

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, February 18, 2005 8:23 AM
To: Mercer, Bill
Subject: RE: 2 AGAC items

ok, good
will look for recommendations from you on subcommittees

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

From: Mercer, Bill
Sent: Thursday, February 17, 2005 10:41 PM
To: Sampson, Kyle
Subject: Re: 2 AGAC items

We should have a conversation about the subcommittees.

_____ are doing well. I would like to add a Legislative Committee. _____ to interact w/OLA and OLP. I would recommend termination of the _____. I don't see this as a core function at this point. We don't have much of a budget. I can't see the value in this one.

That leaves
Border/Immigration (Iglesias): _____

These are a mixed bag. Some are the least active and should get new chairs/reconstituted.

As soon as these decisions are made, I will let people know that now is the time to switch/add/leave subcommittees.

Sent from my BlackBerry Wireless Handheld

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

From: Sampson, Kyle <Kyle.Sampson@USDOJ.gov>
To: Mercer, Bill <Bill.Mercer@usdoj.gov>
CC: Beeman, Judy <Judy.Beeman2@usdoj.gov>
Sent: Thu Feb 17 17:24:56 2005
Subject: 2 AGAC items

A couple of AGAC items:

1. The Attorney General would like to have dinner with the AGAC on the evening of Wednesday, March 2, 2005, beginning at approximately 6pm (or 6:30pm)? Could you all select a restaurant and make reservations and add to the AGAC schedule of events? Participants would be USAs, AG (and perhaps Mrs. Gonzales), me, and Ted Ulliyot.

2. The Attorney General would like to make the following appointments to the AGAC:

New appointments (for terms expiring 12/31/2007)

[new AUSA representative, for term expiring 12/31/2005]

Re-appointments (for terms expiring 12/31/2006)

SOUTH CAROLINA
SOUTH DAKOTA
VERMONT
WISCONSIN/WESTERN

ATTORNEY GENERAL APPOINTMENTS - 2

DISTRICT	NAME	APPT DATE	EXP DATE
Maryland	Allen F. Loucks	1/3/05	5/2/05
Vermont	David V. Kirby	1/24/05	5/23/05

VACANCIES REFORM ACT APPOINTMENTS - 5

DISTRICT	NAME	DATE OF APPT	EXP DATE
Colorado	William J. Leone	1/1/05	7/29/05
South Carolina	Jonathan S. Gasser	1/21/05	8/18/05
South Dakota	Michelle G. Tapken	1/31/05	8/29/05
Virgin Islands	Anthony J. Jenkins	8/21/04	3/19/05
Wisconsin/Western	Stephen P. Sinnott	1/31/05	8/29/05

COURT APPOINTMENTS - 7

DISTRICT	NAME	DATE OF OATH
DC	Kenneth L. Wainstein	9/26/04
Louisiana/E	James B. Letten	8/19/01
Maine	Paula D. Silsby	9/3/01
Michigan/E	Craig S. Morford	12/21/04
Missouri/E	James G. Martin	10/03/04
New York/S	David N. Kelley	04/12/04
North Carolina/W	Gretchen C.F. Shappert	9/29/04

PENDING RESIGNATIONS - 0

DISTRICT	NAME	RESIGNATION DATE
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RESIGNATIONS FORTHCOMING - 0

January 1, 2006

MEMORANDUM FOR THE COUNSEL TO THE PRESIDENT

FROM: Kyle Sampson

SUBJECT: U.S. Attorney Appointments

You have asked whether President Bush should remove and replace U.S. Attorneys whose four-year terms have expired. I recommend that the Department of Justice and the Office of the Counsel to the President work together to seek the replacement of a limited number of U.S. Attorneys.

United States Attorneys are appointed to a four-year term of office and, thereafter, may holdover until a successor is appointed. The U.S. Code provides:

(a) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney for each judicial district.

(b) Each United States attorney shall be appointed for a term of four years. On the expiration of his term, a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualifies.

(c) Each United States attorney is subject to removal by the President.

28 U.S.C. §541. During the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

There likely are several explanations for this. In some instances, Presidents Reagan and Clinton may have been pleased with the work of the U.S. Attorneys who, after all, they had appointed. In other instances, Presidents Reagan and Clinton may simply have been unwilling to commit the resources necessary to remove the U.S. Attorneys, find suitable replacements (i.e., receive the "advice" of the home-state Senators), complete background investigations, and secure Senate confirmations.

There are practical obstacles to removing and replacing U.S. Attorneys. First, wholesale removal of U.S. Attorneys would cause significant disruption to the work of the Department of Justice. Second, individual U.S. Attorneys often were originally recommended for appointment by a home-state Senator who may be opposed to the President's determination to remove the U.S. Attorney. Third, a suitable replacement must be found in consultation with the home-state Senator, the difficulty of which would vary from state to state. Fourth, a background investigation must be completed on the

OAG000000012

replacement -- a task often complicated if the outgoing U.S. Attorney remains in office. Fifth, after nomination, the Senate must confirm the replacement.

None of the above obstacles are insuperable. First, a limited number of U.S. Attorneys could be targeted for removal and replacement, mitigating the shock to the system that would result from an across-the-board firing. Second, the Department of Justice's Executive Office of U.S. Attorneys (EOUSA) could work quietly with the targeted U.S. Attorneys to encourage them to leave government service voluntarily; this would allow targeted U.S. Attorneys make arrangements for work in the private sector and to "save face," both in the Department of Justice community and in their local legal communities. Third, after targeted U.S. Attorneys have left office or indicated publicly their intention to leave office, then the Office of the Counsel to the President can work with home-state Senators and/or other political leaders in the state to secure recommendations for a replacement U.S. Attorney. Finally, after background investigations are complete and the replacement candidate is nominated, the Attorney General can appoint the nominee to serve as Interim U.S. Attorney, reducing the time during which the leadership of the office is uncertain.

If a decision is made to remove and replace a limited number of U.S. Attorneys, then the following might be considered for removal and replacement:

Margaret M Chiara, U.S. Attorney for the Western District of Michigan

Term expired 11/2/2005

Replacement candidates:

Home-state Senators/political leaders: Levin (D) and Stabenow (D); numerous

other candidates

Harry F. "Bud" Cummins III, U.S. Attorney for the Eastern District of Arkansas

Term expires 1/9/2006

Replacement candidates:

Home-state Senators/political leaders: Pryor (D) and Lincoln (D); Gov.

Huckabee (R)

Kevin V. Ryan, U.S. Attorney for the Northern District of California

Term expires 8/2/2005

Replacement candidates: [REDACTED]
Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky
Commission
Carol C. Lam, U.S. Attorney for the Southern District of California
Term expires 11/18/2006
Replacement candidates: [REDACTED]
Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky
Commission

I list these folks based on my review of the evaluations of their offices conducted by
FOUSA and my interviews with officials in the Office of the Attorney General, Office of
the Deputy Attorney General, and the Criminal Division. If a determination is made to
seek the removal of these folks, then we should similarly seek to remove and replace

Please let me know how you would like to proceed.

Others:

Tier 1

Tier 2

Tier 3

center 2.10.2006

January 1, 2006

MEMORANDUM FOR THE COUNSEL TO THE PRESIDENT

FROM: Kyle Sampson

SUBJECT: U.S. Attorney Appointments

You have asked whether President Bush should nominate and replace U.S. Attorneys whose four-year terms have expired. I recommend that the Department of Justice and the Office of the Counsel to the President work together to seek the replacement of a limited number of U.S. Attorneys.

