

Goodling, Monica

From: Sampson, Kyle
Sent: Friday, December 15, 2006 6:12 PM
To: Goodling, Monica
Subject: RE: EDAR release

Hmmmm. I may send it to Pryor's chief of staff when I send him the cites to the appointment authorities (on Monday).

From: Goodling, Monica
Sent: Friday, December 15, 2006 6:10 PM
To: Sampson, Kyle
Subject: EDAR release

Did we need or want to send this to either Senator? Just checking.

Goodling, Monica

From: Sampson, Kyle
Sent: Friday, December 15, 2006 6:15 PM
To: Goodling, Monica
Subject: RE: EDAR release

just read this
good job

From: Goodling, Monica
Sent: Friday, December 15, 2006 6:10 PM
To: Sampson, Kyle
Subject: EDAR release

Did we need or want to send this to either Senator? Just checking.

Goodling, Monica

From: Sampson, Kyle
Sent: Monday, December 18, 2006 1:05 PM
To: 'Oprison, Christopher G.'
Cc: Goodling, Monica
Subject: FW: U.S. Attorney appointment

FYI -- when I talked to Russell on Friday he asked for the citations to the AG's appointment authority.

From: Sampson, Kyle
Sent: Monday, December 18, 2006 1:04 PM
To: 'bob_russell'
Subject: U.S. Attorney appointment

Bob, it turns out there are many ways that a person may become U.S. Attorney:

1. 28 U.S.C. § 541(a) ("The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.");
2. 5 U.S.C. § 3345(a)(1) (providing in the event of a vacancy that "the first assistant to the office of such officer shall perform the functions and duties of the office temporarily in an acting capacity");
3. 5 U.S.C. § 3345(a)(2) (providing in the event of a vacancy that "the President (and only the President) may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity");
4. 5 U.S.C. § 3345(a)(3) (providing in the event of a vacancy that "the President (and only the President) may direct an officer or employee of such Executive agency to perform the functions and duties of the vacant office temporarily in an acting capacity," so long as such person has "served in a position in such agency for not less than 90 days" at a rate "equal to or greater than the minimum rate of pay payable for a position at GS-15 of the General Schedule");
5. 28 U.S.C. § 546(a) (providing that "the Attorney General may appoint a United States attorney for the district in which the office of United States attorney is vacant"); and
6. U.S. Const., art. II, § 2 (providing that the "President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session").

Of course, as the AG mentioned to the Senator, it remains our hope that the President will nominate Tim Griffin and the Senate will confirm him. Please let me know if there is any additional information we can provide you. Thanks!

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

Goodling, Monica

From: Goodling, Monica
Sent: Monday, December 18, 2006 10:08 AM
To: 'Oprison, Christopher G.'
Subject: RE: U.S. Attorney -- E.D. Ark.

Attachments: griffinappointment.pdf



griffinappointment.pdf (130 KB...)

Sure - here you go. This is our standard release for AG appointments.

From: Oprison, Christopher G. []
Sent: Monday, December 18, 2006 7:20 AM
To: Goodling, Monica
Subject: RE: U.S. Attorney -- E.D. Ark.

Monica - can you please send me a copy of this press release? Thank you.

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, December 15, 2006 5:21 PM
To: Sampson, Kyle; Oprison, Christopher G.
Subject: RE: U.S. Attorney -- E.D. Ark.

FYI - To close the loop, the Chief Judge was notified and the district was given the press release for distribution around 4:50 p.m. It will be out the door shortly, if it is not already. The PIO was instructed to use OPA's phone number for any follow up questions, which is our normal practice given that we are announcing an AG action.

I will ensure that the meeting is set up and staffed appropriately, at the Senator's earliest convenience.

From: Sampson, Kyle
Sent: Friday, December 15, 2006 4:45 PM
To: 'Oprison, Christopher G.'
Cc: Goodling, Monica
Subject: U.S. Attorney -- E.D. Ark.
Importance: High

The Senators' Chiefs of Staff now have been notified of our intention (1) to put Griffin in as USA under an AG appointment and (2) to issue a press release out of DOJ today stating the same.

Chris, I think the White House (you) needs to continue the dialogue with the Senators re our desire to have the President nominate, and the Senate confirm, Griffin. They think they smell a rat, i.e., that we are doing an end around of their advice

and consent authority by exercising the new, unlimited AG appointment authority.

Monica, please be sure that the Griffin meeting with Sen. Pryor gets scheduled.

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



U.S. Department of Justice

*United States Attorney
Eastern District of Arkansas*

FOR IMMEDIATE RELEASE
December 15, 2006

CONTACT: **Office of Public Affairs,
202-514-2007**

**JUSTICE DEPARTMENT ANNOUNCES APPOINTMENT
OF J. TIMOTHY GRIFFIN AS INTERIM UNITED STATES ATTORNEY
FOR THE EASTERN DISTRICT OF ARKANSAS**

LITTLE ROCK, Ark. — The Justice Department today announced the appointment of J. Timothy Griffin to serve as the interim U.S. Attorney for the Eastern District of Arkansas. Mr. Griffin will serve under an Attorney General appointment. He will succeed Bud Cummins, who will resign on December 20, 2006, to pursue opportunities in the private sector.

Mr. Griffin currently serves as a Special Assistant U.S. Attorney in the Eastern District of Arkansas. He recently completed a year of active duty in the U.S. Army, and is in his tenth year as an officer in the U.S. Army Reserve, Judge Advocate General's Corps (JAG), holding the rank of Major. In September 2005, Mr. Griffin was mobilized to active duty to serve as an Army prosecutor at Fort Campbell, Ky. At Fort Campbell, he prosecuted 40 criminal cases, including *U.S. v. Mikel*, which drew national interest after Pvt. Mikel attempted to murder his platoon sergeant and fired upon his unit's early morning formation. Pvt. Mikel pleaded guilty to attempted murder and was sentenced to 25 years in prison.

In May 2006, Tim was assigned to the 501st Special Troops Battalion, 101st Airborne Division and sent to serve in Iraq. From May through August 2006, he served as an Army JAG with the 101st Airborne Division in Mosul, Iraq, as a member of the 172d Stryker Brigade Combat Team Brigade Operational Law Team, for which he was awarded the Combat Action Badge and the Army Commendation Medal.

Prior to being called to active duty, Mr. Griffin served as Special Assistant to the President and Deputy Director of the Office of Political Affairs at the White House, following a stint at the Republican National Committee.

News Release
U.S. Attorney's Office
12/15/2006

Page 1 of 2

OAG000001651

From 2001 to 2002, Mr. Griffin served at the Department of Justice as Special Assistant to the Assistant Attorney General for the Criminal Division and as a Special Assistant U.S. Attorney in the Eastern District of Arkansas in Little Rock. In this capacity, Mr. Griffin prosecuted a variety of federal cases with an emphasis on firearm and drug cases. He also organized the Eastern District's Project Safe Neighborhoods (PSN) initiative, the Bush Administration's effort to reduce firearm-related violence by promoting close cooperation between State and federal law enforcement, and served as the PSN coordinator.

Mr. Griffin has also served as Senior Counsel to the House Government Reform Committee, as an Associate Independent Counsel for *In Re: Housing and Urban Development Secretary Henry Cisneros*, and as an associate attorney with a New Orleans law firm.

Mr. Griffin graduated *cum laude* from Hendrix College in Conway, Ark., and received his law degree, *cum laude*, from Tulane Law School. He also attended graduate school at Pembroke College at Oxford University. Mr. Griffin was raised in Magnolia, Ark., and resides in Little Rock with his wife, Elizabeth.

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Goodling, Monica

From: Oprison, Christopher G. []
Sent: Monday, December 18, 2006 12:50 PM
To: Goodling, Monica
Cc: Sampson, Kyle
Subject: RE: FYI

wonderful

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Monday, December 18, 2006 12:46 PM
To: Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FYI

Chris – FYI, see below. (As you'll see, the Arkansas Dem-Gaz did not call our public affairs office and got the type of appointment wrong.)

Prosecutor post is filled in recess

Surprise notice that ex-Rove aide named U.S. attorney irks Pryor
ARKANSAS DEMOCRAT-GAZETTE, December 16, 2006
BY LINDA SATTER

A surprise late-afternoon announcement Friday that J. Timothy Griffin will become the new U.S. attorney for the Eastern District of Arkansas drew the ire of U.S. Sen. Mark Pryor, whose spokesman said the maneuver amounts to "basically circumventing the normal process."

"We think the people of the Eastern District of Arkansas deserve to know who their U.S. attorney is," Michael Teague, Pryor's spokesman, said shortly after learning that U.S. Attorney General Alberto Gonzales had made the appointment, which takes effect Wednesday.

"The proper way to do this is in the Senate Judiciary Committee, [where] several things are done to make sure that whoever fills this post is qualified."

The announcement caught even the current U.S. attorney, Bud Cummins, off guard as he hiked through deer woods with his son.

Shortly after being notified that the announcement was being moved up, Cummins said over a cell phone in the woods that he had been planning to announce next week that his resignation — in the works for several months — would be effective Wednesday.

As he has in the past few months, the 2001 Bush nominee declined to reveal any specific plans for his future except to say, "I'm going to pursue opportunities in the private sector."

Cummins also said, "It's been a great honor to serve. ... I appreciate President Bush giving me this opportunity to serve in this exciting time."

Griffin, 34, once an aide to former presidential adviser Karl Rove, has been working as a "special assistant" under Cummins for several months. He said that because he won't officially take over until Wednesday, he didn't want to comment on the announcement.

Teague said he believes the timing of the announcement might have had something to do with Pryor's telephone calls this week with various officials, including conversations earlier Friday with Gonzales himself. Pryor made the calls in response to reporters' queries about Cummins' departure and rumors that Griffin was either going to be nominated soon or moved into office through a congressional recess appointment.

"No one would be straight with us and let us get to the bottom of this," Teague said.

He said Griffin called Pryor "a couple of months ago," apparently to get a feel for whether the Democratic senator would support his nomination, but Pryor wouldn't commit to anything.

Normally, the White House requests names of potential replacements for U.S. attorneys and other positions from the state's senators or congressmen, and then chooses a nominee from among those names. The nominee then must undergo a background check and Senate confirmation — which could be tough for Griffin in the new Democrat-controlled

body. Griffin, a longtime behind-the-scenes Republican operative and political strategist, has worked for the Republican National Committee.

"If he was the nominee, potentially the senator would support him, but the way they're doing it, it is basically circumventing the process," Teague complained. "There are 100 U.S. attorneys around the country. The question is, what makes this one different? The U.S. marshal [candidate, J.R. Howard, also for the Eastern District of Arkansas] is going through the process. Why isn't the U.S. attorney?"

Teague noted that an interim appointment could keep Griffin at the helm of the top prosecutor's post in the state's Eastern District for the two years remaining in Bush's term.

"This process circumvents a way to find out about his legal background," Teague said. "We know about his political background, which is unbalanced. If he's just interim for the next two years, every decision he makes during that time is going to be somewhat suspect."

The state's only Republican congressman, John Boozman, said last month that he hadn't been asked to submit names to replace Cummins.

By the time the announcement was released late Friday afternoon, the attorney general's office was closed. Efforts to reach the office of the state's other senator, Democrat Blanche Lincoln, for comment were unsuccessful.

Teague noted that while Cummins has said for several months that he is leaving to pursue other job opportunities before his presidential appointment expires in two years, Cummins, 47, has also said publicly that he loves the job and would stay forever if he could.

"Within legal circles and in the community, it's been viewed as him being forced out to open this position for Tim," Teague said.

Cummins said only that he is ready to move on, has always known his position was temporary and had told the White House a year ago that he planned to leave to give them time to find a replacement.

Teague noted that Griffin's previous experience appears to be "primarily research and campaigns. The citizens of eastern Arkansas deserve a U.S. attorney who has spent more time in the courtroom, not the campaign war-room."

