

Goodling, Monica

From: Goodling, Monica
Sent: Friday, February 16, 2007 7:00 PM
To: 'Scott Jennings'; Sara Taylor
Subject: RE: Statement

Ok, I sent Public Affairs the revised. Although the other version went out to the folks who called earlier, they'll use this version from this point forward.

From: Scott Jennings [mailto:SJennings@gwb43.com]
Sent: Friday, February 16, 2007 6:30 PM
To: Goodling, Monica; Sara Taylor
Subject: RE: Statement

Why don't we take out this line out of the statement: "We are pleased that he is willing to serve as interim United States Attorney until a candidate is nominated and confirmed. We will continue to work with the Arkansas delegation to find a candidate for this position."

From: Goodling, Monica [mailto:Monica.Goodling@usdoj.gov]
Sent: Friday, February 16, 2007 6:02 PM
To: Sara Taylor; Scott Jennings
Subject: Statement

Sara/Scott -- As we discussed, in addition to providing the below statement and bio info, when/if asked about the phone call between the AG and Pryor, our spokesperson will state/confirm on background that the Attorney General pressed Senator Pryor for an answer on whether he would support Tim if we nominated him and Pryor said that he would not. When/if told that Pryor has stated that he was open to Tim's nomination, our spokesperson will dispute that and say that Senator Pryor made his opposition to Tim clear to the Attorney General and that he can not have it both ways by telling the Attorney General that he would not support him and then telling the media that he would.

The two outlets that have called here (at this point) are the NYT and AP in Little Rock. I'll be here for a while if you need me (office is [] and my cell is [])

Statement:

"Tim Griffin is a talented and experienced lawyer and prosecutor who has a deep commitment to public service. Tim is a ten-year officer in the U.S. Army Reserve who served his country in Iraq and brought real experience as a federal

prosecutor to the United States Attorney's Office, as well as a commitment to work hard to protect Arkansans from violent crime. Given Tim's strong qualifications, the Attorney General is disappointed that Senator Pryor would not support Tim's confirmation.

Additional background:

- Mr. Griffin has significant experience as a federal prosecutor at both the Department of Justice and as a military prosecutor. At the time of his appointment as interim United States Attorney, he was serving as a federal prosecutor in the Eastern District of Arkansas. Also, 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 and 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.
- Prior to rejoining the Department in the fall of 2006, Mr. Griffin 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.
- Mr. Griffin has very strong academic credentials. He 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.

Goodling, Monica

From: Paulose, Rachel (USAMN) [Rachel.Paulose@usdoj.gov]
Sent: Saturday, December 16, 2006 12:57 PM
To: Goodling, Monica
Subject: Re: My friday afternoon

Good governor.

Thanks for the reminder to count my blessings.

I am on my way to kickboxing class. Are you in the office late afternoon?

Sent from my BlackBerry Wireless Handheld

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

From: Goodling, Monica <Monica.Goodling@usdoj.gov>
To: Paulose, Rachel (USAMN) <RPaulose@usa.doj.gov>
Sent: Sat Dec 16 11:50:55 2006
Subject: My friday afternoon

You know how I said your situation could be worse? Welcome to Tim's world. (BTW, this was an interim AG appt, like yours. [Tim, mind you, is an Oxford grad with prosecution exp.] Will send you his release.

Prosecutor post is filled in recess

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

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?"

Goodling, Monica

From: Goodling, Monica
Sent: Saturday, December 16, 2006 12:52 PM
To: Paulose, Rachel (USAMN)
Subject: Fw: EDAR release

Attachments: griffinappointment.pdf

Fyi

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

From: Goodling, Monica
To: Moschella, William
Sent: Fri Dec 15 20:15:39 2006
Subject: EDAR release



griffinappointment.
pdf (130 KB...



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

0AG000001778

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.

###

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, December 12, 2006 10:34 PM
To: 'Lee, Kenneth K.'
Subject: RE: Lam

My apologies for its rambling nature.

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

From: Lee, Kenneth K. [mailto:Kenneth_K_Lee@who.eop.gov]
Sent: Tuesday, December 12, 2006 10:33 PM
To: Sampson, Kyle
Subject: Re: Lam

Got the voicemail. Thanks.

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

From: Sampson, Kyle
To: Lee, Kenneth K.
Sent: Tue Dec 12 22:15:46 2006
Subject: RE: Lam

Left you a v-mail earlier. Please call if you want to discuss further.

From: Lee, Kenneth K. [mailto:Kenneth_K_Lee@who.eop.gov]
Sent: Tuesday, December 12, 2006 6:06 PM
To: Sampson, Kyle
Subject: Lam

Kyle --

I just left you a voicemail, but can you give me a brief update on Carol Lam (USA/S.D. Cal.)? I believe that she was one of the USAs under the replacement plan. Do you know what the basis was for the replacement? And do you know if there were any issues/problems when she was (presumably) notified of this plan last week? Harriet may be asked about it tomorrow, and I wanted to give her the background information just in case.

Thanks,

Ken
]

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, December 15, 2006 2:50 PM
To: Washington, Tracy T; Meadows, Bessie L
Subject: FW: U.S. Attorney -- E.D. Ark.

also, pls find me if Chris Oprison from WHCO calls
thx

From: Oprison, Christopher G. [mailto:Christopher_G._Oprison@who.eop.gov]
Sent: Friday, December 15, 2006 2:42 PM
To: Sampson, Kyle
Cc: Goodling, Monica
Subject: RE: U.S. Attorney -- E.D. Ark.

talk to you at about 3:20 - thanks

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, December 15, 2006 2:37 PM
To: Oprison, Christopher G.
Cc: Goodling, Monica
Subject: RE: U.S. Attorney -- E.D. Ark.

Alas, no. But I have a window between 3:15pm-3:30pm.. Let me know.

From: Oprison, Christopher G. [mailto:Christopher_G._Oprison@who.eop.gov]
Sent: Friday, December 15, 2006 2:35 PM
To: Sampson, Kyle
Cc: Goodling, Monica
Subject: RE: U.S. Attorney -- E.D. Ark.

Kyle - this is one issue that is front/center on my radar screen. I have had several conversations with Scott Jennings and with the Counsel about the controversy but, as you might suspect, I am lacking some crucial background knowledge. Will you be available to discuss today at 3:30?

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, December 15, 2006 2:32 PM
To: Oprison, Christopher G.
Cc: Goodling, Monica
Subject: U.S. Attorney -- E.D. Ark.

Chris, we haven't met yet, but I'm sure we will.