United States Attorneys are appointed to a four-year term of office and a lifetime may not have until a successor is appointed. The U.S. Code provides:

(1) The President shall appoint, by and with the advice and consent of the Senate, United States attorneys for each judicial district.

United States attorneys shall be appointed for a term of four years. On the expiration of his term, a United States attorney shall continue to perform the duties of his office until his successor is appointed and qualified.

(2) Each United States attorney is subject to removal by the President.

5 U.S.C. § 541. During the Reagan and Clinton Administrations, Presidents Reagan and Clinton both did seek to nominate and replace U.S. Attorneys who had appointed who had not yet reached a four-year term. President Bush has not yet done so.

There have been several explanations for this. In some instances, Presidents Reagan and Clinton may have been pleased with the work of the U.S. Attorneys who, after all, they had appointed. In other instances, Presidents Reagan and Clinton may simply have been unwilling to commit the resources necessary to replace the U.S. Attorneys and initiate replacement of or receive the "advice" of the House and Senate (which, in the case of the House, would be a significant undertaking).

There are practical obstacles to removing and replacing U.S. Attorneys. First, wholesale removal of the U.S. Attorneys would cause significant disruption to the work of the Department of Justice. Second, under the U.S. Attorney Act, a Senator may only be removed by a House State Senator who may be opposed to the President's designation to remove the U.S. Attorney. Third, a significant effort must be made in consultation with the House State Senator, the House of Representatives, and the Senate, to ensure that the removal and replacement of U.S. Attorneys is done in a manner that is consistent with the principles of the U.S. Attorney Act.

0AG000000016

replacement - a task often complicated if the outgoing U.S. Attorney remains in office until after nomination; the Senate must confirm the replacement.

None of the above obstacles are insurmountable. First, a limited number of U.S. Attorneys could be targeted for removal and replacement, mitigating the shock to the system that would result from an across-the-board firing. Second, the Department of Justice Executive Office of U.S. Attorneys (EOUSA) could work quietly with the targeted U.S. Attorneys to encourage them to leave government service voluntarily; this would allow targeted U.S. Attorneys make arrangements for work in the private sector and to serve local, state, or federal government, and to maintain local legal communities. Third, other targeted U.S. Attorneys have left office or indicated publicly that they intend to leave office; then the Office of the Counsel to the President can work with home-state senators and/or other political leaders in the state to secure recommendations for replacement U.S. Attorney. Finally, after background investigations are complete and the replacement candidate is nominated, the Attorney General can appoint the nominee to serve as interim U.S. Attorney, reducing the time during which the leadership of the office is uncertain.

If a decision is made to remove and replace a limited number of U.S. Attorneys, the following might be considered for removal and replacement:

Darryl E. "Bud" Cummings III, U.S. Attorney for the Eastern District of Arkansas
Term expires 1/9/2016
Replacement candidate: Tim Griffin
Home-state Senators and political leaders: Mark (D) and Lincoln (D) Clark
Re: [redacted]
Kevin W. Ryan, U.S. Attorney for the Northern District of California
Term expires 1/9/2016

Replacement candidates:

Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky
Commission

Carol C. Lam, U.S. Attorney for the Southern District of California

Term expires: 11/18/2016

Replacement candidates:

Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky
Commission

First these folks based on my review of the evaluations of their offices conducted by
BOUSA and my interviews with officials in the Office of the Attorney General, Office of
the Deputy Attorney General and the Criminal Division. If a determination is made to
seek the removal of these folks, then we should similarly seek to remove and replace

Please let me know how you would like to proceed

Others:

Tier 1

Charleton

Tier 2

Bogden

Tier 3

Judy, could you prepare letters as follows:

1. Appointment letters for new appointments and re-appointments;
2. Letters thanking _____ for their service and inviting them to come to their final AGAC meeting on Mar. 1-3;
3. A letter to _____ thanking her for her service and inviting her, as a former chair of the AGAC, to continue as an ex officio member;
4. Letters to _____ inviting them to continue to serve as ex officio members.

Please e-mail me versions of these letters; I'll likely tinker with them. I will call the new appointments and re-appointments myself to ensure they are willing to serve or continue serving before we send the letters. I would like to get them out early next week, at the latest.

Bill, could you recommend a strong, diverse AUSA, hopefully a manager, who would share the AG's general philosophy and be thrilled to serve on his AGAC?

From: Sampson, Kyle
Sent: Monday, January 09, 2006 10:09 AM
To: Harriet Miers (Harriet_Miers@who.eop.gov)
Cc: Bill Kelley (william_k_kelley@who.eop.gov)
Subject: U.S. Attorney Appointments – PLEASE TREAT THIS AS CONFIDENTIAL

PLEASE TREAT THIS AS CONFIDENTIAL

Harriet, you have asked whether President Bush should remove and replace U.S. Attorneys whose four-year terms have expired. I recommend that the Department of Justice and the Office of the Counsel to the President work together to seek the replacement of a limited number of U.S. Attorneys.

The U.S. Code provides that each United States Attorney "shall be appointed for a term of four years . . . [and] shall continue to perform the duties of his office until his successor is appointed and qualifies." 28 U.S.C. § 541(b). Accordingly, once confirmed by the Senate and appointed, U.S. Attorneys serve for four years and then holdover indefinitely (at the pleasure of the President, of course). In recent memory, during the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

There likely are several explanations for this: In some instances, Presidents Reagan and Clinton may have been pleased with the work of the U.S. Attorneys who, after all, they had appointed. In other instances, Presidents Reagan and Clinton may simply have been unwilling to commit the resources necessary to remove the U.S. Attorneys, find suitable replacements (i.e., receive the "advice" of the home-state Senators), complete background investigations, and secure Senate confirmations.

There are practical obstacles to removing and replacing U.S. Attorneys. First, wholesale removal of U.S. Attorneys would cause significant disruption to the work of the Department of Justice. Second, individual U.S. Attorneys often were originally recommended for appointment by a home-state Senator who may be opposed to the President's determination to remove the U.S. Attorney. Third, a suitable replacement must be found in consultation with the home-state Senator, the difficulty of which would vary from state to state. Fourth, a background investigation must be completed on the replacement – a task often complicated if the outgoing U.S. Attorney remains in office. Fifth, after nomination, the Senate must confirm the replacement.

None of the above obstacles are insuperable. First, a limited number of U.S. Attorneys could be targeted for removal and replacement, mitigating the shock to the system that would result from an across-the-board firing. Second, the Department of Justice's Executive Office of U.S. Attorneys (EOUSA) could work quietly with targeted U.S. Attorneys to encourage them to leave government service voluntarily; this would allow targeted U.S. Attorneys to make arrangements for work in the private sector and "save face" regarding the reason for leaving office, both in the Department of Justice community and in their local legal communities. Third, after targeted U.S. Attorneys have left office or indicated publicly their intention to leave office, then the Office of the Counsel to the President can work with home-state Senators and/or other political leaders in the state to secure recommendations for a replacement U.S. Attorney. Finally, after background investigations are complete and the replacement candidate is nominated, the Attorney General can appoint the nominee to serve as Interim U.S. Attorney pending confirmation, thereby reducing the time during which the leadership of the office is uncertain.