Cummins had previously clerked for a federal judge.

The announcement of Griffin's appointment — sent by the U.S. Department of Justice through Cummins' office — notes that the Magnolia native "recently completed a year of active duty in the U.S. Army, and is in his tenth year as an officer in the U.S. Army Reserve, Judge Advocate General's Corps (JAG), holding the rank of Major.

"In September 2005, Mr. Griffin was mobilized to active duty to serve as an Army prosecutor at Fort Campbell, Ky. At Fort Campbell, he prosecuted 40 criminal cases."

The announcement notes that Griffin served in Iraq.

"The one thing that stands out," Teague said, "is that he worked for Karl Rove in the West Wing of the White House. Is he getting special treatment?"

Teague said that from Pryor's standpoint, "Bud Cummins has been a fantastic U.S. attorney. He's kept them on the legal road and is respected on both sides of the aisle. He is textbook. Now we get basically a campaign worker replacing him. Is he going to make good legal decisions, or he is going to make political decisions?"

Former Bush aide named to U.S. attorney post

Saturday, Dec 16, 2006

By Aaron Sadler

Stephens Washington Bureau

WASHINGTON - A former Republican political operative and top aide to President Bush was named late Friday as interim U.S. attorney for the Eastern District of Arkansas.

The appointment of Tim Griffin drew criticism from Arkansas senators Mark Pryor and Blanche Lincoln, both Democrats. Pryor accused the Bush administration of circumventing the traditional nomination process on behalf of a political ally.

The open-ended appointment differs from a normal presidential selection, where Griffin would face Senate hearings and a confirmation vote.

Pryor believes the Senate should be able to quiz Griffin about his qualifications, especially given his background as Bush's deputy director of political affairs under Karl Rove, spokesman Michael Teague said.

Before that, Griffin worked in opposition research for the Republican National Committee.

"We hope it's not the White House's intention to go around the Constitution, go around the nomination process and reward a fellow who's done some political work for them," Teague said.

Rep. John Boozman, R-Rogers, defended the appointment. He said Griffin might face unfair treatment from Senate Democrats because of his political ties.

"There might be a tendency because he did work for the president in that capacity politically to hold that against him and not look at the fact he's very well-qualified," said Boozman, the only Republican in the state's congressional delegation.

"In going before the Senate, there are all kinds of politics," Boozman said.

Griffin, 38, will take over for Bud Cummins, who resigns Wednesday. The Eastern District includes Little Rock and 41 counties in the eastern and north central part of Arkansas.

Griffin on Friday declined to comment on his appointment.

The Magnolia native just completed a year of active duty in the U.S. Army Reserve, including a stint in Iraq. He is a major in the Judge Advocate General's corps.

A graduate of Hendrix College and Tulane University law school, he worked as a special assistant U.S. attorney in the eastern district in 2001-02.

The interim selection leaves open the possibility for Bush to officially appoint Griffin or someone else to the post sometime in the future.

Conceivably, Griffin could serve as interim U.S. attorney indefinitely.

Teague said Pryor hopes the president makes a permanent selection - subject to Senate confirmation - after Congress reconvenes in January.

If Bush acts on a nomination before Congress returns, the appointee would serve as a "recess appointment" and Senate confirmation would not be required until the next congressional session in two years.

Attorney General Alberto Gonzales and White House Counsel Harriet Miers gave Pryor no time frame for when Bush might select a permanent replacement, Teague said.

Teague said Pryor was not available to comment because he was at the hospital visiting Sen. Tim Johnson, D-S.D., who underwent brain surgery this week.

Pryor supports full Senate hearings for the next U.S. attorney and did not rule out support for Griffin.

"He very well may be the person," qualified to serve, Teague said, but "he should have to go through the normal nomination process."

Sen. Blanche Lincoln, D-Ark., said in a statement that she was impressed by Cummins' work and his service.

Lincoln said she also would expect Bush to replace Cummins through the normal Senate confirmation process.

Teague said the timing of the announcement late Friday afternoon gave the appearance that the administration was attempting to keep the appointment quiet.

"His actions are always going to be suspect if you're not going to do this in the right way and in an open manner," Teague said. "It's hard to say if you're going to support or not support someone if you don't go through the process of who they are."

A report by the BBC in 2004 connected Griffin to a possible effort to disenfranchise black voters in Florida. The report said an e-mailed list of 1,886 names was to be used to challenge residents' voting status.

In a November 2000 Time magazine report, Griffin was depicted as a zealous researcher who sought to discredit Democratic candidate Al Gore at any opportunity.

The magazine said a poster hanging behind Griffin's desk said: "On my command - unleash hell on Al."

Boozman said the time in Iraq and as a prosecutor shows there is more to Griffin than just his political background.

"I think he is a very intelligent guy who's done a lot of different things. He's going to do well," Boozman said.

Goodling, Monica

From: Oprison, Christopher G. []
Sent: Tuesday, December 26, 2006 2:58 PM
To: Goodling, Monica
Subject: Re: Arkansas Democrat Gazette Lead Editorial Today

Thanks - Tim sent me a copy.

I am in Wed thru Fri - we have the [] interview on Thurs. Do we need to chat today?
If so, what is a good number to get you at? Or, you can catch me on my cell at []
] Thanks

Sent from my BlackBerry Wireless Handheld

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

From: Goodling, Monica
To: Oprison, Christopher G.
Sent: Tue Dec 26 13:46:16 2006
Subject: Fw: Arkansas Democrat Gazette Lead Editorial Today

Below is fyi, re EDAR.

On a different district, are you in at all this week or available on your cell tomorrow?
Thanks - hope you had a Merry Christmas.

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

From: griffin []
To: Sampson, Kyle; Goodling, Monica []
CC: MAJ John Timothy Griffin []
Sent: Tue Dec 26 12:31:13 2006
Subject: Arkansas Democrat Gazette Lead Editorial Today

EDITORIALS

Don't be fooled
Person vs. perception

TIM GRIFFIN will make a fine U.S. attorney for the Eastern District of Arkansas.
Enter hysteria from left.

Mr. Griffin is an experienced lawyer and prosecutor, a cum laude graduate of both Hendrix College raht cheer in Arkansas and Tulane University in New Orleans. He even went to grad school at Oxford, the one across the big pond. He has experience in the private and public sectors.

Gnashing of teeth, rehding of garments on cue. All that's just a smokescreen!
Despite his rough-and-tumble years in Washington, this son of Magnolia, Ark., knows and loves the Natural State.

Wrath, fury, charges of rewarding blind political loyalty over real qualifications.
But didn't Tim Griffin leave a highranking post in the White House to spend a year serving in Iraq? Scarcely the act of a blind partisan.

Irrelevant! It was probably just a PR stunt! He's still a GOP hit man!
YOU KNOW how easy it'd be to do a slash-and-burn piece on Tim Griffin? We mean a real verbal kneecap job on the guy? Google "tim griffin" and "republican"—and stand back. He's as easy to demonize as his old boss, Karl Rove.

And since Mr. Griffin has now been appointed the next U.S. attorney for the Eastern District of Arkansas, well, let the demonizing begin!

It already has from Arkansas' junior senator, Mark Pryor. Or, rather from the junior senator's flack, Michael Teague. He/they are shocked—shocked!—at the idea of the president's making a political appointment to a political office. And to appoint Mr.

Griffin during a congressional recess, why, that's . . . playing politics!

To quote Mark Pryor's mouthpiece: "The one thing that stands out is that [Tim Griffin] worked for Karl Rove in the West Wing of the White House. Is he getting special treatment? . . . Is he going to make good legal decisions, or is he going to make political decisions?"

Gosh, we don't remember Mark Pryor/Michael Teague/the DNC expressing similar reservations when President Bill Clinton was plunking all those Democrats into U.S. attorney slots during his seemingly endless tenure.

But here's the difference: Tim Griffin is . . . a Republican.

Horrors!

Not only that, but he spent the '04 campaign running Oppo Research for the Republican National Committee. He can't deny it: In the politics-ain't-beanbag world of, well, politics, yes, Tim Griffin played hardball.

So he must be evil incarnate, right?

Wrong.

There's no doubt Mr. Griffin has been a Republican loyalist, operative, opporesearcher and all-around hand for the Grand Ol' Party, which can sling mud as fast as . . . the other grand ol' party. There's also no doubt that he's perfectly qualified for this post, having twice served as deputy federal prosecutor, and having worked as a lawyer in the Justice Department. (He was a special assistant to Michael Chertoff in the criminal division of the U.S. attorney general's office.)

Whatever Mr. Griffin's politics—and at least you don't have to guess about 'em—he's sharp as a new box of tacks, and the kind of God-and-country Arkansan you'd expect to do just what he did. That is, leave behind a desk job as Karl Rove's deputy to serve in Iraq. Tim Griffin may have played hardball, but far as we know he never threw at anybody's head.

Always a good source for information, not just rumor and scuttlebutt, we called Mr. Griffin on an occasional basis when he lived in Washington. Inevitably, the conversation would go from politics to the real stuff—the Hogs and their chances in whatever season was in full bloom in Arkansas. Inevitably, we'd ask Tim how the gig was going, and he'd say, every time: It's okay. But it's not Arkansas.

We can't remember a young, off-to-Washington politico who was so regularly homesick. And who kept getting dragged back to the Beltway by one exciting job offer after another. How does a young Republican turn down a personal appeal from Karl Rove? Remember, before Mr. Rove was this election's goat, he was last election's genius.

But why let the actual person get in the way of Mark Pryor's caricature of him? Here's the party line of the other party: Tim Griffin wouldn't have a snowball's chance at this post if he didn't have all those suspicious connections to the Bush White House. And look how close he is to Karl Rove. And look at those vicious campaigns he worked on. (Never mind that Democrats have plenty of their own Tim Griffins. Just check out the bright young types in their war rooms.)

Well, as the kids used to say and maybe still do, Duh. That's the way these things work. That's why they're called political appointments. The most we the people can hope for is that the political appointees have qualifications other than their politics.

LUCKILY, we know Tim Griffin. We've known him for a long time. He may be the smartest guy we know. If he's not, he's on the short list. And we're confident he'll do the job right. If you're looking for legal qualifications—and Camp Pryor claims to be—then just look a little closer at Tim Griffin's background:

Now in his 10th year as an officer in the Army Reserve, Major Griffin of the Judge Advocate General's Corps served as a prosecutor at Fort Campbell, Ky. Remember that case about the private who tried to murder his platoon sergeant? Major Griffin prosecuted it—as well as some 40 other criminal cases.

When he previously served as a special assistant U.S. attorney in Arkansas, Tim Griffin handled drug and firearm cases. He also organized the Eastern District of Arkansas' state-federal effort to reduce gun violence, which was styled Project Safe Neighborhoods. For a partisan appointee, Tim Griffin makes a pretty nonpartisan law-and-order guy.

But something tells us that Mark Pryor isn't especially interested in carefully appraising this appointee's record in the law, but in how much hay he can make of Tim Griffin's association with Karl Rove, the man everybody loves to hate this year. After all, Mark Pryor's own résumé didn't exactly scream Perry Mason before he ran for attorney general of Arkansas. He'd spent a decade in private law practice (did he ever try a case?) while serving a few less than distinguished terms in the Legislature and, naturally, lobbying the Ledge once he was out. Then when he got to be Arkansas' attorney general, what brilliant stroke did he exhibit in that office—besides letting the payday lenders loose on the state?

Mark Pryor may not be the greatest legal mind ever to serve in the U.S. Senate (may not be?) but, boy, he's got plenty of nerve. Because that's what it takes for somebody with

his nondescript record at the bar to challenge Tim Griffin's.

But this wasn't supposed to be about Mark Pryor's qualifications and experience but Tim Griffin's. To review: Tim Griffin comes with a law degree, experience as a federal prosecutor in at least two jurisdictions, a sense of loyalty and duty, and a love of country, especially Arkansas, USA. Plus, if you know the guy, you know he's quality.