Wanted to give you a heads up. Bud Cummins, the U.S. Attorney in Little Rock, announced to his troops today that he is resigning effective Wednesday, December 20. The AG spoke to Sen. Pryor (who had called him about this earlier in the week) and informed him that we were going to put Tim Griffin in as U.S. Attorney under an AG appointment. We're in the process now of giving Sen. Lincoln notice and then will put out a press release today, announcing Griffin's appointment. There is a lot of back story here that you may or may not know. Call if you want to discuss. Thanks.

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.

{ bell
kyle.sampson@usdoj.gov

Tracking:

Recipient
Washington, Tracy T
Meadows, Bessie L

Read
Read: 12/15/2006 2:51 PM
Read: 12/15/2006 3:16 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Sunday, January 07, 2007 9:47 PM
To: 'Miers, Harriet'
Subject: RE: USA in Massachusetts

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

From: Miers, Harriet [mailto:Harriet_Miers@who.eop.gov]
Sent: Sunday, January 07, 2007 9:44 PM
To: Sampson, Kyle
Subject: Re: USA in Massachusetts

I am just trying to make sure that what I told Gerry is right.

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

From: Sampson, Kyle
To: Miers, Harriet
Sent: Sun Jan 07 21:30:55 2007
Subject: RE: USA in Massachusetts

As you know, I'd prefer dealing directly with the the Senators to ascertain candidates that both the President and the Senators can support for nomination and confirmation

In no case (including E.D. Ark.) am I in favor of using the AG's appointment authority unilaterally to jam Senators -- that will only result in the Congress taking that authority away from us. So, for example, in Arkansas, I think we need to work to get the Senators comfortable with Tim Griffin, to the point where the President would nominate Tim and expect the Senators to give him a fair shot at confirmation. If they never get there, then we should try to work with them in good faith to find another suitable candidate.

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

From: Miers, Harriet [mailto:Harriet_Miers@who.eop.gov]
Sent: Sunday, January 07, 2007 9:07 PM
To: Sampson, Kyle
Subject: Re: USA in Massachusetts

Kyle, thanks. Should I glean from this that there will be a usual process and that my indication to Gerry will be correct: we will pursue putting someone in place who is reviewed by the Commission and nominated? That is without regard to someone serving as interim.

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

From: Sampson, Kyle
To: Miers, Harriet
Sent: Sun Jan 07 20:58:38 2007
Subject: RE: USA in Massachusetts

Harriet, thanks for your e-mail.

2. With regard to the upcoming U.S. Attorney vacancies in California, you are absolutely correct. When a vacancy arises, an "acting" or "interim" (i.e., non-PAS) U.S. Attorney must be identified -- someone needs to be in charge. When there is a gap between PAS U.S. Attorneys, there are many ways that an "acting" or "interim" U.S. Attorney can be put in place:

- * 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");
- * 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");
- * 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");
- * 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
- * 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").

In dealing with Senators, we should be very clear that when there is a U.S. Attorney vacancy our policy remains to consult with the Senators and come up with a candidate for presidential nomination and Senate confirmation. With regard to "acting" or "interim" U.S. Attorneys, DOJ's policy is to (1) consider whether the First Assistant U.S. Attorney (FAUSA) is suitable to serve automatically, by operation of law (see the first * above), or (2) if not, whether someone else in the USAO (usually the criminal chief) or in DOJ generally is suitable to serve pursuant to one of the other "acting" or "interim" authorities.

With regard to the upcoming California vacancies,

we'll need to identify someone in the office or in DOJ to go in under an AG appointment during the time it takes to get someone through the Parsky Commission, nominated, and confirmed. I'm not sure what our assessment is of the FAUSA in San Diego; that evaluation is being conducted now.

From: Miers, Harriet [mailto:Harriet_Miers@who.eop.gov]
Sent: Sunday, January 07, 2007 4:54 PM
To: Sampson, Kyle
Subject: USA in Massachusetts

Also, I received another call from Gerry Parsky who had received a call from Senator Feinstein. Her assertion was that we were circumventing the Commission process re the USAs in San Diego and San Francisco by using the AG appt authority. I told him that I did not believe that that was correct. I told him that while the AG can and should put someone in on an interim basis that the intent was to use the process in each instance. He said she was concerned that the interim process was intended not to be interim so that it was being used as a subterfuge. Am I correct in what I told Gerry?

Sampson, Kyle

From: Sampson, Kyle
Sent: Monday, January 08, 2007 6:25 PM
To: McNulty, Paul J
Subject: FW: USA in Massachusetts

See my point no. 2 below.

From: Sampson, Kyle
Sent: Sunday, January 07, 2007 8:59 PM
To: 'Miers, Harriet'
Subject: RE: USA in Massachusetts

Harriet, thanks for your e-mail.

2. With regard to the upcoming U.S. Attorney vacancies in California, you are absolutely correct. When a vacancy arises, an "acting" or "interim" (i.e., non-PAS) U.S. Attorney must be identified — someone needs to be in charge. When there is a gap between PAS U.S. Attorneys, there are many ways that an "acting" or "interim" U.S. Attorney can be put in place:

- * 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");
- * 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");
- * 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");
- * 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
- * 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").

In dealing with Senators, we should be very clear that when there is a U.S. Attorney vacancy our policy remains to consult with the Senators and come up with a candidate for presidential nomination and Senate confirmation. With regard to "acting" or "interim" U.S. Attorneys, DOJ's policy is to (1) consider whether the First Assistant U.S. Attorney (FAUSA) is suitable to serve automatically, by operation of law (see the first * above), or (2) if not, whether someone else in the USAO (usually the criminal chief) or in DOJ generally is suitable to serve pursuant to one of the other "acting" or "interim" authorities.

With regard to the upcoming California vacancies

we'll need to identify someone in the office or in DOJ to go in under an AG appointment during the time it takes to get someone through the Parsky Commission, nominated, and confirmed. I'm not sure what our assessment is of the FAUSA in San Diego; that evaluation is being conducted now.

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

Sent: Sunday, January 07, 2007 4:54 PM

To: Sampson, Kyle

Subject: USA in Massachusetts

Also; I received another call from Gerry Parsky who had received a call from Senator Feinstein. Her assertion was that we were circumventing the Commission process re the USAs in San Diego and San Francisco by using the AG appt authority.

I told him that I did not believe that that was correct. I told him that while the AG can and should put someone in on an interim basis that the intent was to use the process in each instance. He said she was concerned that the interim process was intended not to be interim so that it was being used as a subterfuge. Am I correct in what I told Gerry?

Tracking:

Recipient

McNulty, Paul J

Read

Read: 1/9/2007 8:08 AM

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, January 09, 2007 10:31 PM
To: Moschella, William; Elston, Michael (ODAG); Goodling, Monica
Subject: FW: USA in Massachusetts

See point no. 2 below for a general summary of my views re how to handle the AG appointment issue.

