

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Wednesday, January 31, 2007 11:32 AM
To: Blackwood, Kristine
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Thanks, Kristine.

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From: Blackwood, Kristine
Sent: Wednesday, January 31, 2007 11:29 AM
To: Elston, Michael (ODAG)
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W (OLP); Goodling, Monica
Cc: Scott-Finan, Nancy; Nowacki, John (USAEO); Clifton, Deborah J; Blackwood, Kristine;
Hertling, Richard
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Importance: High

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note the hearing is now Tuesday the 6th instead of Wed the 7th.

From: Nowacki, John (USAEO) [mailto:John.Nowacki@usdoj.gov]
Sent: Tuesday, January 30, 2007 7:30 PM
To: Seidel, Rebecca; Scott-Finan, Nancy
Subject: SJC U.S. Attorneys hearing

The draft testimony for the DAG is attached.

<<DRAFT Testimony -- US Attorneys Hearing.doc>>

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Wednesday, January 31, 2007 12:15 PM
To: Seidel, Rebecca
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Is this before the committee or a subcommittee?

-----Original Message-----
From: Seidel, Rebecca
Sent: Wednesday, January 31, 2007 11:03 AM
To: Elston, Michael (ODAG)
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

I think she will be sending to you soon and let you make edits from here.

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From: Elston, Michael (ODAG)
To: Seidel, Rebecca
Sent: Wed Jan 31 11:00:40 2007
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

I just want to have time to make changes and review with Paul. I don't care about the mechanics.

It seems to me that the easiest way to do it is for me to have the actual document at some point and make (or not make) suggested changes, make all of Paul's changes and then return it to you.

-----Original Message-----
From: Seidel, Rebecca
To: Elston, Michael (ODAG)
Sent: Wed Jan 31 10:39:31 2007
Subject: Fw: SJC U.S. Attorneys hearing Draft testimony

See below that I sent to Kristine. Want me to rescind?

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From: Seidel, Rebecca
To: Blackwood, Kristine
CC: Scott-Finan, Nancy; Clifton, Deborah J
Sent: Wed Jan 31 10:36:52 2007
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

Much appreciated. But from this point forward, just send them what you have and send them component comments as you get them. We ordinarily would send to Witness right?

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To: Clifton, Deborah J; Seidel, Rebecca
CC: Scott-Finan, Nancy
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So they can PICK AND CHOOSE which edits they want to accept. Would you rather I make THEM create a redline? Or send them multiple conflicting comments on a piece meal basis? I am trying to spare them some work.

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From: Clifton, Deborah J
Sent: Wednesday, January 31, 2007 10:32 AM
To: Blackwood, Kristine; Seidel, Rebecca

Cc: Scott-Finan, Nancy
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Then why are you doing a redline?

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Cc: Scott-Finan, Nancy
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I'm not making edits. They will make the edits.

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From: Clifton, Deborah J
Sent: Wednesday, January 31, 2007 10:30 AM
To: Blackwood, Kristine; Seidel, Rebecca
Cc: Scott-Finan, Nancy
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Kristine,

ODAG should have the pen. You should be forwarding all comments to ODAG so that they can determine which ones they want to accept and which ones that don't want to accept. You should not be making the edits.

Debbie

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CC: Scott-Finan, Nancy; Clifton, Deborah J
Sent: Wed Jan 31 10:28:31 2007
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

Not sure that will work. This is not ODAG clearance, this is the DAG's testimony. I would like the pen by noon or shortly thereafter.

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

From: Blackwood, Kristine
To: Elston, Michael (ODAG); Sampson, Kyle; Seidel, Rebecca
CC: Scott-Finan, Nancy; Clifton, Deborah J
Sent: Wed Jan 31 10:26:41 2007
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Comments are due at 3pm. Then ODAG gets it with any comments, then we get it to OMB by 5pm.

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Subject: Re: SJC U.S. Attorneys hearing Draft testimony

This is due at 5, right?

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From: Blackwood, Kristine
To: Elston, Michael (ODAG); Sampson, Kyle; Seidel, Rebecca
CC: Scott-Finan, Nancy; Clifton, Deborah J
Sent: Wed Jan 31 10:23:58 2007
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

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From: Elston, Michael (ODAG)
Sent: Wednesday, January 31, 2007 10:22 AM
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Cc: Scott-Finan, Nancy; Clifton, Deborah J
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

At what point will you be turning the pen over to ODAG?

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

From: Blackwood, Kristine
To: Sampson, Kyle; Seidel, Rebecca
CC: Scott-Finan, Nancy; Clifton, Deborah J; Elston, Michael (ODAG)
Sent: Wed Jan 31 10:16:47 2007
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

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Cc: Scott-Finan, Nancy; Clifton, Deborah J; Elston, Michael (ODAG)
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

I physically gave them to Elston -- he has possession now.

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From: Blackwood, Kristine
Sent: Wednesday, January 31, 2007 9:58 AM
To: Sampson, Kyle; Seidel, Rebecca
Cc: Scott-Finan, Nancy; Clifton, Deborah J; Elston, Michael (ODAG)
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

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To: Blackwood, Kristine; Seidel, Rebecca
Cc: Scott-Finan, Nancy; Clifton, Deborah J; Elston, Michael (ODAG)
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

I gave my comments to Elston this morning.