About the only knock on him is that he's too Republican for Mark Pryor. But that's Mark Pryor's problem, not Tim Griffin's.

Goodling, Monica

From: Oprison, Christopher G. []
Sent: Wednesday, December 27, 2006 2:41 PM
To: Goodling, Monica
Subject: RE: Arkansas Democrat Gazette Lead Editorial Today

[] I will be here for a while, so no hurry

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

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Wednesday, December 27, 2006 2:41 PM
To: Oprison, Christopher G.
Subject: Re: Arkansas Democrat Gazette Lead Editorial Today

Driving back - what's your direct?

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

From: Oprison, Christopher G []
To: Goodling, Monica
Sent: Wed Dec 27 10:41:04 2006
Subject: RE: Arkansas Democrat Gazette Lead Editorial Today

Monica - are you around today to chat?

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

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Tuesday, December 26, 2006 1:46 PM
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There's no doubt Mr. Griffin has been a Republican loyalist, operative, opporesearcher and all-around hand for the Grand Ol' Party, which can sling mud as fast as . . . the other grand ol' party. There's also no doubt that he's perfectly qualified for this post, having twice served as deputy federal prosecutor, and having worked as a lawyer in the Justice Department. (He was a special assistant to Michael Chertoff in the criminal division of the U.S. attorney general's office.) Whatever Mr. Griffin's politics-and at least you don't have to guess about 'em-he's sharp as a new box of tacks, and the kind of God-and-country Arkansan you'd expect to do just what he did. That is, leave behind a desk job as Karl Rove's deputy to serve in Iraq. Tim Griffin may have played hardball, but far as we know he never threw at anybody's head.

Always a good source for information, not just rumor and scuttlebutt, we called Mr. Griffin on an occasional basis when he lived in Washington. Inevitably, the conversation would go from politics to the real stuff-the Hogs and their chances in whatever season was in full bloom in Arkansas. Inevitably, we'd ask Tim how the gig was going, and he'd say, every time: It's okay. But it's not Arkansas.

We can't remember a young, off-to-Washington politico who was so regularly homesick. And who kept getting dragged back to the Beltway by one exciting job offer after another. How does a young Republican turn down a personal appeal from Karl Rove? Remember, before Mr. Rove was this election's goat, he was last election's genius.

But why let the actual person get in the way of Mark Pryor's caricature of him? Here's the party line of the other party: Tim Griffin wouldn't have a snowball's chance at this post if he didn't have all those suspicious connections to the Bush White House. And look how close he is to Karl Rove. And look at those vicious campaigns he worked on. (Never mind that Democrats have plenty of their own Tim Griffins. Just check out the bright young types in their war rooms.) Well, as the kids used to say and maybe still do, Duh. That's the way these things work. That's why they're called political appointments. The most we the people can hope for is that the political appointees have qualifications other than their politics.

LUCKILY, we know Tim Griffin. We've known him for a long time. He may be the smartest guy we know. If he's not, he's on the short list. And we're confident he'll do the job right. If you're looking for legal qualifications-and Camp Pryor claims to be-then just look a little closer at Tim Griffin's background:

Now in his 10th year as an officer in the Army Reserve, Major Griffin of the Judge Advocate General's Corps served as a prosecutor at Fort Campbell, Ky. Remember that case about the private who tried to murder his platoon sergeant? Major Griffin prosecuted it-as well as some 40 other criminal cases.

When he previously served as a special assistant U.S. attorney in Arkansas, Tim Griffin handled drug and firearm cases. He also organized the Eastern District of Arkansas' state-federal effort to reduce gun violence, which was styled Project Safe Neighborhoods. For a partisan appointee, Tim Griffin makes a pretty nonpartisan law-and-order guy.

But something tells us that Mark Pryor isn't especially interested in carefully

appraising this appointee's record in the law, but in how much hay he can make of Tim Griffin's association with Karl Rove, the man everybody loves to hate this year. After all, Mark Pryor's own résumé didn't exactly scream Perry Mason before he ran for attorney general of Arkansas. He'd spent a decade in private law practice (did he ever try a case?) while serving a few less than distinguished terms in the Legislature and, naturally, lobbying the Ledge once he was out. Then when he got to be Arkansas' attorney general, what brilliant stroke did he exhibit in that office-besides letting the payday lenders loose on the state?

Mark Pryor may not be the greatest legal mind ever to serve in the U.S. Senate (may not be?) but, boy, he's got plenty of nerve. Because that's what it takes for somebody with his nondescript record at the bar to challenge Tim Griffin's.

But this wasn't supposed to be about Mark Pryor's qualifications and experience but Tim Griffin's. To review: Tim Griffin comes with a law degree, experience as a federal prosecutor in at least two jurisdictions, a sense of loyalty and duty, and a love of country, especially Arkansas, USA. Plus, if you know the guy, you know he's quality.

About the only knock on him is that he's too Republican for Mark Pryor. But that's Mark Pryor's problem, not Tim Griffin's.

Goodling, Monica

From: Oprison, Christopher G.
Sent: Thursday, December 28, 2006 6:30 PM
To: Goodling, Monica; Sampson, Kyle
Subject: RE: EDAR article

thanks

looks like this is going to get messy

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Thursday, December 28, 2006 6:24 PM
To: Sampson, Kyle; Oprison, Christopher G.
Subject: EDAR article

FYI

(Chris -- We already spoke with Tim about not handling his own press, and he understands that he needs to work through our Public Affairs office in the future.)

New U.S. Attorney Says Job Matters, Not How He Got It (ARKDG)
By Linda Satter
Arkansas Democrat-Gazette, December 27, 2006

Newly appointed as interim U. S. attorney for the Eastern District of Arkansas through a maneuver that has drawn criticism from the state's two reigning Democrats, Tim Griffin says he hopes to turn the spotlight off the way he got the job and onto his

plan to aggressively fight crime through cooperative efforts.

"I am honored by the attorney general's decision to name me U. S. attorney," Griffin said Wednesday, his first day on the

job. "I look forward to working with Sen. [Mark] Pryor and Sen. [Blanche] Lincoln to make Arkansas safer," he said after a long

day that began with being sworn in by Chief U. S. District Judge Leon Holmes and ended with many of his books and papers yet

to be moved into a corner office from a smaller space down the hall that he has occupied since September. Just five days earlier, the U. S. Department of Justice announced that Attorney General Alberto Gonzales planned to appoint the 38-year-old lawyer from Magnolia to the post that Bud Cummins earlier announced he was vacating after five years.

Sens. Pryor and Lincoln immediately expressed dismay that the interim appointment came during a congressional recess, under a provision of the Patriot Act that allows the fill- ing of a vacancy without going through the usual process of being

nominated by the White House, screened by the Senate Judiciary Committee and voted on by the Senate. The surprise announcement "denied the Senate the opportunity to carefully consider and evaluate Mr. Griffin's qualifications and denied the American people the transparency the standard nomination process provides," Lincoln said through

a spokesman.

Pryor's press secretary, Michael Teague, complained that unless the appointment is followed up by a formal nomination, it could end up being a sneaky way for the Bush administration to reward an insider with a plum job without having to prove his

qualifications and ability to be nonpartisan. Teague cited Griffin's strong ties to the Republican Party and his reputation as an

aggressive former GOP campaign researcher, at one point under Karl Rove, Bush's main political adviser and deputy chief of

staff.

"We hope we're wrong that they're trying to circumvent the process by never nominating him," Teague reiterated on Friday,

but he added that the administration might think that Griffin will "just evolve into the U. S. attorney" from the interim post he now

holds. Later Friday, Justice Department spokesman Brian Roehrkasse addressed those concerns directly, indicating that Griffin's

appointment is indeed meant to be temporary, at least until it can go through the formal nomination process. "We have asked

that Sen. Pryor meet with the acting U. S. attorney," Roehrkasse said. "We are hopeful that by working with the two U. S.

senators from Arkansas, we will make a nomination that the senators support and the Congress approves."

Roehrkasse explained, "When a U. S. attorney resigns, there is a need for someone to fill that position." He noted that often, the first assistant U. S. attorney in the affected district will serve as the acting U. S. attorney until the formal nomination

process begins for a replacement. But in this case, "the first assistant is on maternity leave," he said, referring to Jane Duke, who

gave birth to twins earlier than expected the same week of the announcement. "Tim was chosen because of his significant experience working as a federal prosecutor in both Arkansas and in the Justice Department in Washington, D. C.," Roehrkasse

said.

Asked how soon the formal nomination process might begin, he said, "We've put the meeting request out there. That's what we're working on right now." Under the Patriot Act, the intent of appointments by the attorney general is to aid national

security by ensuring that key law enforcement posts aren't left unoccupied. Ryan James, spokesman for Arkansas' only Republican U. S. congressman, John Boozman, also defended Griffin's appointment on Friday, noting that it is not the same as a

"true recess appointment," in which the president nominates someone to the position, often for the duration of the current

Congress. "It's not unprecedented to make acting appointments, for whatever reason," James said, noting that President Clinton

did the same thing.

He said Boozman believes that a full Senate confirmation process could be unfair to Griffin because of the combination of

a new Democratic-majority Congress being seated in January and Griffin's prior association with Rove, a Republican stalwart.

The process could quickly become very political, and, "He may not get a fair shake as far as his qualifications," James said

of Griffin. James added that Boozman believes that Griffin is qualified.

Griffin acknowledged Wednesday, after being sworn in as the district's 43rd chief federal prosecutor, "The way one is appointed to be U. S. attorney is a political process. It is a political appointment. But the moment you become U. S. attorney,

politics stop.... There is no room for politics in the U. S. attorney's office. Politics stop at the door." He added, "My job is to make sure all Arkansans are treated equally under the law."

Indeed, U. S. attorneys across the country are generally of the same political party as the president who nominates them.

While they are required to be lawyers, many have little actual courtroom experience and heavily rely on the "career" prosecutors

in the office to handle the day-to-day legal machinations.

Many also have used the office as a steppingstone to an elected office. Griffin declined to discuss his future beyond his

new job.

Griffin's legal experience includes 10 years as a JAG (Judge Advocate General) officer in the U. S. Army Reserve, and the

prosecution of 40 criminal cases as an Army prosecutor at Fort Campbell, Ky., including a case in which a soldier pleaded guilty

to the attempted murder of his platoon sergeant. Griffin also served as senior counsel to the House Government Reform Committee and was an associate with a New Orleans law firm.

He graduated with honors, both from Hendrix College in Conway and Tulane Law School in New Orleans.

Cummins, a Bush appointee who said he is leaving to pursue other interests, said he told the Justice Department more than a year ago that he would be leaving, to give the department time to find a replacement.

He also defended Griffin on Friday, calling him a friend who is "very competent" and "very capable."

"I'm not being critical of Sen. Pryor," Cummins said Friday. "I can certainly understand their position. But I think it will

eventually all work out."

He explained, "It would not surprise me at all if they ultimately put Tim through the normal nomination process."

Cummins, whom Pryor press secretary Teague praised as "a fantastic U. S. attorney" who "is respected on both sides of the aisle," said he is "100 percent confident that Tim understands that we don't do politics at the U. S. attorney's office." He said

the department makes that clear to its incoming prosecutors. Griffin, who now supervises about 25 attorneys and 35 support staff

members, has worked as an assistant under Cummins since September, and also worked in the Arkansas office in 2001 and

2002 as a special assistant, to gain experience.

During that time, he organized and coordinated the department's Project Safe Neighborhoods initiative, a Bush administration effort to reduce firearm-related violence through close cooperation between state and federal law officers that he

says is still a pet project of his.

