

~~Thank you again for the opportunity to testify, and I~~  
look forward to answering the Committee's questions.

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Thank you, Mr. Chairman. I appreciate the opportunity to be here this morning and attempt to clear up the misunderstandings and misperceptions about the recent resignations of some USAs, and to testify in strong opposition to S.214, a bill which would strip the AG of the authority to make interim appointments to fill vacant USA positions.

As you know, I had the privilege of serving as a USA for 4 ½ years. It was the best job I ever had. That's something you hear a lot from former USAs – "Best job I ever had." (In my case, Mr. Chairman, it was even better than serving as counsel on the House Crime Sub. under your leadership.).

Why is being a USA such a great job? There are a variety

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of reasons, but I think it boils down to this. The USAs are the President's chief legal representatives in the 94 federal judicial districts. In my former district of Eastern Virginia, Supreme Court Chief Justice John Marshal was the first USA.

Being the President's chief legal representative means you are the face of the Justice Department in your district. Every police chief you support, every victim you comfort, every citizen you inspire or encourage, and, yes, every criminal who is prosecuted in your name, communicates to all of these people something significant about the priorities and values of both the President and the AG. At his innauguration, the President raises his right hand and solemnly swears to faithfully execute the

office of the President of the United States. He fulfills this promise in no small measure through the men and women he appoints as USAs. If the President and the Attorney General want to crack down on gun criminals or go after child pornographers and pedophiles, as this President and AG have ordered federal prosecutors to do, it's the USAs who have the privilege of making such priorities a reality. That's why it's the best job a lawyer can ever have. It's an incredible honor.

And this is why, Mr. Chairman, judges should not appoint USAs, as S.214 proposes. What could be clearer Executive Branch responsibilities than the AG's authority to temporarily appoint and for the President to nominate for Senate

confirmation those who will execute the President's duties of office? S.214 doesn't even allow the AG to make ANY interim appointments, contrary to the law prior to the most recent amendment.

The indisputable fact is that USAs serve at the pleasure of the President. They come and they go for lots of reasons. Of the USAs appointed in my class at the beginning of this Administration, more than half are now gone. Turnover is not unusual and it rarely causes a problem because even though the job of USA is extremely important, the greatest assets of any successful USA are the career men and women who serve as AUSAs, victim-witness coordinators, paralegals, legal

assistants, and administrative personnel. Their experience and professionalism ensures smooth continuity as the USA job transitions from one person to another.

Mr. Chairman, I conclude with these three promises to this Committee and the American people on behalf of the AG and myself:

- 1) We never have and never will seek to remove a USA to interfere with an ongoing investigation or prosecution. Such an act is contrary to the most basic values of our system of justice, the proud legacy of the Department of Justice, and our integrity as public servants.

2) In every single case, where a USA position is vacant, the Administration is committed to filling that position with a USA who is confirmed by the Senate. The AG's appointment authority has not, and will not, be used to circumvent the confirmation process. All accusations in this regard are contrary to the clear factual record. The statistics are all laid out in my written statement.

3) Through temporary appointments and nominations for Senate confirmation, the Administration will continue to fill USA vacancies with men and women who are well qualified to assume the important duties of this

office.

Mr. Chairman, I appreciate your friendship and courtesy,  
and I am happy to respond to the Committee's questions.



**Long, Linda E**

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**From:** Mercer, William W  
**Sent:** Wednesday, February 28, 2007 10:07 AM  
**To:** Long, Linda E  
**Subject:** Fw: Farewell, Adios, Good bye, Auf Weidersehen

Will you print this?

-----Original Message-----  
**From:** Mercer, Bill (USAMT) <Bill.Mercer@usdoj.gov>  
**To:** Mercer, William W  
**Sent:** Tue Feb 27 22:49:47 2007  
**Subject:** FW: Farewell, Adios, Good bye, Auf Weidersehen

Sent from my GoodLink synchronized handheld (www.good.com)

-----Original Message-----  
**From:** Iglesias, David C. (USANM)  
**Sent:** Tuesday, February 27, 2007 08:00 PM Eastern Standard Time  
**To:** USAEO-USAttorneys  
**Subject:** Farewell, Adios, Good bye, Auf Weidersehen

Dear friends and colleagues:

As King Solomon wrote more than 2,500 years ago, "there is a time for everything." It's time to say goodbye from this wonderful job. Tomorrow will be my last day as U.S. Attorney. It's been the most responsible job I've ever had and the second most exciting job I've ever had (nothing beats being launched off and landing on a Navy aircraft carrier). The years have been an unprecedented mixture of experiences, memories and accomplishments. Beyond the record number of criminal cases my AUSAs brought, I'm proud of my hard-working office and its 95% conviction rate. I'm proud to have successfully prosecuted the biggest political corruption case in New Mexico history. I'm proud of having nationally recognized Weed and Seed and PSN programs. But, it's more than just metrics, it's about forming friendships with many of you. I'll never forget going to Colombia and Mexico with Johnny Sutton, Paul Charlton and the late great Mike Shelby. I'll never forget visiting drug cartel lord Pablo Escobar's home in Medellin and realizing America saved Colombia from becoming the world's first "narcocracy." I'll never forget running in L.A.'s seedy MacArthur Park with Matt Whitaker in the early morning hours. I'll never forget speaking at Main Justice's Great Hall for Hispanic Heritage Month, or testifying before Congress, debating a member of Congress and Village Voice journalist on the Patriot Act, backseating an F-16, or getting an op-ed published on immigration reform in the Washington Times. I'll never forget former A.G. and Mrs. John Ashcroft giving us a walking tour of the Washington monuments at night. Heady stuff for a guy originally from Panamá whose family is just one generation removed from subsistence living in the jungle.