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From: Blackwood, Kristine
To: Seidel, Rebecca; Sampson, Kyle
CC: Scott-Finan, Nancy; Clifton, Deborah J
Sent: Wed Jan 31 08:51:12 2007
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

Yes. Debbie - this should go to EOUSA, FBI, ATF, USMS, DEA, CIV, ASG, CRM, due back 3pm.

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

From: Seidel, Rebecca
To: Sampson, Kyle

CC: Blackwood, Kristine; Scott-Finan, Nancy
Sent: Tue Jan 30 19:35:46 2007
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

send comments back to Kristine. If we are going to get to OMB by COB tomorrow, I would think 3pm is the latest for comments to give Kristine time to assimilate and deconflict. right Kristine?

From: Sampson, Kyle
Sent: Tuesday, January 30, 2007 7:35 PM
To: Seidel, Rebecca
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

comments to who? by when?

From: Seidel, Rebecca
Sent: Tuesday, January 30, 2007 7:34 PM
To: Sampson, Kyle; Moschella, William; Elston, Michael (ODAG); Brand, Rachel; Bounds, Ryan W (OLP); Goodling, Monica
Cc: Scott-Finan, Nancy; Nowacki, John (USAE0); Clifton, Deborah J; Blackwood, Kristine; Hertling, Richard
Subject: FW: SJC U.S. Attorneys hearing Draft testimony
Importance: High

Thank you John. Debbie and Kristine are gone for the evening, but will circulate within DOJ first thing in the morning. OAG, ODAG and OLP - wanted to get to you directly so you don't have to wait till morning circulation. Debbie, we need OMB clearance by Friday COB, so that means we have to get to OMB Wed COB at latest.

note the hearing is now Tuesday the 6th instead of Wed the 7th.

From: Nowacki, John (USAE0) [mailto:John.Nowacki@usdoj.gov]
Sent: Tuesday, January 30, 2007 7:30 PM
To: Seidel, Rebecca; Scott-Finan, Nancy
Subject: SJC U.S. Attorneys hearing

The draft testimony for the DAG is attached.

<<DRAFT Testimony -- US Attorneys Hearing.doc>>

Elston, Michael (ODAG)

From: Seidel, Rebecca
Sent: Wednesday, January 31, 2007 12:35 PM
To: Elston, Michael (ODAG)
Cc: Scott-Finan, Nancy
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

Full committee, but Schumer chairing. Right Nancy?

-----Original Message-----
From: Elston, Michael (ODAG)
To: Seidel, Rebecca
Sent: Wed Jan 31 12:15:24 2007
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Is this before the committee or a subcommittee?

-----Original Message-----
From: Seidel, Rebecca
Sent: Wednesday, January 31, 2007 11:03 AM
To: Elston, Michael (ODAG)
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

I think she will be sending to you soon and let you make edits from here.

-----Original Message-----
From: Elston, Michael (ODAG)
To: Seidel, Rebecca
Sent: Wed Jan 31 11:00:40 2007
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

I just want to have time to make changes and review with Paul. I don't care about the mechanics.

It seems to me that the easiest way to do it is for me to have the actual document at some point and make (or not make) suggested changes, make all of Paul's changes and then return it to you.

-----Original Message-----
From: Seidel, Rebecca
To: Elston, Michael (ODAG)
Sent: Wed Jan 31 10:39:31 2007
Subject: Fw: SJC U.S. Attorneys hearing Draft testimony

See below that I sent to Kristine. Want me to rescind?

-----Original Message-----
From: Seidel, Rebecca
To: Blackwood, Kristine
CC: Scott-Finan, Nancy; Clifton, Deborah J
Sent: Wed Jan 31 10:36:52 2007
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

Much appreciated. But from this point forward, just send them what you have and send them component comments as you get them. We ordinarily would send to Witness right?

-----Original Message-----
From: Blackwood, Kristine
To: Clifton, Deborah J; Seidel, Rebecca
CC: Scott-Finan, Nancy
Sent: Wed Jan 31 10:32:58 2007
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

So they can PICK AND CHOOSE which edits they want to accept. Would you rather I make THEM create a redline? Or send them multiple conflicting comments on a piece meal basis? I am trying to spare them some work.

-----Original Message-----
From: Clifton, Deborah J
Sent: Wednesday, January 31, 2007 10:32 AM
To: Blackwood, Kristine; Seidel, Rebecca
Cc: Scott-Finan, Nancy
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Then why are you doing a redline?

-----Original Message-----
From: Blackwood, Kristine
Sent: Wednesday, January 31, 2007 10:31 AM
To: Clifton, Deborah J; Seidel, Rebecca
Cc: Scott-Finan, Nancy
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

I'm not making edits. They will make the edits.

-----Original Message-----
From: Clifton, Deborah J
Sent: Wednesday, January 31, 2007 10:30 AM
To: Blackwood, Kristine; Seidel, Rebecca
Cc: Scott-Finan, Nancy
Subject: RE: SJC U.S. Attorneys hearing Draft testimony

Kristine,

ODAG should have the pen. You should be forwarding all comments to ODAG so that they can determine which ones they want to accept and which ones that don't want to accept. You should not be making the edits.