If a decision is made to remove and replace a limited number of U.S. Attorneys, then the following might be considered for removal and replacement:

- 1.
- 2.
3. **Margaret M Chiara**, U.S. Attorney for the Western District of Michigan
Term expired 11/2/2005

5. **Harry E. "Bud" Cummins III**, U.S. Attorney for the Eastern District of Arkansas
 Term expires 1/9/2006 (today!)
 Replacement candidates: Tim Griffin?
 Home-state Senators/political leaders: Pryor (D) and Lincoln (D); Gov. Huckabee(?)
6. **Kevin V. Ryan**, U.S. Attorney for the Northern District of California
 Term expires 8/2/2006
 Replacement candidates:
 Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky Commission
7. **Carol C. Lam**, U.S. Attorney for the Southern District of California
 Term expires 11/18/2006
 Replacement candidates:
 Home-state Senators/political leaders: Feinstein (D) and Boxer (D); Parsky Commission

I list these folks based on my review of the evaluations of their offices conducted by EOUSA and my interviews with officials in the Office of the Attorney General, Office of the Deputy Attorney General, and the Criminal Division. If a determination is made to seek the removal of these folks, then we should similarly seek to remove and replace

Please let me know how you would like to proceed. The first steps, I think, would be (1) to agree on the target list of U.S. Attorneys and (2) ask EOUSA to begin quietly calling them to ascertain their intentions for continued service/indicating to them that they might want to consider looking for other employment.

Tracking:

Recipient

Read

Harriet Miers (Harriet_Miers@who.eop.gov)

Bill Kelley (william_k_kelley@who.eop.gov)

Sampson, Kyle

Read: 1/9/2006 10:09 AM

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, May 11, 2006 11:36 AM
To: 'William_K_Kelley@who.eop.gov'
Subject: FW: Removal and Replacement of U.S. Attorneys Whose 4-year Terms Have Expired

Sensitivity: Confidential

Per your inquiry yesterday after JSC, this is the e-mail I sent to Dabney last month at Harriet's request. Please call me at your convenience to discuss the following:

-
- Tim Griffin for E.D. Ark.; and
- The real problem we have right now with Carol Lam that leads me to conclude that we should have someone ready to be nominated on 11/18, the day her 4-year term expires.

From: Sampson, Kyle
Sent: Friday, April 14, 2006 9:31 AM
To: 'Dabney_Friedrich@who.eop.gov'
Subject: RE: Removal and Replacement of U.S. Attorneys Whose 4-year Terms Have Expired
Sensitivity: Confidential

Also, I would note that two others on my original list already have left office. They are:

and

From: Sampson, Kyle
Sent: Friday, April 14, 2006 9:30 AM
To: 'Dabney_Friedrich@who.eop.gov'
Subject: Removal and Replacement of U.S. Attorneys Whose 4-year Terms Have Expired
Sensitivity: Confidential

Dabney, DOJ recommends that the White House consider removing and replacing the following U.S. Attorneys upon the expiration of their 4-year terms:

Margaret M. Chiara, W.D. Mich., term expired 11/2/2005;

Harry E. "Bud" Cummins III, E.D. Ark., term expired 1/9/2006; and
Carol C. Lam, S.D. Cal., term expires 11/18/2006.

We also should similarly seek to remove and replace:

Call me if you have any questions. If you pushed me, I'd have 3-5 additional names that the White House might want to consider.

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, May 31, 2006 6:34 PM
To: Mercer, Bill (ODAG)
Subject: RE: Immigration Enforcement

No. I have to leave in five.

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

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 6:33 PM
To: Sampson, Kyle
Subject: Re: Immigration Enforcement

Are you going to be upstairs for awhile?

Sent from my BlackBerry Wireless Handheld

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

From: Sampson, Kyle
To: Mercer, Bill (ODAG)
Sent: Wed May 31 18:26:58 2006
Subject: Immigration Enforcement

Has ODAG ever called Carol Lam and woodshedded her re immigration enforcement? Has anyone?

If the AG ordered 20 more prosecutors to S.D. Cal. to do immigration enforcement only, where would we get them from (remember the premise: AG has ordered it)? Please advise.

Tracking: Recipient
Mercer, Bill (ODAG)

Read
Read: 5/31/2006 6:43 PM

From: Brand, Rachel
Sent: Thursday, July 27, 2006 2:31 PM
To: Sampson, Kyle; Elwood, Courtney
Subject: FW: Prosecution Issues

Fyi, per our conversation this morning.

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

From: Brand, Rachel
Sent: Wednesday, July 26, 2006 6:39 PM
To: 'Douglas_B._Baker@who.eop.gov'
Cc: Robert.Jacobs@who.eop.gov; Bounds, Ryan W (OLP); Brand, Rachel
Subject: RE: Prosecution Issues

I've talked to the U.S. Attorney in Arizona. Here's what he says:

"We have altered our threshold guidelines for the Tucson Sector so that we prosecute marijuana cases of 500 pounds and above. There are exceptions. If the marijuana is found on the Tohono O'odham Indian Reservation, we take all of their cases, regardless of weight, because of our trust obligation. In any other area of the Tucson Sector, we take the case regardless of weight if there is an ongoing investigation regarding the smuggling ring, or some other compelling factor exists, such as endangerment, assault on the officer, or a repeat offender."

There are three major issues to keep in mind when considering this fact:

- 1) Because we are a federal system and states also have jurisdiction to investigate and prosecute drug offenses, the prosecution threshold has not resulted in a real gap of enforcement on marijuana cases. According to the US Attorney, three of the four border county attorneys in Arizona have agreed to prosecute marijuana cases involving less than 500 pounds. While the fourth county attorney has not issued a blanket policy of accepting cases involving less than 500 pounds, he has agreed to take them on a case-by-case basis. Since the implementation of this drug weight threshold, the U.S. Attorney's Office in Arizona is unaware of any case referred to the county attorneys that completely fell between the cracks of enforcement.
- 2) Across the country, the Department of Justice's focus is and has been on large, and especially international, drug trafficking rings. For example, the Organized Crime Drug Enforcement Task Force (OCDETF) focuses on prosecuting entire organizations, not necessarily responding to each enforcement event. This is partly a function of limited resources and partly because these are the types of cases that federal law enforcement (as opposed to state and local law enforcement) is uniquely equipped to handle.
- 3) Finally, higher prosecution thresholds are simply going to be a fact of life if the state of budget/resources in the SWB US Attorneys' offices remains what it is now. These districts, and perhaps especially Arizona, are absolutely stretched to the limit. Our focus recently has been on immigration enforcement, but insufficient resources affects every type of enforcement, including narcotics cases. US Attorneys' offices must always triage and prioritize, and the need to do so is especially acute here. We'd be happy to get you more info on the staggering caseload that each Assistant US Attorney in Arizona currently carries. It is true that we will be adding 20 new immigration prosecutors and 5 OCDETF prosecutors to the SWB districts with the money from the supplemental, and I would imagine this would be part of the response to Speaker Hastert. Just for your information, however -- do not expect this to effect a radical change in those districts' ability to take smaller cases. It is only a first step.

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

From: Douglas_B._Baker@who.eop.gov [mailto:Douglas_B._Baker@who.eop.gov]
Sent: Tuesday, July 25, 2006 5:54 PM
To: Brand, Rachel
Cc: Robert_Jacobs@who.eop.gov
Subject: Prosecution Issues

Rachel:

I understand that Barry Jackson has asked a question about the variable prosecution policies by AUSA for illegal immigration. We have another question posed by Speaker Hastert. He understands that the AUSA for Nogales will not prosecute marijuana possession for amounts less than 500 lbs. Seems unlikely to me, but need to get to the truth as this was raised in meeting with POTUS.

