

46

United States Senate
WASHINGTON, DC 20510

February 8, 2007

The Honorable Alberto R. Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Gonzales:

As you know, the Senate Judiciary Committee held a hearing this week to examine the growing politicization of the hiring and firing of United States Attorneys, our nation's top federal prosecutors.

Unfortunately, the hearing only served to intensify, rather than assuage, our concerns, particularly given the circumstances surrounding the ouster of Bud Cummins, who was the U.S. Attorney in the Eastern District of Arkansas until last December.

When you testified before the Committee on January 18, 2007, you stated unequivocally that you "would never, ever make a change in a U.S. Attorney position for political reasons." In a stunning admission, however, Deputy Attorney General Paul McNulty, in his own testimony on February 6th, acknowledged that Mr. Cummins was pushed out for no reason other than to install -- without Senate confirmation -- Tim Griffin, a former aide to Karl Rove. At the time, Mr. Griffin had minimal federal prosecution experience, but was highly skilled in opposition research and partisan attacks for the Republican National Committee. This strikes us as a quintessentially "political" reason to make a change.

We recognize, of course, that United States Attorneys serve at the pleasure of the President, but as several highly respected and distinguished former officials of the Department of Justice have noted, the dismissal of a well-respected U.S. Attorney simply to reward an inexperienced partisan is unprecedented.

Although Senators expect soon to be briefed privately about the alleged performance issues of several other U.S. Attorneys, we hope that you will quickly and publicly address the most troubling aspects of the Cummins ouster and Griffin appointment. We look forward to a fuller explanation of why a concededly well-performing prosecutor was terminated in favor of such a partisan figure:

- In particular, when was the decision made to appoint Tim Griffin to replace Bud Cummins?

OAG00000959

- Specifically, who lobbied on behalf of Tim Griffin's appointment, both inside and outside the Administration?
- Why was Bud Cummins told to resign in June of 2006, when the other dismissed officials were told in December of 2006? Was the reason to give the replacement, Tim Griffin, a chance to become ensconced at the U.S. Attorney's Office in Arkansas before making the appointment?
- In light of the unprecedented nature of the appointment, we are especially interested in understanding the role played by Karl Rove. In particular, what role did Karl Rove, with whom Griffin was closely associated, play in the decision to appoint Griffin?

Given that Mr. Rove was himself apparently still being investigated by a U.S. Attorney in June of 2006, it would be extremely untoward if he were at the same time leading the charge to oust a sitting U.S. Attorney and install his own former aide.

These questions go to the heart of the public's confidence in the fair administration of justice. Once appointed, U.S. Attorneys, perhaps more than any other public servant, must be above politics and beyond reproach; they must be seen to enforce the rule of law without fear or favor.

Given the issues raised in the recent hearing, we are naturally concerned about the Administration's professed commitment to keeping politics out of the Department of Justice. We hope that you will quickly put those concerns to rest.

Sincerely,

Gary
Ch. S.

Dick Durbin
Patty Murray

47

Sampson, Kyle

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. **Thomas B. Heffelfinger**, U.S. Attorney for the District of Minnesota
 Term expired 9/24/2005
 Replacement candidates: ???
 Home-state Senators: Coleman (R) (first opportunity to recommend a U.S. Attorney candidate) and Dayton (D)
2. **Todd P. Graves**, U.S. Attorney for the Western District of Missouri
 Term expired 10/19/2005
 Replacement candidates: John Wood?
 Home-state Senators: Bond (R) and Talent (R)
3. **Margaret M Chiara**, U.S. Attorney for the Western District of Michigan
 Term expired 11/2/2005

Replacement candidates: Rachel Brand?

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

4. David E. O'Meilla, U.S. Attorney for the Northern District of Oklahoma

Term expired 12/7/2005

Replacement candidates: ???

Home-state Senators: Inhofe (R) and Coburn (R)

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: Dan Levin?

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: Jeff Taylor, Deb Rhodes

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 Paula D. Silsby, the Interim U.S. Attorney for the District of Maine, and William J. Leone, the Interim U.S. Attorney for the District of Colorado.

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.

48

From: Karl Rove [KR@georgewbush.com]
Sent: Tuesday, February 20, 2007 9:38 AM
To: Kelley, William K.
Subject: Here's the answer

Many thought he was going to leave in dec of 2005 when his four years was up. Of course, he didn't leave.

Justice sources said that at some point he stood up at a DOJ U.S. Attorney's conference over a year ago and asked a question about post us attorney employment restrictions. It was well known he was looking.

Here is an Arkansas Times piece below from August of 2006. In it the Arkansas Times recalls that Bud has saying he was going to be leaving for a while:

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.

49

From: "Karl Rove" <kcrmail@georgewbush.com>
Date: Tuesday, February 20, 2007, 2:24:37 PM
To: griffinjag@comcast.net
Subject: Re: Geez - Cummins just won't stop!

Did Cummins ever say publicly he was looking to leave - something that was picked up by the press well before he left?

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

From: griffinjag@comcast.net <griffinjag@comcast.net>
To: Karl Rove; Sara Taylor; Scott Jennings
Sent: Sun Feb 18 22:22:26 2007
Subject: Fw: Geez - Cummins just won't stop!

Fyi. From tomorrow. I don't understand the shock that the White House has input on political appointments.

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

From: "barbara" <barbara@corallocomstock.com>
Date: Sun, 18 Feb 2007 22:05:14
To: "Tim Griffin" <griffinjag@comcast.net>
Subject: Geez - Cummins just won't stop!

6 of 7 Dismissed U.S. Attorneys Had Positive Job Evaluations

By Dan Eggen
Washington Post Staff Writer
Sunday, February 18, 2007; A11

All but one of the U.S. attorneys recently fired by the Justice Department had positive job reviews before they were dismissed, but many ran into political trouble with Washington over issues ranging from immigration to the death penalty, according to prosecutors, congressional aides and others familiar with the cases.

Two months after the firings first began to make waves on Capitol Hill, it has also become clear that most of the prosecutors were overseeing significant public-corruption investigations at the time they were asked to leave. Four of the probes target Republican politicians or their supporters, prosecutors and other officials said.

The emerging details stand in contrast to repeated statements from the Justice Department that six of the Republican-appointed prosecutors were dismissed because of poor performance. In one of the most prominent examples, agency officials pointed to widely known management and morale problems surrounding then-U.S. Attorney Kevin Ryan in San Francisco.

But the assertions enraged the rest of the group, some of whom feel betrayed after staying silent about the way they have been shoved from office.

Bud Cummins, the former U.S. attorney in Little Rock, who was asked to resign earlier than the others to make way for a former White House aide, said Justice Department officials crossed a line by publicly criticizing the performance of his well-regarded colleagues.

"They're entitled to make these changes for any reason or no reason or even for an idiotic reason," Cummins said. "But if they are trying to suggest that people have inferior performance to hide whatever their true agenda is, that is wrong. They should retract those statements."

The decision by Cummins and some of the others to speak out underscores the extent to which the firings have spiraled out of the Justice Department's control. Officials initially sought to obscure the firings even from some senators, and have since issued confusing signals and contradictory information about the episode.

For example, one source who was familiar with the episode said last week that an eighth U.S. attorney was asked to resign in December along with the others. The unidentified prosecutor is negotiating to stay in the job, said the source, who spoke on the condition of anonymity because of the delicacy of those discussions.

The end result is an unusual spectacle in which Democratic lawmakers are bemoaning the firings of Republican-appointed prosecutors. The political pressure has become so great that Cummins's successor in Arkansas, former White House aide J. Timothy Griffin, announced on Friday that he had decided not to submit his name to the Senate for a permanent appointment.

Lawmakers from both parties are pushing to strip Attorney General Alberto R. Gonzales of his power to name replacement U.S. attorneys for an indefinite period, although Republicans blocked that proposal in the Senate last week. The House Judiciary Committee is planning hearings on similar legislation in March.

"I don't know how they could have mishandled this any worse," said one of the fired U.S. prosecutors, who declined to be quoted by name because he feared repercussions.

"There always have traditionally been tensions between main Justice and U.S. attorneys in the districts," said Carl W. Tobias, a law professor at the University of Richmond. "But it does seem like there's an effort to centralize authority in Washington more than there has been in the past and in prior administrations."

Most of the firings came on Dec. 7, when senior Justice Department official Michael A. Battle -- a former U.S. attorney himself -- called at least six prosecutors to inform them that they were being asked to resign. Battle was apologetic but offered little in the way of explanations, telling some that the order had come from "on high," according to sources familiar with the calls.

In addition to Ryan in San Francisco, the prosecutors who were called that day included Carol S. Lam in San Diego, John McKay in Seattle, David C. Iglesias in New Mexico, Daniel G. Bogden in Nevada and Paul K. Charlton in Arizona. Cummins had been informed of his dismissal last summer but stayed until December.

The breaking point for Cummins and the others was testimony this month by Deputy Attorney General Paul J. McNulty, who told the Senate Judiciary Committee that the six U.S. attorneys in the West and Southwest had been dismissed for "performance-related" reasons and that Cummins had been pushed out to make room for Griffin.

That testimony "was the moment the gloves came off," said one fired prosecutor who declined to be identified.

Five of the dismissed prosecutors -- Bogden, Charlton, Cummins, Iglesias and McKay -- told reporters that they were not given any reason for their firings and had not been told of any performance problems. Only one of the fired prosecutors, Ryan in San Francisco, faced substantive complaints about turnover or other management-related issues, officials said.

Justice Department officials in recent days have sought to clarify the performance comments, saying the dispute is mired in "semantics." The officials said McNulty was referring to policy differences between the Bush administration and some of its employees. One official also said that the department had not made a list of replacements ahead of time.

"When you are setting national policy, you cannot have U.S. attorneys setting their own policies," said a Justice Department official who spoke on the condition of anonymity.

Bogden and Lam are among a handful of declared independents who worked as U.S. attorneys in the Bush administration. The rest of the group are viewed as moderate Republicans who have sometimes been at odds with their Washington bosses or more conservative Republicans.

In Seattle, for example, local Republicans complained to Gonzales about McKay's decision not to intervene in the disputed Washington gubernatorial race in 2006, which a Democrat eventually won by 129 votes.

Lam was the target of repeated complaints from conservative House Republicans, who asserted that she was lax in enforcing immigration laws. The Justice Department also points to drops in the number of firearms cases filed by her office.

Charlton in Arizona clashed with the Justice Department's headquarters on at least two occasions over murder cases in which he opposed seeking the death penalty, including one that prompted an outcry from Navajo groups opposed to the use of capital punishment. He was overruled in both cases, officials said.

"There was no public controversy about any of these; any controversy was within the Justice Department," said J. Grant Woods, a Republican and former Arizona attorney general.

But the cases that have gotten most of the attention among Democrats in Congress involve public-corruption investigations. In San Diego, Lam oversaw the probe that resulted in the guilty plea of then-Rep. Randy "Duke" Cunningham, a Republican. Two others connected to that case, including a former senior CIA official, were indicted two days before Lam left the job on Thursday.

Bogden in Nevada and Charlton in Arizona were also in the midst of investigations targeting current or former Republican members of Congress when they were fired. And in New Mexico, Iglesias's office had been examining alleged wrongdoing involving state Democrats.

Gonzales, McNulty and other Justice Department officials have strongly denied that those investigations played a role in the dismissals.

"The department's commitment to pursuing prosecuting public-corruption cases is clear," said spokeswoman Tasia Scolinos. "Any suggestion that removal of these particular U.S. attorneys was political or in any way would harm ongoing investigations is 100 percent false."

50

OIG

From: Tim Griffin [griffinjag@earthlink.net]
Sent: Wednesday, August 30, 2006 10:16 AM
To: Hardos, Debbie (USAEO)
Subject: I talked to jennings

He doesn't see any reason to proceed with the senate paperwork since the appointment will occur the other way.

OIG000026477

51

2 of 93 DOCUMENTS

The Associated Press State & Local Wire

March 15, 2007 Thursday 7:10 PM GMT

Rove defends removal of prosecutors, cites Clinton-era dismissals

BYLINE: By PHILLIP RAWLS, Associated Press Writer

SECTION: STATE AND REGIONAL

LENGTH: 669 words

DATELINE: TROY Ala.

White House deputy chief of staff Karl Rove said Thursday the removal of seven U.S. attorneys was based entirely on policy and personnel matters and was no different than dismissals in the Clinton administration.

He questioned why the Bush administration's action is drawing "super-heated rhetoric" while the dismissals during President Clinton's terms did not.

"In each of these instances a decision was made at the Department of Justice on the basis of policy and personnel," Rove told students at a journalism seminar at Troy University.

"We're at a point where people want to play politics with it. That's fine," he said. "I'd simply ask everybody who's playing politics with this be asked to comment about the removal of 123 U.S. attorneys during the previous administration and see if they had the same super-heated political rhetoric."

The 123 included 93 Republican appointees that the Democrat Clinton replaced when he began his first term, which is common in such a change of command. Rove did not give any details on who the other 30 were.

By comparison, he said, "We've replaced a total of 128."

Rove, who took questions only from students during his one-hour appearance, did not address what role he may have played a question some Democrats in Congress want to ask him.

The dismissal of seven federal prosecutors has drawn fire in Congress over the role White House officials played and possible attempts to politicize federal investigations.

Rove, defending the dismissals, said the U.S. attorney in Southern California was removed because "she would not commit resources to prosecute immigration offenses" despite a request to do so from the Justice Department.

"The U.S. attorney in Arizona said he would not ask for the death penalty. The administration has a policy of, where appropriate, asking for the death penalty," Rove said in response to a student's question.

Former U.S. Attorney Redding Pitt of Montgomery, a Democrat who served as a federal prosecutor during the Clinton administration, said in a phone interview that he recalled only six or nine U.S. attorneys being "moved out" because of issues of conduct.

"It was always at the recommendation of upper-echelon, permanent Department of Justice personnel," he said. "I don't ever recall the White House being involved."

At Troy, Rove spoke to about 800 students. But his audience also included friends from his days as a political consultant in the 1990s, when he worked on state Supreme Court races in Alabama and helped turn the state's highest court from all Democrat to an 8-1 Republican majority.

Rove worked in Alabama campaigns after successful GOP efforts in Texas, where he first teamed up with George Bush.

"When I moved to Texas in 1977, they hunted Republicans with dogs," Rove said.

Asked by one student about trying to manipulate the media in a campaign, Rove said the public can't be manipulated by candidates who try to mislead.

"The masses are not asses. They will figure it out," he said.

Rove told the journalism seminar that "the media spends too much time doing polls" rather than concentrating on what's actually happening. He also said the explosion of news media through talk radio, cable news channels and the Internet has led to changes in

how events are covered.

"People have to have controversy and people have to have a fracas in order to generate attention to the media," Rove said.

Rove mentioned the war in Iraq a couple of times in his speech, saying the media coverage of the war hasn't matched reality in some cases and acknowledging the war's impact on Bush's popularity.

"If you have an unpopular war, a president's popularity is not going to be high," he said.

Four students and two faculty members carried anti-war signs outside his speech.

Sophomore Joseph Mathews of Phenix City said he cast his first presidential vote for Bush in 2004, but now wanted to send Bush a message: "We're not pleased with war."

"Troops have been overseas too long. Families have been torn apart," said Paul Swaim, a junior from Enterprise.

LOAD-DATE: March 16, 2007

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newswire

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52

From: Kyle.Sampson@usdoj.gov
ent: Monday, January 09, 2006 10:13 AM
fo: Miers, Harriet
Cc: Kelley, William K.
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 Thomas B. Heffelfinger, U.S. Attorney for the District of Minnesota
Term expired 9/24/2005
Replacement candidates: ???

Home-state Senators: Coleman (R) (first opportunity to recommend a U.S. Attorney candidate) and Dayton (D) 2. Todd P. Graves, U.S. Attorney for the Western District of

Missouri

Term expired 10/19/2005

Replacement candidates: John Wood?

Home-state Senators: Bond (R) and Talent (R) 3. Margaret M Chiara, U.S. Attorney for the Eastern District of Michigan

Term expired 11/2/2005

Replacement candidates: Rachel Brand?

Home-state Senators/political leaders: Levin (D) and Stabenow (D); numerous GOP congressmen 4. David E. O'Meilie, U.S. Attorney for the Northern District of Oklahoma

Term expired 12/7/2005 Replacement candidates: ???

Home-state Senators: Inhofe (R) and Coburn (R) 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?

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Term expires 8/2/2006

Replacement candidates: Dan Levin?

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: Jeff Taylor, Deb Rhodes 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 Paula D. Silsby, the Interim U.S. Attorney for the District of Maine, and William J. Leone, the Interim U.S. Attorney for the District of Colorado.

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 want to consider looking for other employment.

53

From: Karl Rove
Sent: Tuesday, October 24, 2006 2:40 PM
To: Taylor A. Hughes
Subject: FW: fyi

----- Forwarded Message

From: Sara Taylor <st@gwb43.com>
Date: Tue, 24 Oct 2006 14:38:21 -0400
To: Karl Rove <KR@georgewbush.com>
Conversation: fyi
Subject: Fw: fyi

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

From: Mike McElwain <mmcelwain@NRCC.org>
To: Sara Taylor; Kelley McCullough - Chairman's Office
Sent: Tue Oct 24 14:34:33 2006
Subject: FW: fyi

BREAKING: US Attorney Sitting on Renzi Indictment Until After Election!

<http://www.loftydonkey.com/article/133/breaking-us-attorney-sitting-on-renzi>

Posted Oct 21, 03:50 PM

Remember that Phoenix New Times article <<http://www.phoenixnewtimes.com/Issues/2006-10-12/news/news.html>> about the land deal that Rick Renzi was involved in?

Well we have learned that Renzi was wiretapped presumably by the FBI soliciting a bribe in exchange for introducing a bill for a landswap in Cochise County.

An AP reporter discovered that Renzi may be indicted for income tax fraud and a related charge to the bribery.

Renzi has been interviewed by the FBI.

The U.S. Attorney for Arizona Paul Chariton <<http://www.usdoj.gov/usao/az/usa.html>> has decided not to indict Renzi until after the election. The prosecutor assigned to the case is Howard Sukenic.

<http://pview.findlaw.com/view/1265576_1> He along with the spokesman for the U.S. Attorneys office is refusing to comment.

The investigation has been concluded, they succeeded in getting a federal grand jury to indict him but are sitting on the indictment until after the election in order to keep the seat in Republican control.

There really is a Culture of Corruption, and it is making its way to the Judicial branch.

----- End of Forwarded Message

54

From: Raul Damas
Sent: 10/24/2006 7:29:46 PM
To: Jennings, Jeffery S. Jeffery_S._Jennings@who.eop.gov;
Subject: RE: re: our call

What do you want me to do? I'm not sure how I can interface with him.

That link is now dead, by the way.

From: Jennings, Jeffery S. [mailto:Jeffery_S._Jennings@who.eop.gov]
Sent: Tuesday, October 24, 2006 7:27 PM
To: Raul Damas
Subject: FW: re: our call

From: Miers, Harriet
Sent: Tuesday, October 24, 2006 2:50 PM
To: Jennings, Jeffery S.
Subject: RE: re: our call

Perhaps this presents a different situation where the US Atty can knock it down because the article impugns his conduct of his office. Will be interesting to see.

From: Jennings, Jeffery S.
Sent: Tuesday, October 24, 2006 2:35 PM
To: Miers, Harriet
Subject: RE: re: our call

FYI - hitting blogs now:

<http://www.loftydonkey.com/article/133/breaking-us-attorney-sitting-on-renzi>

From: Miers, Harriet
Sent: Tuesday, October 24, 2006 1:25 PM
To: Jennings, Jeffery S.
Subject: RE: re: our call

Scott, I just finished speaking with Paul McNulty. He said what we suspected he would. He has been contacted by a number of frustrated members of the Congress asking why people can't be vindicated in the event nothing is going on. He acknowledged that the situation is frustrating, but reiterated their position that they cannot confirm or deny the existence of an investigation. He said the AG did an interview last week to put things in as good a perspective as possible by explaining that no one should be talking and that a refusal to deny should be given no meaning beyond that Justice does not admit or deny the existence of any investigation. I observed that at some point, immediately preceding an election, unattributed statements about the existence of an investigation was rankly unfair. He is continuing to think about the situation, but I did not get a lot of encouragement that they will deviate from normal course.

From: Jennings, Jeffery S.
Sent: Tuesday, October 24, 2006 12:56 PM
To: Miers, Harriet
Subject: re: our call

The person I called you about said the USATTY in his area, as well as the local FBI office, said they were unaware of any investigation.

55

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Inquiry on Renzi: Real deal or campaign trickery?

Justice official cautions not to jump to conclusions about investigation

Dennis Wagner and Billy House
The Arizona Republic
Oct. 26, 2006 12:00 AM

The scenario is a familiar one to state and federal prosecutors during election season:

As the day for casting ballots draws near, a political operative files a complaint alleging criminal misconduct by the opposing candidate. Investigators, with a responsibility to determine whether the allegations have merit, open an inquiry.

The operative then tips off journalists that the candidate is the target of a criminal inquiry. advertisement

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And, finally, reporters find a law enforcement official, usually anonymous, who confirms that the candidate is under investigation.

The question: Is that what happened to U.S. Rep. Rick Renzi this week?

Or is there substance to the scrutiny, reports of which began emanating from bloggers and have since been reported by mainstream news organizations?

A Justice Department official in Washington, D.C., confirmed a "preliminary inquiry" of allegations about Renzi. The official also cautioned Wednesday that initial media reports contained significant inaccuracies. The official said the Justice Department contacted at least two newspapers Wednesday about "chunks of stuff in their stories that's wrong."

In an interview Wednesday, Renzi, a two-term Republican lawmaker from the 1st Congressional District, said he had done nothing wrong. He accused his Democratic opponent, Ellen Simon, or her supporters of trying to manipulate the campaign.

"I think that my opponent has deliberately misused the protocols of the Justice Department 11 days out from the campaign to smear me and smear my father and my family," Renzi said.

Simon spokesman David Flaks called Renzi's claim "patently false" and "absurd."

"We're learning of this stuff like everyone else, through the press," Flaks said.

David Mark, a political analyst and author of the book, *Going Dirty: The Art of Negative Campaigning*, said that complaints filed about candidates shortly before Election Day are used as a campaign technique.

"This is an old story," he said.

Although Mark does not know enough details to say whether Renzi's activities merit investigation, he said, "obviously, the timing is real suspicious."

And whoever leaked news of the inquiry, he said, "wanted it out there before the election."

Renzi's lawyer, former Arizona Attorney General Grant Woods, said he will ask the Justice Department to identify and fire anonymous sources within federal law enforcement.

"The Justice Department has to find out who did this," Woods said. "I'm going to ask them to investigate who leaked this because it's patently unfair and against their own policies."

Details vary about the focus of the inquiry. Some say prosecutors are looking at a land-swap deal involving Renzi and a former business partner. Others say investigators have targeted his

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sponsorship of a bill that may have indirectly benefited a company that employs his father.

Both of those issues have been raised in past media reports and by watchdog groups such as Citizens for Responsibility and Ethics in Washington, which twice has listed Renzi as among the "most corrupt members of Congress."

Renzi on Wednesday denied any wrongdoing and said he acted both with "pure intentions" and in the public interest.

The Justice Department official in Washington would not discuss the nature of the inquiry into Renzi.

"This is not a well-developed investigation, by any means," the official said. "A tip comes into the department. The department is obligated to follow up . . . and we do that. People are assuming there is evidence of some crime," even though that is not necessarily true.

The federal official would not discuss whether the Justice Department was being manipulated for political purposes.

However, the official said it is unusual for the department to publicly acknowledge concerns about the accuracy of media reports. "Be careful," the official said. "I can confirm to you a very early investigation. But I want to caution you not to chop this guy's (Renzi's) head off."

In Arizona, a Democratic Party figure was among the first to alert reporters to the inquiry. Simon has posted links to blogs and news articles about the issue on her campaign Web site. But it is unclear whether political operatives were merely passing on information damaging to the GOP incumbent or playing a deeper role.

Woods said he understands the dilemma facing U.S. Attorney Paul Charlton because Woods was in the same position as attorney general when complaints were filed against candidates during election season.

"I'm sure it's a dilemma for the press, as well," he said, "because you don't want to be used either way. . . . But this leak is clearly to influence an election."

An indication of whether the inquiry is affecting the race could come in the next few days, if the national Democrats start to pour money into Simon's race.

"All he can do is get his side of the story out," Mark said of Renzi.

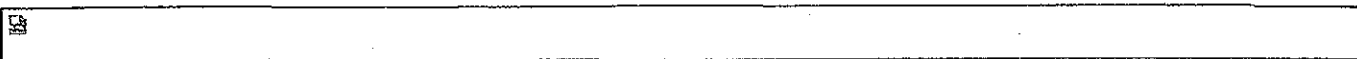
Reporter Jon Kamman contributed to this article. Reach the reporter at dennis.wagner@arizonarepublic.com or (602) 444-8874.