Debbie

-----Original Message-----
From: Elston, Michael (ODAG)
Sent: Wednesday, January 31, 2007 10:29 AM
To: Blackwood, Kristine; Sampson, Kyle; Seidel, Rebecca
Cc: Scott-Finan, Nancy; Clifton, Deborah J
Subject: Re: SJC U.S. Attorneys hearing Draft testimony

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Sent: Tuesday, January 30, 2007 7:30 PM
To: Seidel, Rebecca; Scott-Finan, Nancy
Subject: SJC U.S. Attorneys hearing

The draft testimony for the DAG is attached.

<<DRAFT Testimony -- US Attorneys Hearing.doc>>

Elston, Michael (ODAG)

From: Chiara, Margaret M. (USAMIW) [MM.Chiara@usdoj.gov]
Sent: Thursday, February 01, 2007 3:41 PM
To: McNulty, Paul J
Cc: Elston, Michael (ODAG)
Subject: WDMI

Paul: February 1 seems to be the right date to provide a status report. I continue to vigorously pursue employment. In addition to applying to numerous public agencies and organizations, I am now working with a "headhunter". Who knew this could be so difficult?

Michael Elston informed me that I must vacate my position by March 1. Therefore, I plan to announce my resignation on the afternoon of February 14 or the morning of February 15. I need all the time, salary and benefits available so my resignation will be effective on February 28. The first question within WDMI will be who is the nominee? When will I be able to answer that question?

FYI: Everyone who knows about my required resignation, (primarily our USA colleagues and people who are providing references), is astonished that I am being asked to leave. Now that it has been widely reported that departing USAs have either failed to meet performance expectations or that they acted independently rather than follow DOJ/EOUSA directives, the situation is so much worse. You know that I am in neither category. This makes me so sad. Why have I been asked to resign? The real reason, especially if true, would be a lot easier to live with. Margaret

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Thursday, February 01, 2007 3:52 PM
To: Hertling, Richard
Cc: Sampson, Kyle; Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Subject: Bud Cummins

just called to let me know that Pryor's and Schumer's staff have called and asked him to testify on Tuesday. He declined, but wanted to know if we wanted him to testify -- would tell the truth about his circumstances and would also strongly support our view of S 214.

Thoughts?

Elston, Michael (ODAG)

From: Sampson, Kyle
Sent: Thursday, February 01, 2007 4:15 PM
To: Elston, Michael (ODAG); Hertling, Richard
Cc: Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Subject: RE: Bud Cummins

I don't think he should. How would he answer:

Did you resign voluntarily?
Were you told why you were being asked to resign?
Who told you?
When did they tell you?
What did they say?
Did you ever talk to Tim Griffin about his becoming U.S. Attorney?
What did Griffin say?
Did Griffin ever talk about being AG appointed and avoiding Senate confirmation?
Were you asked to resign because you were underperforming?
If not, then why?
Etc., etc.

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To: Sampson, Kyle; Hertling, Richard
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Agreed.

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

From: Sampson, Kyle
To: Elston, Michael (ODAG); Hertling, Richard
CC: Goodling, Monica; Moschella, William; McNulty, Paul J; Seidel, Rebecca
Sent: Thu Feb 01 16:15:00 2007
Subject: RE: Bud Cummins

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Thoughts?

Elston, Michael (ODAG)

From: Seidel, Rebecca
Sent: Thursday, February 01, 2007 6:47 PM
To: Moschella, William
Cc: Scott-Finan, Nancy; Hertling, Richard; Tracci, Robert N; Elston, Michael (ODAG)
Subject: RE: SJC hearing on USA issue - Intel

Elston was in my office earlier this afternoon and Nancy showed him the notebook she already has ready (has most of the info in it already) and it will be ready with 2 copies by 2pm tomorrow afternoon is our goal. We are pressing OMB to clear both the testimony and the views letter by then as well so they can be inserted in the binder too.

From: Moschella, William
Sent: Thursday, February 01, 2007 6:36 PM
To: Seidel, Rebecca
Cc: Scott-Finan, Nancy; Hertling, Richard; Tracci, Robert N; Elston, Michael (ODAG)
Subject: RE: SJC hearing on USA issue - Intel

Thanks. Elston's your man for that one.

I emailed Richard the other day and wanted to make sure we were getting two notebooks with:

1) all correspondence on this issue; 2) the major editorials on the subject; 3) all legislation introduced on this matter; and 4) any other info OLA deems pertinent.

From: Seidel, Rebecca
Sent: Thursday, February 01, 2007 6:12 PM
To: Elston, Michael (ODAG); Moschella, William; Sampson, Kyle; Goodling, Monica; Nowacki, John (USAEO)
Cc: Scott-Finan, Nancy; Hertling, Richard; Tracci, Robert N
Subject: SJC hearing on USA issue - Intel

Just spoke with Schumer's Chief counsel.

Other witnesses will be:

For the Dems:

Mary Jo White (you will recall she was NY USA under Clinton)

Laurie Levinson (former AUSA in Central D. of CA for many years, Bush and Clinton)

For the Rs:

Stuart Gerson

The DAG will have his own panel

Schumer staff asked for examples of problematic individuals that Judges have appointed since we have said this has been a problem in the past, we need to give examples.

