

McNulty, Paul J

From: McNulty, Paul J
Sent: Wednesday, February 28, 2007 1:30 PM
To: Roehrkasse, Brian
Subject: RE: DRAFT Talking Points

Is it over the top to say that we are disappointed that David would make such an unfounded allegation (assuming he says what is being reported he will say)?

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 12:51 PM
To: McNulty, Paul J
Subject: FW: DRAFT Talking Points

From: Elwood, Courtney
Sent: Wednesday, February 28, 2007 12:49 PM
To: Roehrkasse, Brian
Subject: RE: DRAFT Talking Points

B- I have to dash to a meeting, but here are my comments.

1. To say USAs "never" are removed to retaliate goes beyond this Administration; remember that Nixon fired the A.G.; so can we cabin it temporally.
2. . Doesn't say "no one in the Department was aware of the specific details of the conversations between former U.S. Attorney Iglesias and members of the New Mexico Congressional delegation," indicate that we knew of the calls generally -- which supports Iglesia's claims. I'd delete that and perhaps say, if true, that there is no evidence that any calls from members were rec'd by OPA.
3. I'd think hard about including the last bullet.

Courtney Simmons Elwood
Deputy Chief of Staff and
Counselor to the Attorney General
U.S. Department of Justice
(w)
(c)
(fax)

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 12:37 PM
To: Elwood, Courtney; Goodling, Monica; Sampson, Kyle; Moschella, William; Hertling, Richard
Subject: DRAFT Talking Points

Here are my draft talking points. Please respond with comments ASAP. Thanks.

DRAFT Talking Points

- United States Attorneys never are removed in an effort to retaliate against them or interfere with or inappropriately influence a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.
- David Iglesias served since 2001 as U.S. Attorney in New Mexico and had a lengthy record from which

to evaluate his performance. Our decision was based on performance-related concerns including issues associated with the overall management of the office among others during his 5 ½ years as U.S. Attorney in New Mexico.

- U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and no one in the Department was aware of the specific details of the conversations between former U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

- The Department is occasionally contacted about the performance of U.S. Attorneys by home-state Senators and gives those comments the appropriate consideration. However, we will not discuss specific conversations between members and the Department on these occasions.

Brian Roehrkaase
Deputy Director of Public Affairs
U.S. Department of Justice

McNulty, Paul J

From: McNulty, Paul J
Sent: Wednesday, February 28, 2007 2:06 PM
To: 'Kelley, William K.'
Subject: RE: Updated Draft Talking Points and McClatchy story

From: Kelley, William K. [mailto:William_K_Kelley@who.eop.gov]
Sent: Wednesday, February 28, 2007 1:55 PM
To: McNulty, Paul J
Subject: RE: Updated Draft Talking Points and McClatchy story

Thanks.

From: McNulty, Paul J [mailto:Paul.J.McNulty@usdoj.gov]
Sent: Wednesday, February 28, 2007 1:54 PM
To: Kelley, William K.
Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Bill, here is the latest: our draft talking points and the most recent article. Strange thing is that Iglesias is quoted in an Albuquerque Tribune story today as saying that he expects indictments in the corruption case "very soon," an obvious violation of Department policy in an ongoing investigation. Paul

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To: McNulty, Paul J
Subject: FW: Updated Draft Talking Points and McClatchy story
Importance: High

Updated w/ the story.

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Sent: Wednesday, February 28, 2007 1:26 PM
To: Goodling, Monica; Moschella, William; Hertling, Richard
Cc: Elwood, Courtney; Sampson, Kyle; Scolinos, Tasia
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Importance: High

I just spoke to Kyle on the plane and have incorporated his input as well as edits from Courtney and Tasia. The McClatchy story is below -- I think it comes from an interview rather than a press conference.

Please send me you final comments now so I can begin to use these talking points. Thanks.

DRAFT Talking Points

DAG000002767

3/12/2007

The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.

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From: Taylor, Marisa [mailto:mtaylor@mcclatchydc.com]
Sent: Wednesday, February 28, 2007 1:10 PM
To: Roehrkasse, Brian; Schwartz, Arthur
Subject: this is what I called about

I can still add a response from the department and update the story.

