

RPTS THOMAS

DCMN MAYER

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

INTERVIEW OF: MICHAEL JAMES ELSTON

March 30, 2007

Washington, D.C.

The interview in the above matter was held at 2138  
Rayburn House Office Building, commencing at 11:00 a.m.

Mr. Elston. I don't recall the specific date of the Attorney General's testimony. What I believe this relates to is that I was assigned to call Paul Charlton, John McKay and Kevin Ryan to advise them that despite the media reports that were going around regarding U.S. Attorneys, the Attorney General when he testified, I believe it was the 18th, I am not sure --

BY MR. MINCBERG:

Q I think that is right. I think that might -- that is my memory as well.

A But I was assigned to call them and to tell them that the Attorney General was not going to name names in terms of who had been asked to resign or discuss the reasons U.S. Attorneys were asked to resign.

Q What led to that assignment?

A I believe that the Deputy Attorney General was picking up, as he would put it, a certain amount of angst in the U.S. Attorney community and he wanted to have these U.S. Attorneys reassured that what we told them in December was what we were going to do when the Attorney General testified in mid-January 2007.

[REDACTED]

[REDACTED]

[REDACTED]

Q And by "that statement" you mean the paraphrase where he -- where he is paraphrased as saying that Justice Department officials crossed a line by publicly criticizing the performance of his well-regarded colleagues. Is that what you are referring to?

A Correct. That was the reason I called him.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Is this the article that you were referring to that you recall reading?

A Yes. This is the article that I discussed with Mr. Cummins in our February 20th phone call.

Q February -- oh, yes, right.

And Mr. Cummins is quoted as saying that, quote, "If they," referring to Justice, "are trying to suggest that people have inferior performances to hide whatever their true agenda is, that is wrong," and, "They should retract those statements," end quote.

Do you see that?

A I do.

Q Was there discussion within the Department about whether you or somebody else should call Mr. Cummins?

A No.

Q You decided to call him, however?

A Two days later there was, not that statement, but the statement of the previous paragraph that stuck in my head, and that I -- I called him about.