P.s. Rob just received intel about an HJC hearing on the same subject -

Dems are planning a hearing on this subject before the Subcomm on Comm and Admin Law (which has oversight of U.S. Attys) on Feb. 15.

No word about witnesses yet but certainly a senior DoJ person is likely to be requested.

Elston, Michael (ODAG)

From: Seidel, Rebecca
Sent: Friday, February 02, 2007 11:54 AM
To: Sampson, Kyle; Elston, Michael (ODAG)
Cc: Moschella, William
Subject: Re: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

Thanks. Note Schumer staff asked for specific examples of where a judge appointed USA was a problem. Do we have that info? DAG needs to be prepared for that question, though I know sensitivity of personnel issues, hoping there are some high level comments we can make, ie is there a case where we needed a USA who already had security clearance, but a judge appointed one was foisted on us and consequently delayed handling of a case until security clearance finalized? (Maybe hard argument as our argument about our removing a USA we say won't disrupt case because AUSAs handle).

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

From: Sampson, Kyle
To: Seidel, Rebecca; Blackwood, Kristine; Elston, Michael (ODAG)
CC: Moschella, William; Scott-Finan, Nancy
Sent: Fri Feb 02 11:48:43 2007
Subject: RE: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act. of 2007

I don't think you need to; he posed them as suggestions. In sum: they were "how can we complain about judges appointing USAs when the President appoints judges".

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

From: Seidel, Rebecca
Sent: Friday, February 02, 2007 11:47 AM
To: Sampson, Kyle; Blackwood, Kristine; Elston, Michael (ODAG)
Cc: Moschella, William; Scott-Finan, Nancy
Subject: Re: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

He is in my immigration mtg with SJC Rs right now. I can discuss with him if someone can summarize his edits and our reasons for pushing back in text of email so I can read on bberry.

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

From: Sampson, Kyle
To: Blackwood, Kristine; Elston, Michael (ODAG)
CC: Moschella, William; Scott-Finan, Nancy; Seidel, Rebecca
Sent: Fri Feb 02 11:41:58 2007
Subject: RE: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

I disagree with, and would not accept, any of Braunstein's comments.

From: Blackwood, Kristine
Sent: Friday, February 02, 2007 11:31 AM
To: Elston, Michael (ODAG)
Cc: Moschella, William; Scott-Finan, Nancy; Seidel, Rebecca; Sampson, Kyle
Subject: FW: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving United States Attorney Independence Act of 2007

Please see attached from OMB (the document with the notation "TFB comments"). Please note that Todd Braunstein's comments were on the first version we sent, not the one that we revised and sent OMB. So at least one of his edits has already been made (striking the "oddy" reference). Please advise. Thanks.

From: Simms, Angela M. [mailto:Angela_M_Simms@omb.eop.gov]
Sent: Friday, February 02, 2007 11:15 AM
To: Blackwood, Kristine
Cc: Green, Richard E.
Subject: (Partial) Passback: [AMS-110-15] JUSTICE Testimony on S.214 - the Preserving
United States Attorney Independence Act of 2007

Kristine,

Attached are comments from DPC staff regarding S.214. However, this is a partial passback. I am still waiting to hear from at least one more office before I can provide a complete passback. Please let me know Justice's response to the comments included in this e-mail.

Angie
202-395-3857

Elston, Michael (ODAG)

From: Scott-Finan, Nancy
Sent: Friday, February 02, 2007 1:04 PM
To: Hertling, Richard; Elston, Michael (ODAG); Moschella, William; Seidel, Rebecca; Tracci, Robert N; Sampson, Kyle; Goodling, Monica
Cc: Cabral, Catalina; Long, Linda E; Nowacki, John (USAEO)
Subject: RE: House Judiciary request for witness for hearing on USAs

Nowacki reports that the Committee has contacted Dan Bogden, the outgoing USA in Nevada, to testify. Bogden has not returned the call.

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

From: Hertling, Richard
Sent: Friday, February 02, 2007 12:12 PM
To: Elston, Michael (ODAG); Scott-Finan, Nancy; Moschella, William; Seidel, Rebecca; Tracci, Robert N; Sampson, Kyle; Goodling, Monica
Cc: Cabral, Catalina; Long, Linda E
Subject: RE: House Judiciary request for witness for hearing on USAs

Someone from DOJ will need to testify. Mike, Will, either one of you? Mike Battle?

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From: Elston, Michael (ODAG)
Sent: Friday, February 02, 2007 12:03 PM
To: Scott-Finan, Nancy; Hertling, Richard; Moschella, William; Seidel, Rebecca; Tracci, Robert N; Sampson, Kyle; Goodling, Monica
Cc: Cabral, Catalina; Long, Linda E
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I don't think the DAG should/will testify. He will be on the record after Tuesday. They can read the transcript.