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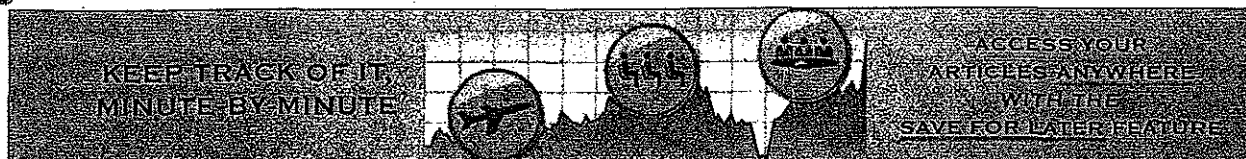
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56



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THE WALL STREET JOURNAL

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APRIL 25, 2007

Delays in Renzi Case Raise More Gonzales Questions

By JOHN R. WILKE and EVAN PEREZ

WASHINGTON -- As midterm elections approached last November, federal investigators in Arizona faced unexpected obstacles in getting needed Justice Department approvals to advance a corruption investigation of Republican Rep. Rick Renzi, people close to the case said.

The delays, which postponed key approvals in the case until after the election, raise new questions about whether Attorney General Alberto Gonzales or other officials may have weighed political issues in some investigations. The Arizona U.S. attorney then overseeing the case, Paul Charlton, was told he was being fired in December, one of eight federal prosecutors dismissed in the past year. The dismissals have triggered a wave of criticism and calls from Congress for Mr. Gonzales to resign.

Investigators pursuing the Renzi case had been seeking clearance from senior Justice Department officials on search warrants, subpoenas and other legal tools for a year before the election, people close to the case said.

The Justice Department denied any foot-dragging in the Renzi case. "There was no such delay," said Bryan Sierra, a spokesman. Mr. Gonzales has said none of the firings of U.S. attorneys was related to corruption cases, and that the department is committed to pursuing such cases. Public-corruption staffing and prosecutions nationwide have increased during his tenure.

Sen. Charles Schumer (D., N.Y.), a Judiciary Committee member who has called for Mr. Gonzales's resignation, said his panel is planning to pursue whether the Renzi case was a factor in Mr. Charlton's firing. "I'm not saying there's evidence and I'm not making allegations," Mr. Schumer told reporters Monday. "But it's something we should look into."

Complex investigations commonly take a year or more, and it isn't known what issues figured in the Renzi case. Many details remain shrouded in the secrecy of a Tucson grand jury that has been at work since last year. Court filings remain under seal. The precise sequence of events likely won't become public unless formal charges are filed.

But the investigation clearly moved slowly: Federal agents opened the case no later than June 2005, yet key witnesses didn't get subpoenas until early this year, those close to the case said. The first publicly known search -- a raid of a Renzi family business by the Federal Bureau of Investigation -- was carried out just last week.

Mr. Renzi is the subject of a criminal inquiry into land deals, among other things. The Wall Street Journal reported last week that federal agents are focusing on a \$200,000 cash payment Mr. Renzi received from a former business partner in 2005 following a land sale that was to be part of a proposed government land-exchange bill.

A lawyer for Mr. Renzi, Grant Woods, has denied any impropriety and said that the money was repayment of a debt, not a kickback. In a statement last night, Mr. Renzi denied wrongdoing, calling recent stories about the investigation "conjecture and false attacks" and saying that "none of them bear any resemblance to the truth." But he said he intends to "take a leave of absence" from all of his committee posts, including the natural-resources committee and House intelligence panel.

Normally, local U.S. attorneys may seek court approval for warrants and wiretaps without Washington's approval. But the Renzi case -- like many that involve members of Congress -- is being handled jointly by the local U.S. attorney and the department's public-integrity section. In such cases, a senior department official must approve requests for wiretaps and warrants and other formal legal steps.

People briefed on the case said investigators in Arizona asked Washington for clearance -- among other tools -- for a wiretap of Mr. Renzi's telephones, a highly unusual step against a sitting member of Congress, months before Election Day. The wiretap eventually was approved, and was in place by late October, these people said.

On Oct. 26, just days before the election, two political Web sites carried the first public word of the probe. In subsequent news accounts, an unidentified Washington law-enforcement official described the matter as "preliminary." Few details emerged, but the leak disrupted prosecutors' wiretap.

Meanwhile, Mr. Renzi, first elected to Congress in 2002, was fighting to hold on to his seat. In September, President Bush hosted a fund-raiser in Scottsdale on his behalf. About the same time Mr. Charlton was added to a list of prosecutors "we should now consider pushing out," wrote Mr. Gonzales's then-chief of staff, Kyle Sampson, in a Sept. 13, 2006, email to then-White House counsel Harriet Miers. The email is among thousands that the Justice Department has released in response to congressional inquiries into the dismissal of the U.S. attorneys.

In November, Mr. Renzi won re-election to a third term, beating his challenger by 51% to 44%. A month later, on Dec. 7, Mr. Charlton was told he was being dismissed. Two weeks later, he emailed William Mercer, a senior Justice Department official: "Media now asking if I was asked to resign over leak in Congressman Renzi investigation." He asked for advice, but never got a response, according to the emails released by the Justice Department.

Mr. Sierra, the department spokesman, said it would be inappropriate to comment on any ongoing case. Generally, though, cases move along on their own pace, he said. "We don't operate under artificial deadlines," he said. "To artificially put deadlines or to rush the time could damage the integrity of the investigation."

Brian Roehrkasse, another Justice Department official, said the department under Mr. Gonzales "has never retaliated against a United States attorney for conducting or failing to pursue a public corruption investigation."

Mr. Charlton, a Republican with 16 years as a federal prosecutor, was named by President Bush in 2001 to lead the Phoenix office. Now in private practice in Phoenix, he has refused to discuss any details of the Renzi investigation -- even when asked about it at a March 6 hearing of the House judiciary committee.

Write to Evan Perez at evan.perez@wsj.com

Printed in The Wall Street Journal, page A2

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57

From: Perino, Dana M.
Sent: Friday, November 17, 2006 3:41 PM
To: Mamo, Jeanie S.; Martin, Catherine; Sullivan, Kevin F.
Subject: RE: USA replacement plan

Give me a double shot - I can't breathe.

From: Mamo, Jeanie S.
Sent: Friday, November 17, 2006 3:02 PM
To: Perino, Dana M.; Martin, Catherine; Sullivan, Kevin F.
Subject: RE: USA replacement plan

Issues in the press for which Dana will need the oxygen can:

Carol Lam prosecuted Rep. Randy "Duke" Cunningham

AP in Arizona reports that US Attorney's (Paul Charlton) office in Arizona is scrutinizing a land deal involving Rep. Rick Renzi (obviously, USA's office will not confirm this.)

From just a quick news clip search I cannot find any other high-profile cases that would draw particular scrutiny for others, but also do not know the extent of home-state political support.

-----Original Message-----
From: Perino, Dana M.
Sent: Friday, November 17, 2006 1:29 PM
To: Martin, Catherine; Sullivan, Kevin F.; Mamo, Jeanie S.
Subject: RE: USA replacement plan

Someone get me the oxygen can!!

-----Original Message-----
From: Martin, Catherine
Sent: Friday, November 17, 2006 1:25 PM
To: Sullivan, Kevin F.; Perino, Dana M.; Mamo, Jeanie S.
Subject: Fw: USA replacement plan
Importance: High

What do you all think? Not sure when it would happen.

-----Original Message-----
From: Kelley, William K.
To: Fiddelke, Debbie S.; Jennings, Jeffery S.; Martin, Catherine
Sent: Fri Nov 17 12:32:06 2006
Subject: FW: USA replacement plan

The email below, and the attached document, reflect a plan by DOJ to replace several US Attorneys. By statute, US Attorneys serve for four year terms, which are commonly (but not always) extended by inaction -- in practice, they serve until replaced. They serve at the pleasure of the President, but often have very strong home-state political juice, including with their Senators.

Before executing this plan, we wanted to give your offices a heads up and seek input on changes that might

reduce the profile or political fallout. Thanks.

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

From: Kyle.Sampson@usdoj.gov [mailto:Kyle.Sampson@usdoj.gov]
Sent: Wednesday, November 15, 2006 11:02 AM
To: Miers, Harriet; Kelley, William K.
Cc: Paul.J.McNulty@usdoj.gov
Subject: USA replacement plan
Importance: High

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>>

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- call
kyle.sampson@usdoj.gov

From: Sullivan, Kevin F.
Sent: Friday, November 17, 2006 6:18 PM
To: Martin, Catherine
Subject: Re: USA replacement plan

Some of these will be tough to explain -- the judge who sentenced duke cunningham? Renzi?
Congrats of kevin's confirmation by the way

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

From: Martin, Catherine
To: Mamo, Jeanie S.; Perino, Dana M.; Sullivan, Kevin F.
Sent: Fri Nov 17 18:10:17 2006
Subject: Fw: USA replacement plan

Leg just weighed in. I guess I couldn't open the list on my bberry.

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

From: Fiddelke, Debbie S.
To: Kelley, William K.; Jennings, Jeffery S.; Martin, Catherine
Sent: Fri Nov 17 17:46:33 2006
Subject: RE: USA replacement plan

Bill - out of concern about reaction on the Hill, especially from the Republican members affected, we'd have the following questions. Thanks. - Deb

-Why these 6 slots? (Are they being removed because of poor service for DOJ? There is no explanation in the attachment.)

-Were these US Attorneys recommended to us by their home state Senators 4 years ago?

-Is there precedent for doing this?

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

From: Kelley, William K.
Sent: Friday, November 17, 2006 12:32 PM
To: Fiddelke, Debbie S.; Jennings, Jeffery S.; Martin, Catherine
Subject: FW: USA replacement plan
Importance: High

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HJC 00358

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<<USA replacement plan.doc>>

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- cell.
kyle.sampson@usdoj.gov

58

----- Forwarded Message

From: Scott Jennings <SJennings@gwb43.com>
Date: Sat, 6 Jan 2007 12:42:27 -0500
To: Karl Rove <KR@georgewbush.com>
Conversation: US Attorney
Subject: Re: US Attorney

Domenici wants Peifer.

Our political team wants Bibb, but Domenici doesn't like him for some reason.

Rogers would be the dream, but won't do it.

The other is a throw-away name.

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

From: Karl Rove
To: Scott Jennings
Sent: Sat Jan 06 12:31:01 2007
Subject: FW: US Attorney

What's the situation here?

----- Forwarded Message

From: Rod Adair
Date: Sat, 6 Jan 2007 11:56:05 -0500
To: Karl Rove <kr@georgewbush.com>
Conversation: US Attorney
Subject: US Attorney

This is a rare moment when a matter is of such importance that I must contact you.

The Albuquerque Journal this morning reported four names in consideration for US Attorney for New Mexico. Three are quite acceptable, the fourth would be a disaster. (Actually Rogers would be a fantastic choice, but it would be my hope that he would never accept it - which I am also certain is the case - in that he is simply too valuable an asset elsewhere.)

The singular wrong pick in this group would be Chuck Peifer. He is, in shorthand, a wuss.

I have personal, direct experience with him observing him and others when he was asked to help an independent expenditure group which had complied with every letter of the law, yet was being harassed by a partisan underling in the Secretary of State's office. The facts were clear beyond question. Documentation as full and authoritative. The matter was of trivial total value and expenditure. He refused out of fear of what he would appear to be by Democrats, clients, others, etc. In short, he had not

guts at all even for a situation that did not even call for a scintilla of courage.

Subsequently, a different Republican lawyer was contacted. He quickly approved the correspondence, affixed his name and disposed with the matter, which was never heard of again.

If you are looking for someone who will follow the law scrupulously, be fair, be honest, and be of service to the nation, all four, even Peifer, would be qualified (none more than Rogers, who better not get it). But if you are looking for someone who will do all the above AND withstand any criticism, stand up to the Ward Churchill/Michael Moore bullies of the world and not worry about criticism for doing his job, the PEIFER IS DEFINITELY NOT THE CHOICE.

He is a wuss, a cowardly wuss, who will disappoint.

In my alter ego as New Mexico Demographic Research I ran six state representative campaigns this year, including three targeted races on behalf of the RPNM. For the second cycle in a row, the only pickups by the GOP in New Mexico were my clients. We defeated a 17-year incumbent and we took an open seat away that had never been in GOP hands. A client also held a GOP open seat and two incumbent clients held their seats, one of which had the lowest Average Republican Vote Strength (average of DB state races) at 47.86, of any legislator in the state. I also lost one challenger race. So I know a team player, and I know a fighter when I see one. I also know someone who thinks primarily about himself/herself. Peifer is NOT the answer.

Happy New Year!

Rod Adair
State Senator
R-Roswell
Chaves & Lincoln Counties
627
www.rodadair.com <<http://www.rodadair.com>> <<http://www.rodadair.com>>

The first Republican I knew was my father and he is still the Republican I most admire. He joined our party because the Democrats in Jim Crow Alabama of 1952 would not register him to vote. The Republicans did. My father has never forgotten that day, and neither have I."

-Condoleezza Rice

"The Republican Party is the ship, all else is the sea."

-Frederick Douglass

"Every right that has been bestowed upon blacks was initiated by the Republican Party."

-Mary Terrell, African-American
Republican and co-founder of the NAACP

The Democrat Party: Tolerating Negroes and other minorities since 1964.
-Robert Byrd, Kluxer, 1941-48

59

Allen Weh

From: Allen Weh
Sent: 1/11/2007 6:43:03 AM
To: Scott Jennings;
Cc:
Bcc:
Subject: FW: Monahans Blog today
Attachments: image001.jpg;

FYI

From: Allen Weh
Sent: Wednesday, January 10, 2007 11:17 PM
To: 'Bell, Steve (Domenici)'
Subject: RE: Monahans Blog today

Because Pfeiffer, Kennedy and Rogers have professional associates who are aware of what's going on I figure that's where the leaks are coming from... as long as no one confirms who is on the list it probably won't hurt anything.

You're not telling me anything new reference Bibb... we had that conversation and I don't disagree with that assessment. However, we also discussed the fact that Bibb views the job as a leadership post, that he'd fire this guy Gomez who has apparently been part of the problem, and that he'd call in the tough dogs from Justice in DC to help out with prosecuting these pending cases..... what else do we want? We agreed he was "acceptable" if the AG picked him..... so why do we (you my friend) still signal the WH that Pfeifer is the only guy acceptable..... FYI, Kennedy is one of my best friends, but the last time I checked he hasn't been delegated the authority to hand pick the next US Atty. We are grateful he helped us eliminate a few folks that were weak, but that's where he should stop..... I'm going to tell the senator this when I see him next Wednesday and then you, Scott and I can talk about this.

Non-Responsive Material Redacted

From: Bell, Steve (Domenici)
Sent: Wednesday, January 10, 2007 6:24 PM
To: Allen Weh; Scott Jennings
Subject: RE: Monahans Blog today

Yes...

I have had a very candid talk with Jim and told him that we were bothered by depth and breadth of actual prosecutorial experience... I cleared that with the Senator before I talked to Jim...

Even lawyers have big mouths...

From: Allen Weh
Sent: Wednesday, January 10, 2007 5:01 PM
To: Scott Jennings; Bell, Steve (Domenici)
Subject: Monahans Blog today

Monahan has to be talking to some of our GOP lawyers to arrive at this..... but whoever thinks that the "they", which is us, would have Bibb move to ABQ to run for DA has a great imagination.

BIBB BASHING?

I wouldn't call it an anti-Bibb bandwagon, but in reaction to our Tuesday blog in which the Alligators pinpointed Jim Bibb as the likely replacement for outgoing U.S. Attorney David Iglesias, we did receive some comment saying President Bush and Senator Domenici, who will have the ultimate say on the appointment, should not rush to judgment; that ABQ attorney Charles Peifer should not be

underestimated. Here's an example:

"Bibb is the "easy" pick, not necessarily the best one. You may want to keep in mind that Peifer was close to (former NM GOP Attorney General) Stratton and current judge Jim Browning as well as the (GOP lawyer/lobbyist) Mickey Barnett crowd too. Some Republican lawyers who are pushing Peifer because they think he's one of the best lawyers and has the brains and backbone to take over an office run by folks with one foot in retirement.

"Bibb worked for Iglesias (as an assistant U.S. attorney). He was pretty low on the pecking order. If Bibb got the job, he'd be the boss of his old bosses. They would rather run Bibb against (Democratic Bernalillo County District Attorney) Kari Brandenburg, after they get him to move to ABQ. DA--if handled correctly-- can be a very good stepping stone --ala (the late GOP Congressman) Steve Schiff." So informs one legal beagle.

Interesting stuff. If it comes down to who can be a bigger thorn in the side of the state D's and Big Bill, it would seem Bibb would have the edge, If it comes to getting the most qualified and experienced candidate, it appears Peifer has the inside track. It's a powerful position and one worth watching which we will be doing.

Allen E. Weh
Chief Executive Officer
CSI Aviation Services, Inc.
3700 Rio Grande, NW
Suite 1
Albuquerque, NM 87107
(O) 505.761.9000
(D) 505.342.

60

From: Kelley, William K.
Sent: Wednesday, February 28, 2007 11:31 AM
To: Sullivan, Kevin F.; Wolff, Candida P.; Kaplan, Joel; Martin, Catherine; Fielding, Fred F.; Rethmeier, Blain K.; Snow, Tony; Bartlett, Dan; Fiddelke, Debbie S.; Perino, Dana M.
Subject: RE: NM USATTY - urgent issue

Fred and I just talked to the DAG about this. They are preparing to respond to this, and have assured us that the WH won't own the story; they will keep our press and communications offices updated, though, about what they intend to say.

They are planning to deny that the investigation in question played any role in DOJ's decision, and to deny that any Member contacted main Justice to complain about the conduct (or not) of any particular investigation. (It is true that Sen. Domenici had expressed dissatisfaction with the US Atty, but no particular investigation or case was every brought up.)

In light of these developments, DOJ has decided to abandon their plan to import an outsider as acting US Atty, and instead just to live with the 1st Assistant taking over as acting.

From: Sullivan, Kevin F.
Sent: Wednesday, February 28, 2007 11:00 AM
To: Wolff, Candida P.; Kelley, William K.; Kaplan, Joel; Martin, Catherine; Fielding, Fred F.; Rethmeier, Blain K.; Snow, Tony; Bartlett, Dan; Fiddelke, Debbie S.; Perino, Dana M.
Subject: FW: NM USATTY - urgent issue
Importance: High

pls see below re 11:30 am press conference in Albuquerque...

From: Jennings, Jeffery S.
Sent: Wednesday, February 28, 2007 10:17 AM
To: 'KR@georgewbush.com'; Fielding, Fred F.; Sullivan, Kevin F.; Perino, Dana M.; 'kyle.sampson@usdoj.gov'
Cc: 'Sara Taylor'
Subject: NM USATTY - urgent issue
Importance: High

I just received a telephone call from Steve Bell, Sen. Domenici's CoS, who urgently reported the following:

1. Outgoing USATTY David Iglesias is holding a press conference at 11:30 Eastern this morning.
2. He is allegedly going to say that he was contacted by two Members of Congress last Fall regarding the investigation into the courthouse construction corruption case. Information on this is in the following article: <http://www.abqtrib.com/news/2006/dec/19/federal-attorney-plans-step-down-iglesias-investig/>
3. He is allegedly going to say that the Members urged him to deliver indictments before November's election. He will further say that one of the Members, frustrated with his answer, hung up on him in anger.
4. He is allegedly going to link these phone calls with the current news – saying that he believes this ultimately led to his being asked to resign by DOJ.

Bell said Domenici's idea is not to respond, and hopefully make this a one day story. They have already been contacted by McClatchey. Unfortunately, I do not think that they can make an allegation such as this go away so easily. They have not confirmed to the reporter they were one of the Members.

I am available to discuss further – clearly, once this happens in Albuquerque the reporters will be asking DoJ and the White House

J. Scott Jennings
Special Assistant to the President and
Deputy Director, Office of Political Affairs
(202) 456-

61

From: "Scott Jennings" <sjennings@gwb43.com>
Date: Thursday, March 08, 2007, 10:52:56 PM
To: "Karl Rove" <kr@georgewbush.com>
Subject: RE: Call me after 10 tonight or after 9 in the am to discuss northern district of NY vacancy

Yes sir -

On the phone right now with Pete Domenici. This news is not going over well. Will wrap up and fill you in.

From: Karl Rove
Sent: Thursday, March 08, 2007 5:51 PM
To: Scott Jennings
Subject: Call me after 10 tonight or after 9 in the am to discuss northern district of NY vacancy

62

From: Martin, Catherine
Sent: Friday, February 16, 2007 6:06 PM
To: Sullivan, Kevin F.
Subject: RE: Anything?

Just got out of a bunch of meetings. . .

Card check -- Even though we already have a general veto out on the overall bill, deputies are going to recommend a specific veto threat on three separate provisions in the bill that are not related to the secret ballot initiative -- just in case the D's strip out the card check piece and send any of these provisions as free standing provisions. Expect there will be a principals meeting next week.

OMB is trying to figure out how to deal with the \$ and programs that we asked congress to cut but that congress didn't approve or specifically reject in the CR. A couple strategies I need to review with you and Dan next week.

Working on border closing messaging in the event of avian flu for a deps meeting next week.

Free trade, TPA outreach and communications planning and interagency coordination is underway under Dave McCormack.

We need to talk about TAA in the context of TPA and the larger income inequality issue. Need to figure out how to drive a broader discussion of these issues. Remind me to fill you in next week. Probably should talk to you and Dan and include Fratto.

Not much else from my end. Have a good weekend.

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

From: Sullivan, Kevin F.
Sent: Friday, February 16, 2007 3:58 PM
To: Martin, Catherine
Subject: Anything?

We need to talk about? Missed you this am...only thing from senior staff besides resolutions, al masri, etc was us attys (kr says not true that harriet intervened - dan spoke to tony, then I don't believe it came up in briefing)...and as u know, mexican trucks next week - expected to leak as their events get closer...

Everything ok on your end?

63

From: Hughes, Taylor A.
Sent: 2/16/2007 1:21:09 PM
To: Karl Rove /O=REPUBLICAN NATIONAL COMMITTEE/OU=RNC/CN=RECIPIENTS/CN=KR;
Cc:
Bcc:
Subject: FW: US Attorney Issue: Generally and Legislation

They're trying to set this up for this afternoon but I said you were on a plane and asked if perhaps Jennings could participate if you're not able to call in, whenever they set this up.

From: Bakke, Mary Beth
Sent: Friday, February 16, 2007 12:42 PM
To: Hughes, Taylor A.; Herzog, John T.; Paola, Lindsey N.; Perino, Dana M.
Subject: US Attorney Issue: Generally and Legislation

Mr. Fielding would like to convene a meeting as soon as possible to discuss the above referenced subject. He will need 20 minutes for the following participants:

Karl Rove
Candi Wolfe
Dana Perino
Bill Kelley

Please let me know your availability. Thank you.
Mary Beth

64

From: Jennings
Sent: 1/22/2007 1:22:29 PM
To: Scott Jennings;
CC:
Subject: FW: Urgent US Attorney Issue

From: Rove, Karl C.
Sent: Tuesday, January 16, 2007 6:27 PM
To: Kelley, William K.; Wolff, Candida P.
Cc: Kaplan, Joel
Subject: RE: Urgent US Attorney Issue

I'm fine with it.

From: Kelley, William K.
Sent: Tuesday, January 16, 2007 6:26 PM
To: Wolff, Candida P.; Rove, Karl C.
Cc: Kaplan, Joel
Subject: Urgent US Attorney Issue

The AG is sending a letter to Sen. Leahy responding to the issues that have been raised regarding recent US Attorney departures. The basic point is that these decisions are made based on overall DOJ priorities and have nothing to do with investigations or cases that the US Attorneys have pursued. The letter will also say that the AG has not, and does not intend to, try to evade the advice and consent process by naming interim US Attorneys without the Administration's sending a permanent nominee up to the Senate; and that the Administration is committed to seeking to fill all 94 US Attorney slots with Senate confirmed folks.

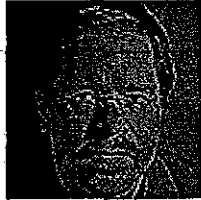
The last statement on filling all 94 slots would commit the Administration to that policy, which wouldn't be a change from general practice but hasn't been announced as such. To be clear, there are always some openings and some interim US Attorneys in place, but we haven't ever just stood pat on that and have instead always worked to fill the slots in consultation with the relevant Senators. We are okay with DOJ's proposal on filling all 94 slots, but Joel would like your reactions before signing off on authorizing the AG to say it publicly.

We'd like a quick reaction, because DOJ emphasizes their need to get the letter out asap, tonight if possible.

65

State GOP official pushed vote fraud issue

Posted: April 7, 2007



Daniel Bice
No Quarter
E-MAIL

The mystery is solved.

For weeks, it was unclear who whined to the White House last year that not enough voter fraud cases were being prosecuted in Milwaukee.

Now we know.

The state Republican Party went straight to the top in its efforts to make voter fraud an issue in Wisconsin.

Sources tell No Quarter that Rick Wiley, then the executive director of the state GOP, directed a staffer in 2005 to prepare a 30-page report on election abuses in Wisconsin so Wiley could pass it along to a top White House official.

That document, entitled "Fraud in Wisconsin 2004: A Timeline/Summary," turned up last week in the horde of White House and U.S. Justice Department records released by the House Judiciary Committee, which is investigating the firing of eight U.S. attorneys.

"The report was prepared for Karl Rove," said a source with knowledge of the situation. "Rick wanted it so he could give it to Karl Rove."

Yeah, *that* Karl Rove, President Bush's political mastermind and his deputy chief of staff.

The same guy who was knee-deep in helping decide which U.S. attorneys to keep or to boot.

