her handling of voter fraud allegations?

A I'm sorry. Can you say it one more time?

Q With regard to any of the U.S. attorneys who were fired on December 7th or Bud Cummins earlier in 2006, are you aware of similar complaints regarding their handling of voter fraud cases?

A I would say not based on any personal knowledge. There's so much information swirling out there that's public or that came out at hearings. So, putting that aside and thinking of my own personal knowledge, no.

Q Okay. Are you aware of any voter fraud complaints regarding the handling of such cases by the U.S. Attorney for the Western District of Missouri?

A I'm sorry. Complaints with regard to the Western District of Missouri? No.

Q When I say "complaints," I mean did you ever learn of any complaints from anyone regarding how the U.S. Attorney in the Western District of Missouri handled voter fraud allegations.

A I don't think so, no.

Q Okay. Outside of the U.S. attorneys who were fired in 2006, are you aware of any complaints about the handling of voter fraud allegations by other U.S. attorneys?

A I mean, obviously, in the pass-back that I got, there were some jurisdictions that didn't relate to people who were terminated. So, excepting that, obviously, we had a voter fraud initiative, and it was not something I worked on extensively, and I just can't foreclose that there may have been some back-and-forth about that, but there's not anything coming to mind with respect to concerns about a specific jurisdiction as I sit here now.

Q Okay. In your view, are you aware of any case in which a U.S. attorney was not vigorous enough in pursuing voter fraud allegations?

A In my view, based on my personal knowledge, I think

my answer would have to be I don't know. I don't think that I knew enough to form an opinion, including about New Mexico. I don't think that I formed an opinion about that. Merely the fact that the complaint was lodged, that doesn't tell me anything in a vacuum.

Q Are you aware of any case in which there were complaints about a U.S. Attorney's handling of a voter fraud case, meaning complaints from outside the Department of Justice, and those complaints were substantiated by the Department of Justice?

A And those complaints were substantiated? I don't think so.

Q I'm just going to ask you a couple of general questions about your awareness or participation in this process of the U.S. attorneys' being selected for dismissal, and I know you have said a few things before, but if you'll just bear with me:

Did you participate in any discussions about whether U.S. attorneys should be dismissed other than what you have testified to earlier today?

A Right. I mean, I can remember -- I can certainly remember at least one discussion about who the U.S. attorneys were, you know, who sort of were not up to snuff, but in terms of like specifically this person should be dismissed, no, not that I recall.

Q Can you tell us a little bit about that conversation regarding U.S. attorneys who were not up to snuff?

A I remember sometime when I was -- I believe it was when I was still in the criminal division. I remember a brief discussion -- this was not -- people didn't assemble for this purpose. It was sort of a spontaneous thing. I remember myself, Jeff Taylor, Alice Fisher, and Mike Elston being there, and I remember a spontaneous discussion about weak U.S. attorneys, and of the folks who were terminated here, I remember expressing concerns about Kevin Ryan, and that's the only person, as to this list, who I remember expressing concerns about.

Q When did that conversation take place?

A I don't know. It was in 2006 sometime prior to my coming to the A.G.'s office. I don't know when.

Q Do you recall whether any of the U.S. attorneys who were ultimately fired were mentioned by other participants in that conversation?

A I believe that Carol Lam was mentioned by Jeff Taylor.

Q Was Kyle Sampson present during that conversation?

A No. No.

Q Did you relay that conversation or did any participant in that conversation, to your knowledge, relay that conversation to Kyle Sampson?

A No, and I think, in fact, something -- I remember at one point Alice Fisher's saying to Mike sort of afterwards that, you know, listen. What was said here should stay here. This isn't -- you know, we're not the people who opine on this kind of stuff.

Q At that time, were you aware that there was a process underway to select U.S. attorneys for dismissal?

A I honestly don't remember. I mean I know I was aware of that at some point prior to leaving. I just can't place this meeting at that time, and that's my difficulty.

Q Were you ever asked specifically for your views on the performance of any of the fired U.S. attorneys?

A Not that I can recall.

Q Not by Kyle Sampson?

A No.

Q Monica Goodling?

A No.

Q Why do you believe that -- returning to the conversation with Alice Fisher, Jeff Taylor and the other individuals you mentioned, why did that conversation take place? How did that arise?

A As I said, it was a spontaneous discussion. It wasn't something where someone called a meeting to discuss this. It was just -- it was something -- I believe we were there discussing something else, and this came up.