Thanks,

Doug

Sampson, Kyle

From: Sampson, Kyle
Sent: Friday, August 18, 2006 5:13 PM
To: Goodling, Monica
Subject: RE: Conf Call, re: Tim Griffin

I agree, but don't think it really should matter where we park him here, as AG will appoint him forthwith to be USA. (Is Cummins gone?)

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

From: Goodling, Monica
Sent: Friday, August 18, 2006 12:09 PM
To: Sampson, Kyle
Subject: Re: Conf Call, re: Tim Griffin

Fyi - to catch you up on the latest here (unless something else has happened this week), scott and I spoke last thurs or fri and this is what's going on...

We have a senator prob, so while wh is intent on nominating, scott thinks we may have a confirmation issue. Also, WH has a personnel issue as tim returns to the states this week and is still on WH payroll. The possible solution I suggested to scott was that we (DOJ) pick him up as a political, examine the BI completed in May pursuant to his WH post, and then install him as an interim. That resolves both the WH personnel issue and gets him into the office he and the WH want him in. I asked Elston to feel out the DAG on bringing Tim into one of the vacant ADAG spots there, just for a short time until we install him in Arkansas. The DAG wanted to look at his resume, and I sent it him before I left. Was going to run this plan by you once I knew the DAG was onboard. If not, I suppose we can look at CRIM, but knowing Tim, my guess is he'd prefer something else given that he was in CRIM in 2001. (Tim knows nothing about my idea for a solution at this point - wanted your signoff, and a home for him, before I called him.)

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

From: Sampson, Kyle
To: 'SJennings@gwb43.com' <SJennings@gwb43.com>; Goodling, Monica
Sent: Fri Aug 18 11:52:05 2006
Subject: RE: Conf Call, re: Tim Griffin

Tell us when, Scott, and we'll be on it.

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

From: SJennings@gwb43.com [mailto:SJennings@gwb43.com]
Sent: Friday, August 18, 2006 11:41 AM
To: Sampson, Kyle; Goodling, Monica
Subject: Conf Call, re: Tim Griffin

Can we get a call together on this Monday or Tuesday ... after you are back, Monica?

J. Scott Jennings

Special Assistant to the President and

Deputy Political Director

The White House

Washington D.C. 20502

sjennings@gwb43.com

Office: 202-456-5275

Tracking:

Recipient

Goodling, Monica

Read

Read: 8/18/2006 5:27 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, August 24, 2006 2:49 PM
To: 'SJennings@gwb43.com'
Subject: RE: Arkansas Article on Cummins

Yes, but we'll bring him on and then detail him down to AR.

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

From: SJennings@gwb43.com [mailto:SJennings@gwb43.com]
Sent: Thursday, August 24, 2006 2:43 PM
To: Sampson, Kyle
Subject: RE: Arkansas Article on Cummins

Do you have to already be a DOJ employee to become a Special AUSA?

J. Scott Jennings
Special Assistant to the President and
Deputy Political Director
The White House
Washington D.C. 20502
sjennings@gwb43.com
Office: 202-456-5275

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

From: Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]
Sent: Thursday, August 24, 2006 2:29 PM
To: Scott Jennings
Subject: RE: Arkansas Article on Cummins

I think it's a great idea and endorse it wholeheartedly.

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

From: SJennings@gwb43.com [mailto:SJennings@gwb43.com]
Sent: Thursday, August 24, 2006 1:51 PM
To: Sampson, Kyle
Subject: FW: Arkansas Article on Cummins

Tim said he got a call from Bud offering this idea: that Tim come on board as a Special AUSA while Bud finalizes his private sector plans. That would alleviate pressure/implication that Tim forced Bud out.

Any thoughts on that? Tim seemed relatively excited about that option this morning on the phone.

J. Scott Jennings
Special Assistant to the President and
Deputy Political Director
The White House
Washington D.C. 20502
sjennings@gwb43.com
Office: 202-456-5275

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

From: Monica.Goodling@usdoj.gov [mailto:Monica.Goodling@usdoj.gov]
Sent: Thursday, August 24, 2006 11:46 AM
To: Kyle.Sampson@usdoj.gov; Scott Jennings

Subject: FW: Arkansas Article on Cummins

FYI

The final days
Arkansas Times Staff
Updated: 8/24/2006

U.S. Attorney Bud Cummins of Little Rock says he'll likely be leaving his job in the next few "weeks or months," but almost certainly by the end of the year. He'd earlier told us he didn't intend to serve out the entirety of the Bush administration's second term and that he'd be looking for private sector work.

More newsy, perhaps, is who Cummins' successor might be. Informed sources say one possibility for a White House nomination is Tim Griffin, an Arkansas native who has worked in top jobs at both the Republican National Committee and the White House on hard-charging political opposition research.

Though Griffin, currently finishing a military obligation, spent one year in Little Rock as an assistant U.S. attorney, his political work would likely get more attention - and Democratic opposition - in the Senate confirmation process. He'd likely have to endure some questioning about his role in massive Republican projects in Florida and elsewhere by which Republicans challenged tens of thousands of absentee votes. Coincidentally, many of those challenged votes were concentrated in black precincts.

If not Griffin, state Rep. Marvin Childers is another Arkansas lawyer whose name has been mentioned by prominent Republicans to serve out Cummins' term.

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, March 02, 2005 5:42 PM
To: 'Harriet Miers'
Subject: U.S. Attorneys

To be clear, putting aside the question of expiring terms, the analysis on the chart I gave you is as follows:

bold = Recommend retaining; strong U.S. Attorneys who have produced, managed well, and exhibited loyalty to the President and Attorney General.

strikeout = Recommend removing; weak U.S. Attorneys who have been ineffectual managers and prosecutors, chafed against Administration initiatives, etc.

nothing = No recommendation; have not distinguished themselves either positively or negatively.

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, September 13, 2006 4:06 PM
To: Goodling, Monica
Subject: RE: United States Attorneys

This is what I intend to send to Harriet. Any corrections?

Harriet, the U.S. Attorney ranks currently break down as follows:

I. Vacancies w/o Candidates

D. Alaska
E.D. Tenn.
S.D.W.V.

II. USAs Who Have Been (Or Will Be) Nominated for Other Things (I am strongly of the view that we should be working now to get their replacements selected, nominated, and in the pipeline)

III. USAs Who, Rumor Has It, Will Be Leaving in Coming Months

IV. USA in the Process of Being Pushed Out

E.D. Ark. (Bud Cummins)

V. USAs We Now Should Consider Pushing Out

D. Ariz. (Paul Charlton)
S.D. Cal. (Carol Lam)

W.D. Mich. (Margaret Chiara)
D. Nev. (Dan Bogden)

W.D. Wash. (John McKay)

VI. Summary

I am only in favor of executing on a plan to push some USAs out if we are ready and willing to put in the time necessary to select candidates and get them appointed -- it will be counterproductive to DOJ operations if we push USAs out and then don't have replacements ready to roll. In addition, I strongly recommend that, as a matter of policy, we utilize the new statutory provisions that authorize the AG to make USA appointments. We can continue to do selection in JSC, but then should have DOJ take over entirely the vet and appointment. By not going the PAS route, we can give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less cost to the White House.