So the head of the state party went to the political arm of the White House with a report supposedly documenting widespread abuse of election laws in Milwaukee, violations that the party clearly believed weren't getting the attention they deserved. In late 2005, U.S. Attorney Steve Biskupic, a Bush appointee, announced that his probe found no evidence of a conspiracy to steal the 2004 election here.

Was Wiley - or his boss at the time, then-Chairman Rick Graber - hoping the Bush team would ax Biskupic, as it did the other top federal prosecutors last year?

"I'm not sure it was that nefarious," said the knowledgeable source. "I think the idea was to make Rove aware of the situation in Wisconsin."

Gee, that's an awfully generous reading of the facts.

Look at what White House officials have put on the record.

Last month, Bush spokeswoman Dana Perino said that, beginning in mid-2004, the White House received complaints that federal prosecutors were not vigorously pursuing complaints of voter fraud in Philadelphia, New Mexico and Milwaukee. She said the president met with Attorney General Alberto Gonzales in October to discuss those concerns, among other things.

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White House Counsel Dan Bartlett made it clear in a March 13 press briefing who specifically was coming under criticism.

"Over the course of several years, we have received complaints about U.S. attorneys, particularly when it comes to election fraud cases - not just New Mexico, but also Wisconsin and Pennsylvania."

Then consider the high-profile testimony from Gonzales' former chief of staff, Kyle Sampson.

Under questioning from Senate Judiciary Chairman Patrick Leahy (D-Vt.), Sampson said Rove was leaning on the attorney general.

"I do remember learning - I believe, from the attorney general - that he had received a complaint from Kari Rove about U.S. attorneys in three jurisdictions, including New Mexico," Sampson said on March 29.

"And the substance of the complaint was that those U.S. attorneys weren't pursuing voter fraud cases aggressively enough."

Hmmm, who were those two other prosecutors that Rove brought up to Gonzales? Were they from the areas named by Perino and Bartlett?

More to the point: Was Biskupic on the chopping block?

For now, that question will remain unanswered.

U.S. Sens. Herb Kohl or Russ Feingold - both of whom sit on the Senate Judiciary Committee - failed to raise the question at the Sampson hearing.

And everybody else's lips are sealed.

Wiley, now with former New York Mayor Rudy Giuliani's presidential campaign, was unavailable.

Chris Lato, the party's former press guy and now a WTMJ-AM (620) reporter, also didn't return calls. Graber, now the U.S. ambassador to the Czech Republic, has declined to talk.

Biskupic had little to say early in the week, repeating his earlier statements that he didn't know anybody was complaining about him.

On Friday, he did not return calls.

Which is understandable, given the U.S. Court of Appeals ruling late last week that tossed his case against a former state worker.

So it was a tough week for Biskupic, but at least he still has his job.

Daniel Bice can be contacted by phone at (414) 223-5468 or by e-mail at dbice@journalsentinel.com.

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66

4.11.05

AIR MAIL

Harriet -

Here's a good summary of
the clips on Wisconsin vote
fraud. I was assured Saturday
while I was in Milwaukee that
the issue of more voters than
people on the registration list is
real - even the local newspaper
has assigned an investigative
reporter and run articles focusing
out non-existent addresses (and
carried false votes).

Gene

FRAUD IN WISCONSIN 2004 A TIMELINE/SUMMARY

Prepared by Chris Lato, RPW Communications Director clato@wisgop.org

AUGUST 31, 2004

Processing voter forms irk clerks

Efforts to attract young people to the polls are becoming a royal pain for Wisconsin's municipal clerks, who are sorting through hundreds of incomplete voter-registration forms... The forms, collected by the New Voters Project, a non-partisan effort to register 265,000 18- to 24-year-olds in Wisconsin and five other battleground states, landed with a thud on the desks of clerks across the state Monday, leaving municipal officials scrambling to catch up. Because nearly all of the forms arrived without proof of identification - which is required for new voter registrations - the clerks must mail individual responses asking for it... All of this in a state where voters can register at the polls on election day by showing a Wisconsin driver's license, residential lease or utility bill... One of the biggest backlogs is in Racine, where 250 registration forms arrived Monday courtesy of the New Voters Project. Add that to the 700 voter forms turned in last week from Project Vote, and Acting Clerk Carolyn Moskonas says she may not be able to contact everyone who needs to show ID before the Sept. 14 primary election... To be ready for the primary election, municipalities have to print out their voter rolls next week. That leaves clerks and their staffs scrambling to handle all the new registration applications in time... In Brookfield, more than 300 forms arrived in two large envelopes... New Voter Project applicants are being asked to provide proof that they live in Brookfield, or will have to prove it at the polls... One clerk who did not sound appreciative on Monday was Carla Ledesma in Wauwatoša. She said some of the 450 registration forms received there were dated as far back as June. None has the required ID, she said. "To get 450 dumped in your lap that have been sitting around somewhere for six weeks is really disconcerting," she said... The bad news, at least for Racine, is that Project Vote has 600 more voter applications that will be mailed today, according to Damien Jones, the group's Racine and Kenosha coordinator. <http://www.jsonline.com/news/state/aug04/255239.asp>

SEPTEMBER 28, 2004

Project Vote filed 1,389 voter registration applications in Racine prior to the Sept. 14 primary. More than 20% had problems, according to the city clerk's office:

- Six were for residents who told the city clerk's office they had not signed the forms or authorized them to be filed.
- 230 applications contained addresses that don't exist or are outside of Racine.
- 96 could not be processed because they were missing information.
- Signatures on applications purporting to be for Danielle Pflugrad, Paul Pflieger and Henry Pflieger were "suspiciously similar." All three were already registered to vote.

About 150 of the applications rejected by the clerk's office were reviewed by the Milwaukee Journal Sentinel:

- Eighty had addresses that don't exist or are outside of Racine.
- One application attempted to register Tasha Jackson, but the signature on the form was Jackson Tasha.
- Signatures appeared similar on three forms purporting to apply for Albert Wells of Austin St. One Project Vote employee dated one application Aug. 4; the other two applications, filed by two other Project Vote employees, were dated Aug. 6.

Project Vote filed 483 more applications in Racine last week that have not yet been reviewed by the clerk's office.

Voter registration drive comes under scrutiny

A group that says it has registered 30,000 voters in southeastern Wisconsin could face a criminal investigation because of voter registration applications that may have been filed fraudulently. Acting Racine City Clerk Carolyn Moskonas said Tuesday she will ask the district attorney's office to investigate at least six voter registration applications filed by Project Vote... That non-profit organization, which also has filed scores of Racine applications that contain bogus addresses, has fired its Racine-area coordinator because of problems with the filings.... The same problem has surfaced in neighboring Caledonia, said Town Clerk Wendy Christensen. She has asked Caledonia police to investigate cases in which four residents said they had not signed applications turned into the clerk's office, including at least two submitted by Project Vote... Whether the possibly fraudulent voter registration applications could lead to any widespread voter fraud seems unlikely, because anyone wanting to vote in someone else's name would have to know which faked applications were processed, Moskonas and Christensen said. But they said they could not guarantee that they will catch all of the applications that have problems... Project Vote - which pays workers \$7 an hour and \$1.50 per application after they reach a quota - has filed nearly 1,900 voter registration applications with the city in the past couple of months... Project Vote targets first-time voters and the "disenfranchised" and has filed 30,000 voter registration applications in Milwaukee, Racine and Kenosha. <http://www.jsonline.com/news/racine/sep04/262511.asp>

SEPTEMBER 30, 2004

2 voter registration workers in court on criminal charges

Racine - Two people implicated in possibly fraudulent voter registrations here are being prosecuted for unrelated crimes, court records show. Both of those workers are Milwaukee residents who, like other Project Vote workers, are paid \$7 an hour and, after meeting a quota, \$1.50 for each voter registration application they file. They could not be reached for comment... Also Wednesday:

- Acting Racine City Clerk Carolyn Moskonas asked the district attorney's office to investigate irregularities in several voter registration applications filed by Project Vote. In seven of the cases, residents told the clerk's office that they had not signed the forms that were filed in their names. Deputy District Attorney Michael Nieskes said the Racine County Sheriff's Department and local police would investigate. He said he had been in contact with the state Elections Board and expects that a state Department of Justice investigator also would participate.
- Moskonas revoked the "deputy registrar" designations the city had given to four Project Vote workers - including the two facing the unrelated criminal charges - because of "problems and irregularities" with voter registration forms they filed.
- Doris Alexander, head of Project Vote's Milwaukee office, said she had terminated all of the workers who registered voters in Racine. She sent the group's new Racine coordinator and several newly hired workers to Racine on Wednesday to take the mandatory city class for registering voters.

Project Vote workers were certified by the City of Racine as registrars after completing a city class and swearing that they would conduct their work honestly. The group submitted 1,389 voter-registration applications in Racine before the Sept. 14 primary election and 483 more last week that have yet to be reviewed by the city clerk's office. <http://www.jsonline.com/news/racine/sep04/262820.asp?format=print>

OCTOBER 1, 2004

Deputy registrar may have violated state election law

A Milwaukee man who worked in a Racine voter registration drive said Thursday he never met with any of the people whose voter registration applications he signed... A prosecutor and two election officials said that, if true, such action by the fired employee of Project Vote appears to be a clear violation of state

election law on voter registrations... Robert Marquise-Blakely, 23, of Milwaukee was one of a handful of Project Vote workers who became a deputy registrar in Racine by taking a class over the summer at the Racine city clerk's office. His name appears on numerous Racine voter registration applications, but the clerk's office could not estimate how many ... Reacting to earlier news this week about Project Vote's problems in Racine, the state Republican Party asked the state Elections Board to create emergency rules to ensure that the Nov. 2 election goes smoothly ... But the Elections Board director said such rules are not necessary and are not likely to be adopted, and leaders of the state Democratic and Libertarian parties said they would not support the proposal. <http://www.jsonline.com/news/racine/sep04/263174.asp>

OCTOBER 2, 2004

Milwaukee seeks voter form probe

The Milwaukee Election Commission has asked the district attorney's office to review 21 voter registration applications that are "suspicious," officials confirmed Friday. The request appears to be similar to one made this week by Racine officials, who asked the Racine County district attorney's office to investigate seven voter registration applications filed by a group called Project Vote. Lisa Artison, executive director of the Milwaukee Election Commission, could not be reached ... Patrick Curley, chief of staff to Milwaukee Mayor Tom Barrett, said that while the suspicious applications raise concern, there is no evidence of widespread voter registration problems... Concerns about voter registration drives, which are operating at unprecedented levels in some Wisconsin cities, were raised this week because of the problems in Racine. The local director of Project Vote, which says it has filed more than 1 million voter registration applications in 25 states, said the group's entire Racine staff was fired because of the problems ... Acting Racine City Clerk Carolyn Moskonas and Kevin Kennedy, executive director of the state Elections Board, said this week that they don't believe the problems uncovered in Racine indicate any risk of widespread fraud in the Nov. 2 election. They agreed, however, that the glut of voter registration applications filed this year - estimated by Kennedy at 200,000 statewide - makes reviewing the applications more difficult ... Earlier Friday at a Milwaukee city budget hearing ... Artison said she made it clear "any voter registration where fraud is a possibility will be immediately referred to the Milwaukee County district attorney's office." <http://www.jsonline.com/news/metro/oct04/263415.asp>

OCTOBER 20, 2004

RPW NEWS RELEASE: FELONS ILLEGALLY VOTING, REGISTERING TO VOTE IN WISCONSIN

Wisconsin's county sheriffs, district attorneys, election officials and U.S. Attorneys are being called upon to ensure felons locked up in county jails are not allowed to illegally vote absentee in the current election, after at least one felon in the Dane County Jail illegally voted via absentee ballot, and 12 others received absentee ballots. The Republican Party of Wisconsin has confirmed that the felons obtained the ballots through a voter registration drive conducted at the jail. As of today, Madison election officials reported that they had not yet received the ballots in question, but RPW has reason to believe at least one has already been sent from the jail. In Wisconsin, it is a felony for convicted felons to vote until after they have completed their probation and parole terms ... According to today's *Milwaukee Journal Sentinel*, nearly 200 voters in at least 2 county jails - in Dane and Racine Counties - have been registered to receive absentee ballots. The story goes on to report that there is little or no oversight, and that election supervisors in both places would not conduct background checks on jail inmates who are registering to vote and seeking absentee ballots.

OCTOBER 26, 2004

RPW NEWS RELEASE: DEMS ORDER COFFEE WITH THEIR KRINGLE IN BRIBERY 'VOTE-A-THON'

A flyer for a Democrat-themed 'vote-a-thon' planned for this Saturday on the state Capitol square in Madison fails to disclose who is funding the effort and promises free coffee at a local restaurant for taking part, in potential violation of state law. The flyer urges people to 'gather and go' to the City-County Building in Madison. The flyer includes cartoon images of donkeys but has no legally-required disclaimer that highlights who is behind the political effort. The flyer also promises free coffee at the nearby Sunprint Café, which typically charges \$1.50 (tax included) for coffee. Wisconsin Statute 12.11 defines election bribery as "any amount of money, or any object which has utility independent of any political message it contains and the value of which exceeds \$1." (*Emphasis added*) "Unfortunately, the Democrats are increasingly relying on the troubling and illegal practice of bribery to rustle up votes," Republican Party of Wisconsin Executive Director Darrin Schmitz pointed out. "After the 'smokes for votes' case in 2000 and the Jim Doyle campaign's shameless bribery of the mentally disabled with quarters and kringle in 2002, it appears the Democrats are back to their old law-breaking tricks."

Voter drive using kids draws fire

Hundreds of public schoolchildren, some as young as 11, are taking time out of regular classes to canvass neighborhoods in Milwaukee, Madison and Racine in a get-out-the-vote effort organized by Wisconsin Citizen Action Fund - a group whose umbrella organization has endorsed John Kerry for president. The coalition says the effort is non-partisan, but because the group is targeting minority neighborhoods and those with historically low voter turnout - overwhelmingly Democratic areas - Republican operatives are crying foul amid the highly charged political atmosphere in the state. "They are exploiting schoolchildren on the taxpayers' dime to conduct what is clearly a Democratic, partisan get-out-the-vote effort," said Chris Lato, communications director for the Republican Party of Wisconsin. "To spend this time on a clearly partisan effort when these kids should be in school learning is shocking. It's a disgraceful use of taxpayer money." The idea for the program was developed by Larry Marx, co-executive director of Wisconsin Citizen Action, a public interest group whose mission is to "unite the political clout of its 74,000 individual members and 207 affiliate organizations into a significant grass-roots force for social change around key issues and elections in Wisconsin." The program is part of the schools' curriculum and is endorsed by Elizabeth Burmaster, the superintendent of the state's Department of Public Instruction. That job is non-partisan, but Burmaster was elected to it in 2001 with support of groups that traditionally back Democratic candidates. Countered Lato: "Anyone claiming this is non-partisan is being amazingly disingenuous." Students are going door to door and using phone banks to call homes urging citizens to register to vote and to remind them where the polling places are. On election day, hundreds of students plan to go out into the community to induce people to go to the polls. Ringing doorbells in Ward 231 in Milwaukee's far south side on Tuesday morning, Trenise Johnson, 11, and a dozen of her classmates at Wisconsin Conservatory of Lifelong Learning, missed a variety of classes, including science, math and reading. Bob Hudak, Wisconsin Citizen Action Fund's co-executive director, said the reference to the Kerry endorsement was removed to make room on the Web site for information about polling locations. "Our members are pretty clear about where we stand on the candidates," he said. When they go door to door, students are instructed not to discuss their personal political views. But that has not always been the case, said Dave Weingrod, a Wisconsin Citizen Action Fund member who has organized children at Milwaukee Education Center Middle School. "We try and steer clear of political discussions, but . . .," he said as his voice trailed off. "I'm sure some conservatives could make a lot out of this. But our motives are entirely pure." Likewise, Georgia Duerst-Lahti, chairman of the political science department at Beloit College, said she finds merit in the program, but she wishes the people at Wisconsin Citizen Action would not "pretend they are not partisan." "It's a liberal, lefty kind of group, and everyone knows it," she said. Any get-out-the-vote effort, especially in urban areas, is likely to help the Democrats, said Duerst-Lahti. "There is absolutely a partisan aim here," she said. <http://www.jsonline.com/news/metro/oct04/269887.asp>

OCTOBER 27, 2004

stand. In nine of those cases, the GOP said voting records showed someone was listed as having voted from that address in recent elections... A Journal Sentinel review Thursday of many of the names and addresses confirmed some of the problems cited by the GOP, as well as uncovered additional missing addresses. ... "This is a black eye on the city of Milwaukee and the state of Wisconsin," GOP Chairman Rick Graber said. "These 5,600 addresses could be used to allow fraudulent voting. Whether it's deliberate or not, something's wrong when you have people from addresses that don't exist." ... Left undetermined Thursday: How many of the challenged addresses are actually non-existent and how many represent clerical errors, now-demolished buildings or attempts to vote fraudulently... The 5,619 addresses cited by the GOP represent about 1.5% of the 386,527 registrants, a number that now may be more than 400,000 based on the 20,000 new registrants officials cited this week... The Journal Sentinel on Thursday reviewed some of the questionable addresses cited by Republicans to determine the validity of their complaint... Of the 34 properties that the GOP highlighted in its complaint, the newspaper could not locate 26 addresses or the voters' names associated with those addresses. The other eight instances appear to be typographical errors in which the voters' addresses were incorrectly listed on the voter registration rolls... The newspaper also attempted to locate 74 other addresses among the 5,600 listed in the GOP complaint and determined that 68 of them didn't exist. <http://www.jsonline.com/news/metro/oct04/270603.asp>

OCTOBER 29, 2004

Vote inquiry sharpens focus

Amid a renewed push Friday by Republicans to get some 5,600 names removed from Milwaukee voting lists, prosecutors began examining 500 new registrants that a city review indicated are from non-existent addresses... The same review by the city attorney's office, however, raised doubts about the quality of the GOP's original list, finding that hundreds of the addresses that the Republicans claim are invalid and want removed do, in fact, exist. Some others, according to City Attorney Grant Langley, can be explained by data entry errors, not attempted fraud. Meanwhile, city and state officials are working this weekend to establish a safeguard system that will - by Tuesday - highlight any addresses still in question... "Nobody is disputing the vast majority of these are bad addresses," said Chris Lato, a spokesman for the state GOP. He said the party was working with the city to review the list, questioned the notion it had significant problems and noted that on Friday they found more bad addresses... At least some of the addresses will be investigated for possible fraud... State officials, who intervened as a result of the GOP appeal, were working with the city to create a system by which poll workers would check the identification of anyone attempting to vote from possibly non-existent addresses and, if none was provided, allow them to cast rare "challenge ballots." Lato said the party had not signed off on the concept, though its appeal lays out some similar alternatives to removing all the addresses, which include numerous vacant lots and, in one case, a gyros stand... Langley, like Mayor Tom Barrett, acknowledges there are non-existent or suspect addresses on the GOP list. But they say it is due to many factors, not a case of massive voter fraud as some have intimated. Lato acknowledged human error may be a factor in the bad addresses but noted they are an invitation for fraud: "As long as they're on the list, somebody can vote from them." <http://www.jsonline.com/news/metro/oct04/270904.asp>

RPW NEWS RELEASE: RPW SEEKS ELECTIONS BOARD ACTION ON PHANTOM MILWAUKEE ADDRESSES

The Republican Party of Wisconsin (RPW) today called on the state of Wisconsin Elections Board to overturn the decision by the Milwaukee Election Commission to ignore the 5,619 addresses on the city's voter registration rolls that do not exist, according to a review conducted by RPW. The motion calls on the Elections Board to act immediately to protect thousands of non-existent Milwaukee addresses from being considered legitimate by poll workers on election day. A sample of 74 of the addresses inspected by RPW was also examined independently by the *Milwaukee Journal Sentinel*. The newspaper's review, published today, found 68 of the addresses they surveyed - or 91.89% - could not be located. Other areas of concern:

- Thousands of non-existent or highly questionable addresses are currently on the City of Milwaukee's voter registration rolls. The Milwaukee City Attorney, Mayor Tom Barrett, the

Milwaukee County District Attorney and the *Milwaukee Journal Sentinel* all acknowledge a large number of bad addresses exist, potentially allowing for election day abuse.

- Numerous reports of felons voting, registering to vote and acting as voter registration deputies in Racine, Dane and Milwaukee counties.
- The disenfranchisement of Wisconsinites currently in the military overseas, some of whom have yet to receive their ballots due to Democrat legal actions aimed at kicking Ralph Nader off the ballot, or received their ballots too late to be counted on election day.
- The decision of the Madison Mayor and City Clerk, in direct consultation with the John Kerry campaign, to keep late office hours on the same day as a Kerry rally in Madison last week to allow rally attendees to vote absentee after the rally. ~~This blatant use of taxpayer resources on behalf of a partisan political campaign fizzled, however, when the number of voters failed to come anywhere near anticipated levels.~~
- The use of children as young as 11 years old, during regular school hours, to canvass for voters on behalf of Wisconsin Citizen Action, a left-wing group that has endorsed Democrat John Kerry. Public outcry was so strong that the Milwaukee Public School system halted the program one day after it came to light in the *Milwaukee Journal Sentinel*.

OCTOBER 30, 2004

GOP demands IDs of 37,000 in city

Citing a new list of more than 37,000 questionable addresses, the state Republican Party demanded Saturday that Milwaukee city officials require identification from all of those voters Tuesday. If the city doesn't, the party says it is prepared to have volunteers challenge each individual - including thousands who might be missing an apartment number on their registration - at the polls. The move, which dramatically escalates the party's claims of bad addresses and potential fraud, was condemned by Democrats as a last-minute effort to suppress turnout in the city by creating long delays at the polls. City officials, who already were trying to establish safeguards in response to the party's claim of 5,619 bad addresses, were surprised by the 37,180 number, nearly seven times larger. "It's not a leap at all to say the potential for voter fraud is high in the city, and the integrity of the entire election, frankly, is at stake," said Rick Graber, state GOP chairman. "The city's records are in horrible shape." Any inaccurate address, he said, is an opening for someone to cast a fraudulent vote. However, many of the new addresses now cited might be eligible voters who have voted for years without problems. City Attorney Grant Langley labeled the GOP request "outrageous." ... The same list generated about 13,300 cases where incorrect apartment numbers were listed, and some 18,200 more cases where no apartment number was listed for an existing building. However, the party didn't include any of those in its original challenge, filed three minutes before the 5 p.m. Wednesday deadline ... Democrats say the effort is designed to give the impression it will be difficult to vote in Milwaukee, in hopes of giving an advantage to President Bush over Democratic Sen. John Kerry. ... The new addresses offered Saturday by Republicans muddled an already complicated matter and could slow down attempts under way to institute safeguards on the initial list ... In conjunction with the Milwaukee County district attorney's office, the city attorney's office began reviewing the 5,619 names Friday. It found many cases where an address does not exist but also hundreds where it believes an address does exist ... The Journal Sentinel reviewed 74 of the addresses on the original list and found 68 of those do not exist. Others, though, were likely to be clerical errors ... Citing its expanded list, the GOP argues any address deficiency, such as no apartment number listed, constitutes an invalid registration ... Lisa Artison, head of the city Election Commission, said she takes any challenge or claim of fraud seriously. ... Langley indicated Friday the district attorney's office was reviewing about 500 new voter registrations that appear to be from non-existent addresses. <http://www.jsonline.com/news/metro/oct04/271173.asp>

Newest voter list contains non-existent addresses

As the state Republican party raises questions about the validity of addresses on Milwaukee's voter rolls, a just-released list of newly registered voters contains at least two dozen non-existent addresses, a Journal Sentinel review has found. The newspaper asked the city's Election Commission for a list of all voters who had registered to vote since April 6. The city on Friday provided a list of 16,408 names and addresses.