From: Sampson, Kyle
Sent: Sunday, January 07, 2007 8:59 PM
To: 'Miers, Harriet'
Subject: RE: USA in Massachusetts

Harriet, thanks for your e-mail.

2. With regard to the upcoming U.S. Attorney vacancies in California, you are absolutely correct. When a vacancy arises, an "acting" or "interim" (i.e., non-PAS) U.S. Attorney must be identified -- someone needs to be in charge. When there is a gap between PAS U.S. Attorneys, there are many ways that an "acting" or "interim" U.S. Attorney can be put in place:

- * 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");
- * 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");
- * 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");
- * 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
- * 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").

In dealing with Senators, we should be very clear that when there is a U.S. Attorney vacancy our policy remains to consult with the Senators and come up with a candidate for presidential nomination and Senate confirmation. With regard to "acting" or "interim" U.S. Attorneys, DOJ's policy is to (1) consider whether the First Assistant U.S. Attorney (FAUSA) is suitable to serve automatically, by operation of law (see the first * above), or (2) if not, whether someone else in the USAO (usually the criminal chief) or in DOJ generally is suitable to serve pursuant to one of the other "acting" or "interim" authorities.

With regard to the upcoming California vacancies

we'll need to identify someone in the office or in DOJ to go in under an AG appointment during the time it takes to get someone through the Parsky Commission, nominated, and confirmed. I'm not sure what our assessment is of the FAUSA in San Diego; that evaluation is being conducted now.

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

Sent: Sunday, January 07, 2007 4:54 PM

To: Sampson, Kyle

Subject: USA in Massachusetts

Also, I received another call from Gerry Parsky who had received a call from Senator Feinstein. Her assertion was that we were circumventing the Commission process re the USAs in San Diego and San Francisco by using the AG appt authority.

I told him that I did not believe that that was correct. I told him that while the AG can and should put someone in on an interim basis that the intent was to use the process in each instance. He said she was concerned that the interim process was intended not to be interim so that it was being used as a subterfuge. Am I correct in what I told Gerry?

Tracking:

Recipient

Read

Moschella, William

Read: 1/10/2007 6:45 AM

Elston, Michael (ODAG)

Read: 1/9/2007 11:39 PM

Goodling, Monica

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, January 10, 2007 4:56 PM
To:
Subject: Re: Pls. call

1. Yes, that would be great. Please forward the details.
2. I like David -- I think I would. We should discuss by phone.
3. Agreed.

Sent from my BlackBerry Wireless Handheld

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

From: Sampson, Kyle
To: Sampson, Kyle
Sent: Wed Jan 10 07:48:10 2007
Subject: Re: Pls. call

No problem:

- 1.
2. What do you think of David Iglesias? Would you hire him?
- 3.

Buenos Dias,

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

From: Sampson, Kyle <Kyle.Sampson@usdoj.gov>
To:
Sent: Tue Jan 09 23:39:03 2007
Subject: FW: Pls. call

my apologies. Totally underwater -- and traveling with the AG to Mexico City tomorrow and Thursday. Should be available on my cell (when not in the air).

From: Meadows, Bessie L
Sent: Tuesday, January 09, 2007 4:13 PM
To: Sampson, Kyle
Cc: Washington, Tracy T
Subject: Pls. call

Sampson, Kyle

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'
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.
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)
(c)
(fax)

----- 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
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."

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, January 16, 2007 3:29 PM
To: 'Kelley, William K.'
Subject: RE: feinstein on the floor (USA issue)

Hertling and I briefed Bruce Cohen and Jennifer Duck (Feinstein's staffer) on Friday for over an hour, we were pretty forthcoming with them regarding Lam (SD) and Ryan (SF)

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Tuesday, January 16, 2007 2:50 PM
To: Sampson, Kyle
Subject: FW: feinstein on the floor (USA issue)

FYI – maybe we can consider briefing the interested Senators in private without going negative in public?

From: Miers, Harriet
Sent: Tuesday, January 16, 2007 2:48 PM
To: Kelley, William K.
Subject: RE: feinstein on the floor (USA issue)

I would really like to hear one precedent where we have been willing to discuss negatives about a person that is comparable to this situation. The individuals aren't saying anything public. Senators are. Then we are going to go out and say negative things about the people?

From: Kelley, William K.
Sent: Tuesday, January 16, 2007 2:38 PM
To: Miers, Harriet
Subject: RE: feinstein on the floor (USA issue)

Do you want me to raise this with Joel?

From: Miers, Harriet
Sent: Tuesday, January 16, 2007 2:31 PM
To: Kelley, William K.
Subject: RE: feinstein on the floor (USA issue)

I am quite surprised that we would engage on whether a personnel action on a Presidential appointment is justified for the reasons I have earlier stated. We can see what the Chief thinks.

From: Kelley, William K.
Sent: Tuesday, January 16, 2007 1:58 PM
To: Miers, Harriet
Subject: FW: feinstein on the floor (USA issue)
Importance: High

See below. DOJ is pushing back a bit.

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Tuesday, January 16, 2007 1:57 PM
To: Kelley, William K.
Subject: FW: feinstein on the floor (USA issue)
Importance: High

Bill, the media and Senate Dems are alleging that we are forcing USAs out for inappropriate political reasons (Feinstein said words to that effect on the Senate floor this morning!) – not for their incompetence. I really think that our letter should include the (oblique) language about some USAs sometimes being "removed, or asked or encouraged to resign" because of "substandard performance" and/or "failure to implement effectively the Department's priorities." This is the high road: we don't finger anyone specifically (and never will).

FYI – our USA in SD is refusing to resign (though we've given her until 5pm eastern); recommendation that she be removed immediately should be over to you by the end of the day.

From: Seidel, Rebecca
Sent: Tuesday, January 16, 2007 1:06 PM
To: Sampson, Kyle; Goodling, Monica
Cc: Moschella, William; Hertling, Richard; Tracci, Robert N
Subject: FW: feinstein on the floor (USA issue)
Importance: High

see below.

From: Hayden, Cindy (Judiciary-Rep) [mailto:Cindy_Hayden@judiciary-rep.senate.gov]
Sent: Tuesday, January 16, 2007 1:04 PM
To: Seidel, Rebecca
Subject: feinstein on the floor

feinstein on the floor talking about the forcing out of 7 US attorneys.

do you guys have rebuttal explanation for the situation

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, January 16, 2007 6:42 PM
To: 'Kelley, William K.'
Subject: RE:

thx

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Tuesday, January 16, 2007 6:41 PM
To: Sampson, Kyle
Subject:

The view here is that it is risky, and maybe unprecedented, for us to comment on a personnel matter in a negative way. It is true, and frustrating, that Sen. Feinstein is attacking us unfairly, but the US Attorneys themselves haven't fired any shots. Until they do, Harriet feels very strongly that we shouldn't respond on the merits, even though we are convinced that they have disloyally stirred up the Senators.