Griffin said that since 2001, the office has seen a 390 percent increase in the number of firearm-related cases it has taken

on — often taking over local cases, with local prosecutors' consent, to ensure that violators face the stricter penalties available in

federal court. That includes an absence of parole. Griffin noted that he has talked with his counterpart in the state's Western

District, U. S. Attorney Bob Balfe, about "working as closely as possible, forging a seamless relationship, particularly where our

districts meet, so we can be aggressive in fighting crime in the Eastern District, the Western District or both." He said he also

plans to work closely with U. S. attorneys in neighboring states "because criminals aren't concerned with artificial borders."
He

recently completed a year of active duty in the U. S. Army, including a stint in Iraq. He and his wife of two years, Elizabeth, have

no children.

"I've had a lot of jobs in my life, and what I've tried to do in each and every one of them is perform with excellence," Griffin

said. "Bud has set a great example as U. S. attorney. He set the standard, and I am going to work hard to meet that standard to

the best of my ability."

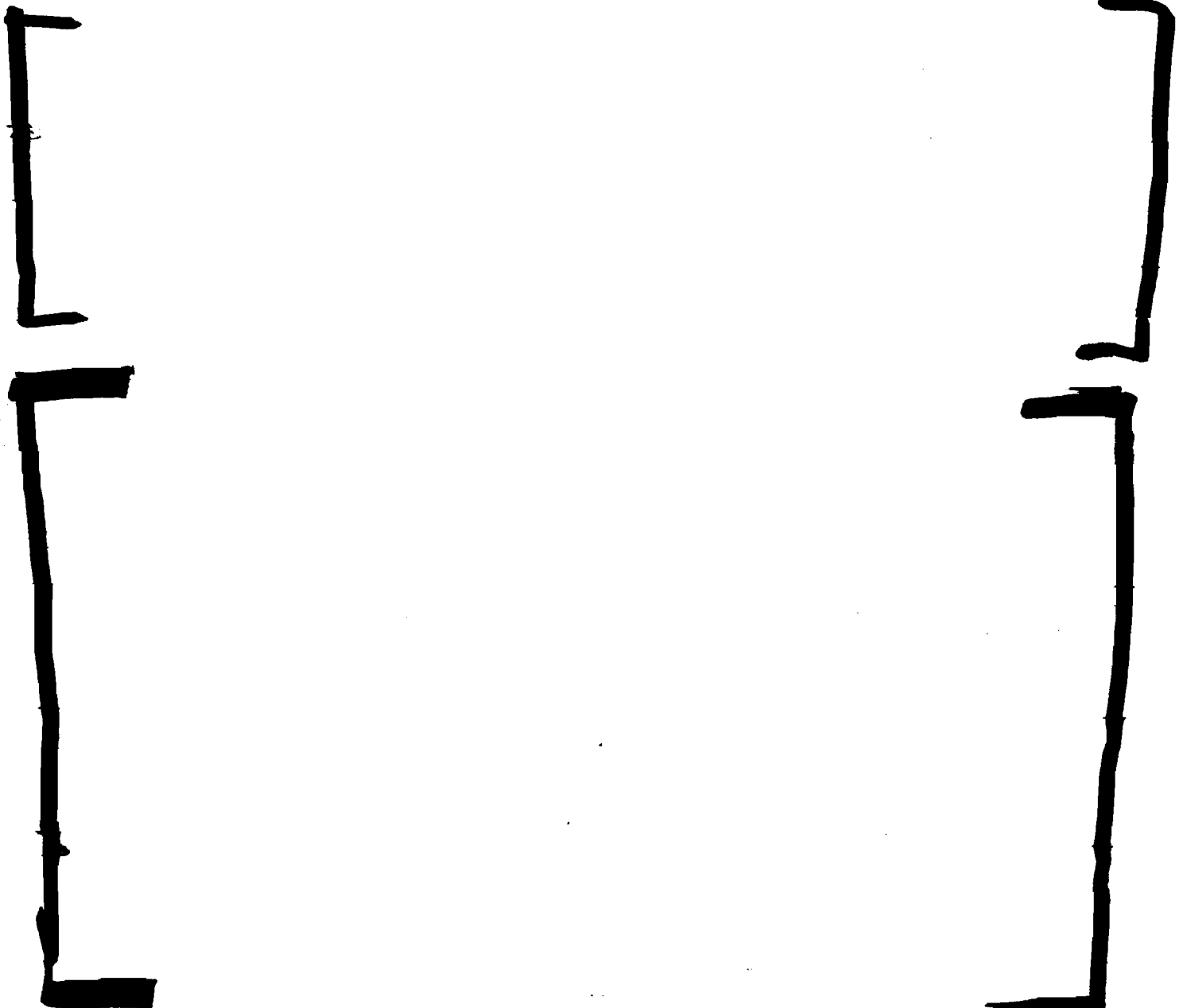
To those who doubt him, he said, "I am going to ask them to judge me on my performance."

Goodling, Monica

From: Goodling, Monica
Sent: Wednesday, January 10, 2007 2:41 PM
To: Sampson, Kyle; 'Oprison, Christopher G.'
Subject: Griffin meeting summaries

Kyle/Chris -- I'm pasting below a summary of the two Hill meetings that occurred yesterday between Tim Griffin and the two Senators. The summary was prepared by our OLA representative, who attended the meetings with Tim. I also spoke with Tim, who had a more optimistic view of how the meetings went.

We have three get-backs -- status of the U.S. Marshal candidate (he's ready for nomination once Bill Kelley clears him), a list of appointees since the Patriot Act change (we'll handle here), and the status of Tim's nomination (BI was delivered to me last night at 10 p.m. and I'll review today/tomorrow and send over). Please let me know if you have any questions. Thanks, Monica





Tracking:

Recipient
Sampson, Kyle
'Oprison, Christopher G.'

Read
Read: 1/10/2007 3:02 PM

Goodling, Monica

From: Sampson, Kyle
Sent: Sunday, January 14, 2007 5:59 AM
To: Moschella, William; Elston, Michael (ODAG); Goodling, Monica
Subject: Fw: USA articles from CA

FYI

Sent from my BlackBerry Wireless Handheld

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

From: Sampson, Kyle
To: 'lisa.monaco@ic.fbi.gov' <lisa.monaco@ic.fbi.gov>
Sent: Sun Jan 14 05:57:44 2007
Subject: Re: USA articles from CA

Thx, Lisa. John called me yesterday on this.

Sent from my BlackBerry Wireless Handheld

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

From: Monaco, Lisa O. <Lisa.Monaco@ic.fbi.gov>
To: Sampson, Kyle
Sent: Sat Jan 13 18:15:24 2007
Subject: Re: USA articles from CA

I've let the Director know. John is going to call the SAC and then give you a call

Lisa Monaco
Special Counsel to the Director
Federal Bureau of Investigation
(w) 202.324.3320
[(fax) 202.324.6856]

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

From: Sampson, Kyle <Kyle.Sampson@usdoj.gov>
To: Monaco, Lisa O.
Sent: Sat Jan 13 16:43:58 2007
Subject: FW: USA articles from CA

Lisa, please bring to the Director's immediate attention the comments of FBI SAC Dan Dzwilewski (see below). Thank you.

From: MonicaGoodling [E] [J]
Sent: Saturday, January 13, 2007 10:53 AM
To: Sampson, Kyle; mike.elston@usdoj.gov; Moschella, William; Roehrkasse, Brian; Goodling, Monica; Scolinos, Tasia
Subject: USA articles from CA

Lam stays silent about losing job

Law enforcement defends her record

By Kelly Thornton and Onell R. Soto
UNION-TRIBUNE STAFF WRITERS

January 13, 2007

Amid news reports that she has been asked to step down, U.S. Attorney Carol Lam declined repeated interview requests yesterday and did not address the matter with her staff.

At a weekly managers meeting, Lam was stoic, conducting business as usual and discussing next week's caseload, according to people who attended. She made no mention of a resignation request by the Bush administration, nor did anyone ask about it.

However, she did discuss the matter with at least one law enforcement colleague. Dan Dzwilewski, head of the FBI office in San Diego, said he spoke to Lam several times yesterday and he feels the criticism and the way the situation was handled are unfair.

"I don't think it's the right way to treat anybody. What's the decision based on?" Dzwilewski said. "I don't share the view of whoever's making the decision back there in Washington that they'd like her to resign. I feel Carol has an excellent reputation and has done an excellent job given her limited resources."

Dzwilewski said he sympathized with Lam on issues of stretching budgets to meet priorities and felt that criticism that she wasn't giving proper attention to smuggling, drugs and gun crimes was off-base. "What do you expect her to do? Let corruption exist?" he said.

Lam's continued employment as U.S. attorney is crucial to the success of multiple ongoing investigations, the FBI chief said.

As for the reason for any pressure to resign, Dzwilewski said: "I can't speak for what's behind all that, what's the driving force behind this or the rationale. I guarantee politics is involved."

Dzwilewski declined to discuss Lam's demeanor during their conversations, her state of mind, when or if she will resign or her future plans.

"It will be a huge loss from my perspective," Dzwilewski said. "What she's going to do, my guess is she's still trying to figure that out herself."

Other members of the law enforcement community also defended Lam.

"She's been by far the most outstanding U.S. attorney we've ever had," City Attorney Michael Aguirre said. "By far, she's done more to clean up the corruption in this city than anyone else, and she has won a national reputation as one of the top prosecutors in the country."

Sources have told TheSan Diego Union-Tribune that Lam was asked to step down because she failed to make smuggling and gun cases a priority, choosing instead to focus on fewer cases that she considered more significant, such as public corruption and white-collar crime.

Some lawyers theorized yesterday that it wasn't just misplaced priorities that led to her impending ouster. The Randy "Duke" Cunningham case has spawned other corruption probes of Republicans in Washington, leading to conjecture that politics played a part in the decision to force her out.

However, Johnny Sutton, the U.S. attorney in San Antonio, Texas, said everybody in the position knows it's not a permanent job.

"We go when the president goes and sometimes before," he said.

Some lawyers said that shifting resources to cases she considered more important was not enough to bring about her firing. What mattered, they said, was her track record.

The Cunningham corruption case, which grew from an article in the Union-Tribune, was a

high-profile success. But she has also stumbled. For instance, the corruption prosecution of political consultant Larry Remer was bargained down to a misdemeanor after a hung jury.

And although Lam's office achieved corruption convictions of then-San Diego City Councilmen Ralph Inzunza and Michael Zucchet, U.S. District Judge Jeffrey T. Miller acquitted Zucchet of most charges and granted a new trial on the remaining two counts.

Lam spent almost a year personally prosecuting a national hospital chain that she said used complex agreements to pay off local doctors in return for referrals. That case ended in a second mistrial. The chain eventually agreed to a civil settlement.

And U.S. District Judge Roger T. Benitez has raised concerns about whether the case against five former San Diego city pension officials should proceed.

Still, corruption and white-collar cases are notoriously hard to prosecute, and some lawyers applauded Lam for making the effort.

If Lam refuses to resign, she could be fired by the president, as former U.S. Attorney William Kennedy was in 1982. Justice Department officials asked for his resignation after he confirmed to The San Diego Union that the CIA interfered in favor of a suspect in a car-theft ring.

He would not resign, and President Reagan fired him. Kennedy is now a Superior Court judge.

Former U.S. Attorney Peter Nuñez wasn't surprised by Lam's silence.

"What else can she do at this point?" he asked. "She's not going to have a press conference. . . . I'm sure this is not one of the better days of her life. She's been publicly humiliated by her bosses."

Legal community stunned by Lam report
<<http://www.nctimes.com/art/spacer.gif>>
By: TERI FIGUEROA and WILLIAM FINN BENNETT - Staff Writers

North County Times

Saturday, January 13, 2007

Speculation that the Bush administration allegedly has asked San Diego-based U.S. Attorney Carol Lam, the region's chief federal prosecutor, to step down was met with disbelief and dropped jaws by legal community members with ties to federal court.