Using the city's database of property tax records, the Journal Sentinel identified about 3,300 addresses that appeared to be suspect. From that list, the newspaper randomly selected 200 addresses to check. Each of those addresses was individually checked with city property records and other online databases to determine whether they were valid. The newspaper narrowed the list of suspect addresses to 60 and then had staff members drive to where those addresses should have been. A total of 20 addresses - or 10% of the sample of 200 - were verified as non-existent. In addition, on the initial list of 16,000 voters, the newspaper found five voters registered at addresses that are listed on city records as vacant lots. Also, the new list of registered voters contains 34 instances in which people with the same first name, last name and middle initial are listed twice. Because a new state law prohibits elections officials from releasing the birth dates of registered voters, it was not immediately certain whether those newly registered voters with the same names were the same people, or whether they were different people with the same names. The Journal Sentinel's findings are similar to what state Republicans say they found in reviewing the city's entire list of more than 300,000 registered voters. However, while some of the problems on the master list of registered voters could date back years, the discrepancies found on the list of newly registered voters surfaced in the last six months. <http://www.jsonline.com/news/state/oct04/271150.asp>

Check of ballot requests uncovers problems

Records from the Milwaukee Election Commission show an absentee ballot for Tuesday's election was requested for Robert L. Anderson Jr., who is registered to vote at 3434 W. St. Paul Ave. Two problems: Anderson, a Marine stationed in Hawaii, is not eligible to vote as a resident of 3434 W. St. Paul Ave. because that address is for A&A Transmissions, an auto repair business owned by his father, Robert L. Anderson Sr. State law says you can only be registered to vote at your residence. Anderson is not eligible to vote as a Milwaukee resident because his permanent address, according to his father, is with him - in Muskego... More than 17,500 requests for absentee ballots have been received in Milwaukee, an increase of more than 70% over the 10,017 absentee ballots actually cast in the 2000 presidential election. West Allis, Mequon and Kenosha are among other municipalities where absentee requests have exceeded the 2000 tallies... But with the surge in absentee voting and flaws in the voter registration system, a Journal Sentinel check of absentee ballot requests made in Milwaukee found problems. In all, the Journal Sentinel visited 40 addresses and made other checks of the absentee ballot process. The inquiries also turned up: Joanne Enerson of the 9400 block of W. Concordia Ave. said she and her husband, David, each received two absentee ballots. Enerson said she returned the two extras. Lisa Artison, executive director of the Milwaukee Election Commission, said a couple of double mailings have occurred. Sherika Booker, of the 2300 block of N. 16th St., produced an absentee ballot she received in the mail but said she did not request it. She said she probably would not use it and would instead vote at the polls, though she has not voted before. Artison said the city received a request to mail absentee ballots to Booker for both the September primary and Tuesday's election and did so. Keith Wunrow of the 1700 block of N. Prospect Ave., who lives in Tucson, Ariz., much of the year, is on the permanent list to receive an absentee ballot but hadn't received one as of Thursday. He said the Milwaukee Election Commission told him Wednesday that many absentee ballots have not been mailed. Wunrow plans to return to Milwaukee on Monday, a week earlier than he had planned, so that he can vote in person Tuesday. <http://www.jsonline.com/news/metro/oct04/271146.asp>

OCTOBER 31, 2004

Voters likely to feel they're being watched

From poll watchers to prosecutors to party-sponsored attorneys, Wisconsin residents can expect unprecedented scrutiny when they vote Tuesday. Thousands of poll watchers and attorneys - from the parties, law enforcement agencies and outside groups - will watch the process, and each other. Although both parties say they will have volunteers stationed across the state - and both boast of a lead lawyer in each county - Milwaukee will likely be at the center of it all... Republicans say their poll watchers will have a list of the disputed addresses and will challenge anyone who attempts to vote from them. Democratic groups say they will be there to protect the rights of voters. With some 20,000 new voters registered in the city, Milwaukee wards may become the front lines in what could be a battle over individual votes. Some of the new registrants were questioned by city election officials, who referred them to the Milwaukee County

district attorney's office. Meanwhile, a Journal Sentinel review found that at least two registrars, deputized by the city, are felons and are not legally allowed to sign up voters. It is unclear how many people the two registered ... In the city, some 1,600 paid poll workers will be joined by dozens of volunteer workers, members of Barrett's cabinet and other high-ranking city employees, plus the party-backed poll watchers and poll watchers from outside groups ... In addition, 40 county prosecutors will monitor sites, and the U.S. attorney's offices in Milwaukee and Madison will have lawyers responding to complaints. So will the state Department of Justice. ... Wisconsin has one of the most open voting systems in the country, something officials have pointed to with pride over the years as a reason for the state's traditionally high voter turnout. Where some hail openness, others see laxity and the potential for fraud. Indeed, with no identification required for already-registered voters, and same-day registration available for new ones, it may be easier for a determined person to cheat the system - and harder for officials to catch them. For instance, those who move from one city to another - say Wauwatosa to Milwaukee - could well be listed and vote at both addresses, something a statewide voter list would curb in future elections. Now, someone could vote at a ward using the name and address of someone else already registered, provided they arrive first. And felons could register at the polls and vote, as workers do not have the ability to do on-the-spot background checks ... "In 2000, we did very little in terms of poll watching and voter fraud and clearly it happened," said Rick Graber, chairman of the state Republican Party. "We'll have the most comprehensive program the party has ever had." Republicans will have attorneys on call in each county and some 5,000 volunteers "on the ground," including those with get-out-the vote efforts. Democrats have their own plans, which are also attorney-heavy: more than 500 attorneys alone are to be involved ... In addition to the parties, other groups will be present, including one financed by the People for the American Way Foundation and a host of others, including labor unions called the Election Protection Coalition.
<http://www.jsonline.com/news/metro/oct04/271189.asp>

Republican Party of Wisconsin (RPW) Chairman Rick Graber released a statement after the announcement of a settlement that, at the urging of RPW, the City of Milwaukee will take an unprecedented step toward preventing fraud and other illegal conduct on election day.

"With today's announcement, Milwaukee city officials are acknowledging a substantial problem exists with thousands of faulty or non-existent addresses currently found on the city's voter registration rolls and they are beginning to deal with it. This resolution offers an additional layer of protection to assure legal voters that their ballot will not be disenfranchised by a fraudulently-cast vote from these bad addresses. Everyone - from the city attorney's office, to the district attorney's office, to city hall, to the State Elections Board, to the *Milwaukee Journal Sentinel* - doesn't argue with the fact that there are problems with the Milwaukee voter registration lists. Every illegal vote is one vote too many. Everything that can be done, should be done to protect the integrity of the election process. We assume the City will now go forward to implement the protections outlined by the State Elections Board. In light of the City's efforts to date, the Republican Party will not formally challenge at the polls on Tuesday the 37,000 individual addresses mentioned over the weekend en masse. Of course there may still be challenges pursuant to Wisconsin Statutes on election-day and, in the case of a recount, all faulty or phantom registrations will almost certainly be the subject of scrutiny."

NOVEMBER 1, 2004

Artison now at center of flap over voter registration cards

As the executive director of the Milwaukee Election Commission, it's Lisa Artison's job to ensure everything runs smoothly in today's election. Yet in recent weeks, the commission has been at the center of controversy, first over how many ballots it needed, then over whether newly registered voters were listing nonexistent addresses. Mayor Tom Barrett has accused Republicans of stirring up those controversies to disrupt voting in the largely Democratic city. On Monday, however, Barrett admitted Artison's staff had not processed 15,000 to 20,000 voter registration cards from newly registered voters. Barrett didn't learn about the backlog until Monday, when he ordered other city staffers into the election office in a last-minute push

to get the job done before voters show up... Besides questions about her qualifications, observers wondered whether her job was a payoff for work by her and her husband, radio talk-show host Eric Von, on Barrett's campaign... From April 1999 to June 2000, Lisa Artison was executive director of the Milwaukee County Community Justice Day Reporting Center, then a new program for non-violent female offenders. That period was marked by controversy over a move to the west side and questions about the number of women who either failed to show up or were kicked out. <http://www.jsonline.com/news/metro/nov04/271618.asp>

State workers helped in race to add voters to Milwaukee rolls

(Reported Nov. 4, 2004) Gov. Jim Doyle contributed a squad of state employees to a frenzied effort to add thousands of new names to Milwaukee voter rolls in the hours before Tuesday's election, joining Milwaukee Mayor Tom Barrett, his family, friends and top staffers... Worried about thousands of unrecorded new voter registrations in Milwaukee, Doyle provided about a dozen state employees, some based in Madison and others in Milwaukee... They were dispatched to City Hall to help Barrett finish a job the city Election Commission had not completed less than a day before the polls opened. The drama played out the same day both President Bush and Massachusetts Sen. John Kerry held rallies downtown... According to Doyle spokesman Dan Leistikow, Doyle "was concerned that potentially tens of thousands of voters could be disenfranchised at the polls because their voter registration forms could not be processed," Leistikow said. The governor also was concerned that Wisconsin not "be the next Florida," he said, referring to the dispute over that state's presidential vote in 2000... Doyle and Barrett were state co-chairmen of Kerry's presidential bid... The state workers joined a hastily recruited pool of 50 or more people - including the mayor himself - to pull what amounted to an all-nighter to get the job done... The effort was more extensive than previously acknowledged by Barrett or city staffers. When he discussed the problem Monday, Barrett initially said that more than 1,000 registrations needed to be processed. Ultimately, he put the figure at 15,000 to 20,000... On Thursday, Lisa Artison, executive director of the city Election Commission, said she wasn't aware that state employees had been part of the troop of extra workers who pitched in to help her staff get the job done at the last minute. "People were volunteering to help, and you don't stop them at the door to ask them where they came from," Artison said... On Monday, it was too late to meld the new registrations into the official voter rolls for Tuesday's election, so the registration forms were sorted by ward, alphabetized and then delivered by various volunteers to the appropriate polling places before the polls opened at 7 a.m., Curley said... Chris Lato, spokesman for the state Republican Party, said the volunteer operation with Barrett and others processing registration forms was "bizarre and awfully slapdash... There's a mess there, and it's time the mayor get serious about cleaning it up."... Barrett appointed Artison to her job last summer. <http://www.jsonline.com/news/metro/nov04/272598.asp>

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City employees race to record 20,000 voters

Milwaukee officials scrambled late Monday to record voter registration information for up to 20,000 people, a major last-minute problem that had threatened to force thousands of new voters to re-register. Mayor Tom Barrett acknowledged he learned Monday that a significant number of new voter registrations had not been processed because elections officials were swamped. "We responded to this discovery quickly and aggressively," Barrett said in a written statement Monday night. "All new voter registration information will be at the polls Tuesday morning." Three dozen to four dozen city employees worked throughout the day and much of the evening to record the registrations, and by 9:30 p.m., all had been completed, said Barrett's chief of staff, Patrick Curley... Barrett only acknowledged the embarrassing scramble when questioned about it during a news conference, initially saying only "well over a thousand" cards had not been entered onto voting lists. The situation prompted harsh criticism from Milwaukee aldermen and groups that organized massive voter registration drives to help Democrat John Kerry unseat President Bush. It also prompted attorneys for Kerry to file a complaint with the state Elections Board, perhaps laying the groundwork to contest voting procedures and results in one of their most unlikely places: Democratic Milwaukee, a city where the mayor is co-chair of Kerry's state campaign. The revelation came in the wake of an agreement - still in place late Monday - that calls for poll workers to seek identification from anyone trying to vote from about 5,500 addresses, which the state Republican Party has identified as non-existent buildings. Chris Lato, a spokesman for the state Republican Party, labeled the situation a "mess of

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Nov. 2. The voters did their job by mailing in the ballots before the election, but somebody on the city payroll dropped the ball. Per state law, Artison said, the uncounted ballots are in storage and soon will be destroyed ... About 6 p.m. on the hectic election day, Pat Curley, Barrett's chief of staff, wandered upstairs in City Hall to check on the happenings in the Election Commission's offices. Realizing that absentee ballots must be delivered to polling places before voting ended at 8 p.m., Curley said, he asked whether that had been done. Told that there were thousands of completed ballots still sitting at City Hall, Curley raised questions about how they could be delivered on time, he said. "Some staff person said, 'You know, the police used to help us with that,'" Curley recalled Wednesday. He quickly dialed up Chief Nannette Hegerty, who dispatched eight cops in four squads to serve as delivery boys ... The cops did their duty and delivered all of the boxes of ballots before the 8 p.m. deadline, said Sgt. Ken Henning. No ballots, he said, were returned to City Hall. "The officers did not go to other assignments, except to drop them off," Henning said. So, you may be wondering, why are there 238 uncounted absentee ballots still sitting in Artison's office? Artison contends the cops failed to deliver all of the ballots and returned a couple of hundred to her office. "The ballots left the building, and the ballots came back," Artison said. "Certainly, I'm not pleased with that." Henning, however, stood firm and repeated that the police did not return a single absentee ballot to Artison's crew. <http://www.jsonline.com/news/metro/nov04/276184.asp?format=print>

New rules sought for poll watchers

The state's top election official Wednesday called for new rules on what partisan election-day observers can do, saying some improperly questioned voters and one demanded to even sit at the table with poll workers on Nov. 2. A few aggressive backers of both President Bush and Democratic Sen. John Kerry "created some real issues," Elections Board Executive Director Kevin Kennedy told a legislative committee studying possible changes to state election laws ... Officials of the state Republican and Democratic parties said they both held training sessions for their observers. GOP spokesman Chris Lato said about 36 sessions were offered statewide, and members of the party's "election integrity" program attended them. Lato said about the GOP had about 10,000 workers on election day, including those watching for voter fraud and get-out-the-vote volunteers. Democratic Party spokesman Seth Boffeli said his party held nine three-hour training sessions for more than 700 attorneys who helped monitor the polls. Lato and Boffeli both cited examples of what they said was improper behavior by the other side's observers and said they would welcome new, tighter rules clarifying exactly what election observers can do. <http://www.jsonline.com/news/state/nov04/276102.asp>

NOVEMBER 18, 2004

Milwaukee Mayor Tom Barrett announces the formation of an election day task force to review the events surrounding the November election. RPW Chairman Rick Graber sent a letter to Barrett regarding the announcement.

Mayor Barrett,

On behalf of the Republican Party of Wisconsin, we acknowledge your decision to create a task force to review the many problems and concerns surrounding the city's operation of elections as a step in the right direction ... However, it is quite disappointing to see the panelists you have appointed to the task force are closely tied to the city as employees and administration insiders. For example, it is fair to question whether a task force that includes the executive director of the Election Commission can conduct a thorough and critical assessment of the problems in the office she manages. The public deserves a full, independent, warts-and-all accounting of the situation. A task force made up of government insiders is not the best way to instill trust that the end result will truly represent the scope of the problem...

NOVEMBER 21, 2004

Election night crisis swept up firefighters, too

The more info that slips out, the more it sounds like Mayor Tom Barrett's office issued an all-points-bulletin in a panicked attempt to bail out his election chief on Nov. 2. Last week, the city sheepishly

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confirmed that eight cops were dispatched to City Hall late on election day to deliver thousands of uncounted absentee ballots that were lying around election chief Lisa Artison's office. Some 238 ballots never made it and were never counted, for reasons that remain unclear. Now, we find out, a second call was made to the cops, and three high-ranking Milwaukee Fire Department officials were also hurriedly tooling around the city delivering ballots. Initially, Assistant Fire Chief Mark Sain said he didn't think the department dispatched anyone to deliver absentee ballots on election night. It's just not in the department's job description to provide that type of service. Later, after checking around, he called back. "We did receive a call from (Barrett's chief of staff) Pat Curley, and we were happy to help them out," Sain reported. "We had three battalion chiefs help deliver the ballots." ... The National Guard was not called in by Barrett - at least as far as we know. <http://www.jsonline.com/news/metro/nov04/277593.asp>

NOVEMBER 23, 2004

Eventually, all the votes might be counted

Thinking it's better late than never, city election chief Lisa Artison is asking for permission to count 238 completed absentee ballots that never made it to the polls on election night, meaning they were never counted. "I am asking that you petition the State Elections Board to reopen and correct the canvass to include the above-referenced absentee ballots from the City of Milwaukee," Artison wrote Tuesday to the county election board. That board will hold an emergency meeting today to vote on the request, and if it approves the matter, the state then would have to act on the request before the city could do anything. Doug Haag, chairman of the county election commission, recalled that Mayor Tom Barrett and other Democrats earlier suggested that County Executive Scott Walker, a Republican, was not providing the city with enough ballots in an attempt to suppress the vote. It's still not clear why the 238 city ballots were never counted. Completed absentee ballots must be delivered to polling places by 8 p.m. on election day to be counted. <http://www.jsonline.com/news/metro/nov04/278100.asp>

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JANUARY 14, 2005

Lawmaker criticizes voter verification process

A Republican lawmaker who advocates a voter ID requirement is criticizing the Milwaukee Election Commission's handling of voters who registered at the polls Nov. 2, saying some 10,000 could not be sent cards to verify their address. State Rep. Jeff Stone (R-Greendale) said Friday the number reflects cases where registration cards filled out by voters were illegible or, in some cases, duplicates... At the center of the issue is a process by which those who register on election day are sent postcards to confirm the address before they are entered onto permanent voting rolls. By law, Stone said, the process was to begin right after the election, though he says the cards were not sent until Jan. 6. Of the 83,000 or so same-day registrations, a number city officials acknowledge, Stone said he was told only 73,079 cards could be mailed. That leaves a gap of about 10,000, which he argues is evidence of serious problems. <http://www.jsonline.com/news/metro/jan05/293225.asp>

JANUARY 18, 2005

Unsent voter cards don't signal fraud, official says

Milwaukee's top election official said Tuesday that claims of fraud in the Nov. 2 election are overblown, questioning the notion that some 10,000 verification cards that couldn't be processed reflect that number of ineligible voters. Lisa Artison, executive director of the city Election Commission, said the number of cards that could not be sent out this time was comparable to the number after the 2000 presidential election. But state Rep. Jeff Stone (R-Greendale) said that is evidence of continuing problems and noted he is looking into whether the state, through the Legislative Audit Bureau or Elections Board, can review how Milwaukee ran the Nov. 2 election. Meanwhile, Racine officials said they do not send out any confirmation cards. And other cities, including Madison and Waukesha, have not completed the process, which the state Elections Board does not track. If the 84,000 estimate of election-day registrants is accurate, 13% of the

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probably really didn't see election reform as a major issue two years ago, but I think they're beginning to see what goes on around the state, and having integrity in that system is important to every vote cast," Stone said. Stone and the bill's co-author, Sen. Joe Leibham (R-Sheboygan), said that with more than 30 co-sponsors, the new photo ID measure already has more co-sponsors than a 2003 bill, which was approved by the Legislature but vetoed by Gov. Jim Doyle. The Republicans also said local governments such as the City of Cedarburg have begun passing resolutions supporting a photo ID requirement. :
<http://www.jsonline.com/news/metro/jan05/297225.asp>

JANUARY 29, 2005

Fraud or bumbling, voter problems still unnerving to public

On Nov. 2, when the nation picked a president, an unprecedented number of volunteers, district attorneys and others watched the polls in Milwaukee and around the state. Now, with a probe into possible voter fraud launched last week, a state audit in the works and the creation of a local election task force, the entire process - one that many believe is riddled with holes - is getting even more scrutiny. Nevertheless, while the Journal Sentinel has found 1,200 votes recorded from invalid addresses and a gap of more than 7,000 unaccounted for votes, there are no guarantees law enforcement officials will be able to identify fraud or charge anyone with it if they do. Indeed, the same open system that makes it easy to vote on election day, long a point of pride for the state, makes it difficult to determine later if someone voted twice, voted as someone else or intentionally used a bad address. In other words, it is one thing to find a crime, another to identify who is responsible for it. What's more, when a crush of voters met an already stressed election system in Milwaukee, it resulted in records that are incomplete, duplicates or - in the case of more than 7,000 votes - not yet accounted for. That could further complicate efforts to determine exactly who voted. Four years ago, after the Journal Sentinel reported that at least 361 felons had voted improperly in the city, DA Mike McCann charged three people with illegal voting. One was an attorney from Shorewood, and two were Milwaukee men, both of whom were listed in a newspaper story. In the end, the charges were dropped because prosecutors could not establish that the three felons knew they were forbidden from voting while they were still on probation or parole. And nothing came of the other 300-plus cases found. While many have hailed the local investigation into possible voter fraud, equally important answers about underlying problems likely will come from somewhere else. At the urging of 10 Republican lawmakers, a state audit that is to include a focus on Milwaukee soon will be launched. That probe, which could be finalized this week, is expected also to look at a selection of counties and communities around the state. The Journal Sentinel found spotty compliance with a state law that requires verification cards to be sent to all new voters, and for any cards returned as undeliverable to be sent to the district attorney.
<http://www.jsonline.com/news/metro/jan05/297434.asp>

JANUARY 31, 2005

RPW NEWS RELEASE: VOTER ID BILL INTRODUCED

Republican Party of Wisconsin (RPW) Chairman Rick Graber today praised Republicans in the Legislature for introducing a bill that would require prospective voters to first present a valid photo ID. The co-authors, State Sen. Joe Leibham (R-Sheboygan) and State Rep. Jeff Stone (R-Greendale) held a news conference this afternoon to announce the legislation. "It is painfully obvious there are serious problems with our election system, and it is time to seek serious election reform that protects legal voters from being disenfranchised through illegal conduct," Graber said. "Requiring photo ID at the polls will help prevent people from voting using bad addresses. In addition, Wisconsin must do away with same-day voter registration that leaves our system wide-open to fraud... Democrats like Jim Doyle must stop defending the indefensible," Graber added. "We need solutions. The time for obstructionism is over."

FEBRUARY 1, 2005

Some sites show huge vote gaps

Record-keeping surrounding the Nov. 2 presidential election in Milwaukee is so flawed that in 17 wards there were at least 100 more votes recorded than people listed by the city as voting there. In two wards, one on the south side and one on the north side, the gap is more than 500, with fewer than half the votes cast in each ward accounted for in the city's computer system, a Journal Sentinel review has found. Such gaps were present at different levels in nearly all of the city wards and could hamper the investigation launched last week by federal and local authorities into possible voter fraud by giving an incomplete or inaccurate picture of who actually voted. They also raise questions about the level of oversight of how the city records who voted in each ward - an important safeguard that, properly done, can be used to spot double-voting and other problems. And unless the gaps can be fully resolved, they leave room for critics to allege that ballot boxes were stuffed in the city, which went heavily to Democrat John Kerry over President Bush in a state with one of the closest margins in the country. City officials said Tuesday that the large gaps can be blamed on major flaws in how polling-place logbooks were scanned and individual votes recorded in the computer. In some cases, entire pages were bypassed in the process, which involves scanning a barcode for each pre-registered person who votes. After inquiries from the Journal Sentinel about the gaps, officials said election staffers rescanned the logbooks for the 10 most problematic wards. In doing so, they tallied 1,707 votes that, while counted by voting machines, were not recorded properly later. Officials now plan to rescan all of the books. They also have identified other problems, including new voters who were added to the system without being shown as having voted. They hope those problems will explain the 7,000-vote gap found a week ago by the newspaper in its extensive review of city election records. "When there are mistakes, I want to know about them," Mayor Tom Barrett said. "There are mistakes, and we will clean them up... I don't think we have seen any evidence of fraud," Barrett said. But he acknowledged that vote gaps and other problems shake the confidence of residents... Meanwhile, a state audit into election problems in Milwaukee, a probe that will include other communities statewide, could get formal approval today. And on Monday, Republicans in Madison renewed a push - which failed two years ago - to require all voters to show photo identification. On Tuesday, Rick Graber, head of the state Republican Party, challenged his Democratic counterpart to appear at a hearing on the matter Thursday so together they can condemn "the fact that potentially thousands of voters across Wisconsin had their legally cast ballot disenfranchised by fraud and abuse." Linda Honold, state Democratic Party chair, said she was unsure if she would attend the meeting but added that if she did go, she would do so to oppose the bill. "If I'm there, I'm not going to be arguing what he wants me to argue," she said. <http://www.jsonline.com/news/metro/feb05/298205.asp>

RPW NEWS RELEASE: ELECTION PROBLEMS NOT LIMITED TO MILWAUKEE

As state lawmakers get ready to consider the merits of requiring prospective voters to show photo ID, some Madison Democrats have moved quickly to criticize the measure without considering the potential problems in their own neck of the woods. Prior to the Nov. 2 election, The Republican Party of Wisconsin (RPW) used the same computer software that identified some 37,000 bad or questionable addresses in Milwaukee to conduct a similar test on Madison's voter rolls. The test turned up 362 bad or questionable addresses, including garages, parking lots and an electric power station.

FEBRUARY 3, 2005

INVESTIGATION OF MADISON VOTE ANNOUNCED

At least 438 Madison voters don't live where they claimed they did when they registered at the polls on election day, the Wisconsin State Journal reports. The Madison City Clerk's office announces plans to turn over the information to the Dane County District Attorney.