We are all fine with saying what you want to say about filling all 94 slots.

Thanks.

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, January 16, 2007 5:30 PM
To: 'Kelley, William K.'
Subject: FW: feinstein

Importance: High

i'm updating the letter now to reflect the two usa appts today
iam has resigned
can we send our response? the stronger version? please advise.

From: Roehrkasse, Brian
Sent: Tuesday, January 16, 2007 5:28 PM
To: Elston, Michael (ODAG); Sampson, Kyle; Scolinos, Tasia; Goodling, Monica
Subject: FW: feinstein

This is generating a lot of calls.

From: Johnson, Kevin [mailto:kjohnson@usatoday.com]
Sent: Tuesday, January 16, 2007 5:12 PM
To: Roehrkasse, Brian
Subject: feinstein

FOR IMMEDIATE RELEASE:

Contact: Scott Gerber, 202/224-9629

Tuesday, January 16, 2007

<http://feinstein.senate.gov>

Senator Feinstein Concerned over Resignations
of at Least Seven U.S. Attorneys Across the Country

- Senator Feinstein to question Attorney General Gonzalez
at Judiciary Committee Hearing later this week -

Washington, DC – In a speech on the Senate Floor, U.S. Senator Dianne Feinstein (D-Calif.)

today expressed concern about the fact that a number of U.S. Attorneys have been asked by the Department of Justice to resign their positions prior to the end of their terms and without cause.

In a little noticed provision included in the Patriot Act reauthorization last year, the Administration's authority to appoint interim U.S. Attorneys was greatly expanded. The law was changed so that if a vacancy arises the Attorney General may appoint a replacement for an indefinite period of time – thus completely avoiding the Senate confirmation process

Senators Feinstein, Patrick Leahy (D-Vt.), and Mark Pryor (D-Ark.) last week introduced the Preserving United States Attorney Independence Act, which would prevent further circumvention of the Senate's constitutional prerogative to confirm U.S. Attorneys and restore appointment authority to the appropriate District Courts.

The full text of Senator Feinstein's floor statement follows.

Recent newspaper articles have detailed the circumstances surrounding the departure of several U.S. Attorneys across the country:

- **Politicizing Prosecutors:** "United States attorneys are so powerful that their impartiality must be beyond question. One way to ensure that is to require them to submit to questions from the Senate, and face a confirmation vote." *New York Times* – 1/15/07. www.nytimes.com/2007/01/15/opinion/15mon2.html?_r=1&oref=slogin.
- **U.S. Attorney Vacancies Spark Concerns:** "As the Bush administration enters its last two years, a number of U.S. attorneys are departing, causing concern that some high-profile prosecutions may suffer. As many as seven U.S. attorneys. . . are leaving or being pushed out." *Wall Street Journal* – 1/16/07. http://online.wsj.com/google_login.html?url=http%3A%2F%2Fonline.wsj.com%2Farticle%2FSB116891552371177295.html%3Fmod%3Dgooglenews_wsj
- **Lam is Asked to Step Down:** "The Bush administration has quietly asked San

Diego U.S. Attorney Carol Lam, best known for her high-profile prosecutions of politicians and corporate executives, to resign her post, a law enforcement official said." *San Diego Union Tribune* – 1/12/07.

http://weblog.signonsandiego.com/uniontrib/20070112/news_1n12lam.html

- **Nevada U.S. Attorney Given Walking Papers:** "The Bush administration has forced Daniel Bogden out of his position as U.S. attorney for the District of Nevada, Nevada's two senators said Sunday." *Las Vegas Review Journal* – 1/16/07.
www.reviewjournal.com/lvrj_home/2007/Jan-15-Mon-2007/news/11980257.html

The following is a transcript of Senator Feinstein's floor speech:

"Mr. President, I have introduced an amendment on this bill which has to do with the appointment of U.S. Attorneys. This is also the subject of the Judiciary Committee's jurisdiction, and since the Attorney General himself will be before that committee on Thursday, and I will be asking him some questions, I speak today in morning business on what I know so much about this situation.

Recently, it came to my attention that the Department of Justice has asked several U.S. Attorneys from around the country to resign their positions -- some by the end of this month -- prior to the end of their terms not based on any allegation of misconduct. In other words, they are forced resignations.

I have also heard that the Attorney General plans to appoint interim replacements and potentially avoid Senate confirmation by leaving an interim U.S. Attorney in place for the remainder of the Bush administration.

How does this happen? The Department sought and essentially was given new authority under a little known provision in the PATRIOT Act Reauthorization to appoint interim appointments who are not subject to Senate confirmation and who could remain in place for the remainder of the Bush administration.

To date, I know of at least seven U.S. Attorneys forced to resign without cause, without any allegations of misconduct. These include two from my home State, San Diego and San Francisco, as well as U.S. Attorneys from New Mexico, Nevada, Arkansas, Texas, Washington and Arizona.

In California, press reports indicate that Carol Lam, U.S. Attorney for San Diego, has been asked to leave her position, as has Kevin Ryan of San Francisco. The public response has been shock. Peter Nunez, who served as the San Diego U.S. Attorney from 1982 to 1988, has said, 'This is like nothing I've ever seen in my 35-plus years.'

He went on to say that while the President has the authority to fire a U.S. Attorney for any reason, it is 'extremely rare' unless there is an allegation of misconduct.

To my knowledge, there are no allegations of misconduct having to do with Carol Lam. She is a distinguished former judge. Rather, the only explanation I have seen are concerns that were expressed about prioritizing public corruption cases over smuggling and gun cases.

The most well-known case involves a U.S. Attorney in Arkansas. Senators Pryor and Lincoln have raised significant concerns about how "Bud" Cummins was asked to resign and in his place the administration appointed their top lawyer in charge of political opposition research, Tim Griffin. I have been told Mr. Griffin is quite young, 37, and Senators Pryor and Lincoln have expressed concerns about press reports that have indicated Mr. Griffin has been a political operative for the RNC.

While the administration has confirmed that 5 to 10 U.S. Attorneys have been asked to leave, I have not been given specific details about why these individuals were asked to leave. Around the country, though, U.S. Attorneys are bringing many of the most important and complex cases being prosecuted. They are responsible for taking the lead on public corruption cases and many of the antiterrorist efforts in the country. As a matter of fact, we just had the head of the FBI, Bob Mueller, come before the Judiciary Committee at our oversight hearing and tell us how they have dropped the priority of violent crime prosecution and, instead, are taking up public corruption cases; ergo, it only follows that the U.S. Attorneys would be prosecuting public corruption cases.