"I was in a state of shock," said Peter Nunez, who served as the U.S. attorney in charge of the San Diego offices from 1982 to 1988. "It's just like nothing I've ever seen before in 35-plus years. To be asked to resign and to be publicly humiliated by leaking this to the press is beyond any bounds of decency and behavior. It shocks me. It really is outrageous."

Nunez and others said they had not even heard rumblings that Lam was in the cross hairs for possible removal.

Lam's spokeswoman Friday declined to address the rumor.

"We have no comment," Debra Hartman, spokeswoman for the U.S. attorney's office, wrote in an e-mail to the North County Times.

A spokesman for the attorney general's office in Washington, D.C., declined to comment Friday.

The North County Times could not independently confirm a published report in The San Diego Union-Tribune that Lam had been asked to resign.

Lam may not be the only U.S. attorney politely being asked to pack her bags.

In a Thursday news release, U.S. Sen. Dianne Feinstein announced that she and two other senators were introducing legislation that would prevent the executive branch from trying to do an end run on the Senate's prerogative of confirming U.S. attorneys.

According to the newspaper report, which appeared Friday and cited unnamed sources, Lam was targeted for not making the prosecution of smuggling and gun cases a top priority.

Nunez said the question he has is, "Why?"

"What sin has she committed that justifies asking her to submit her resignation and publicly humiliating her in the process?" Nunez said. "If the reasons are anything close to the newspaper reports, that's crazy, especially when this administration is so weak on immigration."

Lam's office has made white-collar crime a priority, and has taken on a number of high-profile cases ---- among them the successful prosecution of then-Congressman Randy "Duke" Cunningham on charges of bribery and tax evasion ---- since her 2002 appointment by the Bush administration.

Other cases that came during her tenure included December's criminal convictions of the chiefs of Golden State Fence Co. for hiring illegal immigrants, and the potential death penalty case for the long-sought and recently nabbed Francisco Javier Arrellano-Felix, the alleged head of a Mexican drug cartel.

Lam is a former San Diego Superior Court judge who at one time presided over criminal trials at the courthouse in Vista. Nunez, who said he hired Lam as an assistant U.S. attorney about 20 years ago, called her a "bright, hardworking, conscientious, diligent person."

Also surprised by the report was Charles La Bella, who served a stint as the interim U.S. attorney in 1998. La Bella said Friday that he found the resignation request, if it is true, to be "unusual."

"In my years with the department, I never saw anything like this," La Bella said.

It's difficult to say whether Lam's case priorities might have been a factor, he said.

"The only people who know are in Washington," La Bella said.

Escondido-based defense attorney Mark Chambers, who handles a lot of cases in federal court, said there was a "change of emphasis" when Lam took over.

"There appeared to be a drop-off in the prosecutions of what we call 'border busts,' people arrested for bringing drugs across the border," Chambers said. "There were major increases in large conspiracy cases that involved a great deal of resources to prosecute and investigate. She went after the big fish."

Chambers said he, too, was surprised by the rumor.

"I'm at a loss to determine the reason. It doesn't make sense to me. I think the U.S. attorney's responsibility is to prosecute high-profile, complicated cases, and I think she was doing that."

As a defense attorney, Chambers said, he often feels that the people who are prosecuted are at the "extreme low end of the pole, and some prosecutorial discretion should have been applied."

"Since she took over the office, I haven't felt that," Chambers said. "The people who were getting prosecuted were clearly high profile, high culpability."

La Bella and Nunez said that while politics can play a role in the appointment of each of the nearly eight dozen U.S. attorneys, once a person steps into the job, politics fall by the wayside.

U.S. attorneys serve by the appointment of, and at the pleasure of, the president, and are subject to confirmation by the U.S. Senate. It is common for an incoming president to appoint new people to the 94 positions.

Nunez, reached by his cell phone Friday, said it is "extremely rare" for an administration to ask one of its own appointees to step down.

"The only time this happens is when there has been an allegation of misconduct," Nunez said. "That doesn't mean the president doesn't have the authority to do this. If he wants to, he can fire them. There's nothing wrong with that ---- but if you are going to fire them, you better have a good reason."

Feinstein and the other senators used strong words in the news release describing their proposed legislation.

"It has come to our attention that the Bush Administration is pushing out U.S. Attorneys from across the country under the cloak of secrecy and then appointing indefinite replacements without Senate confirmation," Feinstein wrote.

And in a Tuesday letter to U.S. Attorney General Alberto Gonzales, Feinstein also hinted at her suspicions that something might be afoot. While she did not refer specifically to Lam, Feinstein wrote that the Department of Justice had asked "several" U.S. attorneys to step down by the end of the month, "without cause."

"We ... understand the intention is to have your office appoint interim replacements and potentially avoid the Senate confirmation process altogether," she wrote.

A little-known provision in the Patriot Act reauthorization last year changed existing law so that if a vacancy occurs, the attorney general can appoint a replacement for an indefinite period of time.

A spokesman for Feinstein said Friday that he would have no comment beyond the statements that the senator made in her letter.

Brian Roehrkasse, a spokesman for the attorney general's office, said by phone Friday that Gonzales is certainly not trying to avoid the Senate confirmation process. There are 93 U.S. attorneys in the country, he said, and at any given time, "a number of them are coming and going."

"In every case, it is the goal of this administration to have a U.S. attorney that is confirmed by the Senate," he said.

For years, U.S. Rep. Darrell Issa has criticized Lam for not doing enough to prosecute smugglers of illegal immigrants. In an October 2005 letter to Attorney General Gonzales, Issa blasted Lam's office for failing to prosecute two cases of smugglers who were repeat offenders.

"This lax prosecutorial standard virtually guarantees that both of these individuals will be arrested on U.S. soil in the future for committing further serious crimes," Issa wrote.

Lam had complained that her office simply lacked the funding to pursue many smuggling cases.

On Friday, Issa spokesman Frederick Hill said that Issa would have no comment on the matter without confirmation that Lam had in fact been asked to step down.

The president of the National Patrol Council, which represents rank-and-file U.S. Border Patrol agents, said Friday that he wishes Lam well and said he hopes that whomever follows her in the job is willing to do whatever is necessary to prosecute immigration smuggling cases.

President T.J. Bonner said that because Lam was so picky about what she was willing to pursue "that it was nearly impossible to prosecute cases in San Diego."

Goodling, Monica

From: griffin []
Sent: Thursday, January 18, 2007 9:54 AM
To: Goodling, Monica
Subject: Re: article

Thank you. I appreciate it. I am working hard. En route to a civil rights conference with the fbi here in arkansas.

Btw, if I could make the crim chief switch that battle and nowacki are running by you that would be awesome. If they haven't yet, they will be running my letter past you. Peace tg

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

From: "Goodling, Monica" <Monica.Goodling@usdoj.gov>
Date: Thu, 18 Jan 2007 09:39:45
To: "Tim Griffin" <griffin []>
Subject: RE: article

[] Brian is going to call him.

The AG has your stuff for today, and we got it to our friendlies on the committee too. The AG also called Feinstein after she went on the floor.

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

From: Tim Griffin [mailto:griffin []]
Sent: Thursday, January 18, 2007 3:34 AM
To: Roehrkas, Brian
Cc: Goodling, Monica
Subject: FW: article

This is wrong in so many ways. Lots of incorrect info.

<http://thehill.com/thehill/export/TheHill/Comment/JoshMarshall/011807.html>

White House boots federal prosecutors, replaces them with cronies
On Tuesday of this week Sen. Dianne Feinstein (D-Calif.) went to the Senate floor to sound the alarm about a series of suspicious de facto firings of U.S. attorneys (USAs) across the country in recent weeks and months. USAs, of course, serve at the president's will. Legally and constitutionally, he can fire them whenever he chooses. In practice, however, a sitting president seldom, if ever, without cause, cashiers serving USAs whom he himself has appointed. I've counted as many as seven USAs who appear to have been forced out. And Feinstein said that the administration has told her that between five and 10 USAs have been asked to tender their resignations.

And there's another wrinkle to the story. Using a little-noticed provision dropped into last year's renewal of the Patriot Act, the attorney general

can appoint new USAs to serve for the duration of the president's term without the need for Senate approval.

So what's going on here? For folks like myself, there's too much water under the bridge to grant this White House too many benefits of the doubt. But the evidence on the table suggests pretty strongly that the White House is up to no good - both in the choice of USAs who are getting the boot and those they're choosing to appoint outside the confirmation process.

First is Carol Lam, U.S. attorney in San Diego, who announced her resignation on Tuesday. Lam's office headed up the prosecution of arch-congressional crook ex-Rep. Randy "Duke" Cunningham (R-Calif.). And an expanded version of that investigation is now probing related crimes on Capitol Hill and - probably more importantly - at the CIA, particularly Bush appointee Kyle "Dusty" Foggo, longtime pal of accused Cunningham briber Brent Wilkes.

Legal sources involved in the case believe that Lam's work on the expanded Cunningham case will be stymied by her departure. Dan Dzwilewski, head of the FBI office in San Diego, remarked to the Union-Tribune, "I can't speak for what's behind [her forced resignation], what's the driving force behind this or the rationale. I guarantee politics is involved."

The current work of the other fired USAs has less direct political implications. But several seem to have had ongoing investigations of allegedly corrupt Republicans.

And who are the folks getting the jobs? Well, the signs aren't good there either.

Consider the estimable J. Timothy Griffin, U.S. attorney for the Eastern District of Arkansas since Dec. 20 of last year.

If you hadn't heard about Griffin's appointment, don't feel bad; the guy he replaced hadn't either. Griffin's appointment was announced Dec. 15, before the then-U.S. attorney Bud Cummins had even been given a chance to resign. Cummins got the call on his cell phone telling him he was out the same day the announcement was made. He was out hiking with his son at the time.

Cummins, who subsequently said he got forced out for political reasons, resigned on Dec. 20, the same day Griffin was sworn in.

So who's Griffin and what experience does he bring to the job?

A quick perusal of Griffin's resume shows that his more-or-less exclusive vocation has been doing opposition research on Democrats on behalf of the Republican Party. Until recently, he was head of oppo research at the White House, working directly for Karl Rove. In 1999 and 2000, he was deputy research director for the Republican National Committee. In 2002 he returned

as research director for the national GOP and stayed on for the next three years.

Before getting involved formally in oppo research he worked in what you might call de facto oppo research positions. In 1995 and 1996 he was associate independent counsel in the Henry Cisneros investigation. And after that he headed up to the Hill to work for Rep. Dan Burton (R-Ind.) investigating political contributions from Asian-Americans to Bill Clinton.

Oh, and I forgot to mention, according to Time, back in 2000, when he was in charge of digging up dirt on Al Gore, he apparently had a poster hanging on the wall behind his desk which read: "On my command - unleash hell on Al."

I don't think the readers of this paper are above having an admiration for a seasoned political operative, whichever party he or she may work for. But let's just stipulate that Griffin seems like a pretty political guy. And it's probably no mystery why the White House doesn't want to see Karl Rove's deputy through the Senate confirmation process before he takes over the reins in Arkansas.

I'm only getting started looking into the circumstances of these other firings and the records of the non-confirmed USAs who are to take their place. But I get the sense my suspicions will be amply rewarded.

Marshall is editor of talkingpointsmemo.com.
His column appears in The Hill each week.
E-mail: jmarshall@thehill.com

Goodling, Monica

From: Sampson, Kyle
Sent: Thursday, January 25, 2007 5:28 PM
To: Roehrkasse, Brian; Goodling, Monica; Elston, Michael (ODAG)
Cc: Scolinos, Tasia
Subject: RE: Historical figures for ages of US Attorneys

not sure i'd agree that "independence" was always a spec before
and AG/Dept has all the "control" over these offices it he/it would ever need

From: Roehrkasse, Brian
Sent: Thursday, January 25, 2007 5:15 PM
To: Goodling, Monica; Elston, Michael (ODAG); Sampson, Kyle
Cc: Scolinos, Tasia
Subject: FW: Historical figures for ages of US Attorneys

Look at this email chain with the McClatchy reporter. []

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[[]]

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

Goodling, Monica

From: Sampson, Kyle
Sent: Thursday, January 25, 2007 9:49 PM
To: Roehrkasse, Brian; Elston, Michael (ODAG); Scolinos, Tasia; Goodling, Monica
Subject: Re: McClatchy update

Moreover, McKay, Heffelfinger, Iglesias, etc., had no federal pros experience when they took the job -- they were politicals.