State lawmakers hear both sides of voter ID debate

The 2 1/8 -by-3 3/8 -inch card that most Wisconsin residents carry in their wallets is either the key to restoring voters' faith in the electoral system or a method for preventing thousands of people from voting. The cards are government-issued photo IDs in the form of driver's licenses, and they were at the center of a debate Thursday in the Capitol over a measure to require voters to show a photo ID at the polls. In a packed hearing room, a group of elected officials, community leaders and residents testified to the Assembly's Committee on Campaigns and Elections about their concerns over a system they said is open to fraud, while a slightly larger crowd argued that the new requirement would disenfranchise voters. ~~Under the new measure, those casting absentee ballots would be required to send a copy of their photo IDs with their ballots.~~ People who regularly vote by absentee ballot - such as senior citizens or people with disabilities who don't have photo IDs - could instead have a witness verify their identities. Most people would show a driver's license to vote, but a state-issued identification card or military ID would also be accepted. The state would offer free IDs to those who don't have them or can't afford them, under the bill. The proposed legislation would also eliminate the practice of "vouching," which allows eligible voters to cast a ballot if another person can confirm their identity and address.
<http://www.jsonline.com/news/state/feb05/298638.asp>

FEBRUARY 9, 2005

Voter logbooks out of whack

A review of Milwaukee polling-place logbooks by the Journal Sentinel shows vote-to-voter discrepancies at dozens of wards, meaning gaps found earlier run deeper than a problem with post-election recordkeeping cited by officials. On election day, each voter given a ballot is assigned a number that corresponds to the person's place in line. At the end of the day, this number - which should match the ballots cast - is recorded in the logbooks. This functions as a safeguard against any future adjustments to the books or ballots. But the newspaper's review found 24 cases where there is a discrepancy of at least 5%, with more ballots than voters listed in a ward. Logbooks for another 20 wards showed no entry for the last voter counted. "You have got to have that number (written down)," said state Rep. Jeff Stone (R-Greendale). "You have to have it to stop any other votes from entering the system (after the fact)." He said the revelation of on-site discrepancies should be looked at by authorities who have launched an investigation into potential voter fraud. Meanwhile, a state audit in the election problems in Milwaukee and elsewhere was approved Tuesday, and a legislative committee advanced a controversial reform measure that would require all voters to show a photo ID when they arrive to vote at the polls. The review of the voter logs found gaps that are generally smaller than those revealed when the newspaper compared the number of votes counted in each ward to the number of people listed in the city's computer records as having voted Nov. 2 - an effort to identify the source and nature of the 7,000-vote gap citywide. The smaller ward-by-ward gaps suggest that a smaller number of votes is truly unaccounted for. But since the gaps also are reflected at the ward level, it indicates the problem is deeper - and potentially more troubling - than poor quality-control in the computer scanning of votes in the weeks after the election.... In the case of Ward 297, the logbook showed 590 more voters than votes, and in Ward 314, the books showed a difference of 507 votes. Both wards voted at Jericho Baptist Church, 1923 N. 12th St., on the city's north side.... Poll workers there appear to have added votes from the two wards together. In any case, it is discrepancies in the other direction - more votes than voters - that are most troubling. Election officials say there is no state standard for what is considered an acceptable discrepancy. Of course, the purpose of the recordkeeping is to count the votes, not estimate them, so some would argue that no difference is acceptable. Stone said anything more than 1% should be considered troubling: "It's the difference between your checkbook balancing to within \$1 and to within hundreds of dollars." The biggest difference, on a percentage basis, came in Ward 246, voting at Curtin Elementary School, 3450 S. 32nd St. Election records show 475 votes counted, but the logbook tally reads 324. That is a difference of 151 votes, or a discrepancy of 32%... Meanwhile, state lawmakers are confident that public support exists for a photo ID requirement, saying they are readying a backup plan in case Gov. Jim Doyle vetoes the measure that passed its first committee test Wednesday. Rep. Stephen Freese (R-Dodgeville) said a bill to authorize a non-binding statewide referendum is in the works, and will be forwarded if the legislation doesn't become law. <http://www.jsonline.com/news/metro/feb05/300449.asp>

FEBRUARY 10, 2005

Party wants fraud case explained

The Democratic Party of Wisconsin on Thursday called on the state Republican Party to "fully explain their involvement" in the case of a former College Republican who is charged with voting illegally Nov. 2 in Brown County. A Republican Party spokesman called the statement "silly." Citing a story in Thursday's Journal Sentinel about the felony election fraud charge against Marc P. Lacher, the Democratic Party issued a statement saying that, despite claims by the GOP of widespread voting irregularities, the only election fraud case that has surfaced involves a Republican. "Republicans are rushing to pass a bill that would disenfranchise voters across the state based on wild accusations of fraud when the only case of voter fraud has come from their own party," Kim Warkentin, executive director of the state Democratic Party, said in the statement. The statement refers to Republican support of a bill that would require voters to show photo identification at the polls but does not say why the Republican Party is suspected of being involved in the alleged illegal voting. Chris Lato, spokesman for the state Republican Party, called the Democrats' reaction "silly," saying Democrats are embarrassed about criminal charges filed against five men accused of slashing tires on a GOP van in Milwaukee on election day. "It makes sense that they would make this incredible reach to say there was a conspiracy," he said, adding that any illegal voting should be prosecuted. Lacher, 23, of the Chicago suburb of Hinsdale, was charged Jan. 14 with a felony that carries a maximum prison term of 3 1/2 years. The spring 2004 graduate of St. Norbert College in De Pere lives in Illinois but voted using his last address in De Pere, according to a criminal complaint.
<http://www.jsonline.com/news/racine/feb05/300738.asp>

FEBRUARY 11, 2005

Problems cited in absentee voting

In a review of the Nov. 2 election, Milwaukee officials on Friday blamed a massive crush of absentee voters for problems in getting ballots to everyone who requested one, and for not getting all the returned absentee ballots to the polls before they closed. The two problems, which have almost become footnotes amid more recent election questions, are both serious. In the first case, some residents who sought ballots were unable to vote. In the second, 238 ballots that did come almost missed being counted. It took special permission from the state Elections Board to allow those 238 ballots to be counted, something that did not happen until nearly a month after the hard-fought election. The officials, members of a task force appointed by Mayor Tom Barrett, are conducting one of several investigations into how the city ran the election. Legislators this week approved a state audit that will look into problems in Milwaukee and review how other cities handled the election. And a state-federal probe into possible voter fraud is under way.
<http://www.jsonline.com/news/metro/feb05/301173.asp>

FEBRUARY 14, 2005

More voting gaps found across Wisconsin

An independent firm has found flaws in the Nov. 2 election records of many Wisconsin communities that echo some of the problems identified by the Journal Sentinel in Milwaukee. Wisconsin Voter Lists, which is updating the files it uses to sell voter lists to political candidates, found several communities with significant gaps between the number of people listed as having voted and the number of votes cast in the presidential contest. The firm, which has collected data from more than 50 Wisconsin communities so far, shared its information with the Journal Sentinel, which first identified a 7,000-vote gap in Milwaukee. Several communities showed gaps that, on a percentage basis, rivaled the city's disparity. That includes Madison, Fond du Lac, Neenah and Eau Claire. Typically, though, gaps were much smaller and many communities showed no gaps at all, underscoring the importance of a vote-to-voter match in even high-turnout elections. In some cases, election officials said the problem was due to an incomplete voter list they sent to the firm. In others, though, they were surprised to learn that their voter records had problems -

including discrepancies that, in a few spots, listed more voters than votes.
<http://www.jsonline.com/news/metro/feb05/301823.asp>

FEBRUARY 16, 2005

Sick leave

The only thing less clear than when embattled city elections chief Lisa Artison will return from an extended medical absence is whether Mayor Tom Barrett wants her back. Artison has been off the job since Feb. 1, and Barrett's chief of staff, Pat Curley, said he doesn't expect her back next week or anytime soon. <http://www.jsonline.com/news/metro/feb05/302300.asp>

Voter ID bill advances

The Legislature's budget-writing Joint Finance Committee approved the photo ID bill with a 12-4 party-line vote; Republicans generally support the measure, and Democrats oppose it, saying it could disenfranchise voters. The bill would alter Wisconsin's historically open elections process by requiring an ID to vote, even for those who vote with an absentee ballot. The full Assembly will vote on the bill next week, said its co-sponsor Rep. Jeff Stone (R-Greendale). Gov. Jim Doyle vetoed a similar bill in 2003 and is expected to do so again if this one reaches his desk. Pressure to change Wisconsin's electoral system is mounting in the wake of reports of voting irregularities in the Nov. 2 presidential election in Milwaukee and other communities around the state. Current law allows residents to vote by providing their names and addresses to poll workers, and to register on election day by presenting proof of residence. Under the new measure, those casting absentee ballots would be required to send a copy of their photo IDs with their ballots. People without IDs who regularly vote by absentee ballot - such as senior citizens or disabled residents - could have a witness verify their identities. The bill would require that the state offer free IDs to those who don't have them or can't afford them. It would also eliminate the practice of "vouching," which allows eligible voters to cast a ballot if another person at the voting site can confirm their identity and address. The committee rejected a proposal from Rep. Pedro Colón (D-Milwaukee) to allow voter registration when someone gets a driver's license. <http://www.jsonline.com/news/state/feb05/302318.asp>

FEBRUARY 17, 2005

2% of Racine voter registration cards returned

The addresses of nearly 2% of Racine voters who registered at their polling places Nov. 2 could not be verified after the fact by city officials, according to a report released Thursday. City Clerk Carolyn Moskonas, whose office conducted the review, said it indicates little if any evidence of potential fraud. Her office has had time to investigate fewer than half of the 106 questionable addresses, she said, but clerical errors seem to be the prevailing problem. "We found an awfully small percentage that are questionable, and upon further research, we may find that to be an even smaller number," Moskonas said. But state Rep. Robin Vos (R-Caledonia), whose criticism pushed the city into doing the review for the first time in memory, disagreed. He said the 106 questionable addresses show that the state needs a GOP-sponsored law that would require voters to show photo identification before casting ballots. <http://www.jsonline.com/news/racine/feb05/302687.asp>

FEBRUARY 21, 2005

RPW NEWS RELEASE: WISCONSIN VOTERS STRONGLY BACK PHOTO ID

In a result that cuts across age, gender and ideological lines, an overwhelming 84.3% of likely Wisconsin voters support a photo ID requirement at the polls, according to a survey commissioned by the Republican Party of Wisconsin (RPW). Further, 69.3% say they 'strongly' approve of the proposal. "This is as close to a mandate as you will ever see," RPW Chairman Rick Graber said of the poll results. "There is no question the vast majority of Wisconsin voters consider photo ID to be a necessary, common-sense measure to protect the integrity of the polls and close down one potential avenue for fraud."

FEBRUARY 24, 2005

RPW NEWS RELEASE: ASSEMBLY ENDORSES PHOTO ID, BEGINS STATEWIDE PETITION DRIVE

Just after the Wisconsin Assembly strongly endorsed a bill that would require prospective voters to show photo ID at the polls, the Republican Party of Wisconsin (RPW) announced a statewide petition drive to encourage Gov. James E. Doyle to sign the bill when it reaches his desk. Today's 64 - 33 vote included the support of some Assembly Democrats. The State Senate is expected to act on the bill in the near future. Doyle vetoed a photo ID bill in the previous legislative session and has suggested he will do so again. RPW Chairman Rick Graber encouraged supporters of photo ID to visit the RPW website at www.wisgov.org/photoIDpetition.pdf and circulate copies of a petition to encourage Doyle to sign the photo ID bill when it reaches his desk.

MARCH 1, 2005

Artison resigns as elections director

Under a blitz of criticism over the city's handling of the Nov. 2 presidential election, Lisa Artison resigned Tuesday as executive director of the Milwaukee Election Commission after four weeks off the job on sick time. Artison faxed a one-sentence note of resignation to the mayor's office Tuesday. She could not be reached for comment. In recent days, speculation grew that Artison would leave the post she held since July, when she faced sharp questions about her qualifications from aldermen at her confirmation hearing. Last week, Mayor Tom Barrett appointed a "management team" to run the office through the April 5 election. A statement issued Tuesday from Barrett was as short as Artison's own letter: "I am most appreciative of Lisa's service during a most difficult election cycle and wish her the best." From the start, Artison was Barrett's most controversial appointee. She was a campaign volunteer and is married to Eric Von, a top Barrett campaign official who is now a talk show host on WMCS-AM (1290). Aldermen questioned whether Artison was experienced enough for the job, with the hotly contested, high-turnout presidential election looming. Some complained that she was not a regular voter herself, something she downplayed, noting that she was not a public official at the time. The 18-word resignation note - "I hereby resign from my position as Executive Director of the City of Milwaukee Election Commission, effective immediately" - is dated Feb. 25, but it was faxed Tuesday. Indeed, it reads: "Feb. 25, 2004."
<http://www.jsonline.com/news/metro/mar05/305840.asp>

Proposed legislation would count returned overseas ballots up to seven days after election date

According to the state Elections Board, about 6.45% (534) of overseas military ballots returned were received after election day 2004, effectively disenfranchising those military personnel. State Rep. Mark Gundrum (R-New Berlin) who introduced the bill, says that since the Elections Board only canvassed 2/3 of the state, it is reasonable to assume even more military ballots went uncounted. The process of printing and disseminating ballots was delayed in '04 because the Democrat Party of Wisconsin filed suit seeking to have Ralph Nader kicked off the ballot.

<http://www.thewheelerreport.com/releases/Mar05/Mar1/0301gundrumvotes.pdf>

voted in the city. But a full analysis could not be completed by the newspaper because of a 2003 state law that bars access to birth dates of voters. The newspaper, though, was able to do a partial analysis by combining several computer databases to capture birth dates for about 39% of those who voted in the November election. That showed at least 82 votes by felons, who are not allowed to vote until their probation or parole has been completed. Illegal votes by felons are part of an investigation into possible voter fraud in the city... Several felons listed as voting who were reached by the Journal Sentinel hung up when asked whether they voted... Ronald Gay, 42, who voted from an address in the 4300 block of N. 36th St., could not be reached, but a woman who identified herself as his wife said Gay had definitely voted. "He voted the same night I did," said the woman, who would give her name only as "Mrs. Gay." Later she asked: "Will he get in trouble for that?" The woman said she and Ronald Gay are separated and that Gay now lives out of state. He could not be reached for comment... Because the 2003 change in state law restricted public access to birth date information, as well as driver's license and Social Security numbers, only election workers are allowed to see such information, as a guard against identity theft. Arguing that the change went too far, state Rep. Mark Gundrum (R-New Berlin) said this week he would draft a bill to reinstate public access to birth dates, a critical means of identifying specific voters. Gundrum called on investigators to take a hard line with any violation they find... In Milwaukee, the situation has been compounded by the city's unwillingness to confirm any of the 600 potential matches the newspaper identified between felons and voters... Officials have cited the ongoing investigation as a reason for withholding election material. <http://www.jsonline.com/news/metro/mar05/310603.asp?format=print>

MARCH 18, 2005

RPW NEWS RELEASE: IT'S DÉJÀ VU ALL OVER AGAIN

At least 82 felons illegally voted in Milwaukee in '04 election.

In a revelation that will sound familiar to those who recall the cases of fraud in 2000, at least 82 felons illegally voted in Milwaukee in 2004, according to an analysis conducted by the *Milwaukee Journal Sentinel* which the newspaper calls 'clear evidence of fraudulent voters in the November election.' In the 2000 election, the *Journal Sentinel* found 361 felons illegally voted in Milwaukee. "To all the Democrats such as Jim Doyle who kept saying they wanted to see evidence of fraud before taking action on election reforms, they now have their evidence," Republican Party of Wisconsin (RPW) Chairman Rick Graber said... The newspaper reports the number of felons voting in 2004 is likely much higher, because more than 600 matches were found between felons and the list of those who voted. However, a 2003 state law barring access to the birth dates of voters prevented the newspaper from conducting a complete investigation... After the 2000 election, Milwaukee County District Attorney E. Michael McCann dropped the attempted prosecution of a mere three of the 361 felons in question. For cover, McCann used a convoluted opinion from the office of then-Attorney General Jim Doyle which argued the felons could not be successfully prosecuted if they were not aware they were breaking the law... "Felons cannot vote in Wisconsin, and polling places are required to post the laws and penalties," Graber noted. "Ignorance of the law is no excuse. I trust prosecutors will no longer try to hide behind such weak and flawed reasoning as employed by Jim Doyle."

Democrats called on to back reforms

Citing a Journal Sentinel report that at least 82 felons voted illegally Nov. 2 in Milwaukee, the chairman of the state Republican Party called Friday for Democrats to back election reforms. "There is no more room for weak excuses and inaction," GOP Chairman Rick Graber said in a statement. State Democratic Party officials, though, argued the GOP-backed photo ID requirement would not help the issue. And Sharon Robinson, acting head of the city Election Commission, stressed she believes only felons who "intentionally illegally voted" should be penalized in the local-federal inquiry into possible voter fraud. Robinson noted that before the election there was confusion in many parts of the country about voting laws as they apply to felons. In Wisconsin, felons can vote only if they are no longer under supervision. "I'm not certain, for the 82 people you found, if it was an intentional act," she said. "I think people who intentionally voted, knowing they shouldn't have voted, should be penalized." ... Graber called on investigators to take a

hard line with anyone who violated the law. Wisconsin felons under supervision can't vote, "and polling places are required to post the laws and penalties," he said. "Ignorance of the law is no excuse." ... Kim Warkentin, executive director of the state Democratic Party, said the GOP photo ID requirement was the wrong approach because felons may have an easier time getting driver's licenses than senior citizens. "More than 100,000 seniors don't have driver licenses, and many of them live in nursing homes," Warkentin said. "Requiring photo ID won't stop felons from voting, but it could disenfranchise many seniors."

<http://www.jsonline.com/news/metro/mar05/310908.asp?format=print>

MARCH 22, 2005

RPW NEWS RELEASE: WI MUNICIPAL CLERKS SUPPORT PHOTO ID

In yet another sign of growing support for common sense election reform, the office of Senator Joe Leibham (R-Sheboygan) today released a poll indicating 70% of Wisconsin municipal clerks surveyed support a photo ID requirement at the polls. 129 clerks responded to the survey, and 90 support photo ID at the polls. When coupled with a recent survey released in February by the Republican Party of Wisconsin (RPW) that shows 84.3% of likely voters support photo ID, the head of RPW said it is time for Governor James E. Doyle to stop ignoring the will of the people and take action in support of this common-sense election reform... Newspapers in at least eight Wisconsin cities - including Eau Claire, Green Bay, and Janesville - have endorsed a photo ID requirement.

MARCH 23, 2005

Voter list lacks key element

Although at least 82 felons voted illegally Nov. 2 in Milwaukee alone, state election officials are constructing a new voter list that could leave the door open to fraud when a simple step would close it. The statewide voter list, due to be completed late this year, would collect information on felons who are still on probation or parole and, as it stands now, officials would strike them from voting rolls. That follows the historic practice of Milwaukee and most other municipalities. On the surface, it may seem like the right approach. But with Wisconsin as one of the few states in the country with same-day registration, it would mean the felon could simply register on site and cast a ballot anyway ... When questioned Tuesday about how to handle ineligible felons on the statewide voter list, several reform advocates said the more effective safeguard would be to leave the names on the list with a notation that the individual is not eligible to vote. That would prompt election workers to turn away the felon attempting - intentionally or unintentionally - to vote, instead of to the same-day registration line. "It appears we are designing a system that is going to fail, rather than carry out election law," said state Rep. Jeff Stone (R-Greendale). "The system needs to have protections to make sure the people who are voting are properly voting." ... Enforcement is rare. Four years ago, for instance, the Journal Sentinel found that 361 felons voted illegally. Only three were prosecuted, but those charges were dropped when officials could not establish they knew they were breaking the law when they voted ... Last week, the newspaper reported that at least 82 felons voted illegally in the Nov. 2 presidential election, though the number is likely much higher. The newspaper could analyze only about 39% of the 277,000 people who voted, because a 2003 change in state law has barred access to birth dates.

<http://www.jsonline.com/news/metro/mar05/311946.asp?format=print>

MARCH 24, 2005

Nov. 2 vote not properly verified

The results of the Nov. 2 election in Milwaukee, now the subject of an investigation into possible voter fraud, were certified without any double-checking of the totals by the city or county panels charged with oversight, the Journal Sentinel has determined. Thus, polling-place discrepancies between the number of ballots cast and the count of voters at many wards went undiscovered until long after the election results

were finalized: The State Elections Board on Thursday opened a review into why the city did not comply with a state law that requires it to provide copies of key materials to the county by 2 p.m. the day after the election - and why the county OK'd the results without seeing the documents. Kevin Kennedy, executive director of the state board, said the sequence of events, only now coming to light, meant key safeguards were ignored. Indeed, had officials caught those polling-place gaps - at the ward level, or later by the city or by county canvassers - hundreds of ballots could have been set aside and not counted to adjust for the difference, as called for by state law. Or, at minimum, discrepancies could have been resolved to help assure an accurate count in a razor-thin election in which Wisconsin nearly became the decisive state in the battle for the White House ... Among the documents not provided to the county: copies of voter logbooks, voting machine tapes with vote totals and election-day incident logs ... Janice Dunn, head of the county Election Commission, said county canvassers use that information from suburban communities to cross-check ward totals and the tallies provided by municipal clerks ... State Sen. Joe Leibham (R-Sheboygan) asked the State Elections Board to investigate the matter late Wednesday, after questions about whether the documents had ever been submitted came up during a meeting of a special panel looking into election reforms. He termed the situation "a clear violation of state law." Under state law, election documents are due at the county by 2 p.m. on the day after the election. If they don't arrive, the statute directs the county to "dispatch a messenger and the person having them shall deliver the returns to the messenger."
<http://www.jsonline.com/news/metro/mar05/312555.asp?format=print>

STATEMENT FROM RPW EXECUTIVE DIRECTOR

Republican Party of Wisconsin Executive Director Rick Wiley issued the following statement today following the news that Milwaukee has not complied with state law by not yet submitting the required election materials needed to certify the results of the November 2004 election. In addition, the Milwaukee County Election Canvassing Board certified the county results without first receiving the required data from Milwaukee, in another violation of state law. Wisconsin State Statute 7.51(5)(b) states that "the municipal clerk shall deliver the ballots, statements, tally sheets, lists, and envelopes for his or her municipality relating to any county, technical college district, state, or national election to the county clerk by 2 p.m. on the day following each such election."

"The news out of Milwaukee keeps on getting worse. The revelation that Wisconsin's largest city failed to comply with state law by providing such basic information in the November 2004 election is nothing less than shocking. In Wisconsin, the vote margin between the top two presidential candidates was the tightest in the nation. With this announcement, it is not too outrageous to suggest the Badger State results of the 2004 election are thrown into question ..."

MARCH 28, 2005

RPW NEWS RELEASE: AD CAMPAIGN URGES POSITIVE ACTION ON PHOTO ID

A radio ad campaign that urges Democrat state senators and Gov. James E. Doyle to support a photo ID requirement at the polls begins today in a number of Wisconsin cities, the Republican Party of Wisconsin (RPW) announced. The 60-second spots will air in the Eau Claire, Green Bay, La Crosse, Madison, Milwaukee/Racine, Rhinelander, and Wausau/Stevens Point markets. The ads recount various instances of fraud and irregularities that surfaced in the wake of the 2004 election and ask citizens to contact their senator or Governor Doyle and urge them to support photo ID. The ads are scheduled to run through April 6, when the state Senate is tentatively set to take action on the photo ID bill.

<http://www.wisinfo.com/journal/spi/local/288763849296120.shtml>

<http://www.jsonline.com/news/state/mar05/313288.asp>

http://www.wisinfo.com/postcrescent/update/update_20387110.shtml

<http://www.wispolitics.com/index.html?Article=33998>

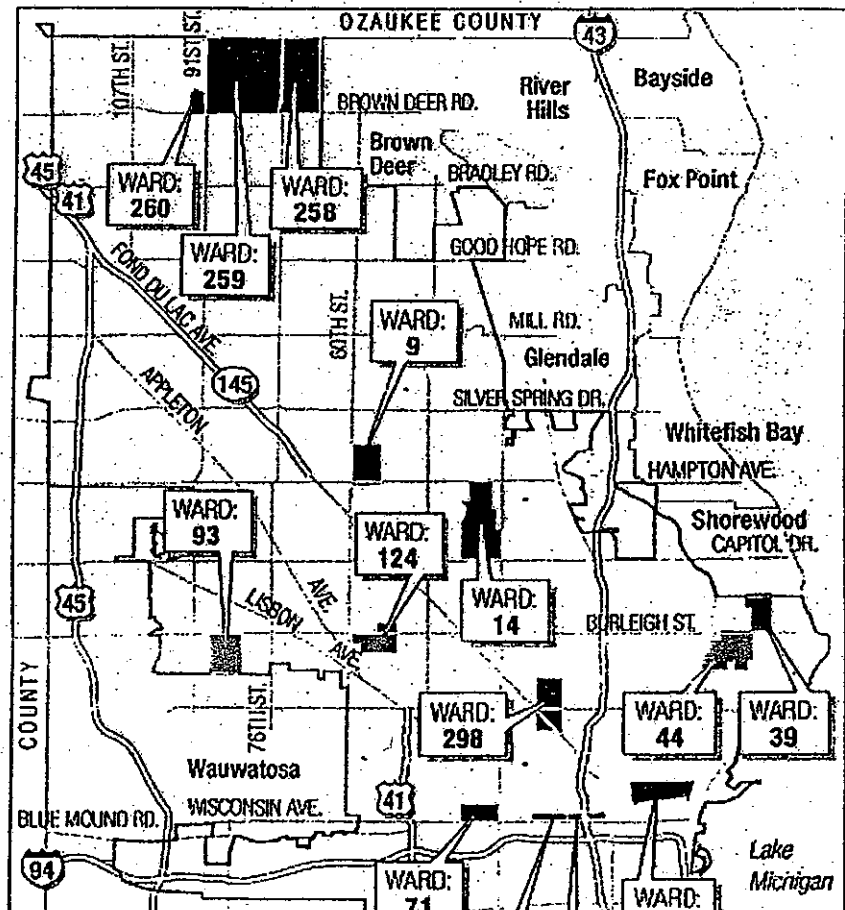
*Discuss w/
Hammet.*

ELECTION: MORE VOTES THAN VOTERS

There are 17 wards in Milwaukee in which there were at least 100 more ballots cast than people listed by the city as voting there. Here is a list of those wards, their polling locations and the size of the gap between the two figures.

WARDS WITH MOST DISCREPANCIES

WARD	POLLING LOCATION	DISCREPANCY
229	Garland School, 1420 W. Goldcrest Ave.	596
93	Cooper Park Pavillon, 8701 W. Chambers St.	525
44	Riverside University High School, 1615 E. Locust St.	357
312	Marquette University Alumni Union, 1442 W. Wisconsin Ave.	319
188	Lyons Park Pavilion, 3301 S. 55th St.	260
14	New Hope Missionary Baptist Church, 2464 W. Atkinson Ave.	249
39	LW-Milwaukee Sandburg Hall, 3400 N. Maryland Ave.	241
62	Central Library, 733 N. 8th St.	234
216	Tipecanoe Library, 3912 S. Howell Ave.	217
260	Cudahy YMCA, 9050 N. Swan Road	200
259	Cudahy YMCA, 9050 N. Swan Road	179
124	Sherman School, 5110 W. Locust St.	136
9	Congress School, 5225 W. Lincoln Creek Drive	127
298	Phillis Wheatley School, 2442 N. 20th St.	117
71	Wisconsin Avenue School, 2708 W. Wisconsin Ave.	114
258	Shepherd of the Ridge Church, 9455 N. 76th St.	111
58	City Hall, 841 N. Broadway	101



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ELECTION PROTECTION **YOU HAVE THE RIGHT TO VOTE**

1-866-OUR-VOTE

(1-866-687-8683)

BILL OF RIGHTS FOR DISPLACED VOTERS LIVING OUTSIDE OF ORLEANS PARISH FOR APRIL 22, 2006 ELECTIONS Updated on March 21, 2006

Depending on when and how you registered and whether you have previously voted in person, **YOU MAY HAVE THE RIGHT TO VOTE** by absentee ballot, or during the early voting period in either Orleans Parish or satellite locations throughout the state.