As a matter of fact, the rumor has it -- and this is only rumor -- that U.S. Attorney Lam, who carried out the prosecution of the Duke Cunningham case, has other cases pending whereby, rumor has it, Members of Congress have been subpoenaed. I have also been told that this interrupts the flow of the prosecution of these cases, to have the present U.S. attorney be forced to resign by the end of this month.

Now, U.S. Attorneys play a vital role in combating traditional crimes such as narcotics trafficking, bank robbery, guns, violence, environmental crimes, civil rights, and fraud, as well as taking the lead on prosecuting computer hacking, Internet fraud, and intellectual property theft, accounting and securities fraud, and computer chip theft.

How did all of this happen? This is an interesting story. Apparently, when Congress reauthorized the PATRIOT Act last year, a provision was included that modified the statute that determines how long interim appointments are made. The PATRIOT Act Reauthorization changed the law to allow interim appointments to serve indefinitely rather than for a limited 120 days. Prior to the PATRIOT Act Reauthorization and the 1986 law, when a vacancy arose, the court nominated an interim U.S. Attorney until the Senate confirmed a Presidential nominee. The PATRIOT Act Reauthorization in 2006 removed the 120-day limit on that appointment, so now the Attorney General can nominate someone who goes in without any confirmation hearing by this Senate and serve as U.S. Attorney for the remainder of the President's term in office. This is a way, simply stated, of avoiding a Senate confirmation of a U.S. Attorney.

The rationale to give the authority to the court has been that since district court judges are also subject to Senate confirmation and are not political positions, there is greater likelihood that their choice of who should serve as an interim U.S. Attorney would be chosen based on merit and not manipulated for political reasons. To me, this makes good sense.

Finally, by having the district court make the appointments, and not the Attorney General, the process provides an incentive for the administration to move quickly to appoint a replacement and to work in cooperation with the Senate to get the best qualified candidate confirmed.

I strongly believe we should return this power to district courts to appoint interim U.S. Attorneys. That is why last week, Senator Leahy, the incoming Chairman of the Judiciary Committee, the Senator from Arkansas, Senator Pryor, and I filed a bill that would do just that. Our bill simply restores the statute to what it once was and gives the authority to appoint

interim U.S. Attorneys back to the district court where the vacancy arises.

I could press this issue on this bill. However, I do not want to do so because I have been saying I want to keep this bill as clean as possible, that it is restricted to the items that are the purpose of the bill, not elections or any other such things. I ought to stick to my own statement.

Clearly, the President has the authority to choose who he wants working in his administration and to choose who should replace an individual when there is a vacancy. But the U.S. Attorneys' job is too important for there to be unnecessary disruptions, or, worse, any appearance of undue influence. At a time when we are talking about toughening the consequences for public corruption, we should change the law to ensure that our top prosecutors who are taking on these cases are free from interference or the appearance of impropriety. This is an important change to the law. Again, I will question the Attorney General Thursday about it when he is before the Judiciary Committee for an oversight hearing.

I am particularly concerned because of the inference in all of this that is drawn to manipulation in the lineup of cases to be prosecuted by a U.S. Attorney. In the San Diego case, at the very least, we have people from the FBI indicating that Carol Lam has not only been a straight shooter but a very good prosecutor. Therefore, it is surprising to me to see that she would be, in effect, forced out, without cause. This would go for any other U.S. Attorney among the seven who are on that list.

We have something we need to look into, that we need to exercise our oversight on, and I believe very strongly we should change the law back to where a Federal judge makes this appointment on an interim basis subject to regular order, whereby the President nominates and the Senate confirms a replacement"

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 1:18 PM
To: Goodling, Monica; Elston, Michael (ODAG)
Subject: Fw: Getback on USA appts

FYI

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

From: Sampson, Kyle
To: 'bruce_cohen@judiciary-dem.senate.gov' <bruce_cohen@judiciary-dem.senate.gov>;
'jennifer_duck@judiciary-dem.senate.gov' <jennifer_duck@judiciary-dem.senate.gov>
CC: Hertling, Richard
Sent: Thu Jan 18 13:11:00 2007
Subject: Getback on USA appts

Bruce/Jennifer, here is the AG's response to Sen. Feinstein's question re how many USAs were asked to resign in the last year:

- * Since January 2006, 19 USAs have resigned for a variety of reasons (e.g., to retire, go into private practice, be apptd to a Main Justice position, or be apptd to a state or federal judgeship). In the coming weeks and months, we expect more resignations for a similar diversity of reasons.
- * Since January 2006, eight USAs have been asked or encouraged to resign.

To respect the privacy (and protect the career prospects) of USAs who have resigned or are going to resign, the AG would rather not do this on the record. Your thoughts?

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 3:13 PM
To: 'Jennifer_Duck@Judiciary-dem.senate.gov'; 'Bruce_Cohen@Judiciary-dem.senate.gov'
Cc: Hertling, Richard
Subject: Re: Getback on USA appts

1. Some of the eight are included in the 20.
2. If Lam was asked to resign, it would have been b/c she lost the confidence of the AG and DAG. I'm not sure we'd ever feel comfortable abt sharing outside of DOJ internal employee evaluations.

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

From: Duck, Jennifer (Judiciary-Dem) <Jennifer_Duck@Judiciary-dem.senate.gov>
To: Sampson, Kyle; Cohen, Bruce (Judiciary-Dem) <Bruce_Cohen@Judiciary-dem.senate.gov>
CC: Hertling, Richard
Sent: Thu Jan 18 15:04:40 2007
Subject: RE: Getback on USA appts

So does that mean 20 plus 8 or are some of the 8 included in the 20?

In addition my boss wants to know why Carol Lam was asked to leave?
Was there an audit?
If so, my boss would like to see it.

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

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Thursday, January 18, 2007 2:10 PM
To: Cohen, Bruce (Judiciary-Dem); Duck, Jennifer (Judiciary-Dem)
Cc: Hertling, Richard
Subject: Re: Getback on USA appts

Update: the USA in Nevada just announced that he is resigning -- so the below is revised accordingly. That is:

- * in last year, 20 total resignations
- * in last year, eight USAs asked to resign

(Note: per my prior reps to you, the number of USAs asked to resign in the last year won't change: eight.)

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

From: Sampson, Kyle
To: 'bruce_cohen@judiciary-dem.senate.gov' <bruce_cohen@judiciary-dem.senate.gov>; 'jennifer_duck@judiciary-dem.senate.gov' <jennifer_duck@judiciary-dem.senate.gov>
CC: Hertling, Richard
Sent: Thu Jan 18 13:11:00 2007
Subject: Getback on USA appts

Bruce/Jennifer, here is the AG's response to Sen. Feinstein's question re how many USAs were asked to resign in the last year:

- * Since January 2006, 19 USAs have resigned for a variety of reasons (e.g., to retire, go into private practice, be apptd to a Main Justice position, or be apptd to a state or federal judgeship). In the coming weeks and months, we expect more resignations for a similar diversity of reasons.
- * Since January 2006, eight USAs have been asked or encouraged to resign.