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

From: Roehrkasse, Brian
To: Sampson, Kyle; Elston, Michael (ODAG); Scolinos, Tasia; Goodling, Monica
Sent: Thu Jan 25 21:44:00 2007
Subject: McClatchy update

Goodling, Monica

From: Goodling, Monica
Sent: Friday, February 02, 2007 3:29 PM
To: 'Oprison, Christopher G.'
Subject: RE: E.D. Ark. -- Griffin

no worries

From: Oprison, Christopher G. []
Sent: Friday, February 02, 2007 3:00 PM
To: Sampson, Kyle; Goodling, Monica
Subject: RE: E.D. Ark. -- Griffin

great

and by the way, I did not mean to imply at any level that I had a problem with Tim contacting me directly. I felt ineffective because I had no information to offer him.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 02, 2007 2:59 PM
To: Goodling, Monica; Oprison, Christopher G.
Subject: RE: E.D. Ark. -- Griffin

ok w/ me
you may want to share w/ him Pryor's [] letter (which prompted the AG's response) too
it's attached hereto

From: Goodling, Monica
Sent: Friday, February 02, 2007 2:57 PM
To: Sampson, Kyle; 'Oprison, Christopher G.'
Subject: RE: E.D. Ark. -- Griffin

Yes, Tim and I speak daily. It's likely to be discussed on Tuesday at the hearing, so he should know. I pondered this yesterday, but when we spoke he was spun up and I didn't think it was the best time. Yesterday's issue has now been resolved, so barring any concerns from you guys, I'll let him know today that the AG and the Senator have continued their discussions and that the AG sent the letter up as part of that dialogue. (And share it with him.)

From: Sampson, Kyle
Sent: Friday, February 02, 2007 2:45 PM
To: 'Oprison, Christopher G.'
Cc: Goodling, Monica
Subject: RE: E.D. Ark. -- Griffin

Tim needs to be carefully managed
monica (cc'd hereto) is the one here who tim calls regularly
as tim is frequently calling you also, perhaps the two of you should compare notes
monica, what say you?

From: Oprison, Christopher G. []
Sent: Friday, February 02, 2007 2:42 PM
To: Sampson, Kyle
Subject: RE: E.D. Ark. -- Griffin

thanks Kyle

Was Tim provided a copy of this letter or informed of it in sum and substance. If not, should he, as a courtesy? I defer to you on that.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 02, 2007 2:35 PM
To: Oprison, Christopher G.; Scott Jennings
Subject: E.D. Ark. -- Griffin

Here's the letter the AG sent to Sen. Pryor this week. Bill and Sara both signed off on it; I should have sent to you two as well. I think it lays out the way forward pretty clearly.

<<PryorResponseReAppointmentofInterimUSAGGriffin.pdf>>

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

Goodling, Monica

From: Nowacki, John (USAEO) [John.Nowacki@usdoj.gov]
Sent: Thursday, February 08, 2007 10:48 AM
To: Elston, Michael (ODAG); Goodling, Monica
Subject: RE: WDMI

We try to avoid signing anything that puts us on the hook, and as I understand it, this was something that would hold rooms. I've heard conflicting stories about whether we're on the hook for any money.

Incidentally, while typing this I received a call from Villegas and Wong over in LPP asking about the issue; they said Margaret told them this morning that the meeting was not cancelled. One of them will bring over the copy of the contract shortly.

From: Elston, Michael (ODAG)
Sent: Thursday, February 08, 2007 12:12 AM
To: Goodling, Monica; Nowacki, John (USAEO)
Subject: Fw: WDMI

I thought we did not do contracts for AGAC subcommittee meetings

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

From: Chiara, Margaret M. (USAMIW) <MM.Chiara@usdoj.gov>
To: Elston, Michael (ODAG)
CC: McNulty, Paul J
Sent: Wed Feb 07 17:59:16 2007
Subject: Re: WDMI

I will resign effective March 9. However, it is too late to postpone the meeting. Invitations have been extended to 26 Tribes and the host Tribe, (Eastern Band of Cherokees), has made extensive preparations for the tribal summit. To cancel now would be a setback to the government-to-government relations we work so hard to maintain. Also, the agenda for the rest of the meeting has been planned. We have a signed contract for the facility. Almost all of the NAIS members, including the 2 now in Arizona and Western Washington, have affirmed their participation. USA G. Shappert is the host USA. She, with some of the experienced members, can handle the event in my absence. This assignment has educated me to what it takes to work effectively in Indian Country. I ask that you reconsider the request to cancel. Margaret

Sent from my BlackBerry Wireless Handheld

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

From: Elston, Michael (ODAG) <Michael.Elston@usdoj.gov>
To: Chiara, Margaret M. (USAMIW) <MChiara@usa.doj.gov>
CC: McNulty, Paul J <Paul.J.McNulty@usdoj.gov>
Sent: Wed Feb 07 16:55:53 2007
Subject: Re: WDMI

Margaret:

I have looked into the NAIS meeting. Given the turnover on that subcommittee, I think it makes sense to postpone the meeting until the summer when the new USAs will be in place. Accordingly, let's leave the dates as the 23rd and the 9th.

Thank you for bringing the issue to my attention.

Mike

—Original Message—

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

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

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

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

Margaret

Goodling, Monica

From: Elston, Michael (ODAG)
Sent: Monday, February 12, 2007 8:20 PM
To: Goodling, Monica
Subject: FW: NAIS Meeting

[]
-----Original Message-----

From: Chiara, Margaret M. (USAMIW) [mailto:MM.Chiara@usdoj.gov]
Sent: Monday, February 12, 2007 5:36 PM
To: Elston, Michael (ODAG)
Cc: McNulty, Paul J
Subject: Re: NAIS Meeting

This is a good call. Thank you. I am aware of the required procedure to secure subcommittee assignments. The 2 interims were invited to ensure continuity of service to their district's Indian Country population Now that NAIS is convening on March 13 + 14, am I chairing the meeting and departing on March 16 or shall I work out other arrangements with NAIS members after I announce on Feb. 23? Margaret

Sent from my BlackBerry Wireless Handheld

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

From: Elston, Michael (ODAG) <Michael.Elston@usdoj.gov>
To: Chiara, Margaret M. (USAMIW) <MChiara@usa.doj.gov>
CC: McNulty, Paul J <Paul.J.McNulty@usdoj.gov>; Shappert, Gretchen (USANCW) <GShappert@usa.doj.gov>
Sent: Mon Feb 12 15:43:49 2007
Subject: NAIS Meeting

Margaret:

I have spoken to Gretchen Shappert, and, as you recommended and based on the additional information Gretchen provided, I have concluded that it makes sense to keep the meeting date as scheduled in March despite the absence of some long-time members of the subcommittee.

You also mentioned that two new members of the subcommittee from Arizona and Western Washington would attend. I don't have any problem with the interims from Arizona and Western Washington attending, but I wanted to make it clear that they are not members of the subcommittee. New U.S. Attorneys do not simply succeed their predecessors on AGAC or its subcommittees, and normally interims are not made members of AGAC subcommittees except in unusual circumstances. There is a process for appointment to subcommittees, and neither interim has been appointed to the subcommittee.

Thanks again for bringing this issue to my attention.

Mike

Goodling, Monica

From: Scolinos, Tasia
Sent: Friday, February 16, 2007 12:37 PM
To: Goodling, Monica; Elston, Michael (ODAG); Moschella, William; Sampson, Kyle; Hertling, Richard
Subject: Re: FYI only

Thanks. We aren't going to confirm anyway.

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

From: Goodling, Monica
To: Elston, Michael (ODAG); Moschella, William; Sampson, Kyle; Scolinos, Tasia; Hertling, Richard
Sent: Fri Feb 16 12:35:18 2007
Subject: FW: FYI only

FYI - Looks like someone is trying to out Chiara and it may break soon. Dan Eagan called Rachel Paulose's office this morning and said he was following up on a tip that a female U.S. Attorney in the midwest was asked by Main Justice to step down from her post on December 7. Rachel's office told him it could not have been her because she wasn't even confirmed until December 9. He said, "Sorry. Bad tip. Ignore the call."

From: Paulose, Rachel (USAMN) [mailto:Rachel.Paulose@usdoj.gov]
Sent: Friday, February 16, 2007 12:32 PM
To: Goodling, Monica; Roehrkasse, Brian
Subject: FYI only

<<Press Inquiry>> <<Telephone Call>>

Rachel K. Paulose
United States Attorney, District of Minnesota
600 U.S. Courthouse
300 South Fourth St.
Minneapolis, MN 55415
(612) 664-5600
rachel.paulose@usdoj.gov

Goodling, Monica

From: Goodling, Monica
Sent: Friday, February 16, 2007 2:45 PM
To: Hertling, Richard
Subject: RE: FYI only

Elston did so...

From: Hertling, Richard
Sent: Friday, February 16, 2007 12:40 PM
To: Goodling, Monica
Subject: RE: FYI only

should you give the relevant USA a heads up so she does not stumble into taking a call from the Wa. Post and to make her aware that this outing may be in the offing?

From: Goodling, Monica
Sent: Friday, February 16, 2007 12:35 PM
To: Elston, Michael (ODAG); Moschella, William; Sampson, Kyle; Scolinos, Tasia; Hertling, Richard
Subject: FW: FYI only

FYI - Looks like someone is trying to out Chiara and it may break soon. Dan Eagan called Rachel Paulose's office this morning and said he was following up on a tip that a female U.S. Attorney in the midwest was asked by Main Justice to step down from her post on December 7. Rachel's office told him it could not have been her because she wasn't even confirmed until December 9. He said, "Sorry. Bad tip. Ignore the call."

From: Paulose, Rachel (USAMN) [mailto:Rachel.Paulose@usdoj.gov]
Sent: Friday, February 16, 2007 12:32 PM
To: Goodling, Monica; Roehrkas, Brian
Subject: FYI only

<<Press Inquiry>> <<Telephone Call>>

*Rachel K. Paulose
United States Attorney, District of Minnesota
600 U.S. Courthouse
300 South Fourth St.
Minneapolis, MN 55415
(612) 664-5600
rachel.paulose@usdoj.gov*

Tracking: Recipient
Hertling, Richard

Read
Read: 2/16/2007 2:46 PM

Goodling, Monica

From: Hertling, Richard
Sent: Friday, February 23, 2007 8:19 AM
To: Cabral, Catalina
Cc: Sampson, Kyle; Goodling, Monica; Elston, Michael (ODAG)
Subject: FW: Revised Draft

Attachments: Senator Levin and Senator Stabenow.doc



Senator Levin and
Senator Stab...

Please format this and get it ready for my signature.

From: Oprison, Christopher G. []
Sent: Friday, February 23, 2007 7:25 AM
To: Hertling, Richard; Eckert, Paul R.
Cc: Sampson, Kyle
Subject: RE: Revised Draft

slight revision - otherwise good to go

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:52 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Revised Draft

Here is the draft letter to Levin and Stabenow for your review and approval. Chiara is announcing her departure this morning, having talked to both senators yesterday. We would like to send this letter up to their offices this morning before she makes her announcement.