To determine if and how you can vote by absentee ballot if you are a displaced voter:

If you do not know when you registered to vote, you may call the Secretary of State's office at 1-800-883-2805.

If you registered to vote before October 5, 2004:

A. If you registered to vote by mail and have not previously voted in person at the precinct in which you are registered, you must vote **in person** during early voting in Orleans Parish or at a satellite early voting site, or in Orleans Parish on Election Day.

B. If you registered in person or previously voted in person you can vote by absentee ballot. First, you must submit along with your request for an absentee ballot an affidavit stating: (1) that you have been displaced as a result of the hurricanes; (2) that you are eligible to vote in your parish; and (3) that you expect to be out of your parish during early voting and on Election Day. Absentee ballot request forms are available by contacting the Secretary of State's office or on its website and may be mailed, faxed, or hand delivered to the Registrar of Voters office in your parish. On the absentee ballot request form, you may request that the Registrar of Voters fax the ballot to you by writing a fax number where you can receive faxes and requesting that the ballot be sent to that number. The absentee ballot request form must be received by the Registrar of Voters on or before April 21, 2006. The absentee ballot request is good for all elections through February, 2007 as long as you do not move.

Next, you must cast your absentee ballot. You may mail or fax your ballot back to the Registrar of Voters in your parish. If you choose to fax your ballot, please be aware of the following written statement which is printed on the ballot: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement must be dated and followed by your signature and Social Security number. Your absentee ballot must be received by the Registrar of Voters by Election Day, April 22, 2006. Contact information for every parish can be found on the Secretary of State's website or by calling 1-800-883-2805.

If you registered to vote on or after October 5, 2004 but prior to September 25, 2005:

First, you must submit along with your request for an absentee ballot an affidavit stating: (1) that you have been displaced as a result of the hurricanes; (2) that you are eligible to vote in your parish; and (3) that you expect to be out of your parish during early voting and on Election Day. Absentee ballot request forms are available by contacting the Secretary of State's office or on its website and may be mailed, faxed, or hand delivered to the Registrar of Voters office in your parish. On the absentee ballot request form, you may request that the Registrar of Voters fax the ballot to you by writing a fax number where you can receive faxes and requesting that the ballot be sent to that number. The absentee ballot request form must be received by the Registrar of Voters on or before April 21, 2006. The absentee request is good for all questions through February 2007 as long as you do not move.

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continues...

ou registered to vote on or after September 25, 2005:

A. If you registered to vote by mail and have not previously voted in person at the precinct in which you are registered, you must vote in person in Orleans Parish during early voting or on Election Day.

B. If you registered to vote in person, you can vote by absentee ballot. First, you must submit an absentee ballot request form. Absentee ballot request forms are available by contacting the Secretary of State's office or on its website and may be mailed, faxed, or hand delivered to the Registrar of Voters office in your parish. On the absentee ballot request form, you may request that the Registrar of Voters fax the ballot to you by writing a fax number where you can receive faxes and requesting that the ballot be sent to that number. The absentee ballot request form must be received by the Registrar of Voters on or before April 18, 2006.

Next, you must cast your absentee ballot. You may mail or fax your ballot back to the Registrar of Voters in your parish. If you choose to fax your ballot, please be aware of the following written statement which is printed on the ballot: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot." This statement must be dated and followed by your signature and Social Security number. Your absentee ballot must be received by the Registrar of Voters by April 21, 2006. Contact information for every parish can be found on the Secretary of State's website or by calling 1-800-883-2805.

Satellite early voting at locations outside of Orleans Parish:

All voters who registered before September 25, 2005 may vote during the early voting period (8:30 a.m. - 4:30 p.m., Monday - Thursday, April 10-13, 2006; and 8:30 a.m. - 4:30 p.m. on Saturday, April 15, 2006) at satellite locations at the Registrar of Voters offices in the following parishes: Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Ouachita, Rapides, St. Tammany, Tangipahoa, and Terrebonne. More information can be found on the Secretary of State's website or by calling 1-800-883-2805.

You may still register to vote until the March 22, 2006 deadline:

You may register in person at the Registrar of Voters office in your parish or by mailing a voter registration application to the Registrar of Voters office in your parish. You must be registered 30 days prior to an election to be eligible to vote in that election. If you register to vote by mail now (or if you registered by mail before October 4, 2004 or after September 25, 2005 and have not voted in person) you must vote in person, either during early voting or on Election Day. If you register to vote in person, you may vote by absentee ballot, in person during early voting, or at your assigned precinct on Election Day. The registration application form is available on the Secretary of State's website or by written request.

To contact the Louisiana Secretary of State:

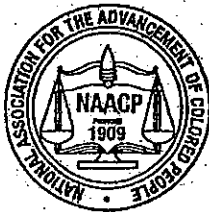
www.sos.louisiana.gov
elections@sos.louisiana.gov
1-800-883-2805

Orleans Parish Registrar of Voters:

1300 Perdido Street, Room 1W23
New Orleans, LA 70112-2127
504-658-8300
225-922-0945 fax

orleansrova@elections.state.la.us

Mail Absentee Ballot Requests to:
P.O. Box 94125
Baton Rouge, LA 70804-9125



LAWYERS' COMMITTEE FOR
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67

Gonzales Testifies Before Senate Panel

CQ Transcripts Wire
Thursday, April 19, 2007; 6:31 PM

SEN. PATRICK J. LEAHY, D-VT. CHAIRMAN: Good morning.

This week, like all Americans, we join in mourning the tragic killings at Virginia Tech on Monday. The innocent lives of students and -- before we start, I noticed the people holding outside. A lot of people stood in line a long time to be here. This is an important hearing. I would ask the people to be polite enough not to hold up something and block those who have waited in line, waited to hold this hearing.

Certainly, anybody can be here. But I will not allow anyone, no matter what positions they may be taking, to block the view of others who have a legitimate right to be here.

As I said, we join in mourning the tragic killings at Virginia Tech. The innocent lives of students and professors are a terrible loss for their families, friends and their community. It affects us all.

We honor them, we mourn their loss. My family and I hold them in our prayers and our thoughts.

And I expect in the days ahead, as we learn more about what happened how it happened and perhaps why it happened, we'll have debate and discussion, perhaps proposals to consider.

I look forward to working with the Department of Justice, with Regina Schofield, the assistant attorney general for the Office of Justice Programs. The attorney general's offered briefings and others to make improvements that can increase the safety and security of our children and grandchildren in schools and colleges.

Today, the Department of Justice is experiencing a crisis of leadership perhaps unrivalled during its 137-year history. There's a growing scandal swirling around the dismissal and replacement of several prosecutors and persistent efforts to undermine and marginalize career lawyers in the Civil Rights Division and elsewhere in the department.

We hear disturbing reports that politics played a role in a growing number of cases. And I've warned for years against the lack of prosecutorial experience and judgment throughout the leadership ranks of the department.

LEAHY: We're seeing the results amid rising crime and rampant war profiteering, abandonment of civil rights and voting rights enforcement efforts, and lack of accountability. I fear the Justice Department may be losing its way.

These discussions have been open and frank. Good ideas were generated and are being implemented. I look forward to working with these men and women to pursue the great goals of our department.

I also look forward to continuing to work with the department's career professionals -- investigators, analysts, prosecutors, lawyers and administrative staff -- who perform nearly all the department's work and deserve the credit for its accomplishments.

I want to continue working with this committee as well. We have made great strides in protecting our country from terrorism, defending our neighborhoods against the scourge of gangs and drugs, shielding our children from predators and preserving the integrity of our public institutions. And recent events must not deter us from our mission.

I'm ready to answer your questions. I want you to be satisfied, to be fully reassured that nothing improper was done. More importantly, I want the American people to be reassured of the same.

Thank you.

LEAHY: Thank you, Attorney General.

Your former chief of staff testified under oath about a conversation in which Karl Rove told you about complaints that former New Mexico U.S. Attorney David Iglesias and two other U.S. attorneys were not being aggressive enough against so-called voter fraud.

When did such a conversation between you and Karl Rove take place?

GONZALES: What I recall, Senator, is that there was a conversation where Mr. Rove mentioned to me concerns that he had heard about pursuing voter fraud, election fraud in three jurisdictions: New Mexico, Milwaukee, Wisconsin, and Philadelphia, Pennsylvania, as I recall.

LEAHY: How many -- going back to New Mexico, how many conversations about New Mexico with Mr. Rove?

GONZALES: Senator, I can only recall of that one conversation.

LEAHY: Do you recall when that was?

GONZALES: Senator, my recollection was that it was in the fall of 2006?

LEAHY: Do you remember where?

GONZALES: No, sir, I don't remember where that conversation took place.

(CROSSTALK)

68

The American Presidency Project

John T. Woolley & Gerhard Peters • University of California at Santa Barbara

[return to original document](#)

• George W. Bush

Press Briefing by Dan Bartlett, Counselor to the President

March 13, 2007

Filing Center
Holiday Inaugural
Merida, Mexico

2:00 P.M. (Local)

MR. BARTLETT: Good afternoon, everyone. I'll start with a few brief comments, before I take your questions.

The two Presidents are concluding their lunch pretty much as we speak, in which they -- is on the heels of a bilateral conversation with a restricted group, as well as an expanded meeting with various Cabinet officials and members of the delegation. This is an opportunity for the two Presidents, as Presidents -- the President met President Calderon in December, when he was still President-elect in the Oval Office -- but this is the first time that the two Presidents were able to meet, and the President is honored to be here in his country.

And it's been really -- on the docket was a wide-ranging agenda, from issues of trade to border security to narco-trafficking, broader criminal justice issues. And the thing that has struck me and the President, as he meets with leaders from Central America as well as with from Mexico, is the need to have a regional perspective when it comes to fighting crime, particularly drug crimes, because obviously in America a huge demand, unfortunately, for these drugs. A lot of the prosecutors and investigative bodies in the United States have good information and leads on various criminal conduct that happens in their country, that leads back to certain countries.

And what the two leaders and the leaders with -- the President talking to members, leaders in Central America, as well, as to how can we collaborate and coordinate our information and our law enforcement activity so we can have greater focus on busting some of these syndicates and disrupting the flow of drugs in the first place.

So the President has really enjoyed his trip so far. This is his final stop, appropriately, with Mexico. As the President stated himself earlier, he had visited Mexico as governor many times, and now has an opportunity again to come here as President. And the relationship between the two countries is a strong one, it's a vital one. And we will continue to brief you on the various aspects of the agendas that were discussed.

With that, Steve Holland.

Q: Does the President condone the remarks about homosexuality by General Pace? And has he asked for him to apologize?

MR. BARTLETT: Well, President Bush has been informed about those remarks. He's also been informed about the comments that he has made as far as clarifying, that he made it very clear that his personal views on this matter has no influence on the policy of the United States government. The "don't ask, don't tell" policy has been longstanding, one the President supports, for reasons why the Department of Defense has often described for operational considerations. So he thought it was appropriate for the Chairman to make that clear distinction today in the statement that went out just shortly ago.

Q: Dan, can you talk a little bit about, by the White House's own account, Senator Domenici at some point went to the President and urged him to fire the U.S. attorney in New Mexico, specifically? What did the President do with that information, after Senator Domenici asked him? And what did the President say to Attorney General Gonzales, when they did speak about this?

MR. BARTLETT: It's important to back up a bit. The issue of U.S. attorneys, as many of you know, these U.S. attorneys serve at the discretion of the President. Many of these U.S. attorneys have served four-year terms. There was a management review process and there was a determination made to remove seven U.S. attorneys for cause. And the members of the Justice Department have been sharing that information, the particulars on each of those cases, as to why those U.S. attorneys were removed, which is completely within the managerial discretion of the Attorney General and something that the President supported.

Particularly, as you can imagine, at the White House, when it comes to complaints, we receive a lot of complaints, whether it be from members of Congress, state leaders, local leaders. Oftentimes that is the job description of a White House employee, is to field complaints. That is not limited to U.S. attorneys. And over the course of several years we have received complaints about U.S. attorneys, particularly when it comes to election fraud cases -- not just New Mexico, but also Wisconsin and Pennsylvania.

That information, it's incumbent upon us to share with the relevant Cabinet officers, incumbent upon the President to do that, as well. The President did that briefly, in a conversation he had with the Attorney General in October of 2006, in which, in a wide-ranging conversation on a lot of different issues, this briefly came up and the President said, I've been hearing about this election fraud matters from members of Congress, want to make sure you're on top of that, as well. There was no directive given, as far as telling him to fire anybody or anything like that. That would be under the prerogative of the Justice Department to take a look at those issues, as they obviously were doing.

So I know a lot of people want to make more out of it than that, but that is exactly what happened. The new information that came out here today, and the reason why the Attorney General accepted the resignation of his Chief of Staff is because of an internal DOJ matter in which information was not properly shared with other key members of the Department of Justice. He was willing to inform the United States Congress in a more complete and accurate picture.

Q: But one quick follow. When you say that this was based on managerial decisions, performance -- the Justice Department's own evaluation of Iglesias, the New Mexico U.S. attorney, in 2005 gave him a strong recommendation. So how does that square with then firing him for poor performance?

MR. BARTLETT: Well, he was fired two years later than 2005, and there was a series of issues that they looked at. They looked at his managerial responsibilities and what they had found in a review process that was undertaken at the Department of Justice, that they felt that he was not managing the office as well as it should be; there was issues about his lack of leadership on key committees that prosecutors, U.S. attorneys serve in capacity for the Attorney General. He served on a key immigration subcommittee, and they felt like he didn't possess leadership skills there and fulfill that job in a way that he should have.

And, also, they took into consideration the complaints that they were fielding from local officials about the lack of prosecution of cases, and the fact that he had lost a high-profile case, when I think 24 or 25 counts were thrown out by a jury against the government. It was a devastating loss for the government.

So there is a complete picture there that is important to understand. And at no time did the White House bring to or edit or modify or add to or subtract from the list of seven U.S. attorneys. We ultimately approved or signed off on the list when that was completed by the Department of Justice. But those were decisions that are appropriately made at the Department of Justice.

The Attorney General made the right decision. We support the Attorney General in his decision.

Q: But this is somebody picked by the President, and he gets a high recommendation, and in two years he loses all these skills and becomes an awful prosecutor?

MR. BARTLETT: Well, again, people like myself, other members of the administration serve at the pleasure of the President. There are a lot of factors that are taken into consideration. He had served many years. You look at the totality of evidence. They believed it was important that they could bring in fresh blood, new leadership in this position -- and the other key positions, six U.S. attorney positions.

But when you look at it in its totality, they believe that the U.S. Prosecutor's Office in the state of New Mexico would be better served, the people of New Mexico be better served with a new U.S. attorney.

Tom.

Q: Well, let's look at it in its totality.

MR. BARTLETT: I'll talk to Tom, and I'll come to you. And we will talk about it in totality.

Q: Dan, the Attorney General said he took responsibility for mistakes. Does the President still have full confidence in the Attorney General? And given the White House role in this, does the President acknowledge that there were mistakes made -- and take responsibility for them?

MR. BARTLETT: He absolutely has full confidence in the Attorney General, and the reason why he does is for exactly what he said today: He's a standup guy; he's a person who comes to the job every day, doing the best he can to serve the United States of America; he takes that job very seriously. And when he saw problems, he's pledged to the American

people and to the United States Congress to fix those problems. So the President has all the confidence in the world in Alberto Gonzales as the Attorney General for the United States of America.

He also feels it's important that the information as to how these decisions were made be provided. He accepts the decision so far that has been made by the Attorney General for the resignation of Kyle Sampson. And he is satisfied that we are addressing the concerns. But make very clear the decision, the original decision to remove the seven U.S. attorneys who serve at the discretion of the President was the right decision.

Bill.

Q: Let's look at the totality here.

MR. BARTLETT: Okay.

Q: These are political jobs. Why are you so anxious to keep these seven firings away from the White House and in the Justice Department? Wouldn't it have been appropriate for the political shop in the White House to take a look at this? What's the big deal? Why are you so anxious to say it was all the Justice Department's doing, we had nothing to do with it?

MR. BARTLETT: Well, we've made clear the role the White House has played in this, and the White House Counsel's Office, in which they approved the list. I think most people would expect that the U.S. Attorney General would be the person who actually is in charge of making management decisions for that agency. That is common for the Department of Justice, it's common for the Department of Defense, the Department of State, the Department of Commerce. Going down the line, the President, as he manages this administration, relies upon his Cabinet officers to make the type of managerial decisions.

What would also be appropriate, though, and is a common practice not only with the Department of Justice, but with agencies across the board, is that as information is received by the White House directly -- and it happens often; like I said, whether it be from members of Congress, state and local officials -- that information, if it's complaints, if it's accolades for somebody, we typically pass those on to the Cabinet officer. In this case, it would have been to the Department of Justice. That is appropriate.

But I think it is important, though, whether it be wrong or not, that the facts be what they are. And the facts are that we did not play a role in the culmination of the list of the seven U.S. attorneys.

Q: The Congress is upset that they were not properly informed of how the White House did play a role. But the Attorney General knew that the White House was involved, people at the White House -- Harriet Miers, Karl Rove, the President, himself -- knew the White House had played a role. Isn't the White House, then, responsible for not informing Congress properly?

MR. BARTLETT: I think it's very important, Kelly, to make a distinction between what we knew and what role we played. And right there, I think is where this can be very complicated, because there's a clear distinction between having approved of a list, and playing a role in the compilation of the seven U.S. attorneys. The White House did not play a specific role in the list of the seven U.S. attorneys.

The decision in which it was not given all the information in its totality and context by the Justice Department to members of Congress was because the information that Kyle Sampson had wasn't adequately shared with other members of main Justice who were going up to testify before Congress.

It's very important that if they go before Congress that they give a complete and accurate picture of the decisions that were made and why they were made. It's not to say the decisions were wrong -- in fact, we had very good reasons for the very reason why the seven U.S. attorneys were removed. But it is very important that when they go up and testify, and they go to their oversight committees, that those members of Congress have confidence that the information they're receiving is in complete and full context. And in this case, it wasn't. That's why he's accepted the resignation of chief of staff. And he's going to redouble his efforts to regain the confidence of those who are questioning that. And that's something the Attorney General spoke directly to today.

Q: But wasn't their knowledge beyond Kyle Sampson? People in the White House Counsel's Office understood that they had participated in this process, and Congress was not properly informed of that.

MR. BARTLETT: Again, "participated in the process" is inaccurate because --

Q: I understand what you're saying about they didn't do the names, but they were aware of -- and that's the whole reason we're here. You were aware of this beforehand --

MR. BARTLETT: Well, I think it's important to understand what this is, Kelly, because they did -- the Deputy Attorney

General and other members of the Department of Justice went up there and talked about why these people were not -- were let go. The context they wanted to give is from 22 months prior, when there was a conversation between Harriet Miers and Kyle Sampson had talked about after the start of the second term, in 2004, would it make sense to maybe have a clean slate and start with a full range of new U.S. attorneys across-the-board. That was quickly rejected not only by Kyle Sampson at the Department of Justice, but also not viewed as a good idea within the White House.

Twenty-two months later, there is a very specific managerial decision made about seven U.S. attorneys. That's in context that the Congress should have known, but it doesn't change the underlying facts of this case.

Q: Dan, obviously Kyle Sampson is taking the fall for this. But Attorney General Gonzales just said, I can't be aware of all the decisions that are made in my department. So which is worse: if he knew, or he didn't know?

MR. BARTLETT: Well, what he is saying is he's accountable. He made it very clear that he's accountable for the decisions he's made. He's just talking about the fact that he runs a very large organization.

But I take issue with the fact that he is the fall guy in this. All the decisions that were made with regards to the removal of these U.S. attorneys were proper decisions. What was not done properly, and didn't live up to the standards of the Attorney General of the Bush administration, was the fact that Mr. Sampson didn't share that information as freely as he should have with members of his own team there at the Department of Justice, who were going up to Congress to testify about this. Mr. Sampson offered his resignation. He understood, himself, that he should have done a better job with this.

So I think it's very important to make a clear distinction about the difference between decisions made about why these U.S. attorneys were fired and why Mr. Sampson, himself -- but I don't take -- I take issue with the fact about --

Q: Are you suggesting Sampson is the only person who had this information? Why did it take media exposure for it to come out?

MR. BARTLETT: Well, that's not true. What it took was as they were preparing for DOJ -- members of the Department of Justice to go up to Congress to meet with them more thoroughly about how this decision was made, many emails and things were compiled. And based on the recollection, based off reading emails or previous memos, did jog memories of people both at the Justice Department and the White House.

So this is not a situation we were sitting on information and just not sharing it. In fact, the fact that I'm standing up here and we've made -- I think now documents are posted on the websites up on Capitol Hill -- demonstrates that we have nothing to hide. And we want to make sure that all this information is understood and in complete context. But it doesn't change the underlying fact, and that is that this was a proper decision.

Peter.

Q: Dan did Attorney General Gonzales offer his resignation to the President?

MR. BARTLETT: He has not.

Q: Has he spoken to the President?

MR. BARTLETT: Not since we've been on this trip, no.

Q: How about Karl Rove? Will the President agree to allow Karl Rove to testify if Congress wanted him, and/or Harriet Miers?

MR. BARTLETT: Well, I think -- there's a lot of rhetoric flying around about who's going to testify and who's not, and I don't think -- we have not received any specific requests. And I think we've demonstrated through the Department of Justice, with members of that team going up and interviewing and providing information, demonstrates the administration's willingness to work with Congress so they have a greater understanding of how these decisions are made.

So we will wait to see if there's a specific request, with this context, and that is, as you know better than most, that decisions about White House staff testifying to the United States Congress has a precedent that dates beyond this -- prior to this administration. I find it highly unlikely that a member of the White House staff would testify publicly to these matters, but that doesn't mean we won't find other ways to try to share that information.

Like I said, it's speculative right now, because we have not received a formal request.

Q: Dan, you mentioned the White House fields a lot of complaints. Was the President specifically aware of these election fraud cases that were not, according to the White House, being vigorously prosecuted? And did he mention that specifically to Attorney General Gonzales late 2006, about the specific cases -- Philadelphia, Milwaukee, New Mexico?

MR. BARTLETT: He, in a very brief conversation, said that he is receiving complaints about U.S. attorneys in those particular states. He did not mention any prosecutor by name. That was something that the Attorney General was fully aware of already – he says, I know, and we're looking at those issues. But he gave him no directive. And, again, it's important to understand that this will be routine not only for the President to do, but also for members of our staff to share those complaints with the Attorney General.

Q: When the President had this conversation with the Attorney General about specific concerns, doesn't that send the message that he has concerns about these attorneys?

MR. BARTLETT: It means exactly what it says, is that he's sharing those concerns. And, in fact, the Attorney General was fully aware of those complaints, as well, because I think they were received independent of the President. So I don't think that it's a big surprise that there would be an offhand conversation about that, but there was, again, no directive given.

Q: Last one. Harriet Miers' revelation that there's this idea that she wanted to clear house of all the U.S. attorneys, why is this coming out now and what's the timeline of this?

MR. BARTLETT: It's coming out again because of the Kyle Sampson emails and papers that were being collected in order to respond to the request being made by the Department of Justice, that there's email traffic that jogged the memory of people at the White House and with Kyle Sampson, particularly – because what Harriet Miers was doing was taking a look and floating an idea to say, hey, should we treat the second term very similar to the way we treat a first term? Because, remember, when Bill Clinton came into office he removed all 93 U.S. attorneys. The President chose not to remove all 93 U.S. attorneys – removed significant numbers of them, but we left people in key positions because of the role they played.

So those discretionary decisions made by a President, by an administration are often done. And what Harriet floated was the idea of saying should we treat the fifth year as the first year – give new blood – an opportunity for new blood to come in: Kyle, to his credit, and others said, that would be highly disruptive to the process, there are a lot of good U.S. attorneys that are performing; some of them have not served full four-year terms because we hadn't removed them all in the first place.

So it was appropriate for Harriet to raise the idea; it was quickly rejected. These seven U.S. attorneys who were then ultimately removed for cause was done 22 months later, almost two years later. So I think – but it's important to have that context.

Jim.

Q: Dan, first of all, in the October conversation what was the President told about the removal process? Was he informed about what was going on by the Attorney General? And, also, secondly, who else can you say in Congress expressed concerns to the President, aside from (inaudible)* New Mexico? And also did Rove hear concerns and pass them on to the President? Did Bolten pass concerns on to the President? Did Candi Wolff pass concerns on?