Marisa Taylor
National Correspondent
McClatchy Newspapers
(202)-383-6164
mtaylor@mcclatchydc.com

Visit McClatchy's 32 daily newspapers, including the Miami Herald, Sacramento Bee, Minneapolis Star Tribune, Kansas City Star, Raleigh News & Observer and others, at www.mcclatchy.com.

Posted on Wed, Feb. 28, 2007

Political interference alleged in sacking of a U.S. attorney

By Marisa Taylor
McClatchy Newspapers

DAG000002768

WASHINGTON - The U.S. attorney from New Mexico who was recently fired by the Bush administration said Wednesday that he believes he was forced out because he refused to rush an indictment in an ongoing probe of local Democrats a month before November's Congressional elections.

David Iglesias said two members of Congress separately called in mid October to inquire about the timing of an ongoing probe of a kickback scheme and appeared eager for an indictment to be issued on the eve of the elections in order to benefit the Republicans. He refused to name the members of Congress because he said he feared retaliation.

Two months later, on Dec. 7, Iglesias became one of six U.S. attorneys ordered to step down for what administration officials have termed "performance-related issues." Two other U.S. attorneys also have been asked to resign.

Iglesias, who received a positive performance review before he was fired, said he suspected he was forced out because of his refusal to be pressured to hand down an indictment in the ongoing probe.

"I believe that because I didn't play ball, so to speak, I was asked to resign," said Iglesias, who officially stepped down Wednesday.

Iglesias acknowledged that he had no proof that the pressure from the Congress members prompted his forced resignation. But he said the contact in of itself violated one of the most important tenants of a U.S. attorney's office: Don't mix politics with prosecutions.

U.S. attorneys are appointed by the president in a political process that includes Senate confirmation. But as soon as they assume office they are expected to refrain from being politically active and to resist the urge to allow their political leanings to affect the outcome of a case.

Democrats have described the mid-term firings of the Republican-appointed U.S. attorneys as unprecedented and questioned whether the firings were politically motivated to root out moderates and install candidates loyal to the administration.

Justice department officials have defended the firings as legitimate administrative decisions meant to improve the workings of the Justice Department. Deputy Attorney General Paul McNulty told the Senate that most of the forced resignations were motivated by "performance-related" reasons.

Iglesias' allegation raises new questions about the nature of the firings and seems to undermine the theory that the administration only singled out moderate Republicans. Iglesias, a former military lawyer whose work helped inspired the Tom Cruise character in a "Few Good Men," describes himself as a social conservative who strove to loyally implement the administration's policies. Iglesias also was the first Hispanic to serve as U.S. attorney in his state in decades.

"I represent three huge voting blocks of the Republican party," he said. "I don't know why they would let someone go with those political credentials who has demonstratively done a good job."

Iglesias said the two members of Congress not only contacted him directly but also proceeded to try to wrest details about the case from him. Iglesias would not comment on the case to McClatchy, but the local media has reported on aspects of the ongoing investigation, including allegations that a former Democratic state senator took money to ensure an \$82 million courthouse contract would go to specific company.

Congressional questions about ongoing cases are supposed to go through a special office within the Justice Department to avoid the appearance of impropriety. Corruption cases in particular are treated as especially sensitive.

"I was appalled by the inappropriateness of those contacts," Iglesias said of the calls.

Iglesias said they called during the lead up to the Congressional elections that gave the Democrats control of the House and Senate. The Republican Party loss was blamed in part on several ongoing criminal corruption cases against Republican members of Congress.

Jude McCartin, a spokeswoman for New Mexico's Democratic Senator Jeff Bingaman, said she had not heard of the allegations and could not comment on them.

"It wasn't us - that's all I can say," she said.

Bingaman worked with Iglesias on crafting certain legislation, but McCartin said Bingaman would never attempt to push an ongoing case for political purposes.

"U.S. attorneys have a job to do and he does not want to interfere," she said. "He's a senator and his job is to craft legislation, not involve himself in ongoing cases."

Other members of the New Mexico delegation could not be immediately reached for comment.

Senator Pete Domenici was not facing re-election, but the state's two other Republicans, U.S. Representatives Heather Wilson and Steve Pearce were up for election. Both won, but Wilson beat her opponent by 875 votes out of nearly 211,000.