Q Was there a reason for that topic's coming up?

A Not that I recall.

RPTS McKENZIE

DCMN NORMAN

[12:31 p.m.]

A Not that I recall.

Q Were you ever asked to research the performance of any of the fired U.S. attorneys?

A No.

Q When did you learn personally that these U.S. attorneys were being asked to resign or had resigned?

A As I've said before, I had one conversation with Kyle, sort of before the thing happened, and then I assume I had learned as it was ongoing, but I can't think of a specific conversation. Around the 7th or something like that. I think I had a general awareness, but I can't point to one specific conversation.

Q As you say it was ongoing, what time frame are you thinking of?

A I would assume December.

Q Okay. Would that be December before the U.S. attorneys were called?

A I would assume after they were called.

Q Okay. But you don't have a specific recollection?

A No.

Q Okay. You said a little bit earlier that you had relayed your interaction with Mickey Barnett and other

individuals from New Mexico to Kyle Sampson and the Attorney General.

A Yes.

Q When did that happen, again?

A That happened -- that happened in late February of 07.

Q Can you please describe that conversation?

A What I recall is that I was traveling with the Attorney General. In addition to other people, and I was on -- we were on a plane flight to San Diego. I was typically -- the Attorney General and Kyle would sit in the front of the plane and I would sit with a number of other people in the back of the plane. I recall at one point being asked to come up to the front of the plane by Alice Fisher, and I think Tasia Scolinos was also present then. And Alice asked me in the presence of everyone else, including Kyle and the Attorney General, did I know anything about voter fraud in New Mexico, whereupon I basically related a truncated version of what I have described here today.

And during the same plane flight I also reminded Kyle both of the requests that had come in from the three jurisdictions and this packet, which is exhibit -- which is 820.

Q Why did Alice ask you to come into the front of the

plane? Why do you think you were asked to contribute to that conversation?

A I don't know. I wasn't there when whatever proceeded had caused me to come up. So I don't know.

Q Do you recall what day that was?

A No. I remember that we were traveling -- I mean there will be records that will reflect this trip. It was towards the end of February.

Q So this would have been after the testimony by the Deputy Attorney General before the Senate Judiciary Committee?

A I would assume so.

Ms. Kernochnan. Can we go off record for a second?

[Discussion off the record.]

BY MS. KERNOCHAN:

Q You testified earlier that it was your understanding that Mickey Barnett and the other folks from New Mexico were interested in Iglesias leaving office as U.S. attorney?

A Yes.

Q Did you relay that portion of the conversation to the Attorney General on the airplane?

A I don't know. I don't know if I did or not. I just don't know. I mean, I related a truncated version of this. Whether I specifically included that piece, I don't know.

Q Was it your understanding that you were being asked

whether there had been complaints about voter fraud in New Mexico or that you were being asked whether there were actual performance issues with regard to voter fraud in New Mexico?

A I can only tell you what I remember being asked.

Q Okay. Did you discuss Deputy Attorney General McNulty's testimony directly with the Attorney General during that trip that you talked about?

A Okay. There's a couple different trips here. The one I was just relaying was out to San Diego. When the Deputy had testified, the Attorney General, if I remember correctly, at that time was in Brazil. And I assume it's that trip that you are asking me about.

Q Right. And you said you were on that trip with him?

A Yes. So what is your question in relation to that trip?

Q At that time, during that trip, did you discuss the Deputy Attorney General's testimony with the Attorney General?

A Yes.

Q Can you relate to us the substance of that conversation?

A If I recall, it was -- I don't know if it was one conversation or more than one. It was certainly a subject of interest for everyone that was on the trip.

Q Do you mean before the testimony or after the testimony?

A After - after -- the testimony, and the news clips that came in in relation to that testimony was certainly a topic of interest and discussion. As I believe I had testified prior to -- I remember his general reaction being that, you know, individual reasons as to these individuals wasn't something that he wanted to get into, I believed, out of respect for these people. And that with respect to Bud Cummins that, at least in terms of what he believed at that time, was that he believed there was at least some performance component related to that.

Q And what was Kyle Sampson's position on the testimony, if you recall?

A Kyle was not with the Attorney General at that time.

Q When you say "at that time" you mean he wasn't on the trip at all?

A He was not on the trip. He was not on the trip. I believe that the AG and Kyle talked during that trip and I had one very short conversation with Kyle myself.

Q Regarding his testimony?

A Yes.