MR. BARTLETT: Well, many – many offices within the White House were receiving these complaints: leg affairs office, those who deal with state and local leaders that report to Karl Rove. So it wouldn't be surprising that Karl or other people were receiving these complaints. And I can't rule out that those complaints weren't also shared with the President, as well. And as he said, the President was directly hearing from members of Congress to that effect. But at the time, the President was not informed of any specific course of action being taken on the removal of those U.S. attorneys, and I think the Justice Department has greater detail and I would refer you to them.

Q: But just to clarify, so in October the President was not informed about anything going on in terms of a removal process?

MR. BARTLETT: That's correct.

Q: And are there any other names you can share, in terms of members of Congress who mentioned concerns to the President directly?

MR. BARTLETT: I can't. No. Ann.

Q: Dan, exactly what did the President say in that October meeting? And who else was there besides the Attorney General?

MR. BARTLETT: Well, Ann, I'm not going to go into details about internal White House conversations, who was there, who was saying what, what kind of coffee they were drinking. I will just say that this was passed on; we're sharing that information. We felt it was important context so the members of Congress and others know. But the President routinely meets on an individual basis with members of his Cabinet, and in the course of having one of these routine meetings in which a lot of different issues are addressed, this issue briefly came up, and I'll leave it at that.

Q: I didn't ask about the coffee. Was it just members of the --

MR. BARTLETT: And I answered first that I was not going to talk about other participants in the meeting.

Q: But, I mean, was it members of Congress in this, was it --

MR. BARTLETT: No, no, this was an internal White House meeting with the Cabinet officers.

Q: And the President did not take any specifics or even express an opinion whether these complaints had any validity? He was just kind of being an honest reporter of them?

MR. BARTLETT: Well, he would not be in a position to weigh into the facts of complex cases of fraud or corruption cases. Those would be something that he would leave to his Attorney General and their staff to handle for him.

Q: Dan, you said that members of Congress were bringing these complaints to many parts of the White House and directly to the President. Was the President aware that some of these members of Congress were calling these U.S. attorneys directly? And does he think that those phone calls were appropriate?

MR. BARTLETT: He was not aware of those conversations, and he's not in a position, nor am I, to say whether they're appropriate or not. I think that is something that the Congress, themselves, are looking at. So I don't have the facts in that case, in those various conversations that apparently took place.

Q: These U.S. attorneys would answer to the Justice Department. Is it appropriate for members of Congress, in general, to make phone calls to attorneys?

MR. BARTLETT: My understanding is it's more distinct. It is -- they can have conversations with U.S. attorneys, but should they talk to them about an active investigation -- I'm not in a position to weigh one way or the other what the regulations say. I'm not an expert on that. But I do believe this is something that the Congress is looking at it.

Q: Dan, you said that he has not offered his resignation. But has he talked to anybody in the White House about resigning?

MR. BARTLETT: No.

Q: Dan, can you just clarify --

MR. BARTLETT: Hold on --

Q: Thank you. A couple of questions. How many members of Congress took these complaints directly to the President, himself?

MR. BARTLETT: I'm not going to be able to give a number on that. Like I said, this has been a topic of conversation in which, when the President is meeting with groups of senators or congressmen, in which something like this or other types of complaints come up, typically what happens is that the President recalls one of those complaints, sees a Cabinet officer, he'll pass them on. But I'm not going to be able to go into specific detail about numbers -- the numbers of congressmen or the particular nature of those conversations.

Q: Is this typical for the President of the United States to be the complaint department for --

MR. BARTLETT: Unfortunately, it is. At the top, at the highest levels of government, when people feel like they've got the audience of the President of the United States, it is very common -- very, very common -- that people feel compelled to unearth every complaint they have. It happens at his level, it happens at my level, it happens at every level in the legislative affairs office.

And that's to be expected, actually. I mean, when you do have -- people typically don't come in to say, boy, you're doing a great job and everything's hunky-dory. When you have the President of the United States or you have other people, you want to say, hey, I've got a problem here, I want to solve it. When the President goes down to the Gulf Coast and meets with members -- local officials in New Orleans, yes, they'll talk about some progress, but, more importantly, they're bringing issues they have, complaints they have. That's the way government works. It's not inappropriate, and it would not be inappropriate for the President to then share that information with his Cabinet officers, and that's what took place here.

Q: Just one more. How could the Chief of Staff of the Attorney General deal with something of this magnitude without the boss knowing about it?

MR. BARTLETT: Which boss?

Q: The Attorney General.

MR. BARTLETT: Well, he said he had general understanding of what he was doing. But did he know that his Chief of Staff was not talking to somebody else in his office? That's why you have a Chief of Staff, somebody like him who had the expertise in dealing with personnel matters, working in the White House Counsel's Office, where he dealt with U.S. attorney issues. He had a lot of confidence in Kyle, for good reason, to handle these issues and know that they were being taken care of.

Unfortunately in this case, that information wasn't shared with other members of the Department of Justice. But, ultimately, as the Attorney General said himself, he is accountable, and he's going to take corrective action to make sure it doesn't happen again.

Q: Some members of Congress have said they would like to subpoena Karl Rove and maybe others in the White House. Would they resist any subpoena? And what, explicitly, was Karl Rove's involvement in all of this?

MR. BARTLETT: Well, again, I think it's important that we not get ahead of ourselves. We have no subpoena requests. We've had preliminary conversations which -- particularly with the focus on Department of Justice. I'm sure there will be conversations with the White House Counsel's Office about what the White House knew, who was involved in those things. And we're going to work with them as much as possible. But I think it's way too early to start talking about subpoenas and those things.

But as I answered Peter's question, there is a long-time precedent when it comes to White House staffers, themselves, testifying in public. We did it -- there was an extraordinary case when Secretary Rice, when she was National Security Advisor, testified on the bipartisan 9/11 commission after our country was attacked. Whether this rises to the similar level, like I said, I think it's highly unlikely. But we will wait to see the specific requests we get from them. There have been no subpoenas issued, and if there's a way that we can share information with them, we will definitely explore it.

As far as to Karl Rove, as we've said and has been expressed in public on several different occasions now, that as you would expect, people who have relationships in local and state communities have complaints; they share them with various aspects of the White House apparatus, including Karl Rove. Karl Rove passes those on to the General Counsel's Office, shares them with other staff members.

Q: But didn't Harriet Miers brief him early on, even before there were complaints, about removing all the attorneys?

MR. BARTLETT: Yes, and his recollection was that that was not a good idea.

Q: Dan, I just want to clarify. When you told Kelly there was a distinction, that the White House involvement was to approve the list of seven U.S. attorneys, okay, but that the White House did not shape that list in any way. When you look at the case of Iglesias in New Mexico, you've got New Mexico Senator Domenici goes personally to the President of the United States and says, I have a problem here, I want this guy out. Okay, the President then talks to the Attorney General in October. And then the Attorney General's staff forms this list. And on that list is Iglesias, he's one of the seven. So doesn't that sound like there was -- that the White House did help shape at least one of those names?

MR. BARTLETT: But as I said, Ed, the reaction from the Attorney General when the President raised it is, I know about those issues. The Justice Department, themselves, were receiving very similar phone conversations, as well, and they have information. They were fully aware of those complaints. And as I stated earlier, there is multiple reasons why Mr. Iglesias was removed as a U.S. attorney.

One factor of that was the complaints we were getting from local and state officials. The fact -- the complaint was that these high-profile cases were not being pursued or not being won. I think, as I said, there was 24 out of 25 counts were thrown out -- a really embarrassing loss for the government.

It is totally appropriate for the President to pass on these comments. But the Attorney General's office was already fully aware of those, and those other factors. And I think it's important -- for important context in that regard is we were also receiving some complaints, as I said, about Wisconsin and about Pennsylvania. Yet we have not removed those U.S. attorneys. Other factors are considered before decisions are made, and I think that's an important distinction to make.

Peter.

Q: Dan, what does it say about the administration, that you hire eight so ineffective prosecutors in the first place? (Laughter.)

MR. BARTLETT: These are --

69



April 12, 2007

In 5-Year Effort, Scant Evidence of Voter Fraud

By ERIC LIPTON and IAN URBINA

Correction Appended

WASHINGTON, April 11 — Five years after the Bush administration began a crackdown on voter fraud, the Justice Department has turned up virtually no evidence of any organized effort to skew federal elections, according to court records and interviews.

Although Republican activists have repeatedly said fraud is so widespread that it has corrupted the political process and, possibly, cost the party election victories, about 120 people have been charged and 86 convicted as of last year.

Most of those charged have been Democrats, voting records show. Many of those charged by the Justice Department appear to have mistakenly filled out registration forms or misunderstood eligibility rules, a review of court records and interviews with prosecutors and defense lawyers show.

In Miami, an assistant United States attorney said many cases there involved what were apparently mistakes by immigrants, not fraud.

In Wisconsin, where prosecutors have lost almost twice as many cases as

they won, charges were brought against voters who filled out more than one registration form and felons seemingly unaware that they were barred from voting.

One ex-convict was so unfamiliar with the rules that he provided his prison-issued identification card, stamped "Offender," when he registered just before voting.

A handful of convictions involved people who voted twice. More than 30 were linked to small vote-buying schemes in which candidates generally in sheriff's or judge's races paid voters for their support.

A federal panel, the Election Assistance Commission, reported last year that the pervasiveness of fraud was debatable. That conclusion played down findings of the consultants who said there was little evidence of it across the country, according to a review of the original report by The New York Times that was reported on Wednesday.

Mistakes and lapses in enforcing voting and registration rules routinely occur in elections, allowing thousands of ineligible voters to go to the polls. But the federal cases provide little evidence of widespread, organized fraud, prosecutors and election law experts said.

"There was nothing that we uncovered that suggested some sort of concerted effort to tilt the election," Richard G. Frohling, an assistant United States attorney in Milwaukee, said.

Richard L. Hasen, an expert in election law at the Loyola Law School, agreed, saying: "If they found a single case of a conspiracy to affect the outcome of a Congressional election or a statewide election, that would be significant. But what we see is isolated, small-scale activities that often have not shown any kind of criminal intent."

For some convicted people, the consequences have been significant. Kimberly Prude, 43, has been jailed in Milwaukee for more than a year after being convicted of voting while on probation, an offense that she attributes to confusion over eligibility.

In Pakistan, Usman Ali is trying to rebuild his life after being deported from Florida, his legal home of more than a decade, for improperly filling out a voter-registration card while renewing his driver's license.

In Alaska, Rogelio Mejorada-Lopez, a Mexican who legally lives in the United States, may soon face a similar fate, because he voted even though he was not eligible.

The push to prosecute voter fraud figured in the removals last year of at least two United States attorneys whom Republican politicians or party officials had criticized for failing to pursue cases.

The campaign has roiled the Justice Department in other ways, as career lawyers clashed with a political appointee over protecting voters' rights, and several specialists in election law were installed as top prosecutors.

Department officials defend their record. "The Department of Justice is not attempting to make a statement about the scale of the problem," a spokesman, Bryan Sierra, said. "But we are obligated to investigate allegations when they come to our attention and prosecute when appropriate."

Officials at the department say that the volume of complaints has not increased since 2002, but that it is pursuing them more aggressively.

Previously, charges were generally brought just against conspiracies to corrupt the election process, not against individual offenders, Craig Donsanto, head of the elections crimes branch, told a panel investigating

voter fraud last year. For deterrence, Mr. Donsanto said, Attorney General Alberto R. Gonzales authorized prosecutors to pursue criminal charges against individuals.

Some of those cases have baffled federal judges.

“I find this whole prosecution mysterious,” Judge Diane P. Wood of the United States Court of Appeals for the Seventh Circuit, in Chicago, said at a hearing in Ms. Prude’s case. “I don’t know whether the Eastern District of Wisconsin goes after every felon who accidentally votes. It is not like she voted five times. She cast one vote.”

The Justice Department stand is backed by Republican Party and White House officials, including Karl Rove, the president’s chief political adviser. The White House has acknowledged that he relayed Republican complaints to President Bush and the Justice Department that some prosecutors were not attacking voter fraud vigorously. In speeches, Mr. Rove often mentions fraud accusations and warns of tainted elections.

Voter fraud is a highly polarized issue, with Republicans asserting frequent abuses and Democrats contending that the problem has been greatly exaggerated to promote voter identification laws that could inhibit the turnout by poor voters.

The New Priority

The fraud rallying cry became a clamor in the Florida recount after the 2000 presidential election. Conservative watchdog groups, already concerned that the so-called Motor Voter Law in 1993 had so eased voter registration that it threatened the integrity of the election system, said thousands of fraudulent votes had been cast.

Similar accusations of compromised elections were voiced by Republican

lawmakers elsewhere.

The call to arms reverberated in the Justice Department, where John Ashcroft, a former Missouri senator, was just starting as attorney general.

Combating voter fraud, Mr. Ashcroft announced, would be high on his agenda. But in taking up the fight, he promised that he would also be vigilant in attacking discriminatory practices that made it harder for minorities to vote.

“American voters should neither be disenfranchised nor defrauded,” he said at a news conference in March 2001.

Enlisted to help lead the effort was Hans A. von Spakovsky, a lawyer and Republican volunteer in the Florida recount. As a Republican election official in Atlanta, Mr. Spakovsky had pushed for stricter voter identification laws. Democrats say those laws disproportionately affect the poor because they often mandate government-issued photo IDs or driver’s licenses that require fees.

At the Justice Department, Mr. Spakovsky helped oversee the voting rights unit. In 2003, when the Texas Congressional redistricting spearheaded by the House majority leader, Tom DeLay, Republican of Texas, was sent to the Justice Department for approval, the career staff members unanimously said it discriminated against African-American and Latino voters.

Mr. Spakovsky overruled the staff, said Joseph Rich, a former lawyer in the office. Mr. Spakovsky did the same thing when they recommended the rejection of a voter identification law in Georgia considered harmful to black voters. Mr. Rich said. Federal courts later struck down the Georgia law and ruled that the boundaries of one district in the Texas

plan violated the Voting Rights Act.

Former lawyers in the office said Mr. Spakovsky's decisions seemed to have a partisan flavor unlike those in previous Republican and Democratic administrations. Mr. Spakovsky declined to comment.

"I understand you can never sweep politics completely away," said Mark A. Posner, who had worked in the civil and voting rights unit from 1980 until 2003. "But it was much more explicit, pronounced and consciously done in this administration."

At the same time, the department encouraged United States attorneys to bring charges in voter fraud cases, not a priority in prior administrations. The prosecutors attended training seminars, were required to meet regularly with state or local officials to identify possible cases and were expected to follow up accusations aggressively.

The Republican National Committee and its state organizations supported the push, repeatedly calling for a crackdown. In what would become a pattern, Republican officials and lawmakers in a number of states, including Florida, New Mexico, Pennsylvania and Washington, made accusations of widespread abuse, often involving thousands of votes.

In swing states, including Ohio and Wisconsin, party leaders conducted inquiries to find people who may have voted improperly and prodded officials to act on their findings.

But the party officials and lawmakers were often disappointed. The accusations led to relatively few cases, and a significant number resulted in acquittals.

The Path to Jail

One of those officials was Rick Graber, former chairman of the Wisconsin Republican Party.

“It is a system that invites fraud,” Mr. Graber told reporters in August 2005 outside the house of a Milwaukeean he said had voted twice. “It’s a system that needs to be fixed.”

Along with an effort to identify so-called double voters, the party had also performed a computer crosscheck of voting records from 2004 with a list of felons, turning up several hundred possible violators. The assertions of fraud were turned over to the United States attorney’s office for investigation.

Ms. Prude’s path to jail began after she attended a Democratic rally in Milwaukee featuring the Rev. Al Sharpton in late 2004. Along with hundreds of others, she marched to City Hall and registered to vote. Soon after, she sent in an absentee ballot.

Four years earlier, though, Ms. Prude had been convicted of trying to cash a counterfeit county government check worth \$1,254. She was placed on six years’ probation.

Ms. Prude said she believed that she was permitted to vote because she was not in jail or on parole, she testified in court. Told by her probation officer that she could not vote, she said she immediately called City Hall to rescind her vote, a step she was told was not necessary.

“I made a big mistake, like I said, and I truly apologize for it,” Ms. Prude said during her trial in 2005. That vote, though, resulted in a felony conviction and sent her to jail for violating probation.

Of the hundreds of people initially suspected of violations in Milwaukee, 14 — most black, poor, Democratic and first-time voters — ever faced

federal charges. United States Attorney Steven M. Biskupic would say only that there was insufficient evidence to bring other cases.

No residents of the house where Mr. Graber made his assertion were charged. Even the 14 proved frustrating for the Justice Department. It won five cases in court.

The evidence that some felons knew they that could not vote consisted simply of a form outlining 20 or more rules that they were given when put on probation and signs at local government offices, testimony shows.

The Wisconsin prosecutors lost every case on double voting. Cynthia C. Alicea, 25, was accused of multiple voting in 2004 because officials found two registration cards in her name. She and others were acquitted after explaining that they had filed a second card and voted just once after a clerk said they had filled out the first card incorrectly.

In other states, some of those charged blamed confusion for their actions. Registration forms almost always require a statement affirming citizenship.

Mr. Ali, 68, who had owned a jewelry store in Tallahassee, got into trouble after a clerk at the motor vehicles office had him complete a registration form that he quickly filled out in line, unaware that it was reserved just for United States citizens.

Even though he never voted, he was deported after living legally in this country for more than 10 years because of his misdemeanor federal criminal conviction.

"We're foreigners here," Mr. Ali said in a telephone interview from Lahore, Pakistan, where he lives with his daughter and wife, both United States citizens.

In Alaska, Rogelio Mejorada-Lopez, who manages a gasoline station, had received a voter registration form in the mail. Because he had applied for citizenship, he thought it was permissible to vote, his lawyer said. Now, he may be deported to Mexico after 16 years in the United States. "What I want is for them to leave me alone," he said in an interview.

Federal prosecutors in Kansas and Missouri successfully prosecuted four people for multiple voting. Several claimed residency in each state and voted twice.

United States attorney's offices in four other states did turn up instances of fraudulent voting in mostly rural areas. They were in the hard-to-extinguish tradition of vote buying, where local politicians offered \$5 to \$100 for individuals' support.

Unease Over New Guidelines

Aside from those cases, nearly all the remaining 26 convictions from 2002 to and 2005 — the Justice Department will not release details about 2006 cases except to say they had 30 more convictions— were won against individuals acting independently, voter records and court documents show.

Previous guidelines had barred federal prosecutions of "isolated acts of individual wrongdoing" that were not part of schemes to corrupt elections. In most cases, prosecutors also had to prove an intent to commit fraud, not just an improper action.

That standard made some federal prosecutors uneasy about proceeding with charges, including David C. Iglesias, who was the United States attorney in New Mexico, and John McKay, the United States attorney in Seattle.

Although both found instances of improper registration or voting, they declined to bring charges, drawing criticism from prominent Republicans in their states. In Mr. Iglesias's case, the complaints went to Mr. Bush. Both prosecutors were among those removed in December.

In the last year, the Justice Department has installed top prosecutors who may not be so reticent. In four states, the department has named interim or permanent prosecutors who have worked on election cases at Justice Department headquarters or for the Republican Party.

Bradley J. Schlozman has finished a year as interim United States attorney in Missouri, where he filed charges against four people accused of creating fake registration forms for nonexistent people. The forms could likely never be used in voting. The four worked for a left-leaning group, Acorn, and reportedly faked registration cards to justify their wages. The cases were similar to one that Mr. Iglesias had declined to prosecute, saying he saw no intent to influence the outcome of an election.

"The decision to file those indictments was reviewed by Washington," a spokesman for Mr. Schlozman, Don Ledford, said. "They gave us the go-ahead."

Sabrina Pacifici and Barclay Walsh contributed research.

Correction: April 14, 2007

A front-page article on Thursday about the scant evidence of voter fraud that has been found since the Bush administration began a crackdown five years ago misstated a court ruling on a 2003 Texas Congressional redistricting law. While the Supreme Court ruled that the Texas Legislature violated the Voting Rights Act in redrawing a southwestern

Texas district, the court upheld the other parts of the plan. It did not strike down the law.

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70



April 16, 2007

EDITORIAL OBSERVER

A Woman Wrongly Convicted and a U.S. Attorney Who Kept His Job

By ADAM COHEN

Madison, Wis.

Opponents of Gov. Jim Doyle of Wisconsin spent \$4 million on ads last year trying to link the Democratic incumbent to a state employee who was sent to jail on corruption charges. The effort failed, and Mr. Doyle was re-elected — and now the state employee has been found to have been wrongly convicted. The entire affair is raising serious questions about why a United States attorney put an innocent woman in jail.

The conviction of Georgia Thompson has become part of the furor over the firing of eight United States attorneys in what seems like a political purge. While the main focus of that scandal is on why the attorneys were fired, the Thompson case raises questions about why other prosecutors kept their jobs.

The United States Court of Appeals for the Seventh Circuit, which heard Ms. Thompson's case this month, did not discuss whether her prosecution was political — but it did make clear that it was wrong. And in an extraordinary move, it ordered her released immediately, without waiting to write a decision. "Your evidence is beyond thin," Judge Diane

Wood told the prosecutor. "I'm not sure what your actual theory in this case is."

Members of Congress should ask whether it was by coincidence or design that Steven Biskupic, the United States attorney in Milwaukee, turned a flimsy case into a campaign issue that nearly helped Republicans win a pivotal governor's race.

There was good reason for the appeals court to be shocked. Ms. Thompson, a 56-year-old single woman, seems to have lost her home and spent four months in prison simply for doing her job. Ms. Thompson, who spent years in the travel industry before becoming a state employee, was responsible for putting the state's travel account up for competitive bid. Mr. Biskupic claimed that she awarded the contract to an agency called Adelman Travel because its C.E.O. contributed to Mr. Doyle's campaign.

To charge her, Mr. Biskupic had to look past a mountain of evidence of innocence. Ms. Thompson was not a Doyle partisan. She was a civil servant, hired by a Republican governor, with no identifiable interest in politics. She was only one member of a seven-person committee that evaluated the bidders. She was not even aware of the Adelman campaign contributions. She also had a good explanation for her choice: of the 10 travel agencies that competed, Adelman submitted the lowest-cost bid.

While Ms. Thompson did her job conscientiously, that is less clear of Mr. Biskupic. The decision to award the contract — the supposed crime — occurred in Madison, in the jurisdiction of Wisconsin's other United States attorney. But for reasons that are hard to understand, the Milwaukee-based Mr. Biskupic swept in and took the case.

While he was investigating, in the fall of 2005, Mr. Biskupic informed the

media. Justice Department guidelines say federal prosecutors can publicly discuss investigations before an indictment only under extraordinary circumstances. This case hardly met that test.

The prosecution proceeded on a schedule that worked out perfectly for the Republican candidate for governor. Mr. Biskupic announced Ms. Thompson's indictment in January 2006. She went to trial that summer, and was sentenced in late September, weeks before the election. Mr. Biskupic insisted in July, as he vowed to continue the investigation, that "the review is not going to be tied to the political calendar."

But the Thompson case was "the No. 1 issue" in the governor's race, says the Wisconsin Democratic Party chairman, Joe Wineke. In a barrage of commercials, Mr. Doyle's opponents created an organizational chart that linked Ms. Thompson — misleadingly called a "Doyle aide" — to the governor. Ms. Thompson appeared in an unflattering picture, stamped "guilty," and in another ad, her name was put on a graphic of jail-cell doors slamming shut.

Most of the eight dismissed prosecutors came from swing states, and Democrats suspect they may have been purged to make room for prosecutors who would help Republicans win close elections. If so, it might also mean that United States attorneys in all swing states were under unusual pressure.

Wisconsin may be the closest swing state of all. President Bush lost it in 2004 by about 12,000 votes, and in 2000, by about half that. According to some Wisconsin politicians, Karl Rove said that their state was his highest priority among governor's races in 2006, because he believed a Republican governor could help the party win Wisconsin in the 2008 presidential election.

Mr. Biskupic insists that he prosecuted Ms. Thompson only because he believed a crime was committed, and that he did not discuss the political implications of the case or the timing with anyone in the Justice Department or the White House. Congress has asked the Justice Department for all e-mail messages about the case to help resolve the matter.

But even if there were no discussions, Mr. Biskupic may have known that his bosses in Washington expected him to use his position to help Republicans win elections, and then did what they wanted.

That would be ironic indeed. One of the biggest weaknesses in the case against Ms. Thompson was that to commit the crime she was charged with she had to have tried to gain personally from the contract, and there's no credible evidence that she did. So Mr. Biskupic made the creative argument that she gained by obtaining "political advantage for her superiors" and that in pleasing them she "enhanced job security for herself." Those motivations, of course, may well describe why Mr. Biskupic prosecuted Ms. Thompson.

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71

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Archive for Wednesday, March 14, 2007

Fitzgerald: Rove tried to limit choice

By Andrew Zajac and Washington Bureau

March 14, 2007

WASHINGTON - Former Sen. Peter Fitzgerald (R-Ill.) said Tuesday that White House political adviser Karl Rove told him in the spring of 2001 that he should limit his choice for U.S. attorney in Chicago to someone from Illinois.

According to Fitzgerald, who was determined to bring in a prosecutor from outside the state, Rove "just said we don't want you going outside the state. We don't want to be moving U.S. attorneys around."

Fitzgerald said he believes Rove was trying to influence the selection in reaction to pressure from Rep. Dennis Hastert, then speaker of the House, and allies of then-Gov. George Ryan, who knew Fitzgerald was seeking someone from outside Illinois to attack political corruption.

Fitzgerald said he announced his choice, Patrick Fitzgerald (no relation), a New Yorker, on May 13, a Mother's Day Sunday, to pre-empt any opposition.