To respect the privacy (and protect the career prospects) of USAs who have resigned or are going to resign, the AG would rather not do this on the record. Your thoughts?

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 10:58 AM
To: Goodling, Monica
Subject: Hearing getback

Importance: High

Can you get me the number and names of USAs who have resigned since 1/18/2006? (I then can scan it and see which of them was "asked to resign".) Then we'll decide what info to give them after the lunch break. Need this ASAP. Thx!

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 12:21 PM
To: Goodling, Monica
Subject: Re: Resignations since 1/18/06

I know.

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

From: Goodling, Monica
To: Sampson, Kyle
Sent: Thu Jan 18 12:15:28 2007
Subject: RE: Resignations since 1/18/06

We may be stuck, but I don't know how we protect Charlton and McKay if we give out the number.

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

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 12:11 PM
To: Goodling, Monica
Subject: Re: Resignations since 1/18/06

Thx.

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

From: Goodling, Monica
To: Sampson, Kyle
Sent: Thu Jan 18 12:09:49 2007
Subject: RE: Resignations since 1/18/06

Chiara - not public at all
Bogden - quasi-public (we have letter, but it has not been announced to staff or media except by senators)
Ryan - quasi-public (we have letter and he sent an email to his office, but no media release)
Iglesias - public
Lam - public
McKay - public
Charlton - public

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

From: Sampson, Kyle
Sent: Thursday, January 18, 2007 12:01 PM
To: Goodling, Monica
Subject: Re: Resignations since 1/18/06

Which of the first seven are public?

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

From: Goodling, Monica
To: Sampson, Kyle
Sent: Thu Jan 18 11:57:37 2007
Subject: Resignations since 1/18/06

Since 1/18/06, there have been 14 or 15 resignations (depending if you count Mullins' resignation of his Presidential-recess appointment). There are 7 confirmed resignations upcoming, and an additional 4 that would result if current USAs were confirmed to other

federal positions.

The 7 confirmed upcoming resignations:

Dan Bogden, NV, 2/07
Margaret Chiara, WDMI, 2/07?
Carol Lam, SDCA, 2/07
Kevin Ryan, NDCA, 2/07
John McKay, WDWA, 1/07
David Iglesias, NM, 1/07
Paul Charlton, AZ, 1/07

The 14 other resignations in reverse date order:

Bud Cummins, EDAR, 12/06
Chuck Larson, NDIA, 12/06 (to take federal retirement)
Deb Yang, CDCA, 11/06 (to go into private practice)
Jim Vines, MDTN, 10/06 (to move to D.C. and go into private practice)
Mike Heavican, NE, 10/06 (to become Chief Justice on the state's Supreme Court)
Ken Wainstein, DC, 9/06 (to become AAG of NSD)
Frank Whitney, EDNC, 6/06 (to become federal district court judge)
Bert Garcia, PR, 6/06 (to return family to home state of Texas)
Tom Johnston, NDWV, 4/06 (to become federal district court judge)
Todd Graves, WDMO, 3/06
Paul McNulty, EDVA, 3/06 (to become DAG)
Tom Heffelfinger, MN, 2/06 (took federal retirement; went into private practice)
Paul Warner, UT, 2/06 (to become a federal magistrate judge)
Tim Burgess, AK, 1/06 (to become federal district court judge)

Including the Presidential-recess resignation would make 15 actual vacancies:

Steve Mullins, SD, 7/06

Last, the 4 resignations that would result if the SJC confirmed the below individuals to new federal positions include:

Bill Mercer, MT
Lisa Godbey Wood, SDGA
Roslynn Mauskopf, EDNY
Steve Murphy, EDMT

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 25, 2007 3:05 PM
To: 'Sara Taylor'
Subject: RE: FOR YOUR REVIEW -- DOJ response to Pryor letter re Griffin

I'll call you.

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

From: Sara Taylor [mailto:st@gwb43.com]
Sent: Thursday, January 25, 2007 10:59 AM
To: Sampson, Kyle; William_K_Kelley@who.eop.gov; Sara_M_Taylor@who.eop.gov
Subject: Re: FOR YOUR REVIEW -- DOJ response to Pryor letter re Griffin

I'm concerned we imply that we'll pull down Griffin's nomination should Pryor object.

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

From: Sampson, Kyle <Kyle.Sampson@usdoj.gov>
To: William_K_Kelley@who.eop.gov <William_K_Kelley@who.eop.gov>; Sara Taylor; Sara_M_Taylor@who.eop.gov <Sara_M_Taylor@who.eop.gov>
Sent: Thu Jan 25 10:50:31 2007
Subject: FOR YOUR REVIEW -- DOJ response to Pryor letter re Griffin

Bill/Sara, the attached .pdf is [] letter the AG rec'd from Sen. Pryor re Griffin; the attached Word doc is our proposed response. Wanted the two of you to have the benefit of reviewing before we send our response later today. Let me know if you have any concerns/comments. Thx!

<<Senator Mark Pryor Ltr. re Tim Griffin.pdf>> <<Pryor Letter re Griffin.doc>>

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

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, January 25, 2007 6:31 PM
To: Goodling, Monica
Subject: RE: Sen. Pryor Letter re Tim Griffin

I think I deleted. They were just that we should beef up the rebuttal of the allegation that we discriminate b/c of motherhood.

From: Goodling, Monica
Sent: Thursday, January 25, 2007 6:29 PM
To: Sampson, Kyle
Subject: FW: Sen. Pryor Letter re Tim Griffin
Importance: High

You were going to forward me Kelley's comments...

From: Sampson, Kyle
Sent: Wednesday, January 24, 2007 5:08 PM
To: Goodling, Monica; Elston, Michael (ODAG); Moschella, William; Hertling, Richard; Scolinos, Tasia; Roehrkasse, Brian
Subject: FW: Sen. Pryor Letter re Tim Griffin
Importance: High

Folks, the .pdf below is [] letter we got from Sen. Pryor; we don't think it has hit the press yet. The attached Word doc is my draft response, which attempts to do a couple things:

- * respond to the allegation that we troglodytes discriminatorily passed over the FAUSA because she is a pregnant mother out on maternity leave; and
- * box Pryor in – make him go on the record as supporting or opposing Griffin.

Queries:

- * cc Lincoln?
- * Monica, we'll need an updated fact sheet with new noms and new AG appts accounted for.

Comments asap are appreciated.