What say you?

Kyle

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

From: Harriet_Miers@who.eop.gov [mailto:Harriet_Miers@who.eop.gov]

Sent: Wednesday, September 13, 2006 2:39 PM

To: Sampson, Kyle

Subject: United States Attorneys

Kyle, any current thinking on holdover U. S. Attorneys? Any recent word on intentions?

Tracking:

Recipient

Read

Goodling, Monica

Read: 9/13/2006 4:06 PM

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, September 13, 2006 4:25 PM
To: 'Harriet Miers@who.eop.gov'
Subject: RE: United States Attorneys

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Subject: United States Attorneys

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Sampson, Kyle

From: Harriet_Miers@who.eop.gov
Sent: Sunday, September 17, 2006 3:15 PM
To: Sampson, Kyle
Subject: RE: United States Attorneys

Kyle, thanks for this. I have not forgotten I need to follow up on the info, but things have been crazy. Will be back in touch!

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

From: Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]
Sent: Wednesday, September 13, 2006 4:23 PM
To: Miers, Harriet
Subject: RE: United States Attorneys

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To: Sampson, Kyle
Subject: United States Attorneys

Kyle, any current thinking on holdover U. S. Attorneys? Any recent word on intentions?

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, September 20, 2006 4:26 PM
To: Ward, Brent
Subject: RE: Obscenity cases

So that neither of us step on Alice's or Paul's toes, let's start by going through the regular channels. Ping me in a week or so, and I'll let you know if the word has gotten up to us. Thx, Brent.

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

From: Ward, Brent
Sent: Wednesday, September 20, 2006 3:52 PM
To: Sampson, Kyle
Subject: Obscenity cases

Kyle,

We have two U.S. Attorneys who are unwilling to take good cases we have presented to them. They are Paul Charlton in Phoenix (this is urgent) and Dan Bogden in Las Vegas. In light of the AG's comments at the NAC to "kick butt and take names", what do you suggest I do? Do you think at this point that these names should go through channels to reach the AG, or is it enough for me to give the names to you? If you want to act on what I give you, I will be glad to provide a little more context for each of the two situations.

Thanks.

Brent

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, October 17, 2006 3:21 PM
To: Elston, Michael (ODAG)
Subject: FW: United States Attorneys

See below for my list of U.S. Attorneys we should consider replacing. Does it match up with yours.

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

From: Harriet_Miers@who.eop.gov [mailto:Harriet_Miers@who.eop.gov]
Sent: Sunday, September 17, 2006 3:15 PM
To: Sampson, Kyle
Subject: RE: United States Attorneys

Kyle, thanks for this. I have not forgotten I need to follow up on the info, but things have been crazy. Will be back in touch!

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From: Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]
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Subject: RE: United States Attorneys

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Sent: Wednesday, September 13, 2006 2:39 PM
To: Sampson, Kyle
Subject: United States Attorneys

Kyle, any current thinking on holdover U. S. Attorneys? Any recent word on intentions?

Tracking:

Recipient
Elston, Michael (ODAG)

Read
Read: 10/17/2006 3:36 PM

Sampson, Kyle

From: Elston, Michael (ODAG)
Sent: Wednesday, November 01, 2006 7:22 PM
To: Sampson, Kyle
Subject: Other Possibilities

These have been suggested to me by others:

3.9.2005

Thanks. In response to similar inquiries you may receive, you should make these points:

- due to the statutory holdover provision, it is unlikely that the President will make any reappointments
- because U.S. Attorneys serve at the pleasure of the President, there should be no presumption that a sitting U.S. Attorney will continue to serve beyond the expiration of his or her current term

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, November 15, 2006 10:55 AM
To: 'Harriet_Miers@who.eop.gov'; 'William_K_Kelley@who.eop.gov'
Cc: McNulty, Paul J
Subject: USA replacement plan

Importance: High

Attachments: USA replacement plan.doc

Harriet/Bill, please see the attached. Please note (1) the plan, by its terms, would commence this week; (2) I have consulted with the DAG, but not yet informed others who would need to be brought into the loop, including Acting Associate AG Bill Mercer, EOUSA Director Mike Battle, and AGAC Chair Johnny Sutton (nor have I informed anyone in Karl's shop, another pre-execution necessity I would recommend); and (3) I am concerned that to execute this plan properly we must all be on the same page and be steeled to withstand any political upheaval that might result (see Step 3); if we start caving to complaining U.S. Attorneys or Senators then we shouldn't do it – it'll be more trouble than it is worth.

We'll stand by for a green light from you. Upon the green light, we'll (1) circulate the below plan to the list of folks in Step 3 (and ask that you circulate it to Karl's shop), (2) confirm that Kelley is making the Senator/Bush political lead calls, and (3) get Battle making the calls to the USAs. Let us know.



USA replacement
plan.doc (40 K...

Kyle Sampson
Chief of Staff
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-2001 wk.
(202) 305-5289 cell
kyle.sampson@usdoj.gov

PLAN FOR REPLACING CERTAIN UNITED STATES ATTORNEYS

November 15, 2006

STEP 1

U.S. Attorney calls: On or about November 15-17, Mike Battle contacts the following U.S. Attorneys:

- Paul Charlton (D. Ariz.)
- Carol Lam (S.D. Cal.)
- Margaret Chiara (W.D. Mich.)
- Dan Bogden (D. Nev.)
- John McKay (W.D. Wash.)
- David Iglesias (D.N.M.)

Battle informs the U.S. Attorneys as follows:

- What are your plans with regard to continued service as U.S. Attorney?
- The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.

STEP 2

Senator calls: On or about November 15-17 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Bill Kelley or appropriate Associate Counsel contacts the following Republican home-state Senators or, where there is no Republican home-state Senator, the home-state "Bush political lead":

- Jon Kyl (re Charlton)
- John Ensign (re Bogden)
- Pete Domenici (re Iglesias)
- California political lead (re Lam)
- Michigan political lead (re Chiara)
- Washington political lead (re McKay)

Kelley informs the Senators/Bush political leads as follows:

- The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration.
- [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by the end of the year.
- We will look to you, Senator/Bush political lead, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration. Importantly, we ask that you make recommendations as soon as possible.

STEP 3

Prepare to Withstand Political Upheaval: U.S. Attorneys desiring to save their jobs (aided by their allies in the political arena as well as the Justice Department community), likely will make efforts to preserve themselves in office. We should expect these efforts to be strenuous. Direct and indirect appeals of the Administration's determination to seek these resignations likely will be directed at: various White House offices, including the Office of the Counsel to the President and the Office of Political Affairs; Attorney General Gonzales and DOJ Chief of Staff Sampson; Deputy Attorney General McNulty and ODAG staffers Moschella and Elston; Acting Associate AG Bill Mercer; EOUSA Director Mike Battle; and AGAC Chair Johnny Sutton. Recipients of such "appeals" must respond identically:

- What? U.S. Attorneys serve at the pleasure of the President (there is no right, nor should there be any expectation, that U.S. Attorneys would be entitled to serve beyond their four-year term).
- Who decided? The Administration made the determination to seek the resignations (not any specific person at the White House or the Department of Justice).
- Why me? The Administration is grateful for your service, but wants to give someone else the chance to serve in your district.
- I need more time! The decision is to have a new Acting or Interim U.S. Attorney in place by the end of the year (granting "extensions" will hinder the process of getting a new U.S. Attorney in place and giving that person the opportunity to serve for a full two years).