From: Elston, Michael (ODAG)
Sent: Thursday, February 22, 2007 7:35 PM
To: Hertling, Richard
Cc: Goodling, Monica; Moschella, William; Sampson, Kyle; McNulty, Paul J
Subject: Revised Draft

<<Senator Levin and Senator Stabenow.doc>>

Dear Senator Levin and Senator Stabenow:

Thank you for your letter dated February 13, 2007. It is my understanding that Margaret Chiara spoke with you regarding this matter. As the Attorney General and the Deputy Attorney General have testified, the December 2006 decision to ask certain United States Attorneys whose four-year terms had expired to resign – including Ms. Chiara – was based on performance-related reasons. The Department has provided a detailed, confidential briefing to the members of the Senate Judiciary Committee regarding this matter. In short, the Department made management decisions that we believe are in the best interests of those offices.

The Administration is committed to having a Senate-confirmed United States Attorney in all 94 federal districts. We look forward to working with you to have a new Senate-confirmed United States Attorney in place as soon as possible.

Between now and March 16, 2007, which is the date Ms. Chiara's resignation becomes effective, the Administration must decide who will serve temporarily as United States Attorney until a new Senate-confirmed United States Attorney is nominated and confirmed. Because of the importance of continuity in the office, the Administration often looks to the First Assistant United States Attorney or another senior manager in the office to serve as acting or interim United States Attorney. When neither the First Assistant United States Attorney nor another senior manager in the office is able or willing to serve as acting or interim United States Attorney, or when his or her service would not be appropriate in the circumstances, the Administration may look to other Department employees to serve as interim United States Attorney. Be assured that the Administration will explore all reasonable options to identify an appropriate interim replacement and ensure continuity of operations in that office.

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Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

Goodling, Monica

From: Hertling, Richard
Sent: Friday, February 23, 2007 8:21 AM
To: Cabral, Catalina
Cc: Sampson, Kyle; Goodling, Monica; Burton, Faith
Subject: FW: Draft Schumer response per our conversation.

Attachments: SchumerDRAFTLetterReUSAs.doc



SchumerDRAFTLetterReUSAs.doc (...)

Also format this letter and get it ready for my signature. Faith, let's chat before I send this to make sure all our ducks are in a row.

From: Oprison, Christopher G. []
Sent: Friday, February 23, 2007 7:32 AM
To: Hertling, Richard; Eckert, Paul R.
Cc: Sampson, Kyle
Subject: RE: Draft Schumer response per our conversation.

looks fine to me

only suggested edits

From: Hertling, Richard [mailto:Richard.Hertling@usdoj.gov]
Sent: Friday, February 23, 2007 6:59 AM
To: Eckert, Paul R.; Oprison, Christopher G.
Cc: Sampson, Kyle
Subject: FW: Draft Schumer response per our conversation.

Paul, Chris: here is another letter I sent Bill yesterday. I am pasting in the text of the email I sent when I sent the WordPerfect version of the letter here. Timing on this one is more flexible: we just need to get it up to Schumer some time today.

Bill: per Kyle's request, I wanted to share the attached draft letter that I intend to send to Schumer tomorrow, assuming you are comfortable with it. The substance was worked out and concurred in by OLC, EOUSA, and ODAG. The request for access to the reports was made orally, so I do not have a written request to share with you. Obviously, this is a follow-up to the DAG's hearing and briefing on the termination of the several US Attorneys. Let me know at your earliest convenience if you have any comments or concerns. Thanks.

From: Hertling, Richard
Sent: Thursday, February 22, 2007 6:16 PM
To: "William_K_Kelley" []
Cc: Sampson, Kyle
Subject: FW: Draft Schumer response per our conversation.

Bill: I realized I send you the letter in my last email in WordPerfect format, which you will not be able to open. Here is the text of the letter in Word. Sorry for my adding to your email burden by sending this twice.

From: Cabral, Catalina
Sent: Thursday, February 22, 2007 6:14 PM
To: Hertling, Richard
Subject: RE: Draft Schumer response per our conversation.

Attached is the text of the draft letter. (we do not have electronic letterhead in word so we would just have to print it on Normal Letterhead)

<<SchumerDRAFTLetterReUSAs.doc>>

From: Hertling, Richard
Sent: Thursday, February 22, 2007 6:09 PM
To: Cabral, Catalina
Subject: FW: Draft Schumer response per our conversation.

Please put this into Word ASAP.

From: Burton, Faith
Sent: Thursday, February 22, 2007 5:17 PM
To: Hertling, Richard
Subject: Draft Schumer response per our conversation.

<< File: schumer ears.wpd >>

The Honorable Charles E. Schumer
Chairman
Subcommittee on Administrative Oversight
and the Courts
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This supplements our previous response to your letter, dated February 14, 2007, which requested information relating to the Subcommittee's oversight interest in the recent requests to several United States Attorneys for their resignations.

In response to your prior request, which followed the Committee hearing of February 6, on this matter, and in an extraordinary effort to accommodate the Subcommittee's interests, the Deputy Attorney General briefed Committee Members on the reasons for the requested resignations. At that briefing on February 14, you requested access to the Evaluation and Review Staff (EARS) reports for the offices discussed by the Deputy Attorney General. As he stated at the briefing, these reports are not evaluations of the United States Attorneys themselves but, in some instances, they may contain relevant information that is responsive to the Subcommittee's interests in this matter.

As you know, the Department has substantial confidentiality interests in the EARS reports because they are an important management tool that relies upon the candor of participating individuals, both Evaluation Team members and those who provide information to them. In order to protect the continuing value of this process, we want to avoid disclosures that would chill such candor or the energetic conduct of these reviews. Accordingly, we appreciate your agreement to limit review of the reports to one staff member for the Chairman and one for the Ranking Member. We will redact the identities of the Evaluation Team participants as well as individuals who provided information to the Team in connection with each report. We do not believe these redactions will in any way interfere with your ability to understand the reports. We further request that you advise us in advance if you believe it is necessary to disclose information from these reports outside of the Committee. While our public disclosure of information contained in these reports might be prohibited by the Privacy Act, we are providing access to the

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reports as described above as an accommodation to your Committee in response to your oversight request and pursuant to 5 U.S.C. 552a(b)(9).

The Honorable Charles E. Schumer
Page 2

I hope this information is helpful. Please do not hesitate to contact this office if we can be of assistance in any other matter.

Sincerely,

Richard A. Hertling
Acting Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Minority Member

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary

The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary

OAG000001695

U.S. Attorneys Appointed by President Bush 1989-1993 (43.9215686 = AUS)

District	U.S. Attorney	Date Nominated	Date Confirmed	Date of Birth	Age At Confirmation	Diversity
AL-N	Jack W. Selden	1/27/92	2/27/92	1/8/55	37	WM
AL-M	[No nominations]					
AL-S	[No nominations]					
AK	[No nominations]					
AZ	Linda A. Akers	9/10/90	9/28/90	11/28/50	39	WF
AR-E	[No nominations]					
AR-W	[No nominations]					
CA-C	Lourdes G. Baird	5/14/90	6/29/90	5/12/35	55	HF
CA-E	George L. O'Connell	11/12/91	4/10/92	5/19/50	41	WM
CA-N	[No nominations]					
CA-S	William Braniff	6/9/89	7/31/89	7/8/41	48	WM (Handicapped)
CO	Michael J. Norton	9/15/89	2/5/90	11/20/38	51	WM
CT	Stanley A. Twardy Jr.	6/22/90	8/4/90	12/27/27	62	WM
DE	[No nominations]					
DC	[No nominations]					
FL-M	Robert W. Genzman	9/15/89	10/24/89	9/13/51	38	WM
FL-N	Kenneth W. Sukhia	9/10/90	9/28/90	5/4/53	37	WM
FL-S	Dexter W. Lehtenin	2/28/90	Returned 10/28/90 Returned 8/2/91	3/23/46		WM
GA-M	[No nominations]					

408(9)


District	U.S. Attorney	Date Nominated	Date Confirmed	Date of Birth	Age At Confirmation	Diversity
GA-N	Joe D. Whitley	7/10/90	8/4/90	11/12/50	39	WM
GA-S	Jay D. Gardner	3/31/92	Returned 10/8/92	9/23/29		WM
GU & NMI	[No nominations]					
HI	[No nominations]					
ID	Maurice Owens Ellsworth	2/7/91	3/12/91	3/11/48	43	WM
IL-C	J. William Roberts	3/21/91	9/12/91	7/15/42	49	WM
IL-N	Fred L. Foreman	6/12/90	8/4/90	8/22/48	41	WM
IL-S	[No nominations]					
IN-N	John F. Hoehner	6/19/91	9/12/91	9/10/46	45	WM
IN-S	[No nominations]					
IA-N	Charles W. Larson	3/31/92	Returned 10/8/92	5/30/35		WM
IA-S	Gene W. Shepard	11/6/89	11/22/89	4/16/39	50	WM
KS	Morris Lee Thompson	3/20/90	5/11/90	11/29/46	43	WM
KY-E	Karen K. Caldwell	6/19/91	9/12/91	2/25/56	35	WF
KY-W	[No nominations]					
LA-E	Harry A. Rosenberg	2/7/91	5/9/91	1/8/48	43	WM
LA-M	[No nominations]					
LA-W	[No nominations]					
ME	[No nominations]					

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District	U.S. Attorney	Date Nominated	Date Confirmed	Date of Birth	Age At Confirmation	Diversity
MA	Wayne A. Budd	7/24/89	9/22/89	11/18/41	47	AAM
MD	Richard D. Bennett	2/7/91	5/9/91	8/12/47	43	WM
MI-E	Stephen J. Markman	7/31/89	10/27/89	6/4/47	42	WM
MI-W	[No nominations]					
MN	Thomas B. Heffelfinger	6/20/91	9/12/91	2/13/48	43	WM
MS-N	Robert Q. Whitwell	7/26/91	10/31/91	7/28/46	45	WM
MS-S	[No nominations]					
MO-E	Stephen B. Higgins	8/3/90	10/5/90	7/18/46	44	WM
MO-W	Jean Paul Bradshaw	10/6/89	11/22/89	5/12/56	34	WM
MT	Doris Swords Poppler	8/3/90	10/5/90	11/10/24	65	WF
NE	[No nominations]					
NV	[No nominations]					
NH	Jeffrey R. Howard	9/12/89	10/24/89	11/21/55	33	WM
NJ	Michael Chertoff	4/17/91	5/9/91	11/28/53	37	WM
NM	Don J. Svet	5/21/92	8/11/92	9/23/37	54	WM
NY-S	Otto G. Obermaier	9/7/89	9/22/89	4/16/36	53	WM
NY-N	[No nominations]					
NY-E	[No nominations]					
NY-W	[No nominations]					
DC-E	Margaret P. Currin	6/16/89	9/29/89	6/17/50	39	WF

579 13

District	U.S. Attorney	Date Nominated	Date Confirmed	Date of Birth	Age At Confirmation	Diversity
NC-W	[No nominations]					
NC-M	[No nominations]					
ND	Stephen D. Easton	3/20/90	10/12/90	5/11/58	32	WM
OH-N	Joyce J. George	10/6/89	11/22/89	5/4/36	53	WF
OH-S	[No nominations]					
OK-E	John W. Raley Jr.	6/6/90	7/13/90	5/23/32	58	WM
OK-N	Joe L. Heaton	9/17/92	Returned 10/8/92	12/12/51		WM
OK-W	Timothy D. Leonard	10/25/89	11/22/89	1/22/40	49	WM
OR	[No nominations]					
PA-E	[No nominations]					
PA-M	James J. West	4/25/90	Returned 10/18/90	11/26/45		WM
PA-W	Thomas W. Corbett Jr.	2/23/90	2/26/90	6/17/49 (?)	40	WM
PR	[No nominations]					
RI	[No nominations]					
SC	E. Bart Daniel	5/16/89	6/22/89	5/16/55	34	WM
	John S. Simmons	7/1/92	8/11/92	11/14/60	31	WM
SD	Kevin V. Schieffer	10/24/91	Returned 10/8/92	2/26/58		WM
TN-E	Jerry G. Cunningham	9/11/91	11/15/91	10/29/41	50	WM
TN-M	Ernest W. Williams	9/27/91	11/22/91	11/29/47	43	WM
TN-W	Edward G. Bryant	3/21/91	5/24/91	9/7/48	42	WM
TX-N	Marvin Collins	9/25/90	10/12/90	12/18/42	47	WM

