

EXHIBIT A

washingtonpost.com

Firings Had Genesis in White House

Ex-Counsel Miers First Suggested Dismissing Prosecutors 2 Years Ago, Documents Show

By Dan Eggen and John Solomon
Washington Post Staff Writers
Tuesday, March 13, 2007; A01

The White House suggested two years ago that the Justice Department fire all 93 U.S. attorneys, a proposal that eventually resulted in the dismissals of eight prosecutors last year, according to e-mails and internal documents that the administration will provide to Congress today.

The dismissals took place after President Bush told Attorney General Alberto R. Gonzales in October that he had received complaints that some prosecutors had not energetically pursued voter-fraud investigations, according to a White House spokeswoman.

Gonzales approved the idea of firing a smaller group of U.S. attorneys shortly after taking office in February 2005. The aide in charge of the dismissals -- his chief of staff, D. Kyle Sampson -- resigned yesterday, officials said, after acknowledging that he did not tell key Justice officials about the extent of his communications with the White House, leading them to provide incomplete information to Congress.

Lawmakers requested the documents as part of an investigation into whether the firings were politically motivated. While it is unclear whether the documents, which were reviewed yesterday by The Washington Post, will answer Congress's questions, they show that the White House and other administration officials were more closely involved in the dismissals, and at a much earlier date, than they have previously acknowledged.

Seven U.S. attorneys were fired on Dec. 7 and another was fired months earlier, with little explanation from the Justice Department. Several former prosecutors have since alleged intimidation, including improper telephone calls from GOP lawmakers or their aides, and have alleged threats of retaliation by a Justice Department official.

Administration officials have portrayed the firings as a routine personnel matter, designed primarily to rid the department of a handful of poor performers.

But the documents and interviews indicate that the idea for the firings originated at least two years ago, when then-White House counsel Harriet E. Miers suggested to Sampson in February 2005 that all prosecutors be dismissed and replaced.

Gonzales rejected that idea as impractical and disruptive, Justice officials said, but over the next 22 months Sampson orchestrated more limited dismissals.

"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," Sampson wrote to Miers in January 2006. 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."

Administration officials say they are braced for a new round of criticism today from lawmakers who may feel

misled by recent testimony from Gonzales, Deputy Attorney General Paul J. McNulty and William E. Moschella, principal associate deputy attorney general. Several Democrats have called in recent days for Gonzales to resign.

White House spokeswoman Dana Perino said that "it doesn't appear the president was told about a list nor shown a list" of U.S. attorneys at any point in the discussions. She said White House political adviser Karl Rove had an early conversation with Miers about the idea of firing all chief prosecutors and did not think it was wise.

Bush mentioned complaints about voter-fraud investigations to Gonzales in a conversation in October 2006, Perino said. Gonzales does not recall the conversation, Justice Department officials said.

Bush "believes informally he may have mentioned it to the AG during the meeting discussing other matters," Perino said. "White House officials including the president did not direct DOJ to take any specific action with regards to any specific U.S. attorney."

Rove and other White House officials also forwarded complaints that U.S. attorneys were not doing enough to prosecute voter fraud.

Since the 2000 presidential election ended in dispute in Florida, Republicans have repeatedly raised concerns about possible voter fraud, alleging that convicted felons and other ineligible voters have been permitted to cast ballots to the benefit of Democrats.

Congressional committees yesterday requested that Rove testify before them about the firings; the House Judiciary Committee also requested that Miers appear.

The e-mails show that Rove was interested in the appointment of a former aide, Tim Griffin, as an Arkansas prosecutor. Sampson wrote in one that "getting him appointed was important to Harriet, Karl, etc."

Sampson sent an e-mail to Miers in March 2005 that ranked all 93 U.S. attorneys. Strong performers "exhibited loyalty" to the administration; low performers were "weak U.S. attorneys who have been ineffectual managers and prosecutors, chafed against Administration initiatives, etc." A third group merited no opinion.

At least a dozen prosecutors were on a "target list" to be fired at one time or another, the e-mails show.

Only three of those eventually fired were given low rankings: Margaret Chiara in Grand Rapids, Mich.; Bud Cummins in Little Rock; and Carol S. Lam in San Diego. Two were given strong evaluations: David C. Iglesias in Albuquerque, who has alleged political interference from GOP lawmakers, and Kevin V. Ryan in San Francisco, whose firing has generated few complaints because of widespread management and morale problems in his office.