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

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To: Hertling, Richard; Elston, Michael (ODAG); Moschella, William; Seidel, Rebecca; Tracci, Robert N; Sampson, Kyle; Goodling, Monica
CC: Cabral, Catalina; Long, Linda E
Sent: Fri Feb 02 10:10:25 2007
Subject: House Judiciary request for witness for hearing on USAs

Eric Tamarkin, a D staffer for the Commercial and Administrative Law Subcommittee, called this morning to request the DAG as the Department's witness at their legislative hearing on February 15, at 10:30 am on the changes to the Patriot Act with regard to the interim appointment of US Attorneys. They have also requested a staff briefing prior to the hearing.

Elston, Michael (ODAG)

From: Chiara, Margaret M. (USAMIW) [MM.Chiara@usdoj.gov]
Sent: Saturday, February 03, 2007 1:39 PM
To: McNulty, Paul J
Cc: Elston, Michael (ODAG)
Subject: WDMI

Importance: High

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

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

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

Margaret

Elston, Michael (ODAG)

From: Nowacki, John (USAEO) [John.Nowacki@usdoj.gov]
Sent: Monday, February 05, 2007 12:32 PM
To: Hertling, Richard; Scott-Finan, Nancy; Seidel, Rebecca; Goodling, Monica; Elston, Michael (ODAG);
Battle, Michael (USAEO)
Subject: HJC hearing re USA's

Carol Lam (CA-S) says that she was contacted by House Judiciary (on Friday) and told that Rep. Conyers would like her to testify at the hearing. She said that she did not provide an answer.

3/12/2007

DAG000000684

Elston, Michael (ODAG)

From: Sampson, Kyle
Sent: Tuesday, February 06, 2007 5:48 PM
To: Scott-Finan, Nancy; Goodling, Monica; Elston, Michael (ODAG); Moschella, William; Hertling, Richard; Seidel, Rebecca; Battle, Michael (USAEO); Nowacki, John (USAEO)
Subject: RE: Next Hearing on replacement of the U.S. Attorneys

I just talked to the DAG and he prefers Moschella.

From: Scott-Finan, Nancy
Sent: Tuesday, February 06, 2007 4:19 PM
To: Sampson, Kyle; Goodling, Monica; Elston, Michael (ODAG); Moschella, William; Hertling, Richard; Seidel, Rebecca; Battle, Michael (USAEO); Nowacki, John (USAEO)
Subject: Next Hearing on replacement of the U.S. Attorneys

Have we come to a decision as to who will be the witness at the House Judiciary Subcommittee hearing? It has to be someone who can withstand 3 hours of questioning as Paul did this morning.

Elston, Michael (ODAG)

From: H.E. Cummins
Sent: Wednesday, February 07, 2007 5:19 PM
To: Elston, Michael (ODAG)

Mike,

Upon reflection, I would like to put the letter we discussed on hold until it is clear whether Tim Griffin is even going to actually be nominated. I am hearing "on the street" that he is saying he's not even willing to go through the process. If he intends to hold over without nomination and piss everyone off utilizing the now controversial Patriot Act provision, I prefer to stay out of it. If he is going to have to resign soon because he isn't going to be nominated, I would like to stay out of it also. Can anybody say for sure if he is going to be nominated and if so when? I am willing to try to help Tim, but I frankly can't see how it helps right now. If he isn't going to be nominated at all, why mess with it? See if you can confirm for me that he is going to be nominated.

Additionally, as predicted, my wife is strongly opposed to me writing on Tim's behalf, so I still have some work to do there before I can write a letter, but I will try to appease her concerns if we decide to go forward. She is understandably tired of all this and blames Tim quite a bit for getting the controversy started that led to all the hearings, etc.

Please be advised that the House Judiciary Committee contacted me today for the second time to invite me to their hearing. I gave the same answer as before, a polite declination of their invitation.

I am completely neutral on testifying, but if DOJ WANTS me to do it, I would probably do it. I think I could explain what has happened, why it isn't as bad as it seemed, etc. I am basically in accord with all the positions taken yesterday by the DAG. Of course, I don't have any facts about the other folks asked to step aside, so I have nothing to say there except they are my friends and I like them. They would at least see that I am still on the team.

When the Senate called and asked me to testify, I didn't want to come because I anticipated that I would be talking about being asked to resign and told it wasn't for cause and that would put DOJ on the spot because of the AG's prior position that every move was made to put a better person in place, etc. But now that the DAG has given a four square account of that part concerning me, I don't have any revelations to make. At this point the worst thing I might say is that it might have been handled better, but I have nothing to say about the decision itself. It isn't my call to make and I am sticking to that.

I would only be there to support the notion that I have no hard feelings, that I was likely to leave in 2006 or 2007 anyway, that we serve at the pleasure of the president, and that judges would screw up the interim appointment process. I am sure I could work in something about Tim Griffin's qualifications in a hearing. If I testified I don't think I could screw this up any worse than Tim and the White House have done--and it might help....DOJ's call.

Let me know if someone WANTS me to accept the invitation. Right now, I don't even know when the hearing is set and unless I hear from you and I call them back, I am out.

Call if you want to discuss any of this.

Bud

3/12/2007

DAG000000686

Bud Cummins

Don't pick lemons.
See all the new 2007 cars at Yahoo! Autos.