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District	U.S. Attorney	Date Nominated	Date Confirmed	Date of Birth	Age at Confirmation	Diversity
TX-S	Ronald G. Woods	2/7/91	3/12/91	1/1/38	53	WM
TX-W	Ronald F. Ederer	11/15/89	2/5/90	8/25/43	46	WM
TX-E	[No nominations]					
UT	Dee V. Benson David J. Jordan	5/31/89 11/26/91	6/22/89 2/27/92	8/25/48 10/2/52	40 39	WM WM
VT	[No nominations]					
VI	[No nominations]					
VA-E	Richard Cullen	7/26/91	11/15/91	3/10/48	43	WM
VA-W	E. Montgomery Tucker	2/7/91	3/12/91	3/15/39	51	WM
WA-E	William D. Hyslop	7/26/91	10/31/91	3/22/51	40	WM
WA-W	Michael D. McKay	9/12/89	10/24/89	5/12/51	38	WM
WV-N	[No nominations]					
WV-S	[No nominations]					
WI-E	[No nominations]					
WI-W	Kevin C. Potter	7/27/91	10/31/91	4/11/55	36	WM
WY	[No nominations]					

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U.S. Attorneys Appointed by President Clinton 1993-2001 (Average Age: 44.672)

District	U.S. Attorney	Nominated	Confirmed	Date of Birth	Age at Confirmation	Diversity
AL-N	Claude Harris* (Died 10/29/94) G. Douglas Jones	9/7/93	9/30/93	6/29/40	53	WM
		9/17/97	11/8/97	5/4/54	43	WM
AL-M	Redding Pitt	4/12/94	8/17/94	3/29/44	50	WM
AL-S	J. Don Foster	1/5/95	4/24/95	4/10/45	50	WM
AK	Robert Bundy	11/19/93	2/10/94	6/26/46	47	WM
AZ	Janet Napolitano Jose Rivera	7/1/93	11/19/93	11/29/57	35	WF
		5/18/98	10/21/98	1/15/48	50	HM
AR-E	Paula Casey	8/6/93	9/21/93	2/16/51	42	WF
AR-W	Paul K. Holmes	8/6/93	9/21/93	11/10/51	42	WM
CA-C	Nora Manella Alejandro Mayorkas	10/13/93	11/18/93	1/22/51	42	WF
		1/7/99	8/2/99	11/24/59	39	HM
CA-E	Charles J. Stevens Paul Seave	10/29/93	11/19/93	12/31/56	36	WM
		1/6/99	11/10/99	6/3/53	46	WM
CA-N	Michael Yamaguchi Robert S. Mueller III	7/29/93	9/30/93	3/31/50	43	AM
		8/5/99	10/7/99	8/7/44	55	WM
CA-S	Alan Bersin [Greg Vega]	10/21/93	11/19/93	10/15/46	47	WM
CO	Henry Solano Tom Strickland	9/7/93	10/18/93	7/16/50	43	HM
		1/7/99	4/12/99	5/16/52	46	WM
CT	Christopher Droney Stephen C. Robinson	9/17/93	10/18/93	6/22/54	39	WM
		3/11/98	4/3/98	1/25/57	41	AAM
IA	Gregory M. Sleet Carl Schnee	4/12/94	5/6/94	3/8/51	43	AAM
		2/10/99	4/12/99	1/2/36	63	WM

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District	U.S. Attorney	Nominated	Confirmed	Date of Birth	Age at Confirmation	Diversity
DC	Eric Holder	7/29/93	9/21/93	1/21/5	42	AAM
	Wilma Lewis	11/7/97	6/12/98	6/28/56	41	AAF
FL-M	Charles R. Wilson	9/19/94	10/7/94	10/14/54	39	AAM
	Larry H. Colletor* (assigned 7/29/94)	11/19/93	2/10/94	8/17/57	36	AAM
	Donna Bucella	10/19/99	11/10/99	6/14/56	43	WF
FL-N	P. Michael Patterson	10/29/93	11/19/93	12/2/48	44	WM
FL-S	Kendall Coffey	10/13/93	11/19/93	12/5/52	40	WM
	Thomas E. Scott	7/11/97	7/31/97	4/27/48	49	WM
GA-M	James L. Wiggins	11/19/93	2/10/94	8/13/47	47	WM
	Beverly Baldwin-Martin	10/31/97	2/26/98	8/7/55	42	WF
GA-N	Kent B. Alexander	1/31/94	3/25/94	11/7/58	35	WM
	Richard Deane	2/11/98	4/3/98	10/18/52	45	AAM
GA-S	Harry D. Dixon Jr	11/19/93	2/10/94	11/6/53	40	WM
GU & NMI						
HI	Steven S. Almr	9/26/94	10/6/94	6/14/53	41	WM
ID	Betty Richardson	9/7/93	9/30/93	10/3/53	39	WF
IL-C	Frances Hulin	10/13/93	11/18/93	4/28/36	57	WF
IL-N	James Burnes	10/21/93	11/19/93	9/21/45	48	WM
	Scott R. Lassar	7/21/98	10/21/98	4/5/50	48	WM
IL-S	W. Charles Grace	10/21/93	11/19/93	3/4/47	46	WM
IN-N	Jon DeGuilio	9/17/93	10/18/93	6/16/55	38	WM
IN-S	Judith Stewart	7/20/93	9/30/93	9/22/57	36	WF
IA-N	Steven Rapp	11/5/93	2/10/94	1/26/49	45	WM

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District	U.S. Attorney	Nominated	Confirmed	Date of Birth	Age at Confirmation	Diversity
IA-S	Don Nickerson -	11/5/93	2/10/94	8/24/51	42	AAM
KS	Randall Rathbun (resigned 1/17/96) [Jackie Williams]	7/29/93	9/21/93	8/24/53	40	WM
KY-E	Joseph Famularo -	10/21/93	11/19/93	11/6/42	51	WM
KY-W	Michael Troop +	7/20/93	9/21/93	5/8/47	46	WM
	Steven Reed . .	3/23/00	5/24/00	8/3/61	38	AAM
LA-E	Eddie J. Jordan -	8/10/94	10/6/94	10/6/52	42	AAM
LA-M	L. J. Hymel -	11/19/93	3/10/94	7/2/44	49	WM
LA-W	Michael Skinner	10/21/93	2/10/94	1/5/50	44	WM
ME	Jay McCloskey	9/7/93	9/30/93	3/20/47	46	WM
MD	Lynne Battaglia	8/6/93	9/21/93	4/14/46	47	WF
MA	Donald K. Stern	11/5/93	11/19/93	3/27/46	47	WM
MI-E	Saul Green	11/20/93	5/6/94	12/7/47	46	AAM
MI-W	Michael Dettmer	11/20/93	2/10/94	6/6/46	47	WM
MN	David L. Lillehaug	11/19/93	2/10/94	5/22/54	39	WM
MS-N	Calvin Buchanan	3/21/96	7/31/97	2/12/58	39	AAM
MS-S	Brad Pigott	8/25/94	5/8/95	8/3/54	40	WM
MO-E	Edward Dowd	9/7/93	9/30/93	1/26/49	44	WM
	Audrey Fleisig	2/9/00	5/24/00	4/14/55	45	WF
MO-W	Steven Hill	11/20/93	2/10/94	3/23/59	34	WM
MT	Sherry Matteucci	10/13/93	11/19/93	8/17/47	46	WF
NE	Thomas Monaghan	7/29/93	9/30/93	11/8/44	48	WM

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District	U.S. Attorney	Nominated	Confirmed	Date of Birth	Age at Confirmation	Diversity
NV	Kathryn Landreth -	9/7/93	9/30/93	6/27/49	50	WF
NH	Paul Gagnon -	11/19/93	2/10/94	7/9/49	44	WM
NJ	Faith Hochberg -	4/12/94	5/6/94	3/3/50	44	WF
NM	John Kelly - Norman Bay -	9/24/93 5/25/00	11/19/93 9/8/00	11/4/47 10/10/60	46 39	WM AM
NY-S	Mary Jo White -	6/23/93	9/21/93	12/27/47	45	WF
NY-N	Thomas J. Mareney - Daniel French -	6/20/94 10/6/99	8/17/94 11/10/99	11/8/38 8/15/64	55 35	WM WM
NY-E	Zachary Carter - Loretta Lynch -	6/17/93 2/12/00	9/21/93 12/15/00	3/19/50 5/21/59	43 41	AAM AAF
NY-W	Patrick NeMoyer - Denise O'Donnell -	6/23/93 9/23/96	9/21/93 10/21/98	9/18/52 6/22/47	41 51	WM WF
NC-E	Janice McKenzie Cole -	11/20/93	2/10/94	2/16/47	46	AAF
NC-W	Mark Calloway -	11/19/93	2/10/94	7/22/58	35	WM
NC-M	Walter C. Holtón -	11/19/93	3/10/94	9/27/55	38	WM
ND	John Schneider -	6/29/93	9/21/93	6/29/45	48	WM
OH-N	Emily Sweeney -	9/17/93	10/18/93	5/2/48	45	WF
OH-S	Edmund Sargus - Sharon Zealey -	9/7/93 7/15/97	9/30/93 9/11/97	7/21/53 3/30/59	40 38	WM AAF
OK-E	John Raley - Bruce Green -	7/29/93 9/2/98	9/21/93 10/21/98	5/23/32 1/27/34	61 64	WM WM
OK-N	Stephen Lewis -	7/29/93	9/21/93	1/6/43	50	WM

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District	U.S. Attorney	Nominated	Confirmed	Date of Birth	Age at Confirmation	Diversity
OK-W	Patrick Ryan	5/8/95	5/26/95	9/26/45	49	WM
	Vicki Miles-LaGrange* (elevated to bench 10/27/94)	7/29/93	9/21/93	9/30/53	39	AAF
	Daniel Webber	4/25/00	6/29/00	2/14/66	34	WM
OR	Kristine Olson Rogers	11/19/93	3/10/94	8/9/47	46	WF
PA-E	Michael Stiles	9/24/93	10/18/93	1/1/46	47	WM
PA-M	David Barasch	9/7/93	9/30/93	6/28/48	45	WM
PA-W	Frederick Thieman	7/29/93	9/30/93	7/16/51	42	WM
	Harry Litman	7/29/98	10/21/98	5/4/58	40	WM
PR						
RI	Sheldon Whitehouse	2/9/94	5/6/94	10/20/55	38	WM
	Margaret Curran	10/7/98	10/21/98	11/5/52	45	WF
SC	J. Preston Strom (resigned 1/17/96)	8/6/93	9/30/93	5/21/59	34	WM
	J. Rene Josey	5/16/96	5/24/96	11/28/60	35	WM
SD	Karen Schreier [Theodore McBride]	7/20/93	9/21/93	7/29/56	37	WF
TN-E	Carl Kirkpatrick	9/24/93	11/17/93	8/2/36	57	WM
TN-M	John Roberts [Quenton White]	11/20/93	3/10/94	12/8/38	57	WM
TN-W	Veronica Coleman	9/7/93	9/30/93	1/1/45	48	AAF
TX-N	Paul Coggins	8/6/93	10/18/93	5/21/51	42	WM
TX-S	Gaynelle Griffin Jones	7/20/93	9/21/93	11/20/48	44	AAF
	Mervyn M. Mosbacher	3/10/99	8/5/99	12/9/53	45	HM
TX-W	James William Blagg	9/20/95	11/8/97	4/18/46	51	WM