Q And what happened during that conversation?

A What I remember Kyle saying then is that, I essentially relayed the AG's displeasure, and he kind of

basically made the view that, you know, the Deputy had essentially done his best; that Kyle was there when these preparations had taken place and Kyle was comfortable with what had occurred. And I encouraged him to talk to the AG directly about it.

I also remember him saying with respect to Bud Cummins -- the discussion about Bud Cummins -- to the effect of my saying, you know, well, the AG believes there must have been some performance-related component. To which Kyle said, you know, he's misremembering that. And that if I remember his exact words, that while -- let me get this right -- that Cummins was no Pat Fitzgerald, meaning he was not a superior U.S. attorney. And I take it by implication, therefore, someone that was suitable for being removed.

Q Okay. You referred earlier to the Attorney General's testimony, you know, on that topic. But what was your understanding at the time about why he was upset with the Deputy Attorney General's testimony?

A I think I've told you why he was upset.

Q Is there any other reason, just what you told us before?

A No.

Q I'm just going to ask you briefly about two additional documents that we haven't looked at yet today. I'd like to have that marked as Exhibit 9.

[Exhibit No. 9

Was marked for identification.]

BY MS. KERNOCHAN:

Q Have you had a chance to look at it?

A Yes.

Q Are you familiar with this document?

A I don't think so. I don't think this is something that I saw at the time.

Q And you did not create this document?

A No.

Q This document appears to be talking points for the Attorney General for a conversation with Senator Pryor?

A Yes.

Q Did you have any other role in preparing the Attorney General for that phone call with Senator Pryor?

A I am not sure I had any role.

Q Did you have any role then?

A No.

[Discussion off the record.]

Ms. Kernochan. I have one additional document that I'd like you to look at if I could have this marked as Exhibit 10.

[Exhibit No. 10

Was marked for identification.]

BY MS. KERNOCHAN:

Q Exhibit 10 is a document numbered OAG 864.

A Yes.

Q Do you recognize this document?

A I recognize the form of the document. Urgent reports are something that come in to various people in the Department usually, you know, a couple or more a day. So I recognize the form of this document.

Q Okay. But you don't recall this specific document?

A I don't recall this specific document. I certainly -- I have not looked at the unredacted document. If this is what I think it is, I had some familiarity with this matter.

Q This is a redacted document. This is coming from the Department of Justice, and it appears to be substantially redacted. If you could just look at "From," the line at the top of the e-mail.

A Yes.

Q It says "USAE0 urgent." That is that an automatically generated "From" line?

A I don't know. I mean it -- urgent reports come in to main Justice from the field and follow this format.

Q Okay. And it always comes from this address?

A Oh, the "urgent" thing at the top?

Q Yeah.

A I -- I'd have to -- I guess. I don't know. We get

them regularly.

Q Okay. Let's look at the "To" line of the e-mail, and it has a list of names.

A Yes.

Q Including yours.

A Yes.

Q Is it your understanding that it's always the same list of people who receive the urgent reports?

A So far as I know.

Q So that's kind of an automatic distribution list?

A Yes. Yes.

Q Of who receive the urgent reports?

A Yes.

Q And if you'll look in the name list, Monica Goodling's name is in that list of names, is it not?

A Uh-huh.

Q Was Monica Goodling always on the distribution list for urgent reports?

A I don't know. You'd have to look.

Q Kyle Sampson's name is also on the list, is it not?

A Yes.

Q Do you know if Kyle Sampson's name was always on the distribution list?

A I would assume that it was.

Q Okay. Is the distribution of urgent reports related

to the position of the people who receive it? In other words, would the chief of staff to the Attorney General always receive an urgent report through this distribution list?

A I would assume so.

Q Okay.

[Discussion off the record.]

BY MS. KERNOCHAN:

Q You said earlier that you had met with Mickey Barnett and Pat Rogers in June of 2006 after a request from Monica Goodling?

A Yes.

Q You also said that you wanted someone else to sit in on that meeting.

A Yes.

Q Why did you want someone else to sit in on it?

A In terms of meetings that we have had in the division where people come in from the outside. If it was some private party, in terms of the meetings I remember being at, I would typically have wanted someone to sit in with any outside person that was coming in from outside the Department.

Q Can you state generally why that is?

A I think it's just good practice to have somebody else there. You know, no one knows what's going to be said.

I didn't know who these individuals were until they showed up, and they were from outside the Department. I thought it was prudent to do.

