

Hertling, Richard

From: Hertling, Richard
Sent: Saturday, March 03, 2007 10:41 AM
To: Roehrkasse, Brian; Scolinos, Tasia; Moschella, William; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
Subject: Re: WP - White House Backed U.S. Attorney Firings, Officials Say

Maybe not, but this is far and away the best story I have seen on the subject. Even the editorial was not a bad beating, though against our interests.

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

From: Roehrkasse, Brian
To: Scolinos, Tasia; Hertling, Richard; Moschella, William; Elston, Michael (ODAG); Scott-Finan, Nancy; Goodling, Monica; Sampson, Kyle
Sent: Sat Mar 03 10:16:52 2007
Subject: Fw: WP - White House Backed U.S. Attorney Firings, Officials Say

This is not an entirely accurate picture of what happened, but I think this story is far better than most recent post stories on this subject.

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

From: White House News Update <News.Update@WhiteHouse.Gov>
To: Roehrkasse, Brian
Sent: Sat Mar 03 07:16:34 2007
Subject: WP - White House Backed U.S. Attorney Firings, Officials Say

White House Backed U.S. Attorney Firings, Officials Say

By John Solomon and Dan Eggen, Washington Post

The White House approved the firings of seven U.S. attorneys late last year after senior Justice Department officials identified the prosecutors they believed were not doing enough to carry out President Bush's policies on immigration, firearms and other issues, White House and Justice Department officials said yesterday.

The list of prosecutors was assembled last fall, based largely on complaints from members of Congress, law enforcement officials and career Justice Department lawyers, administration officials said.

One of the complaints came from Sen. Pete V. Domenici (R-N.M.), who specifically raised concerns with the Justice Department last fall about the performance of then-U.S. Attorney David C. Iglesias of New Mexico, according to administration officials and Domenici's office.

Iglesias has alleged that two unnamed New Mexico lawmakers pressured him in October to speed up the indictments of Democrats before the elections. Domenici has declined to comment on that allegation.

Since the mass firings were carried out three months ago, Justice Department officials have consistently portrayed them as personnel decisions based on the prosecutors' "performance-related" problems. But, yesterday, officials acknowledged that the ousters were based primarily on the administration's unhappiness with the prosecutors' policy decisions and revealed the White House's role in the matter.

"At the end of the day, this was a decision to pick the prosecutors we felt would most effectively carry out the department's policies and priorities in the last two years," said Justice Department spokesman Brian Roehrkasse.

Officials portrayed the firings as part of a routine process, saying the White House did not play any role in identifying which U.S. attorneys should be removed or encourage the

dismissals. The administration previously said that the White House counsel recommended a GOP replacement for one U.S. attorney, in Arkansas, but did not say that the White House approved the seven other firings.

"If any agency wants to make a change regarding a presidential appointee, they run that change by the White House counsel's office," said White House spokeswoman Dana Perino. "That is standard operating procedure, and that is what happened here. The White House did not object to the Justice Department decision."

The seven prosecutors were first identified by the Justice Department's senior leadership shortly before the November elections, officials said. The final decision was supported by Attorney General Alberto R. Gonzales and his deputy, Paul J. McNulty, and cleared with the White House counsel's office, including deputy counsel William Kelly, they said.

The firings have sparked outrage from Democrats and some Republicans in Congress as details emerge about the unusual decision to remove so many at once on Dec. 7, in the middle of the administration's term. The issue escalated this week with the allegations from Iglesias, who has said he will name the two New Mexico lawmakers who called him if he is asked under oath.

The House Judiciary Committee has issued subpoenas for Iglesias and three other fired prosecutors, who are set to testify in both the House and the Senate on Tuesday. Lawmakers plan to press for answers, including what triggered the creation of the list and who else was involved.

Most of the prosecutors have said they were given no reason for their dismissals and have responded angrily to the Justice Department's contention that they were fired because of their performance. At least five of the prosecutors, including Iglesias, were presiding over public corruption investigations when they were fired, but Justice Department officials have said that those probes played no role in the dismissals.

Domenici's office confirmed yesterday that it had raised concerns with the Justice Department about Iglesias's office, particularly on immigration.

"We had very legitimate concerns expressed to us by hundreds of New Mexicans -- in the media, in the legal communities and just regular citizens -- about the resources that were available to the U.S. attorney," said Steve Bell, Domenici's chief of staff.

Domenici and his aides have declined to comment on whether the lawmaker called Iglesias. Any communication by a senator or House member with a federal prosecutor regarding an ongoing criminal investigation is a violation of ethics rules.

The fired prosecutors in San Diego and Nevada are registered independents, while the rest are generally viewed as moderate Republicans, according to administration officials and many of the fired prosecutors.

In a recent briefing with lawmakers, McNulty said one factor in the decision to create the list of U.S. attorneys was the concern raised by various members of Congress and law enforcement officials that some U.S. attorneys were not following Bush administration policies or federal sentencing rules, administration officials said.

The Justice Department received several letters dating to 2005 and signed by more than a dozen California lawmakers, mostly Republicans, raising concerns about then-U.S. Attorney Carol S. Lam's approach to prosecuting immigration cases. Sen. Dianne Feinstein of California, a Democrat, also wrote Gonzales in June, saying that the "low prosecution rates have a demoralizing effect on the men and women patrolling our nation's borders."

On the job less than a year, McNulty consulted his predecessor as deputy attorney general, James B. Comey, about some of the prosecutors before approving the list, officials said. Comey, who did not return a telephone call seeking comment yesterday, praised Iglesias earlier this week as one of the department's best prosecutors.

The seven prosecutors outside Arkansas were informed about their ousters on Dec. 7, after the White House counsel's office signed off.

A few days before the firings, administration officials began the traditional process of calling lawmakers in the affected states to inform them about the decisions and to gather

early input on possible successors, officials said.

Although the White House approved the firings, two administration officials said the counsel's office did not suggest replacements. But the officials said White House political affairs officials keep databases on potential job candidates that Justice Department officials could have accessed if they chose.

An administration official said White House Chief of Staff Joshua B. Bolten does not recall whether he was briefed about the firings before they occurred.

Privately, White House officials acknowledged that the administration mishandled the firings by not explaining more clearly to lawmakers that a large group was being terminated at once -- which is unusual -- and that the reason was the policy performance review.

Staff writer Michael Abramowitz, washingtonpost.com staff writer Paul Kane and staff researcher Julie Tate contributed to this report.

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