STEP 4

Evaluation and Selection of "Interim" Candidates: During November-December 2006, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.

STEP 5

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators/Bush political leads and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confirmations of U.S. Attorney nominees.

Sampson, Kyle

From: Sampson, Kyle
Sent: Saturday, December 02, 2006 2:20 PM
To: Elston, Michael (ODAG)
Subject: Re: N.D.Cal

The list is expanded; still waiting for green light from White House (though we would not launch until after 12/7 anyway).

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Elston, Michael (ODAG)
To: Sampson, Kyle
Sent: Sat Dec 02 13:50:25 2006
Subject: Re: N.D.Cal

I agree. It is certainly something we should consider fighting about. Any chance that we get candid information from such evaluations would be gone if we just turned it over.

This may also become unlikely if the list is expanded by one as we discussed earlier.

-----Original Message-----
From: Sampson, Kyle
To: Elston, Michael (ODAG)
Sent: Sat Dec 02 11:47:37 2006
Subject: RE: N.D.Cal

EARS evaluations seem pretty deliberative to me.

-----Original Message-----
From: Elston, Michael (ODAG)
Sent: Friday, December 01, 2006 7:41 PM
To: Sampson, Kyle
Subject: Fw: N.D.Cal

-----Original Message-----
From: Margolis, David
To: Moschella, William; Kelly, John (USABO); Battle, Michael (USABO); Elston, Michael (ODAG)
Sent: Fri Dec 01 19:32:44 2006
Subject: N.D.Cal

I just got a call from a well placed source who said that judge [redacted] will be asking conyers, pelosi and waxman to secure copies of the ears evaluation and the special follow up review. A couple of months ago, the judge (with whom I have dealt for almost 10 years and have dined with) had called to ask me for a copy of the evaluation and I declined noting that I would not ask her for and she would not give me a copy of any evaluations of the court or the clerk's office. I thought she was satisfied. Evidently I was wrong.

Sampson, Kyle

From: Sampson, Kyle
Sent: Monday, December 04, 2006 6:26 PM
To: 'Kelley, William K.'
Cc: 'Miers, Harriet'
Subject: RE: US Atty Plan
Attachments: USA replacement plan.doc

here is the revised plan, per our discussions

From: Sampson, Kyle
Sent: Monday, December 04, 2006 6:12 PM
To: 'Kelley, William K.'
Cc: Miers, Harriet
Subject: RE: US Atty Plan
Importance: High

Great. We would like to execute this on Thursday, December 7 (all the U.S. Attorneys are in town for our Project Safe Childhood conference until Wednesday; we want to wait until they are back home and dispersed, to reduce chatter). So, on Thursday morning, we'll need the calls to be made as follows:

- * AG calls Sen. Kyl
- * Harriet/Bill call Sens. Ensign and Domenici (alternatively, the AG could make these calls and, if Senators express any concern, offer briefings re why the decision was made – let me know)
- * White House OPA calls California, Michigan, and Washington "leads"

EOUSA Director Mike Battle then will call the relevant U.S. Attorneys. Okay?

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Monday, December 04, 2006 4:48 PM
To: Sampson, Kyle
Cc: Miers, Harriet
Subject: US Atty Plan

We're a go for the US Atty plan. WH leg, political, and communications have signed off and acknowledged that we have to be committed to following through once the pressure comes.

**PLAN FOR REPLACING CERTAIN
UNITED STATES ATTORNEYS**

STEP 1

Senator calls: On December 7, the following Republican home-state Senators or, where there is no Republican home-state Senator, the home-state "Bush political lead" are contacted:

- AG calls **Jon Kyl** (re Charlton)
- WHCO calls **John Ensign** (re Bogden)
- WHCO calls **Pete Domenici** (re Iglesias)
- WH OPA calls **California political lead** (re Lam and Ryan)
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- WH OPA calls **Washington political lead** (re McKay)

AG/WHCO/WH OPA inform the Senators/Bush political leads as follows:

- The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration.
- [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by January 31, 2007.
- We will look to you, Senator/Bush political lead, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration. Importantly, we ask that you make recommendations as soon as possible.

STEP 2

U.S. Attorney calls: On December 7 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Mike Battle contacts the following U.S. Attorneys:

- **Paul Charlton** (D. Ariz.)
- **Carol Lam** (S.D. Cal.)
- **Kevin Ryan** (N.D. Cal.)
- **Margaret Chiara** (W.D. Mich.)
- **Dan Bogden** (D. Nev.)
- **David Iglesias** (D.N.M.)
- **John McKay** (W.D. Wash.)

Battle informs the U.S. Attorneys as follows:

- What are your plans with regard to continued service as U.S. Attorney?
- The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by January 31, 2007.

STEP 3

Prepare to Withstand Political Upheaval: U.S. Attorneys desiring to save their jobs (aided by their allies in the political arena as well as the Justice Department community), likely will make efforts to preserve themselves in office. We should expect these efforts to be strenuous. Direct and indirect appeals of the Administration's determination to seek these resignations likely will be directed at: various White House offices, including the Office of the Counsel to the President and the Office of Political Affairs; Attorney General Gonzales and DOJ Chief of Staff Sampson; Deputy Attorney General McNulty and ODAG staffers Moschella and Elston; Acting Associate AG Bill Mercer; EOUSA Director Mike Battle; and AGAC Chair Johnny Sutton. Recipients of such "appeals" must respond identically:

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Sampson, Kyle
Wednesday, March 02, 2005 9:49 PM
'Harriet_Miers@who.eop.gov'
RE: U.S. Attorneys

Attachments:

IUSA APPOINTMENT EVALUATION SUMMARY.wpd



IUSA
APPOINTMENT EVALUATION

Attached is a revised chart (based on some some additional information I got tonight). The changes are:

strike
strike
bold

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

From: Harriet_Miers@who.eop.gov [mailto:Harriet_Miers@who.eop.gov]
Sent: Wednesday, March 02, 2005 6:03 PM
To: Sampson, Kyle
Subject: RE: U.S. Attorneys

Thanks, Kyle. Interesting meeting today. Senator Hatch had a call into me re 9th cir when I returned.

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

From: Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]
Sent: Wednesday, March 02, 2005 5:46 PM
To: Miers, Harriet
Subject: U.S. Attorneys

To be clear, putting aside the question of expiring terms, the analysis on the chart I gave you is as follows:

bold = Recommend retaining; strong U.S. Attorneys who have produced, managed well, and exhibited loyalty to the President and Attorney General.

strikeout = Recommend removing; weak U.S. Attorneys who have been ineffectual managers and prosecutors, chafed against Administration initiatives, etc.

nothing = No recommendation; have not distinguished themselves either positively or negatively.

created 11.7.2006
w.d.f. 12.4.2006

PLAN FOR REPLACING CERTAIN UNITED STATES ATTORNEYS

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Sampson, Kyle

From: Sampson, Kyle
Sent: Monday, December 04, 2006 6:30 PM
To: McNulty, Paul J; Battle, Michael (USAEQ)
Cc: Goodling, Monica; Moschella, William; Elston, Michael (ODAG)
Subject: FW: US Atty Plan
Importance: High
Attachments: USA replacement plan.doc

Tracking:	Recipient	Read
	McNulty, Paul J	Read: 12/4/2006 6:32 PM
	Battle, Michael (USAEQ)	
	Goodling, Monica	Read: 12/4/2006 6:30 PM
	Moschella, William	Read: 12/4/2006 6:55 PM
	Elston, Michael (ODAG)	Read: 12/4/2006 6:35 PM

Paul/Mike, we are a go for Thursday (see below). At this point we likely need to inform Johnny Sutton and Bill Mercer re the plan (so they are not caught unawares) – Paul, do you want to handle that, or would you like me to? On Thursday, I think we should shoot to get the Senator calls done in the morning, and then have Mike start calling USAs at noon – let me know if anyone thinks otherwise. Thx.