As one of just several US Attorneys born outside the United States, I know the America dream lives. I'd like to thank President Bush for nominating me to be the United States Attorney almost 6 years ago. I am grateful to have been allowed the honor of making a difference in my community. We need US Attorneys who "maintain justice and do what is right" (Isaiah 56:1) and are willing to pay the price for doing so.

After taking off the month of March to decompress and performing Navy duty overseas in April, I will begin my new job. I haven't decided which of my options to pursue, but in the interim you can reach me at dciglesias@earthlink.net or I wish you all success in the next 22 months in keeping America safe against all enemies, foreign and domestic.

Respectfully,

David

[Faint header text, possibly a title or page number, mostly illegible due to low contrast.]

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**Henderson, Charles V**

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**Subject:** House Judiciary Committee Hearing Prep  
**Location:** Room 4208 RFK

**Start:** Fri 3/2/2007 11:30 AM  
**End:** Fri 3/2/2007 1:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Required Attendees:** Goodling, Monica; Hertling, Richard; Scott-Finan, Nancy; Roehrkasse, Brian; Nowacki, John (USAEO); Elston, Michael (ODAG)

-William Moschella  
-Michael Elston  
-Monica Goodling  
-Richard Hertling  
-Nancy Scott-Finan  
-Brian Roehrkasse  
-John Nowacki

**Henderson, Charles V**

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**Subject:** House Judiciary Committee Hearing Prep  
**Location:** ODAG Conference Room 4135

**Start:** Mon 3/5/2007 11:00 AM  
**End:** Mon 3/5/2007 12:30 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Required Attendees:** Mercer, William W; Sampson, Kyle; Elston, Michael (ODAG); Goodling, Monica; Hertling, Richard; Scott-Finan, Nancy; Nowacki, John (USAE0); Scolinos, Tasia; Roehrkasse, Brian

Please Note: Changing the time of this meeting to 11:00.  
-William Moschella  
-William Mercer  
-Kyle Sampson  
-Michael Elston  
-Monica Goodling  
-Richard Hertling  
-Nancy Scott-Finan  
-John Nowacki  
-Tasia Scolinos  
-Brian Roehrkasse

**Henderson, Charles V**

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**Subject:** House Judiciary Committee Hearing Prep (continuation)  
**Location:** ODAG Conference Room 4135

**Start:** Mon 3/5/2007 3:00 PM  
**End:** Mon 3/5/2007 4:30 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Required Attendees:** Mercer, William W; Sampson, Kyle; Elston, Michael (ODAG); Goodling, Monica; Hertling, Richard; Scott-Finan, Nancy; Nowacki, John (USAEO); Scolinos, Tasia; Roehrkasse, Brian

- William Moschella
- William Mercer
- Kyle Sampson
- Michael Elston
- Monica Goodling
- Richard Hertling
- Nancy Scott-Finan
- John Nowacki
- Tasia Scolinos
- Brian Roehrkasse

**Long, Linda E**

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**From:** Roehrkasse, Brian  
**Sent:** Monday, March 05, 2007 3:10 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Washington, Tracy T on behalf of Sampson, Kyle  
**Sent:** Monday, March 05, 2007 3:10 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Henderson, Charles V on behalf of Moschella, William  
**Sent:** Monday, March 05, 2007 3:13 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: U.S. Attorneys Meeting



**Long, Linda E**

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**From:** Hertling, Richard  
**Sent:** Monday, March 05, 2007 3:14 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Block, Jonathan on behalf of Scolinos, Tasia  
**Sent:** Monday, March 05, 2007 3:15 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Battle, Michael (USAEO) [MBattle@usa.doj.gov]  
**Sent:** Monday, March 05, 2007 3:21 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Cabral, Catalina on behalf of Hertling, Richard  
**Sent:** Monday, March 05, 2007 3:48 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Washington, Tracy T on behalf of Sampson, Kyle  
**Sent:** Monday, March 05, 2007 3:48 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting





**Long, Linda E**

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**From:** Elston, Michael (ODAG)  
**Sent:** Monday, March 05, 2007 3:48 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting



**Long, Linda E**

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**From:** Hertling, Richard  
**Sent:** Monday, March 05, 2007 3:49 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Walker, Sheila M on behalf of Goodling, Monica  
**Sent:** Monday, March 05, 2007 3:51 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Roehrkasse, Brian  
**Sent:** Monday, March 05, 2007 3:52 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Block, Jonathan on behalf of Scolinos, Tasia  
**Sent:** Monday, March 05, 2007 3:55 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Henderson, Charles V on behalf of Moschella, William  
**Sent:** Monday, March 05, 2007 4:00 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Long, Linda E**

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**From:** Battle, Michael (USAEO) [MBattle@usa.doj.gov]  
**Sent:** Monday, March 05, 2007 4:16 PM  
**To:** Long, Linda E; Brinkley, Winnie  
**Subject:** Accepted: Updated: U.S. Attorneys Meeting

**Henderson, Charles V**

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**Subject:** Updated: U.S. Attorneys Meeting  
**Location:** EEOB Room 211

**Start:** Mon 3/5/2007 5:00 PM  
**End:** Mon 3/5/2007 6:00 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Required Attendees:** Sampson, Kyle; Goodling, Monica; Moschella, William; Elston, Michael (ODAG); Battle, Michael (USAEO); Hertling, Richard; Scolinos, Tasia; Roehrkasse, Brian

Attendees: Will Moschella, Mike Elston, Kyle Sampson, Monica Goodling, Mike Battle, Richard Hertling, Tasia Scolinos, Brian Roehrkasse

POC: Winnie