3/12/2007

DAG00000687

Elston, Michael (ODAG)

From: H.E. Cummins [mailto:hec@cummins.com]
Sent: Wednesday, February 07, 2007 5:22 PM
To: Scolinos, Tasia
Cc: Elston, Michael (ODAG)
Subject: letter

Tasia,

For reasons I laid out in more detail for Mike Elston separately, I would like to hold up on the letter. I am willing to keep working with you on it and might do it later.

Best regards,

Bud

Bud Cummins

Never miss an email again!
Yahoo! Toolbar alerts you the instant new Mail arrives. Check it out.

3/12/2007

DAG000000688

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Thursday, February 08, 2007 12:15 AM
To: Chiara, Margaret M. (USAMIW)
Cc: McNulty, Paul J
Subject: Re: WDMI

Margaret:

I will certainly reconsider in light of this additional information, although I will say that the information I received from EOUSA about the meeting differs somewhat from yours.

I'll get back to you as soon as I can.

Thanks,
Mike

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

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

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

Sent from my BlackBerry Wireless Handheld

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

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

Margaret:

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

Thank you for bringing the issue to my attention.

Mike

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

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

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

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

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

Margaret

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Tuesday, February 06, 2007 4:29 PM
To: Hertling, Richard; Moschella, William
Subject: RE: Next Hearing on replacement of the U.S. Attorneys

Gee, I was going to at least break it to him face to face -- e-mail can be so impersonal in a situation like this!

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

From: Hertling, Richard
Sent: Tuesday, February 06, 2007 4:28 PM
To: Moschella, William
Cc: Elston, Michael (ODAG)
Subject: Fw: Next Hearing on replacement of the U.S. Attorneys

I regret to say the DAG picked you to be the witness. Want to talk to him first before we out you?

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

From: Scott-Finan, Nancy
To: Sampson, Kyle; Goodling, Monica; Elston, Michael (ODAG); Moschella, William; Hertling, Richard; Seidel, Rebecca; Battle, Michael (USAEO); Nowacki, John (USAEO)
Sent: Tue Feb 06 16:19:27 2007
Subject: Next Hearing on replacement of the U.S. Attorneys

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Elston, Michael (ODAG)

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Sent: Wednesday, February 07, 2007 5:59 PM
To: Elston, Michael (ODAG)
Cc: McNulty, Paul J
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Sent from my BlackBerry Wireless Handheld

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From: Elston, Michael (ODAG) <Michael.Elston@usdoj.gov>
To: Chiara, Margaret M. (USAMIW) <MChiara@usa.doj.gov>
CC: McNulty, Paul J <Paul.J.McNulty@usdoj.gov>
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Mike

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CC: Elston, Michael (ODAG)
Sent: Sat Feb 03 13:39:28 2007
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My resignation announcement continues to be on February 23; the departure date would be March 16. I trust that this minor adjustment for good cause is acceptable to you.

Margaret

Elston, Michael (ODAG)

From: McNulty, Paul J
Sent: Friday, February 09, 2007 5:25 PM
To: Elston, Michael (ODAG)
Subject: FW: Solution

Could we make this happen? Hire her into an EOUSA slot and then send her down to the NAC?

From: Chiara, Margaret M. (USAMIW) [mailto:MM.Chiara@usdoj.gov]
Sent: Friday, February 09, 2007 1:55 PM
To: McNulty, Paul J
Subject: Solution

Paul: You may recall from earlier communication with me that I have owned a home in South Carolina for several years. The announcement (below) is for a detail at the NAC for which I am completely qualified and which I would enjoy doing. Obviously, I am not currently eligible for a detail position. Will you please intervene to make the position available for me? It would provide a timely and satisfactory solution to my current job search. Thank you.

Margaret

Experienced Prosecutor Needed to Serve as an Assistant Director, Office of Legal Education, EOUSA, Columbia, South Carolina

The Office of Legal Education (OLE), Executive Office for United States Attorneys, U.S. Department of Justice, seeks an experienced Assistant United States Attorney to serve as an Assistant Director (AD) for Criminal Programs at the National Advocacy Center in Columbia, South Carolina. This detail is for two years, with the possibility of renewal for additional years. **This is a reimbursable detail.**

The AD will lead a program manager and program assistant in coordinating up to 25 training classes per year at the National Advocacy Center in Columbia, SC. Responsibilities will include course design; instructor recruitment and training, student selection; course administration, and post-course review. The AD will report to OLE's Director and Deputy Director. Applicants must have excellent interpersonal and management skills, be responsible and self-sufficient, communicate effectively orally and in writing, possess extensive experience as a prosecutor in criminal law, and possess experience working with task forces or interagency projects.

The AD selected for this position will be housed in the Kirkland Apartment Building, directly across the street from the NAC, and will be entitled to one trip home each month.

Interested applicants should send a resume; cover letter; and letter of support from your U.S. Attorney to arrive as soon as possible but not later than **February 23, 2007**, addressed to Cammy Chandler, Deputy Director, Office of Legal Education, 1620 Pendleton Street, Columbia, SC 29201.