From: Sampson, Kyle
Sent: Monday, December 04, 2006 6:26 PM
To: 'Kelley, William K.'
Cc: 'Miers, Harriet'
Subject: RE: US Atty Plan

here is the revised plan, per our discussions

From: Sampson, Kyle
Sent: Monday, December 04, 2006 6:12 PM
To: 'Kelley, William K.'
Cc: Miers, Harriet
Subject: RE: US Atty Plan
Importance: High

Great. We would like to execute this on Thursday, December 7 (all the U.S. Attorneys are in town for our Project Safe Childhood conference until Wednesday; we want to wait until they are back home and dispersed, to reduce chatter). So, on Thursday morning, we'll need the calls to be made as follows:

- * AG calls Sen. Kyl
- * Harriet/Bill call Sens. Ensign and Domenici (alternatively, the AG could make these calls and, if Senators express any concern, offer briefings re why the decision was made – let me know)
- * White House OPA calls California, Michigan, and Washington "leads"

EOUSA Director Mike Battle then will call the relevant U.S. Attorneys. Okay?

3/12/2007

OAG000000052

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Monday, December 04, 2006 4:48 PM
To: Sampson, Kyle
Cc: Miers, Harriet
Subject: US Atty Plan

We're a go for the US Atty plan. WH leg, political, and communications have signed off and acknowledged that we have to be committed to following through once the pressure comes.

Sampson, Kyle

From: Sampson, Kyle
Sent: Monday, December 04, 2006 7:27 PM
To: 'Jane Cherry'
Cc: Scott Jennings
Subject: RE: US Attorney Vacancies

Sorry for the late response. Here is the status of U.S. Attorney appointments. As you will see, we need to get some names generated pronto.

CURRENT VACANCY

- * D. Alaska
- * C.D. Cal.
- * N.D. Iowa
- * D. Neb.
- * E.D. Tenn.
- * M.D. Tenn.
- * S.D.W.V.

UPCOMING VACANCY (CURRENT U.S. ATTORNEY NOMINATED FOR ANOTHER JOB)

- * S.D. Ga.
- * N.D. Ind.
- * E.D. Mich.
- * D. Mont.
- * E.D.N.Y.

VACANCIES EXPECTED SHORTLY

- * D. Ariz.
- * N.D. Cal.
- * S.D. Cal.
- * W.D. Mich.
- * D. Nevada
- * D.N.M.
- * W.D. Wash.

OTHERS

From: Jane Cherry [mailto:jcherry@gwb43.com]
Sent: Monday, December 04, 2006 9:28 AM
To: Sampson, Kyle
Cc: Scott Jennings
Subject: US Attorney Vacancies

Kyle,

3/12/2007

OAG000000054

Just following up on Scott's behalf to see if we could get the list you discussed with him this weekend.

Thank you!
Jane

3/12/2007

0AG000000055

Sampson, Kyle

From: Sampson, Kyle
Sent: Tuesday, December 05, 2006 10:51 PM
To: Mercer, William W
Subject: Heads up

Attachments: USA replacement plan.doc

Administration has determined to ask some underperforming USAs to move on (you'll remember I beat back a much broader -- like across the board -- plan that WHCO was pushing after 2004). Calls will go out on Thursday. Wanted you to know in case you get some calls from the field and so you can help manage the chatter that may result. See the attached for the details.



USA replacement
plan.doc (39 K...

PLAN FOR REPLACING CERTAIN UNITED STATES ATTORNEYS

STEP 1

Senator calls: On December 7, the following Republican home-state Senators or, where there is no Republican home-state Senator, the home-state "Bush political lead" are contacted:

- AG calls **Jon Kyl** (re Charlton)
- WHCO calls **John Ensign** (re Bogden)
- WHCO calls **Pete Domenici** (re Iglesias)
- WH OPA calls **California political lead** (re Lam and Ryan)
- WH OPA calls **Michigan political lead** (re Chiara)
- WH OPA calls **Washington political lead** (re McKay)

AG/WHCO/WH OPA inform the Senators/Bush political leads as follows:

- The Administration has determined to give someone else the opportunity to serve as U.S. Attorney in [relevant district] for the final two years of the Administration.
- [Relevant U.S. Attorney] has been informed of this determination and knows that we intend to have a new Acting or Interim U.S. Attorney in place by January 31, 2007.
- We will look to you, Senator/Bush political lead, to recommend candidates that we should consider for appointment as the new U.S. Attorney. As always, we ask that you recommend at least three candidates for the President's consideration. Importantly, we ask that you make recommendations as soon as possible.

STEP 2

U.S. Attorney calls: On December 7 (very important that Senator calls and U.S. Attorney calls happen simultaneously), Mike Battle contacts the following U.S. Attorneys:

- **Paul Charlton** (D. Ariz.)
- **Carol Lam** (S.D. Cal.)
- **Kevin Ryan** (N.D. Cal.)
- **Margaret Chiara** (W.D. Mich.)
- **Dan Bogden** (D. Nev.)
- **David Iglesias** (D.N.M.)
- **John McKay** (W.D. Wash.)

Battle informs the U.S. Attorneys as follows:

- What are your plans with regard to continued service as U.S. Attorney?
- The Administration is grateful for your service as U.S. Attorney, but has determined to give someone else the opportunity to serve as U.S. Attorney in your district for the final two years of the Administration.
- We will work with you to make sure that there is a smooth transition, but intend to have a new Acting or Interim U.S. Attorney in place by January 31, 2007.

STEP 3

Prepare to Withstand Political Upheaval: U.S. Attorneys desiring to save their jobs (aided by their allies in the political arena as well as the Justice Department community), likely will make efforts to preserve themselves in office. We should expect these efforts to be strenuous. Direct and indirect appeals of the Administration's determination to seek these resignations likely will be directed at: various White House offices, including the Office of the Counsel to the President and the Office of Political Affairs; Attorney General Gonzales and DOJ Chief of Staff Sampson; Deputy Attorney General McNulty and ODAG staffers Moschella and Elston; Acting Associate AG Bill Mercer; EOUSA Director Mike Battle; and AGAC Chair Johnny Sutton. Recipients of such "appeals" must respond identically:

- What? U.S. Attorneys serve at the pleasure of the President (there is no right, nor should there be any expectation, that U.S. Attorneys would be entitled to serve beyond their four-year term).
- Who decided? The Administration made the determination to seek the resignations (not any specific person at the White House or the Department of Justice).
- Why me? The Administration is grateful for your service, but wants to give someone else the chance to serve in your district.
- I need more time! The decision is to have a new Acting or Interim U.S. Attorney in place by January 31, 2007 (granting "extensions" will hinder the process of getting a new U.S. Attorney in place and giving that person the opportunity to serve for a full two years).