<< File: Pryor Letter re Griffin.doc >>

From: Washington, Tracy T
Sent: Wednesday, January 24, 2007 10:27 AM
To: Sampson, Kyle
Subject: Sen. Pryor Letter re Tim Griffin

<< File: Senator Mark Pryor Ltr. re Tim Griffin.pdf >>

Tracy T. Washington
Staff Assistant
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW, Room 5114
Washington, DC 20530
(202) 514-9660

Tracking:

Recipient
Goodling, Monica

Read
Read: 1/25/2007 6:31 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, February 07, 2007 10:26 AM
To: 'Sara Taylor'
Subject: RE: USAT - Prosecutor fired so ex-Rove aide could get his job
Attachments: Cummins letter re Griffin.pdf

I was thinking of a different approach, to wit: we are working to get Cummins to submit a letter (or op-ed) that says (1) everyone knew that I'd been looking since 2004 to leave the office for the private sector, (2) when I was contacted about moving on I agreed that it made sense, and (3) Tim Griffin is an outstanding U.S. Attorney who did tremendous work in the office as an AUSA (see the Cummins letter to Griffin dated August 13, 2002, see attached), who has more prosecution experience that I have now, and who should be supported for confirmation by Sen. Pryor and Sen. Lincoln.

From: Sara Taylor [mailto:st@gwb43.com]
Sent: Wednesday, February 07, 2007 10:09 AM
To: Sampson, Kyle
Subject: FW: USAT - Prosecutor fired so ex-Rove aide could get his job

I normally don't like attacking our friends, but since Bud Cummins is talking to everyone - why don't we tell the deal on him?

From: White House News Update [mailto:News.Update@WhiteHouse.Gov]
Sent: Wednesday, February 07, 2007 6:38 AM
To: Soper, Steven W.
Subject: USAT - Prosecutor fired so ex-Rove aide could get his job

Prosecutor fired so ex-Rove aide could get his job

By Kevin Johnson, USA TODAY

WASHINGTON — The Justice Department acknowledged Tuesday that it fired the U.S. government's chief prosecutor in Little Rock for no reason except to replace him with a lawyer who had been an aide to Karl Rove, the Bush administration's chief political strategist.

However, in an appearance before the Senate Judiciary Committee, Deputy Attorney General Paul McNulty rejected criticism that the forced resignations of Bud Cummins and six other U.S. attorneys last year were politically inspired, or amounted to retaliation for the attorneys' involvement in controversial investigations and prosecutions.

McNulty's testimony before the panel, which is investigating the firings of the prosecutors, was part of an exchange with Sen. Charles Schumer, D-N.Y. Schumer said the White House's appointment process for prosecutors was "corrupted with political, rather than prudent, considerations."

"What happened here doesn't sound like business as usual; it appears more reminiscent of a different sort of Saturday night massacre," Schumer said, referring to Watergate-era firings at Justice that were ordered by President Nixon.

"When I hear you talk about a politicization of the (Justice) Department, it is like a knife in my back," McNulty responded.

Schumer and other committee members have questioned the department's action, suggesting the administration was taking advantage of a section of the USA Patriot Act that allows the appointment of interim U.S. attorneys for indefinite periods. The process, Schumer and other critics in Congress have said, could allow federal prosecutors to be appointed without having to face confirmation by the Senate.

McNulty said the administration has no plan to circumvent the confirmation process and will send the Senate nominations for permanent replacements for the prosecutors. He said the six prosecutors dismissed besides Cummins — including San Diego U.S. Attorney Carol Lam, who oversaw the corruption prosecution of former congressman Randy "Duke" Cunningham, R-Calif. — were let go for performance-related reasons.

Much of Tuesday's hearing focused on Cummins and Lam.

McNulty acknowledged that Cummins had had a successful tenure in Arkansas and that he was asked to step aside last year to allow former White House aide Tim Griffin to take the job.

McNulty said that aside from his political work, Griffin had more prosecutorial experience than Cummins did when he first took the Little Rock job five years ago. The deputy attorney general said Griffin's experience included a stint in Iraq as a military prosecutor.

Before his call to active duty in 2005, Griffin was an aide to Rove at the White House. Griffin's résumé says he "organized and coordinated support for the president's agenda, including the nomination of Judge John Roberts" to be U.S. chief justice.

In Lam's case, McNulty said, the Justice Department considered the political impact of removing her in light of her involvement in the prosecution of Cunningham, who was sentenced to eight years in federal prison last year after pleading guilty to accepting \$2.4 million in bribes.

McNulty declined to publicly detail the reasons for her dismissal. But Sen. Jeff Sessions, R-Ala., cited letters to the Justice Department and Lam from members of Congress who complained about Lam's alleged inattention to prosecuting smugglers of illegal immigrants.

You are currently subscribed to News Update (wires) as: Steven_W._Soper@who.eop.gov.
To unsubscribe send a blank email to leave-whitehouse-news-wires-1308536S@list.whitehouse.gov

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, February 16, 2007 12:45 PM
To: 'st@gwb43.com'
Subject: Re: McNulty Strikes Again

I look forward to visiting with you about this.

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

From: Sara Taylor <st@gwb43.com>
To: Sampson, Kyle
Sent: Fri Feb 16 08:47:02 2007
Subject: RE: McNulty Strikes Again

Tim was put in a horrible position; hung to dry w/ no heads up. You forced him to do what he did; this is not good for his long-term career. Bud runs a campaign and McNulty refuses to say Bud is lazy -- which is why we got rid of him in the first place.

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

From: Sampson, Kyle [mailto:Kyle.Sampson@usdoj.gov]
Sent: Friday, February 16, 2007 8:45 AM
To: Sara Taylor
Subject: Re: McNulty Strikes Again

Sara, I'm out of the office but will call you next week to discuss.

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

From: Sara Taylor <st@gwb43.com>
To: Sampson, Kyle
Sent: Fri Feb 16 08:01:39 2007
Subject: FW: McNulty Strikes Again

Why would McNulty say this? This has been so poorly handled on the part of DOJ.

White House Is Reported to Be Linked to a Dismissal

By DAVID JOHNSTON

<http://topics.nytimes.com/top/reference/timestopics/people/j/david_johnston/index.html?inline=nyt-per>

Published: February 16, 2007

WASHINGTON, Feb. 15 - A United States attorney in Arkansas who was dismissed from his job last year by the Justice Department was ousted after Harriet E. Miers

<http://topics.nytimes.com/top/reference/timestopics/people/m/harriet_e_miers/index.html?inline=nyt-per>, the former White House counsel, intervened on behalf of the man who replaced him, according to Congressional aides briefed on the matter.