Justice Department spokeswoman Tasia Scolinos said last night that Gonzales will announce new ways of evaluating U.S. attorneys, but said the department still believes the firings were "based on performance-related considerations."

In January 2006, Sampson sent to the White House the first list of seven candidates for dismissal, including four who were fired at year's end: Chiara, Cummins, Lam and Ryan. The list also recommended Griffin and other replacements, most of whom were edited from documents viewed by The Post.

In September, Sampson produced another list of firing candidates, telling the White House that Cummins was "in the process of being pushed out" and providing the names of eight others whom "we should consider pushing out." Five on that list were fired in December; the others were spared.

Iglesias, the New Mexico prosecutor, was not on that list. Justice officials said Sampson added him in October,

based in part on complaints from Sen. Pete V. Domenici and other New Mexico Republicans that he was not prosecuting enough voter-fraud cases.

Sampson also strongly urged bypassing Congress in naming replacements, using a little-known power slipped into the renewal of the USA Patriot Act in March 2006 that allows the attorney general to name interim replacements without Senate confirmation.

"I am only in favor of executing on a plan to push some USAs out if we really are ready and willing to put in the time necessary to select candidates and get them appointed," Sampson wrote in a Sept. 17 memo to Miers. "It will be counterproductive to DOJ operations if we push USAs out and then don't have replacements ready to roll immediately.

"I strongly recommend that as a matter of administration, we utilize the new statutory provisions that authorize the AG to make USA appointments," he wrote.

By avoiding Senate confirmation, Sampson added, "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 political costs to the White House."

"Kyle thanks for this," Miers wrote back. "I have not forgotten I need to follow up on the info. But things have been crazy."

On the day of the Dec. 7 firings, Miers's deputy, William Kelley, wrote that Domenici's chief of staff "is happy as a clam" about Iglesias.

A week later, Sampson wrote: "Domenici is going to send over names tomorrow (not even waiting for Iglesias's body to cool)."

Miers resigned as White House counsel this January.

The documents also provide new details about the case of Griffin, a former Republican National Committee researcher who was named interim U.S. attorney in Little Rock in December.

E-mails show that Justice officials discussed bypassing the two Democratic senators in Arkansas, who normally would have had input into the appointment, as early as last August. By mid-December, Sampson was suggesting that Gonzales exercise his newfound appointment authority to put Griffin in place until the end of Bush's term.

"[I]f we don't ever exercise it then what's the point of having it?" Sampson wrote to a White House aide.

EXHIBIT B

March 13, 2007

White House Said to Prompt Firing of Prosecutors

By **DAVID JOHNSTON** and **ERIC LIPTON**

WASHINGTON, March 12 — The White House was deeply involved in the decision late last year to dismiss federal prosecutors, including some who had been criticized by Republican lawmakers, administration officials said Monday.

Last October, President Bush spoke with Attorney General Alberto R. Gonzales to pass along concerns by Republicans that some prosecutors were not aggressively addressing voter fraud, the White House said Monday. Senator Pete V. Domenici, Republican of New Mexico, was among the politicians who complained directly to the president, according to an administration official.

The president did not call for the removal of any specific United States attorneys, said Dana Perino, a White House spokeswoman. She said she had “no indication” that the president had been personally aware that a process was already under way to identify prosecutors who would be fired.

But Ms Perino disclosed that White House officials had consulted with the Justice Department in preparing the list of United States attorneys who would be removed.

Within a few weeks of the president’s comments to the attorney general, the Justice Department forced out seven prosecutors.

Previously, the White House had said that Mr. Bush’s aides approved the list of prosecutors only after it was compiled.

The role of the president and his advisers in the prosecutor shakeup is likely to intensify calls by Congress for an investigation. It is the worst crisis of Mr. Gonzales’s tenure and provoked charges that the dismissals were a political purge threatening the historical independence of the Justice Department.

The idea of dismissing federal prosecutors originated in the White House more than a year earlier, White House and Justice officials said Monday.

In early 2005, Harriet E. Miers, then the White House legal counsel, asked a Justice Department official whether it would be feasible to replace all United States attorneys when their four-year terms expired, according to the Justice Department. The proposal came as the administration was considering which political appointees to replace in the second term, Ms. Perino said.

Ms. Miers sent her query to D. Kyle Sampson, a top aide to Mr. Gonzales, the Justice officials said. Mr. Sampson, who resigned Monday, replied that filling so many jobs at once would overtax the department. He suggested replacing a smaller group, according to e-mail messages and other memorandums compiled by the

Justice Department.