STEP 4

Evaluation and Selection of "Interim" Candidates: During December 2006-January 2007, the Department of Justice, in consultation with the Office of the Counsel to the President, evaluates and selects candidates for Attorney General-appointment (or candidates who may become Acting U.S. Attorney by operation of law) to serve upon the resignation of above-listed U.S. Attorneys.

UNITED STATES ATTORNEYS – APPOINTMENT SUMMARY
(2/24/05)

PRESIDENTIALLY APPOINTED – 79		
DISTRICT	NAME	DATE OF OATH
ALABAMA/MIDDLE		
ALABAMA/NORTHERN		
ALABAMA/SOUTHERN		
ALASKA		
ARIZONA	PAUL K. CHARLTON	11/14/01
ARKANSAS/EASTERN	H.E. "BUD" CUMMINS, III	1/9/02
ARKANSAS/WESTERN		
CALIFORNIA/CENTRAL		
CALIFORNIA/EASTERN		
CALIFORNIA/NORTHERN	KEVIN V. RYAN	8/2/02
CALIFORNIA/SOUTHERN	CAROL C. LAM	11/18/02
CONNECTICUT		
DELAWARE		
FLORIDA/MIDDLE		
FLORIDA/NORTHERN		
FLORIDA/SOUTHERN		
GEORGIA/MIDDLE		
GEORGIA/NORTHERN		
GEORGIA/SOUTHERN		
GUAM/N. MARIANA ISLANDS		
HAWAII		
IDAHO		
ILLINOIS/ CENTRAL		
ILLINOIS/ NORTHERN		

STEP 5

Selection, Nomination, and Appointment of New U.S. Attorneys: Beginning as soon as possible in November 2006, Office of the Counsel to the President and Department of Justice carry out (on an expedited basis) the regular U.S. Attorney appointment process: obtain recommendations from Senators/Bush political leads and other sources; evaluate candidates; make recommendations to the President; conduct background investigations; have President make nominations and work to secure confirmations of U.S. Attorney nominees.

From: Sampson, Kyle
Sent: Friday, December 08, 2006 7:04 PM
To: 'William_K_Kelley@who.eop.gov'
Cc: 'Harriet_Miers@who.eop.gov'; 'Debbie_S_Fiddelke@who.eop.gov'
Subject: Re: Nevada US Atty

Thx for the heads up.

Sent from my BlackBerry Wireless Handheld

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

From: Kelley, William K. <William_K_Kelley@who.eop.gov>
To: Sampson, Kyle
CC: Miers, Harriet <Harriet_Miers@who.eop.gov>; Fiddelke, Debbie S. <Debbie_S_Fiddelke@who.eop.gov>
Sent: Fri Dec 08 18:33:17 2006
Subject: Nevada US Atty

Heads up about disgruntlement in Nevada. Sen. Ensign's COS informs me that the Senator is very unhappy about the decision to let Bogden go, very unhappy about its timing, and doesn't understand the urgency. They say that they have confirmed about 6 judges, 5 marshals, and 1 US Attorney, and it hasn't taken less than 9 months for a single one of those confirmations to be accomplished in a Republican-controlled Congress. Why, they ask, leave the office in the hands of an interim person during that period when it could have been Bogden?

I explained to him our thinking at some length. But they are unsatisfied, and the COS said that Ensign would be calling the AG to make sure that Bogden, who they say has done a great job for Nevada, gets a fair shake.

Sampson, Kyle

From: Sampson, Kyle
Sent: Thursday, December 07, 2006 10:36 AM
To: 'Kelley, William K.'
Subject: RE:

Great. Sen. Kyl is fine.
Is OPA calling the political leads in CA, WA, and MI?
We will commence calling the USAs in the next hour or so.

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Thursday, December 07, 2006 10:29 AM
To: Sampson, Kyle
Subject:

Domenic's COS is happy as a clam and will get us names forthwith.

Left message for Ensign's COS. Said I needed to talk to him asap, but didn't give details.

Sampson, Kyle

From: Sampson, Kyle
Sent: Wednesday, January 10, 2007 4:55 PM
To: Iglesias, David C. (USANM)
Subject: Re: Reference Request

David, I am well thank you. You can list the AG as a reference -- not a problem. Good luck!

Sent from my BlackBerry Wireless Handheld

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

From: Iglesias, David C. (USANM) <David.C.Iglesias@usdoj.gov>
To: Sampson, Kyle
Sent: Wed Jan 10 11:43:57 2007
Subject: Reference Request

Kyle: Hope you're doing well in this new year. I wondering if you could ask the Judge if I can list him as an reference? As you know, I'll be resigning in the next month or so and am looking for a job. Please let me know if he consents. Thanks.

Regards,

David

ILLINOIS SOUTHERN		
INDIANA/ NORTHERN		
INDIANA/SOUTHERN		
IOWA/NORTHERN		
IOWA/SOUTHERN		
KANSAS		
KENTUCKY/EASTERN		
KENTUCKY/WESTERN		
LOUISIANA/MIDDLE		
LOUISIANA/WESTERN		
MASSACHUSETTS		
MICHIGAN/WESTERN	MARGARET M. CHIARA	11/02/01
MINNESOTA		
MISSISSIPPI/NORTHERN		
MISSISSIPPI/SOUTHERN		
MISSOURI/WESTERN		
MONTANA		
NEBRASKA		
NEVADA	DANIEL G. BOGDEN	11/02/01
NEW HAMPSHIRE		
NEW JERSEY		
NEW MEXICO	DAVID C. IGLESIAS	10/18/01
NEW YORK/EASTERN		
NEW YORK/NORTHERN		
NEW YORK/WESTERN		
NORTH CAROLINA/EASTERN		
NORTH CAROLINA/MIDDLE		

NORTH DAKOTA
OHIO/NORTHERN
OHIO/SOUTHERN
OKLAHOMA/EASTERN
OKLAHOMA/NORTHERN
OKLAHOMA/WESTERN
OREGON
PENNSYLVANIA/EASTERN
PENNSYLVANIA/MIDDLE
PENNSYLVANIA/WESTERN
PUERTO RICO
RHODE ISLAND
TENNESSEE/EASTERN
TENNESSEE/MIDDLE
TENNESSEE/WESTERN
TEXAS/EASTERN
TEXAS/NORTHERN
TEXAS/SOUTHERN
TEXAS/WESTERN
UTAH
VIRGINIA/EASTERN
VIRGINIA/WESTERN
WASHINGTON/EASTERN
WASHINGTON/WESTERN
WEST VIRGINIA/NORTHERN
WEST VIRGINIA/SOUTHERN
WISCONSIN/EASTERN

WYOMING		
PENDING OATH - 0		
DISTRICT	NAME	
PENDING COMMISSION - 0		
DISTRICT	NAME	
PENDING CONFIRMATION - 3		
DISTRICT	NAME	
MICHIGAN/EASTERN	STEPHEN J. MURPHY, III	
VIRGIN ISLANDS	ANTHONY J. JENKINS (VRA)	
NORTH CAROLINA/WESTERN	GRETCHEN C.F. SHAPPERT (Ct Apptd)	
PENDING NOMINATION - 0		
DISTRICT	NAME	
PENDING AG FINAL INTERVIEW and RECOMMENDATION - 0		
DISTRICT	NAME	
PENDING BI - 3		
DISTRICT	NAME	

INTERVIEWED and PENDING DECISION - 7	
DISTRICT	NAME