Local media reports had speculated that Iglesias' office might issue an indictment before the elections.

But Iglesias said he refused to tell the members of Congress when it would be issued, although he had decided the investigation needed more time.

"You never rush any case to trial, especially political corruption cases," he said. "There is always the charge that the real basis of the prosecutions is politics and you want to avoid that."

He said he now regrets that he did not report the calls to the Justice Department as required by policy.

"I thought it would blow over," he said. "But I was wrong."

In the last several weeks, other U.S. attorneys have spoken out against the administration to dispute that they were fired because of the way they handled their job.

The administration has only acknowledged that politics played a part in the firing of former U.S. Attorney Bud Cummins in Little Rock Arkansas. In his case, officials have said he was removed to make way for Tim Griffin, a former aide to Rove. Griffin has since said he will not seek Senate confirmation because of the controversy.

The firings have put Justice Department officials in the unusual position of having to defend the ouster of Republican appointees against Democratic criticism.

Similar to six other U.S. attorneys, Iglesias said when he was called and fired December 7, he was not given any reason other than that said the order "came from on high."

Iglesias and several other U.S. attorneys have been contacted by the House's Subcommittee on Commercial and Administrative Law about possibly testifying before Congress on the firings. Iglesias said would only testify if he were subpoenaed.

U.S. Attorney Daniel Bogden, who also stepped down Wednesday after being asked to leave in December, said he had no idea why he was asked to resign.

Like Iglesias, he received a positive performance evaluation. But unlike him, he said he never clashed with elected officials about an ongoing investigation. Bogden, a prosecutor with more than 16 years of experience, prosecuted county officials in a case connected to a San Diego indictment of several local elected officials. Carol Lam, the U.S. attorney in San Diego, was also asked to step down in December.

"As an office we thought we were functioning at a very high level," Bogden said. "You would think that if you're doing the job you should be doing you should remain in your place."

McNulty, Paul J

From: Kelley, William K. [William_K_Kelley@who.eop.gov]
Sent: Wednesday, February 28, 2007 2:47 PM
To: McNulty, Paul J
Subject: Re: Final Talking Points

Thx.

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

From: McNulty, Paul J
To: Kelley, William K.
Sent: Wed Feb 28 14:43:16 2007
Subject: FW: Final Talking Points

FYI

From: Roehrkasse, Brian
Sent: Wednesday, February 28, 2007 2:22 PM
To: Scolinos, Tasia; Sampson, Kyle; Goodling, Monica; Elston, Michael (ODAG); Moschella, William; McNulty, Paul J; Elwood, Courtney; Nowacki, John (USAE0); Hertling, Richard

Subject: Final Talking Points

Attached are the final talking points on the allegations by U.S. Attorney David Iglesias.

Talking Points

* The suggestion that David Iglesias was asked to resign because he failed to bring an indictment over a courthouse construction contract is flatly false.

* This Administration has never removed a United States Attorney in an effort to retaliate against them or inappropriately interfere with a public integrity investigation. Furthermore, in the last six years, the Department has demonstrated its extremely strong record rooting out public corruption including prosecuting a number of very high profile cases.

* David Iglesias was confirmed in 2001 to a four-year term as U.S. Attorney in New Mexico and was allowed to extend his service for an additional year and a half. During his 5 ½ years of service, we had a lengthy record from which to evaluate his performance as a manager and we made our decision not to further extend his service based on performance-related concerns.

* U.S. Attorneys [as directed by the U.S. Attorney Manual] are aware that all Congressional calls are to be directed to the Department of Justice's Office of Legislative Affairs and we are unaware that anyone in Main Justice was notified of any conversations between U.S. Attorney Iglesias and members of the New Mexico Congressional delegation.

If asked ONLY whether the main Justice Department or the White House was contacted about the performance of former U.S. Attorney David Iglesias:

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Deputy Director of Public Affairs
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Congress because he said he feared retaliation.

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"I believe that because I didn't play ball, so to speak, I was asked to resign," said Iglesias, who officially stepped down Wednesday.

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U.S. attorneys are appointed by the president in a political process that includes Senate confirmation. But as soon as they assume office they are expected to refrain from being politically active and to resist the urge to allow their political leanings to affect the outcome of a case.

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