E-mail and fax submissions are also acceptable. Ms. Chandler's fax number is (803) 705-5110 and her e-

mail address is cammy.chandler@usdoj.gov

Elston, Michael (ODAG)

From: Elston, Michael (ODAG)
Sent: Friday, February 09, 2007 5:28 PM
To: Goodling, Monica
Subject: Fw: Solution

This idea may help us avoid linking this to the others. What do you think?

-----Original Message-----
From: McNulty, Paul J
To: Elston, Michael (ODAG)
Sent: Fri Feb 09 17:25:15 2007
Subject: FW: Solution

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Sent: Friday, February 09, 2007 1:55 PM
To: McNulty, Paul J
Subject: Solution

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<<mailto:cammy.chandler@usdoj.gov>>

Elston, Michael (ODAG)

From: Goodling, Monica
Sent: Monday, February 12, 2007 7:32 PM
To: Elston, Michael (ODAG); Sampson, Kyle
Subject: Draft leave-behind chart

Attachments: US Attorney chart - leave-behind.doc

Mike -- Here is the chart the DAG mentioned wanting to brief and leave behind. Kyle has reviewed it. Thanks.



US Attorney chart -
leave-behi...

U.S. ATTORNEY RESIGNATIONS & REPLACEMENTS

DISTRICT:	ACTING/INTERIM SELECTION:	STATUS OF POTENTIAL NOMINEE:
Dan Bodgen (NV) Term expired: Nov. 2, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007	(FAUSA has declined to be acting USA due to his pending casework; identifying and interviewing other candidates)	Sen. Ensign will recommend potential candidates.
Paul Charlton (AZ) Term expired: Nov. 14, 2005 Called: Dec. 7, 2006 Resignation: Jan. 30, 2007	Chief AUSA Daniel Knauss was appointed interim USA: <ul style="list-style-type: none"> • 34 ½ years as a federal prosecutor. • 2 years as an adjunct law professor. 	Senators McCain and Kyl recommended one candidate; candidate was interviewed 1/16/07.
Margaret Chiara (WDMD) Term expired: Nov. 2, 2005 Called: Dec. 7, 2006 Resignation: Mar. 9, 2007 (NOT PUBLIC)	(Not yet interviewing, because vacancy is not public)	When USA Chiara announces her resignation, the Administration will seek recommendations of potential candidates from the WH-designated Republican lead.
David Iglesias (NM) Term expired: Oct. 17, 2005 Called: Dec. 7, 2006 Resignation: Feb. 28, 2007	(Interviewed two career prosecutors to date; decision pending)	Sen. Domenici has recommended potential candidates; interviews were held 1/17/07.
Carol Lam (SDCA) Term expired: Nov. 18, 2006 Called: Dec. 7, 2006 Resignation: Feb. 15, 2007	(Interviewed four career prosecutors to date; decision pending)	Parsky Commission will recommend potential candidates.
John McKay (WDWA) Term expired: Oct. 30, 2005 Called: Dec. 7, 2006 Resignation: Jan. 31, 2007	Criminal Chief Jeffrey Sullivan was appointed interim USA: <ul style="list-style-type: none"> • 27 years as a state/local prosecutor; • 5 years as a federal prosecutor; • 3 years in private practice. 	Rep. Reichert has recommended potential candidates; interviews were held 2/9/07.
Kevin Ryan (NDCA) Term expired: Aug. 2, 2006 Called: Dec. 7, 2006 Resignation: Feb. 16, 2007	(Identifying and interviewing qualified career prosecutors; decision pending)	Parsky Commission will recommend potential candidates.

DAG00000699

<p>Bud Cummins (EDAR) Term expired: Jan. 9, 2006</p> <p><i>(In April 2006, Cummins repeated previous statements that he would not stay for the entire second term and that he would be leaving for the private sector soon.)</i></p> <p>Called: June 2006 Resigned: December 2006</p>	<p>Tim Griffin:</p> <ul style="list-style-type: none"> • 2 years as a federal prosecutor (one year at DOJ plus one year full-time in the military); • 10 years in the JAG Corps, U.S. Army Reserve (now a Major); • 6 months as special assistant to the Assistant Attorney General for the Criminal Division; • 1 year as associate independent counsel, <i>In re: Henry Cisneros</i>; • 2 years as senior investigative counsel, House Gov't Reform Committee; • 1 year private practice; • Additional experience as special assistant to the President and RNC research director. 	<p>Administration is consulting with Senators Lincoln and Pryor.</p>
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DAG000000700

Elston, Michael (ODAG)

From: Goodling, Monica
Sent: Monday, February 12, 2007 8:19 PM
To: Elston, Michael (ODAG)
Subject: DRAFT (am still working on second column)

Attachments: US Attorney leadership assessment.doc



US Attorney
leadership assessm..