Karl Rove, the senior White House adviser, also had rejected the idea of replacing all the prosecutors, Ms. Perino said. But as Ms. Miers worked with Mr. Sampson on devising a list of attorneys to oust, Mr. Rove relayed to her complaints he had received that the Justice Department was not moving aggressively on voter fraud cases.

The White House continued to defend its handling of the dismissals.

“We continue to believe that the decision to remove and replace U.S. attorneys who serve at the pleasure of the president was perfectly appropriate and within our discretion,” Ms. Perino said.

“We stand by the Department of Justice assertion that they identified the seven U.S. attorneys who were removed, as they have said, based on performance and managerial reasons.”

On Monday Congressional Democrats demanded more information from the White House about the ousters, calling on Mr. Rove to testify about any discussions he had had about federal prosecutors. Senator Charles E. Schumer, Democrat of New York, said he would seek a subpoena for Mr. Rove’s testimony if he did not appear voluntarily.

Justice Department officials have said they removed the United States attorney in Arkansas earlier last year to make room for a Republican Party lawyer and onetime adviser to Mr. Rove.

In the other cases, though, the department at first denied that the dismissals were performance related, and then said they were, citing managerial problems, lack of aggressiveness and conflicts over seeking the death penalty or enforcing immigration laws.

Justice Department officials said Monday that they had only learned recently about Mr. Sampson’s extensive e-mail and memos with Ms. Miers about the prosecutors. The communications were discovered Thursday when Mr. Sampson turned over the material to officials who were assembling documents in response to Congressional requests.

The documents did not provide a clear motive for the firings. Some suggested that department officials were dissatisfied with specific prosecutors, but none cited aggressive public corruption inquiries or failure to pursue voter fraud cases as an explicit reason to remove them.

On Dec. 4, 2006, three days before the dismissals, Mr. Sampson sent an e-mail message to the White House with a copy to Ms. Miers outlining plans to carry out the firings

“We would like to execute this on Thursday, Dec. 7,” Mr. Sampson wrote. Because some United States attorneys were still in Washington attending a conference, he planned to postpone telling them they were being fired. He wrote, “We want to wait until they are back home and dispersed to reduce chatter.”

Mr. Sampson predicted that dismissals might stir debate. “Prepare to Withstand Political Upheaval,” he wrote in describing what to expect as a result of the firings. “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. You should expect these efforts to be strenuous.”

Mr. Rove’s role in expressing concerns about prosecutors had emerged in recent days. The White House acknowledged Sunday that Mr. Rove had passed on complaints to Mr. Gonzales and Ms. Miers about David C. Iglesias, who was dismissed as the United States attorney in New Mexico. Mr. Rove’s role surfaced after the McClatchy Newspapers reported that a Republican Party official in New Mexico had complained to Mr. Rove in 2005 and again a year later about Mr. Iglesias’s failure to indict Democrats in a voter fraud investigation.

Concern about voter registration fraud turned political in several states in 2004 where there were close elections, including some lost narrowly by Republican candidates.

An associate of Mr. Rove said Monday that although he had learned in November that the prosecutors were being replaced, his conversation with Allen Weh, the Republican Party chairman in New Mexico, and subsequently with Mr. Gonzales, were brief exchanges at holiday parties and that they occurred after Dec. 7, when Mr. Iglesias and six other prosecutors were dismissed.

John McKay, the ousted United States attorney in Seattle, said last week while in Washington to testify before Congress that White House lawyers interviewing him for a possible federal judgeship had asked him why he had “mishandled” an investigation into voter fraud allegations in his state following the 2004 elections.

House and Senate investigators have already made clear that they want to examine exactly what role the White House, Mr. Sampson, Ms. Miers (who left the administration in January), Mr. Rove and other senior officials played in the matter. Last week, six of the fired prosecutors testified before the Senate Judiciary Committee. Officials said Mr. Sampson, who once worked at the Bush White House interviewing candidates for United States attorney, was largely behind the effort at the Justice Department.

This week, the United States attorney dispute will be aired on the Senate floor during debate over legislation to roll back a provision of the antiterrorism law that allows President Bush to appoint interim United States attorneys indefinitely.

Jeff Zeleny contributed reporting.

Copyright 2007 The New York Times Company

[Privacy Policy](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)