Q Okay. During your conversation with them, did they say who they'd talked to at the White House?

A I don't remember that specifically. I will say I had a general sense that they had come from Karl Rove's office. And I don't know if that feeling was a result of what they said or something that Monica may have said. But I have that general sense.

Q Okay. Do you know if they talked to Karl Rove personally?

A Same answer. I have a general sense they had come from that part of the White House. Whether they had talked to him personally, they may have. I don't remember.

Q Do you happen to recall if they talked with Scott Jennings?

A Same thing.

Q Sarah Taylor?

A Same thing. I don't -- I had a general sense that they had come over from Karl Rove's sort of shop, but as to who they may have spoken with, I don't remember whether I knew that at the time.

Q Understood. Do you know if they talked to anybody in the White House counsel's office?

A That I don't know.

Q Do you know what was said during their meetings at the White House? Did you have a sense of what those meetings were about?

A I don't. I mean, I can assume, but I don't know.

Q Did they say anything about their conversation with Monica Goodling?

A I mean, she brought them down. I knew that they had talked. They said, "we talked to Monica about this." I would have assumed they would have voiced their complaints they had to her. I would have assumed that at the time.

Q Right. I guess my question is whether you have any independent knowledge of the substance of their conversation with Monica Goodling? Maybe you have a sense of that from talking to Ms. Goodling herself, or perhaps from the visitors?

A I don't think so.

Ms. Kernochnan. Okay. I don't have anything else to ask. Thank you.

Mr. Mincberg. One more.

Mr. Minor. Matt Minor for the Senate Judiciary Committee minority.

BY MR. MINOR:

Q Going back to a question that you were just asking and you answered regarding your meeting with the individuals

from New Mexico, regarding David Iglesias and the voting fraud case, you stated that you made sure to have someone with you when you met with them at that time just as a matter of practice, correct?

A Yes.

Q Did you say the same thing when you met with them around Thanksgiving in New Mexico?

A No.

Q I am going to ask you some questions regarding your discussions about the Deputy Attorney General's testimony before the Senate Judiciary Committee.

Turning your attention to Exhibit 5, do you still have that in front of you? It's this one here. Exhibit 5, I believe, is an e-mail from Kyle Sampson to Michael Beck. You were copied on the e-mail.

And attached to that is a copy of Deputy Attorney General McNulty's transcript from the hearing; is that correct?

A Yes.

Q Did you discuss the transcript to this hearing with Kyle Sampson at any point?

A I don't know that we discussed the transcript. We certainly discussed the press clips and sort of what had occurred. I don't know that we discussed the transcript. The content of the transcript, I believe -- I believe that I

relayed to Kyle the AG was interested in getting a copy of the transcript.

Q Did Kyle Sampson tell you that he had already read the transcript, or he had reviewed it, or anything during your conversations with him?

A Not that I remember.

Q And I apologize for jumping around. I am just trying to move quickly. You'd testified, I believe earlier -- and if I mischaracterize or misdescribe it, please correct me -- about the packet of information you received in mid-October 2006 that is Exhibit No. 4, and just for the record that would include the packet but not the last page of Exhibit 4, correct?

A Yes.

Q And I believe you testified that you took a look at it after Kyle Sampson gave it to you, and based on your understanding of the red manual and pursuing cases of a campaign-related nature before an election, you set it to the side, correct?

A I described fairly fully in the record what my concerns were and would adopt that answer here.

Q I don't mean to have you revisit that.

A Okay.

Q Taking your earlier answer and the reasons for why you set the packet aside at that time, did you communicate

your reasons for setting it to the side as you communicated them earlier to Kyle Sampson?

A No.

Q To anyone else in the Office of the Attorney General?

A No.

Q Did you tell Kyle Sampson that you were setting the packet to the side or tabling it until a later time?

A No.

Q You stated -- you testified that as of about March 9 or thereabouts when Kyle Sampson -- around the time he resigned, that your role changed as it relates to becoming involved in the U.S. attorney removal discussions.

A Yes.

Q How did your role change?

A Well, at that point, you know, soon thereafter, Kyle resigned as chief of staff. The Attorney General's Office is a fairly small office in terms of the folks that were left after Kyle left. It was myself -- it was Courtney Elwood, who is the deputy chief of staff and myself and then a number of other junior lawyers. So there weren't, you know -- basically until the time that we brought in a new interim chief of staff, Chuck Rosenberg, it was simply myself and Ms. Elwood.