Ms. Miers, the aides said, phoned an aide to Attorney General Alberto R. Gonzales

<http://topics.nytimes.com/top/reference/timestopics/people/g/alberto_r_gonzales/index.html?inline=nyt-per> suggesting the appointment of J. Timothy Griffin, a former military and civilian prosecutor who was a political director for the Republican National Committee

<http://topics.nytimes.com/top/reference/timestopics/organizations/r/republican_national_committee/index.html?inline=nyt-org> and a deputy to Karl Rove
<http://topics.nytimes.com/top/reference/timestopics/people/r/karl_rove/index.html?inline=nyt-per> , the White House political adviser.

Later, the incumbent United States attorney, H. E. Cummins III, was removed without explanation and replaced on an interim basis by Mr. Griffin. Officials at the White House and Justice Department declined to comment on Ms. Miers's role in the matter.

Paul J. McNulty, the deputy attorney general, said at a hearing last week that Mr. Cummins had done nothing wrong but was removed to make room for Mr. Griffin. It was not known at the time Mr. McNulty testified that Ms. Miers had intervened on Mr. Griffin's behalf.

Her involvement was disclosed on Wednesday by Justice Department officials led by Mr. McNulty, who held a closed-door briefing for senators on the Judiciary Committee after Democrats criticized the dismissals of 7 to 10 United States attorneys as politically motivated.

Ms. Miers, whose resignation as White House counsel was effective Jan. 31, could not be reached for comment Thursday. At the briefing, Justice Department officials denied that the White House had been involved in any of the other dismissals, suggesting that the department had acted on its own after advising the White House of its intention to remove incumbents.

Democrats have said the removals represented an effort to make room for rising political favorites of the Bush administration and to be rid of independent-minded prosecutors, all of whom had been appointed by President Bush.

Senator Charles E. Schumer
<http://topics.nytimes.com/top/reference/timestopics/people/s/charles_e_schumer/index.html?inline=nyt-per> , Democrat of New York, said that he was not satisfied by the Justice Department's explanations at the briefing.

"Yesterday's briefing by the deputy attorney general did little to alleviate our concerns that politics was involved and, in fact, raised those concerns," Mr. Schumer said. "Some may have been fired for political reasons because they may have not done what Justice Department wanted them to do."

Justice Department officials have said that because United States attorneys are presidential appointees they may be replaced at any time without a specific reason, although they have said that none were removed for pursuing politically sensitive cases.

Another United States attorney asked to resign was Carol C. Lam of San Diego, who departed on Thursday at the request of the Justice Department. Two days earlier, Ms. Lam announced two indictments, including one against a former high-ranking Central Intelligence Agency
<http://topics.nytimes.com/top/reference/timestopics/organizations/c/central_intelligence_agency/index.html?inline=nyt-org> official, in a corruption inquiry that began with last year's guilty plea by a former Republican representative, Randy Cunningham
<http://topics.nytimes.com/top/reference/timestopics/people/c/randy_cunningham/index.html?inline=nyt-per> , who was sentenced to more than eight years in prison.

Karen P. Hewitt, an assistant in Ms. Lam's office, was named Thursday to serve as the interim United States attorney in the Southern District, while Scott N. Schools, a general counsel in the Justice Department, will fill the interim role in the Northern District, in San Francisco.

Senator Dianne Feinstein

<http://topics.nytimes.com/top/reference/timestopics/people/f/dianne_feinstein/index.html?inline=nyt-per> , Democrat of California, said in a statement on the Senate floor Thursday that Ms. Lam had been dismissed despite a strong record of prosecutions.

"Ms. Lam has had a distinguished career, and she served the southern district of San Diego well and everyone in that district knows that," Ms. Feinstein said. "I regret that main Justice does not. I am quite disappointed that main Justice chose to remove her, especially given the ongoing work in which the office is involved."

More Articles in Washington >

<<http://www.nytimes.com/pages/politics/index.html>>

Sampson, Kyle

From: Beach, Andrew
Sent: Sunday, March 04, 2007 7:03 PM
To: Sampson, Kyle
Subject: RE: Can you

Attachments: 070605 Denver Pueblo Albuquerque.doc; 070705 ABQ-DCA.doc; 073106 SANTA FE ALBUQ FINAL SCHEDULE - Actualized.doc



070605 Denver Pueblo Albuquerque...BQ-DCA.doc (87 KB)
070705 ABQ-DCA.doc (87 KB)
073106 SANTA FE ALBUQ FINAL SCHEDULE - Actualized.doc (87 KB)

AG visits to New Mexico
New Mexico Albuquerque 7/6 - 7/7/2005 - speech at Southwest Border Conference
And it looks like the AG did a press avail with Sen. Domenici on 7/6/05 in Albuquerque at the airport.
It is noted as TBC on the schedule. You were with him. Do you remember?

New Mexico Santa Fe 7/30 - 7/31/2006	Speech Before the NDAA Conference
District of New Mexico	
New Mexico Albuquerque 7/31/2006 *	District of New Mexico

-----Original Message-----
From: Sampson, Kyle
Sent: Sunday, March 04, 2007 6:49 PM
To: Beach, Andrew
Subject: Re: Can you

-----Original Message-----
From: Beach, Andrew
To: Sampson, Kyle
Sent: Sun Mar 04 18:43:34 2007
Subject: Re: Can you

I can't get in
Are you at home or office?

-----Original Message-----
From: Sampson, Kyle
To: Beach, Andrew
Sent: Sun Mar 04 18:31:15 2007
Subject: RE: Can you

AG OTus2005 comes up blank on my screen.

-----Original Message-----
From: Beach, Andrew
Sent: Sunday, March 04, 2007 6:31 PM
To: Sampson, Kyle
Subject: Re: Can you

Ag Otus2005

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

From: Sampson, Kyle
To: Beach, Andrew
Sent: Sun Mar 04 18:26:20 2007
Subject: RE: Can you

Thx -- I can't search anything before 1/1/2007. Not sure why.

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

From: Beach, Andrew
Sent: Sunday, March 04, 2007 6:24 PM
To: Sampson, Kyle
Subject: Re: Can you

Leaving Wal-Mart now. Gimme 15.

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

From: Sampson, Kyle
To: Beach, Andrew
Sent: Sun Mar 04 18:21:36 2007
Subject: RE: Can you

Kinda urgent, friend. Do you have an ETA?

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

From: Beach, Andrew
Sent: Sunday, March 04, 2007 5:16 PM
To: Sampson, Kyle
Subject: Re: Can you

Sure will. As soon as I get home to my computer.

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

From: Sampson, Kyle
To: Sampson, Kyle; Beach, Andrew
Sent: Sun Mar 04 16:57:32 2007
Subject: RE: Can you

Also, any trips to New Mexico? Dates?

From: Sampson, Kyle
Sent: Sunday, March 04, 2007 4:55 PM
To: Beach, Andrew
Subject: Can you
Importance: High

Tell me when, during 2005 or 2006, the AG had a phone call with Sen. Domenici?