**U.S. ATTORNEY RESIGNATIONS
AND INTERIM ACTING/INTERIM APPOINTMENTS**

DISTRICT AND USA PRIOR EXPERIENCE:	ACTING/INTERIM'S EXPERIENCE:	PRESIDENTIAL NOMINEE'S EXPERIENCE:
<p>Dan Bodgen (NV) Term expired: Nov. 2, 2005</p> <ul style="list-style-type: none"> • 3 years as a state/local prosecutor; • 10 ½ years as a federal prosecutor; • 5 years in the Air Force JAG. 	<p>(FAUSA declined to serve. We are identifying others to interview before 2/28/07, and have interviewed so far the Crim. Chief with 23 years as a federal prosecutor, 9 years as state/local prosecutor, plus judicial experience in the military.)</p>	<p>Sen. Ensign will recommend potential candidates.</p>
<p>Paul Charlton (AZ) Term expired: Nov. 14, 2005</p> <ul style="list-style-type: none"> • 1 ½ years as a state/local prosecutor; • 10 years as a federal prosecutor; • 1 year as law clerk. 	<p>Chief AUSA Daniel Knauss was appointed interim USA:</p> <ul style="list-style-type: none"> • 32 ½ years as a federal prosecutor, including 2 months as interim United States Attorney for Arizona; • 2 years as an adjunct law professor. 	<p>Senators McCain and Kyl recommended one candidate; candidate was interviewed 1/16/07.</p>
<p>Margaret Chiara (WDMI) Term expired: Nov. 2, 2005</p> <ul style="list-style-type: none"> • 14 years as a state/local prosecutor; • 2 years as policy and planning director, office of the Michigan Chief Justice; • 1 year as an administrator, Trial Court Assessment Commission; • 3 years in private practice; • 10 years pre-law school as a teacher, principal, and education administrator. 	<p>(Resignation not yet public, so we have not contacted anyone for acting/interim interviews to date.)</p>	<p>When USA Chiara announces her resignation, the Administration will seek recommendations of potential candidates from the WH-designated Republican lead.</p>
<p>David Iglesias (NM) Term expired: Oct. 17, 2005</p>	<p>(Interviewed FAUSA and Exec AUSA and would like</p>	<p>Sen. Domenici has recommended potential</p>

Draft - For Internal DOJ Use Only

<ul style="list-style-type: none"> • 3 years as a state prosecutor; • 4 years in the Navy JAG Corps full-time (criminal defense); • 13 years in Navy JAG Corps reserve; • Failed state Attorney General candidate; • 1 year as White House Fellow; • 3 years in a City Attorney's office; • 3 years chief counsel, New Mexico State Risk Management; • 3 years chief counsel, state Taxation and Revenue Department. 	<p>additional candidates before making a decision.)</p>	<p>candidates; interviews were held 1/17/07.</p> <p>Jim Bibb: Possible nominee.</p> <ul style="list-style-type: none"> • 2 years as a state/local prosecutor; • 3 years as a federal prosecutor; • 2 years in private practice; • 1 year as an FBI special agent; • 18 years in the Army National Guard; • Failed state Attorney General candidate.
<p>Carol Lam (SDCA) Term expired: Nov. 18, 2006</p> <ul style="list-style-type: none"> • 14 years as a federal prosecutor; • 2 years as a state judge; • 1 year as law clerk. 	<p>(Interviewed FAUSA, Chief AUSA, OCEDETF Chief, Appellate Chief; no decision has been made.)</p>	<p>Parsky Commission will recommend potential candidates.</p>
<p>John McKay (WDWA) Term expired: Oct. 30, 2005</p> <ul style="list-style-type: none"> • 3 months as a state/local prosecutor; • 1 year as a congressional aide; • 1 year as a White House Fellow; • 15 years in private practice; • 4 years as president of the Legal Services Corporation. 	<p>Crim Chief Jeffrey Sullivan was appointed interim USA:</p> <ul style="list-style-type: none"> • 27 years as a state/local prosecutor; • 5 years as a federal prosecutor; • 3 years in private practice. 	<p>Rep. Reichert has recommended potential candidates; interviews were held 2/9/07.</p>
<p>Kevin Ryan (NDCA) Term expired: Aug. 2, 2006</p> <ul style="list-style-type: none"> • 11 years as a state/local prosecutor; 	<p>Scott Schools: Likely interim appointee.</p> <ul style="list-style-type: none"> • 11 ½ years as a federal prosecutor, including 9 	<p>Parsky Commission will recommend potential candidates.</p>

DAG000000703

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<ul style="list-style-type: none"> • 5 years as a state/local judge. 	<p>months as interim United States Attorney for South Carolina;</p> <ul style="list-style-type: none"> • 2 years as EOUSA General Counsel; • 4 years, 9 months in private practice; • 2 years as law clerk. 	
<p>Bud Cummins (EDAR) Term expired: Jan. 9, 2006</p> <ul style="list-style-type: none"> • No prosecutorial experience; • 3 years as law clerk; • 6 years in private practice; • 1 year as chief legal counsel to governor; • Failed congressional candidate. 	<p>Tim Griffin:</p> <ul style="list-style-type: none"> • 2 years as a federal prosecutor (one year at DOJ plus one year full-time in the military); • 10 years in the JAG Corps, U.S. Army Reserve (now a Major) • 6 months as special assistant to the Assistant Attorney General for the Criminal Division; • 1 year, 4 months as associate independent counsel, <i>In re: Henry Cisneros</i>; • 2 years as senior investigative counsel, House Gov't Reform Committee; • 1 year private practice; • 5 months as special assistant to the President; • 1 ½ years as research director, RNC, plus 1 ½ years as deputy research director, RNC. 	<p>Consulting with home-state Senators.</p>