Q Was it just a matter of someone stepping in to

assume the role of preparing the Attorney General; getting materials?

A It was everything, yes.

Q Everything? Did you have any conversations with Kyle Sampson regarding your transition into the role of taking on more -- more of this everything?

A I had one very brief conversation with Kyle. It was myself, Kyle Sampson, and Courtney Elwood the morning that he had resigned as chief of staff. Yes, I had a conversation with him.

Q And what happened during that conversation?

A It was basically just a relaying of sort of the things that were outstanding on his plate, and sort of follow-ups, since he would no longer be there.

Q In terms of the things still on his plate, did that include matters outside the U.S. attorney --

A Absolutely.

Q Basically everything on his plate, generally?

A That's right.

Q We're talking over each other a little bit. I want to avoid the cross-talk for the benefit of the court reporter. I apologize if I cut you off.

Did Kyle Sampson talk to you about his need or the reasons for his resignation?

A No.

Q Did he talk to you about the discovery of any new documents or e-mails?

A No.

Q Or, for that matter, old documents or e-mails? I'm sorry.

A No.

Q Aside from the other items on Kyle Sampson's plate, what was discussed with regard to the U.S. attorney removal issues?

A I don't -- I don't think that that was really discussed. I mean, I remember Kyle -- it was more sort of, all right, I've got this, this, this in terms of things that are on my plate for things that would need some type of follow-up. I mean, this was sort of obviously the huge issue, and it was -- obviously, Kyle was leaving.

I don't know if it's responsive, but just out of an abundance of caution, I just remember Kyle at some point just saying something like, you know, I've got a story to tell and when that story comes out, you know, I'm pretty comfortable in what that story is.

But that was sort of an indirect reference to it. Perhaps a direct reference. But other than that, I don't remember a lot -- it was not a strategy session about the issue or something like that. It was -- I remember it primarily as being other things.

Q Did he tell you what this story was?

A No.

Q Even in Reader's Digest form?

A No.

Q Earlier there was a report in the publication "National Journal" regarding a March 2006 order regarding appointment authority that was delegated to Kyle Sampson and Monica Goodling. Was that order discussed during that transition meeting?

A No.

Q Are you aware, has that authority been redelegated since Kyle Sampson left?

A I don't know.

Q Okay. Again, I don't want to revisit earlier testimony, but I want to make sure I understand the timing of your awareness of the U.S. attorney removal plan. So if this is redundant I apologize.

When did you become aware of the plan to remove U.S. attorneys?

A Okay. By the plan, you mean the process in terms of how Kyle had done this thing in the list and that type of stuff, but that was not something that I was familiar with at the time. If you are talking about sort of a general familiarity, there might be some type of transition. Setting aside conversations with my wife, I remember having

a general sense of that, I believe, from Mike Elston in late 2006 or prior to my coming to the AG's office, I should say.

Q You came to the AG's office in October of 2006?

A Yes, that's right.

Q Again, just being mindful for the court reporter of cross-talk.

So the conversation with Mike Elston regarding assessing U.S. attorneys, but not connected to the final plan, was before you came in to the Office of the Attorney General in October of 2006?

A It was before then. I don't remember it in the context of assessing U.S. attorneys. I don't -- that I don't remember as being the subject of it. It was simply a discussion of who weak U.S. attorneys were, or people who didn't seem up to it.

Q How many conversations had you had with Mike Elston regarding that?

A As I sit here, I can only remember the one.

Q Was this the conversation you earlier described, with yourself, Alice Fisher, and Jeff Taylor?

A Yes, that's right.

Q And with regard to the information from that meeting, do you know what was done with it?

A No.

Q With regard to the larger plan in terms of the

removal of specific U.S. attorneys and the calls, when did you first become aware of that?

A In terms of the larger plan and the calls and the lists and sort of the diagram, after it came out publicly, really. I mean, as I had mentioned before, I was in preps and things where this issue had been discussed. But in terms of the, you know, the overall plan or its depth, not until it came out publicly.

Q Definitely after the plan had been implemented?

A Yes.

Q After December 7?

A Yes.

Q Have you ever been present for any discussions where anyone's discussed removing U.S. attorneys to influence a political case?

A No.

Q To influence the 2006 election?

A No.

Q In retaliation for not bringing a political case?

A No.

Mr. Minor. That's all I have.

[Whereupon, at 1:00 p.m., the interview was concluded.]