A year or so later, according to Peter Fitzgerald, Rove "said to me that Fitzgerald appointment got great headlines for you, but it ticked off the base." Peter Fitzgerald said he believes the "base" was Illinois Republican insiders upset at the prosecutor's assault on corruption.

Aides to Hastert say they never heard about any directives regarding the appointment.

"He [Sen. Fitzgerald] set up his own process, never talked to anyone about the process and then released the name before he told the president," said Mike Stokke, who was Hastert's deputy chief of staff at the time.

White House spokeswoman Dana Perino said "the White House would not have objected had a senator's recommendation been a nominee from outside of the state."

Peter Fitzgerald said he gives Rove credit for not interfering with the nomination once it was made public.

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More from Andrew Zajac and Washington Bureau

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72

Rezko friend: Rove was asked to dump Fitzgerald

April 23, 2008

BY CHRIS FUSCO AND DAVE McKINNEY

As a federal probe into Gov. Blagojevich's administration heated up in late 2004, there were discussions between GOP powerbroker Robert Kjellander and Bush White House insider Karl Rove to oust corruption-busting U.S. Attorney Patrick Fitzgerald from his job, according to a man whom prosecutors want to testify at Tony Rezko's trial.

Those alleged efforts were disclosed in federal court this morning, as prosecutors sought to have them introduced into the corruption trial of Rezko, who is accused of seeking kickbacks and campaign contributions to Blagojevich from companies seeking state business.

Judge Amy J. St. Eve is considering the prosecution's request to allow Ali D. Ata to testify about talks he had with Rezko that included discussion of Fitzgerald's future. Ata — former director of the Illinois Finance authority under Blagojevich — on Tuesday pleaded guilty to federal charges in a separate case involving Rezko.

"With respect to Mr. Ata, what I anticipate Mr. Ata would testify to would be that he did actually have direct conversations with Mr. Rezko about the fact that ... Mr. Kjellander was working with Karl Rove to have Mr. Fitzgerald removed," Assistant U.S. Attorney Carrie E. Hamilton told St. Eve.

"Mr. Rezko's explanation, according to Mr. Ata, is that Mr. Kjellander is working with Mr. Rove to have Mr. Fitzgerald removed so that someone else can come in to the U.S. Attorney's Office, and individuals who have been cooperating in this investigation will be dealt with differently.

"This isn't verbatim Mr. Ata's statements. This is my summary based upon ... my understanding."

Rove's lawyer, Robert Luskin, acknowledged his client's long friendship with Kjellander but denied any role in the alleged scheme to dislodge Fitzgerald as Chicago's top federal prosecutor.

"I can tell you Karl has known Kjellander for many years, does not recall ever being approached by him or anybody else about the removal of Pat Fitzgerald. And certainly, Karl did not talk to anyone at the White House or anywhere else to try and bring that about," Luskin said.

Luskin said Rove doesn't ever recall meeting Rezko nor Ata and has not been contacted by investigators handling Rezko's case.

The Sun-Times is attempting to reach Kjellander and the White House.

Rezko — a former top fund-raiser for Blagojevich, a Democrat, and Democratic U.S. Sen. Barack Obama — also has been a big supporter of Bush, helping host a major fund-raiser for the GOP president in September 2003.

Sources have placed Kjellander at a party at Rezko's Wilmette house shortly after Blagojevich won election in 2002, and Kjellander received a controversial \$809,000 fee through a \$10 billion state pension bond deal Blagojevich pushed through the General Assembly in 2003.

St. Eve did not decide this morning whether Ata will be allowed to tell Rezko's jury about what Rezko told him about Kjellander and Rove.

73

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

1 UNITED STATES OF AMERICA,) Docket No. 05 CR 691
2)
3 Plaintiff,))
4)
5 vs.)
6 ANTOIN REZKO,) Chicago, Illinois
7) May 1, 2008
8 Defendant.) 2:00 o'clock p.m.

EXCERPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

10 For the Plaintiff: HON. PATRICK J. FITZGERALD
11 BY: MR. CHRISTOPHER NIEWOEHNER
12 MR. REID J. SCHAR
13 MS. CARRIE E. HAMILTON
219 S. Dearborn St., Suite 500
Chicago, Illinois 60604

14 For the Defendant: STETLER & DUFFY, LTD.
15 BY: MR. JOSEPH J. DUFFY
16 MR. WILLIAM P. ZIEGELMUELLER
17 MS. MARIAH E. MORAN
11 S. LaSalle St., Suite 1200
Chicago, Illinois 60603

18 Also Present: S/A DANIEL CAIN, FBI
S/A VIKAS ARORA, IRS

19 Court Reporter: MS. NANCY C. LABELLA
20 Official Court Reporter
21 219 S. Dearborn St., Suite 1222
Chicago, Illinois 60604
(312) 435-6890

* * * * *

PROCEEDINGS RECORDED BY
MECHANICAL STENOGRAPHY
TRANSCRIPT PRODUCED BY COMPUTER

1 A. Yes.

2 Q. And were there particular conversations you had had with
3 Mr. Rezko that were part of the reason why you lied to the FBI
4 in that interview?

5 A. Yes.

6 Q. How many conversations had you had with Mr. Rezko that
7 were part of the reason that you lied to the FBI in that
8 interview?

9 A. Two that I can recall.

10 Q. When was the first conversation with Mr. Rezko that you
11 can recall in this particular -- that impacted how you dealt
12 with the FBI on December 1st?

13 A. Sometime in 2004.

14 Q. Where did that conversation take place?

15 A. Mr. Rezko's office.

16 Q. Was there anyone else there?

17 A. No.

18 Q. And what was said in that conversation with Mr. Rezko that
19 impacted how you dealt with the FBI in December of 2005?

20 A. Mr. Rezko informed me that he had just finished meeting
21 with a Mr. Kjellander; that there will be a change in the U.S.
22 attorney's office come the new administration.

23 Q. Did Mr. Rezko say anything further about how it was there
24 would be a change at the U.S. attorney's office?

25 A. That Mr. Kjellander will talk to Karl Rove and make a

1 change in the U.S. attorney's office.

2 Q. At that time, did you know who Mr. Kjellander was?

3 A. No, Mr. Rezko explained to me who he was.

4 Q. What did Mr. Rezko explain to you?

5 A. That he was a top GOP operative, and he had direct
6 relationship with Karl Rove.

7 Q. And when you say GOP, what does that mean?

8 A. Republican.

9 Q. And at the time, did you know who Karl Rove was?

10 A. Yes.

11 Q. Who was Karl Rove at that time?

12 A. Chief adviser for the president of the U.S.

13 Q. In addition to explaining that to you, did Mr. Rezko say
14 anything else?

15 A. Yes. He also asked for a contribution to Governor Kerry's
16 campaign and said that regardless which party ends up winning
17 the election, there will be a change in the U.S. attorney's
18 office in Chicago.

19 Q. You said that there were two conversations that you
20 remember?

21 A. Yes.

22 Q. When did the second conversation take place?

23 A. Sometime in '05.

24 Q. And do you recall when in '05?

25 A. Approximately the middle of '05.

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

3 UNITED STATES OF AMERICA,) Docket No. 05 CR 691
4)
4 Plaintiff,))
5)
5 vs.)
6)
6 ANTOIN REZKO,) Chicago, Illinois
7) May 2, 2008
7 Defendant.) 9:15 o'clock a.m.

8 EXCERPT OF TRIAL PROCEEDINGS
9 BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

10 APPEARANCES:

10 For the Plaintiff: HON. PATRICK J. FITZGERALD
11 BY: MR. CHRISTOPHER NIEWOEHNER
12 MR. REID J. SCHAR
13 MS. CARRIE E. HAMILTON
13 219 S. Dearborn St., Suite 500
Chicago, Illinois 60604

14 For the Defendant: STETLER & DUFFY, LTD.
15 BY: MR. JOSEPH J. DUFFY
16 MR. WILLIAM P. ZIEGELMUELLER
17 MS. MARIAH E. MORAN
11 S. LaSalle St., Suite 1200
Chicago, Illinois 60603

18 Also Present: S/A DANIEL CAIN, FBI
S/A VIKAS ARORA, IRS

19 Court Reporter: MR. JOSEPH RICKHOFF
20 Official Court Reporter
21 219 S. Dearborn St., Suite 1232
Chicago, Illinois 60604
(312) 435-5562

22 * * * * *

23 PROCEEDINGS RECORDED BY
24 MECHANICAL STENOGRAPHY
25 TRANSCRIPT PRODUCED BY COMPUTER

1 Q. Thank you.

2 And you were telling the jury on your direct
3 examination that you had conversations with Mr. Rezko where
4 Mr. Rezko suggested that he had the ability to influence the
5 appointment of a U.S. attorney by the President? Is that your
6 testimony? "Yes" or "No."

7 A. It's -- it's just what I testified, that Mr. Rezko
8 informed me that Kjellander was working with Karl Rove on
9 changing the U.S. attorney in Chicago. Now, whether he had
10 the influence or not, that's -- that's --

11 Q. Well, but you told the jury, sir, you lied and you did
12 things because of Mr. Rezko's tremendous influence, right?

13 A. Yes.

14 Q. I mean, you didn't lie because you wanted to lie; did you,
15 Mr. Ata?

16 A. What I said about the change of U.S. attorney is what took
17 place.

18 Q. Besides the U.S. attorney, sir, I thought you told the
19 jury that one of the reasons you lied to the government is
20 because of Mr. Rezko's influence and power; is that right?

21 A. Yes.

22 Q. And did you think that Mr. Rezko was going to have some
23 power over the FBI that you could go in and lie to him and he
24 could take care of it?

25 A. I don't know how to answer your question.

74

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The When and How of Leak Being Probed

Timing of Disclosure of CIA Employee's Name a Factor in Deciding if Law Was Broken

By Susan Schmidt

Washington Post Staff Writer

Friday, November 26, 2004; Page A06

A federal prosecutor investigating whether administration officials illegally leaked the name of an undercover CIA operative has directed considerable effort at learning how widely the operative's identity was disseminated to reporters before it was published last year by columnist Robert D. Novak, according to people with knowledge of the case.

Special prosecutor Patrick J. Fitzgerald is trying to pinpoint precisely when and from whom several journalists learned that Joseph C. Wilson IV, an outspoken critic of the administration, was sent on an Iraq-related intelligence mission after a recommendation by his wife, Valerie Plame, a covert CIA employee. Plame's name first appeared in a July 14, 2003, column by Novak.

The timing could be a critical element in assessing whether classified information was illegally disclosed. If White House aides directed reporters to information that had already been published by Novak, they may not have disclosed classified information.

Fitzgerald is continuing to ask questions that suggest he is still trying to assess the accuracy of some of the more serious allegations about administration leaks to reporters other than Novak, according to people involved in the case. Prosecutors have questioned numerous witnesses, some of them repeatedly, to learn

whether two senior White House aides actively peddled Plame's identity to more than half a dozen reporters before Novak revealed it in print -- an allegation made by an anonymous administration official in a Sept. 28, 2003, Washington Post article.

Plame's name was leaked to reporters "purely and simply for revenge," the official alleged in the report.

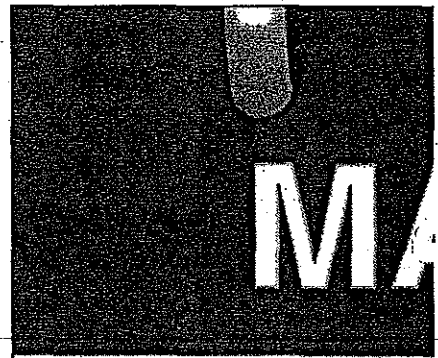
"Prosecutors are interested in the sourcing of that story and whether it's accurate. If it is not accurate, they would like to know that and move along," said an attorney for a witness in the case.

This lawyer and two others involved in the case said Fitzgerald has been trying to sort out whether White House officials mounted a campaign to leak Plame's identity, or whether they were merely spinning information that Novak's column had already put into the public domain. Prosecutors are also investigating who originally gave Novak the information.

As part of his efforts, Fitzgerald has been battling reporters in court, demanding that they disclose conversations with confidential sources

The Justice Department launched a leak investigation at the CIA's request in September 2003 and, after a preliminary inquiry, turned it over to a politically independent special counsel late last year. Justice Department officials said it will be up to Fitzgerald to decide whether to issue a report on his findings if he does not seek criminal charges.

To constitute a violation of the Intelligence Identities Protection Act, a disclosure by a government official must have been deliberate, the person doing it must have known that the CIA officer was a covert agent, and he or she must have known that "the United States is taking affirmative measures to conceal such covert



agent's intelligence relationship to the United States."

In the more than 13 months since the investigation began, prosecutors and FBI agents have interviewed many members of the White House staff, some repeatedly, including some of those on the vice president's staff and in the communications office.

"They seem to continue to be focused on which White House officials talked to members of the press, and whether that was pre- or post-Novak. That's where they are struggling," the witness's lawyer said.

"I think that they are frustrated," said another person who has talked to investigators. "What activity occurred pre-Novak and what occurred post-Novak . . . is a distinction people working the story wouldn't have made at the time," this source said.

Most witnesses have declined to comment on the investigation. Some lawyers representing witnesses have been told that their discussions with investigators should be kept confidential, and as a result there has been little of the usual communication among lawyers about where prosecutors may be headed. One witness's lawyer said that in addition to the admonition from prosecutors, attorneys have avoided communicating with one another so as not to be accused of obstruction.

Among those who are known to have been interviewed by the FBI or testified before the grand jury are Bush White House national security adviser Condoleezza Rice, political adviser Karl Rove, Vice President Cheney's Chief of Staff Lewis I. Libby, Republican National Committee consultant Mary Matalin, former Cheney press aide Catherine Martin, White House press secretary Scott McClellan, communications director Dan Bartlett, deputy press secretary Claire Buchan, and former assistant press secretary Adam Levine. Bush and Cheney also have been interviewed, as has Secretary of State Colin L. Powell.

Several reporters have given limited depositions about their conversations with Libby in the days before the Novak column was published. All did so at the urging of Libby, who has told the prosecutor he heard about Wilson's wife's employment from someone in the media, according to lawyers involved in the case. Two news organizations, Time magazine and the New York Times, have gone to the U.S. Court of Appeals to fight subpoenas for reporters' testimony.

Novak and his lawyer have refused to comment on whether he has been subpoenaed or interviewed by Fitzgerald's office. He has written that Plame's identity was revealed to him in passing by one senior administration official and confirmed by a second official. He has said the intent was not to expose an undercover CIA employee, but to explain why a critic of the Bush administration was selected to investigate possible efforts by Iraq to buy uranium in Africa after Cheney asked for more information on the subject in 2002.

Bush mentioned reports of those attempts in his 2003 State of the Union address. Wilson thereafter contended publicly that the White House had exaggerated the intelligence on Iraq, saying he found no evidence that then-Iraqi President Saddam Hussein was seeking uranium in the nation of Niger.

Novak said he was told that Wilson was recommended for the mission by his wife, a CIA operative in weapons nonproliferation.

Based on what has long been known publicly, there is little doubt that some White House aides circulated the Plame story a week after Novak's column appeared, in an apparent effort to cast doubt on Wilson's credibility. Wilson has said he received calls from two NBC television reporters, on July 20 and July 21, who said White House officials were telling them that Wilson's wife's role was the real story.

In questioning reporters for The Washington Post, NBC and Time, prosecutors have shown a particular interest in the events of July 12, reporters and their attorneys have said. Word that Wilson's wife worked at the CIA had by then circulated to some media organizations, though the origin of the information is not publicly known.

While Novak's column did not run until Monday, July 14, it could have been seen by people in the White House or the media as early as Friday, July 11, when the Creators Syndicate distributed it over the Associated Press wire.

One current or former administration official has told Fitzgerald that he or she had a conversation with Washington Post reporter Walter Pincus on Saturday, July 12, Pincus has said publicly. Pincus also has said his source was not Libby. Pincus has previously said that an administration official told him that day that Wilson's trip to Niger was set up as a boondoggle by his CIA-employed wife.

Time reporter Matthew Cooper has told prosecutors that he talked to Libby on

July 12 and mentioned that he had heard that Wilson's wife worked at the CIA, a source knowledgeable about his testimony said. Cooper testified that Libby said he had heard the same thing from the media.

Tensions between staff members at the White House and the CIA were running high over Wilson's allegations of exaggerated intelligence, and they would only get worse after the publication of Novak's column.

Then-CIA Director George J. Tenet had issued a statement July 11, 2003, saying that Wilson's findings in Niger did not actually resolve the question of whether Hussein tried to buy uranium there. But Tenet nevertheless said the statement on Africa should not have been included in Bush's State of Union address, and he took responsibility for his agency's vetting of the speech. White House communications director Bartlett agreed, telling reporters that "there was no debate or questions with regard to that line when it was signed off on."

But an agency bureaucrat stirred a new round of confusion and White House anger the following week.

On July 16, two days after Novak's column appeared, Alan Foley, then-director of the CIA's intelligence, nonproliferation and arms control center, told Senate intelligence committee members that he had insisted the White House remove a reference to Niger and uranium from the State of the Union address. The White House maintained there was never any specific reference to Niger in drafts of the speech, nor, it said, had the CIA expressed any objection to referring to reports Iraq had attempted to buy uranium in Africa.

Foley later told the committee staff he may have been confused, according to a Senate committee report on Iraq intelligence released this year. The Senate report determined that Foley's original testimony had been incorrect and that the CIA had not raised concerns about the Iraq-Niger reporting in the speech.

It was in the ensuing days that television reporters Chris Matthews and Andrea Mitchell would tell Wilson they had heard from administration aides that the real story was not what Wilson found in Niger but his wife's role in selecting him for the trip.

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75

From: Coffin, Shannen W.
Sent: Thursday, December 07, 2006 5:17 PM
To: Kelley, William K.
Subject: RE:

Bill, I learned after the fact that Mark Corallo called Karl R. about the US attorney issue I had discussed with you earlier. Would have told you if I had known that had happened, but Mark called me about it after he called Karl.

From: Kelley, William K.
Sent: Thursday, December 07, 2006 5:10 PM
To: Addington, David S.; Coffin, Shannen W.; Miers, Harriet; Troy, Tevi D.; Zinsmeister, Karl
Subject:

The replacement for Judge Lamberth on the Cobell matter has been announced. Now to preside is Judge James Robertson. For the non-lawyers, we'll talk.

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7-7-09

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An Investigation into the Removal of Nine U.S. Attorneys in 2006



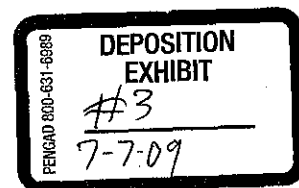
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**U.S. Department of Justice
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September 2008

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10/13			Sen. Domenici		202-546- 202-228-			---
10/18			Steve Bell		202-224-7094			10/18 LM 10/19 a
10/26			Steve Bell		202-224-7094			10/26 LM 10/26 10:34 a
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11/9			Steve Bell		202-224-7094			11/9 p.m.
11/13		4:52 p	Sen. Domenici		202-224-7090			
11/20			Steve Bell		202-224-7094			11/20 LM
11/27		p.m.	Steve Bell		202-224-7094	Office	Returning call	12/5 p.m.
12/5		p.m.	Steve Bell					12/5 3:29 p
12/11		p.m.	Steve Bell		202-224-7094		NON-RESPONSIVE MATERIAL REDACTED	12/11 LM



RESTORING CHECKS AND BALANCES IN THE CONFIRMATION PROCESS OF UNITED STATES ATTORNEYS

HEARING
BEFORE THE
SUBCOMMITTEE ON
COMMERCIAL AND ADMINISTRATIVE LAW
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED TENTH CONGRESS

FIRST SESSION

ON

H.R. 580

MARCH 6, 2007

Serial No. 110-22

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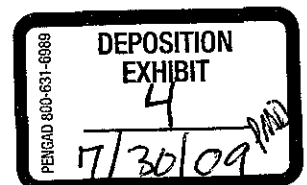
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Mr. MOSCHELLA. It may take a little bit longer than the minute and 35 seconds that I have, but Mr. Cummins was—the Administration asked Mr. Cummins to move on only after we knew that—you know, he had indicated he was not going to serve out the remainder of his term—a qualified individual who had served both as a prosecutor at main Justice and in his district, was coming back from Iraq after serving his country for a year in Mosul, not in the green zone, and prosecuting over 40 JAG-related cases there, was interested in a U.S. attorney position.

Mr. Griffin was considered for the other district in Arkansas earlier in his tenure, was interviewed. He had gone all the way through the process and likely would have been the candidate. He would have but for the fact that he took another position, he probably would have been the U.S. attorney in that other district. So it was clear that he was interested in a position and given the knowledge that Mr. Cummins was not likely to serve out the remainder of his term, because there had been at least one press report that I am aware of where that was indicated.

Ms. SÁNCHEZ. Okay. Mr. Bogden? I am sorry to hurry you along, but we have limited time here. If you could please get through the final three as briefly as you can. Mr. Bogden?

Mr. MOSCHELLA. Sure.

The general sense in the department about Mr. Bogden is that given the importance of the district in Las Vegas, there was no particular deficiency. There was an interest in seeing new energy and renewed vigor in that office, really taking it to the next level.

It is important to note that the reason why this process was undertaken was really to ensure that in the last 2 years of this Administration we were fielding the best team possible, and that is what the attorney general was doing when we—as we reviewed these.

Ms. SÁNCHEZ. Okay. Mr. Iglesias?

Mr. CANNON. Pardon me, Madam Chairman. We are going to have a large number of witnesses and many people here who want to participate. I don't mean to be a skunk to the party, but if we do the 5-minute rule, we are probably going to get through more quickly.

Ms. SÁNCHEZ. Okay.

Mr. WATT. Madam Chair, I would be delighted to yield the gentlelady my time for questioning and pass, because I think we need this information in the record.

Ms. SÁNCHEZ. I appreciate that, Mr. Watt. I understand that.

Mr. WATT. I yield the gentlelady my 5 minutes.

Ms. SÁNCHEZ. Okay. Thank you, Mr. Watt.

Mr. Moschella, please, as briefly as you can, Mr. Iglesias?

Mr. MOSCHELLA. Sure. And it is difficult to do it in such a short time frame. As you know, our briefing took about 40 or 50 minutes.

Ms. SÁNCHEZ. Right. I think you can distill that, though, to the heart of the matter fairly quickly.

Mr. MOSCHELLA. I will.

Ms. SÁNCHEZ. It is usually a one or two sentence reason.

Mr. MOSCHELLA. There was a general sense with regard to this district, again, Mr. Iglesias had served, as they all did, the entire 4-year term, that the district was in need of greater leadership. We

have had a discussion about the EARS Report, and the EARS Report does pick up some management issues and Mr. Iglesias had delegated to his first assistant the overall running of the office. And, quite frankly, U.S. attorneys are hired to run the office, not their first assistants.

Ms. SANCHEZ. Okay. And Mr. Charlton?

Mr. MOSCHELLA. I would put Mr. Charlton more in the policy category. Mr. Charlton had undertaken in his district a policy with regard to the taping of FBI interviews and set a policy in place there that had national ramifications. It did not go through the whole policy process. It has implications for prosecutions, for law enforcement agencies, the bureau's sister agencies at ATF, DEA, Marshals, ICE, CBP and the like, and that was just completely contrary to the way policy development occurs in the Department of Justice.

Furthermore, on the death penalty, we have a process in the Department of Justice. It is the one area that is non-delegable by the attorney general. And Mr. Charlton, in a particular case, was told and was authorized to seek in a particular case. He chose instead to continue to litigate after that long and exhaustive process, going from his career people to him to the criminal division, the Capital Case Unit, which comes to the recommendation of the deputy attorney general's office, and then the attorney general.

Ms. SANCHEZ. Thank you, Mr. Moschella.

I am going to reserve the balance of Mr. Watt's time and turn to my Ranking Member, Mr. Cannon, for questions.

Mr. CANNON. I don't think that you can reserve time. I think that Mr. Watt has to use it. You can return it to Mr. Watt and he can ask questions or yield back.

Mr. WATT. I would be happy to take it back and at an appropriate time re-yield it to you if that—

Mr. CANNON. I don't think that you can hold time. We may go a second round, which is perfectly appropriate.

I don't mean to be a stickler here, but we have lots of folks that have lots of questions and lots of witnesses.

Mr. WATT. When my turn comes, I can take it. I don't know that there is anything in the rules that prohibits me from taking the rest of my time.

Mr. CANNON. I think that the normal procedure would have been for me to take time. If you wanted to give—

Mr. WATT. If you had objected to my yielding it to the Chair at that moment, she might have had to take it in my time slot, but you didn't object.

Mr. CANNON. No, that is correct. I did not object because of our personal relationship, but once your time is granted, I think you lose that time for the round.

Mr. WATT. I don't think so.

Mr. CANNON. So if you want to take time—I think that is the rule. But this is—I don't mean to be a stickler here. If you want to take the time, fine. But I would like to—

Mr. WATT. Well, why are we talking about this if you don't mean to be a stickler?

Ms. SANCHEZ. We will take that issue—excuse me. We will take that issue under advisement.

Mr. MOSCHELLA. Well, the discussion occurred in really a collaborative way between the attorney general's office—

Mr. CONYERS. Yourself?

Mr. MOSCHELLA. No. I joined the deputy's office in October, on October 3, just about when this process began.

Mr. CONYERS. Kyle Sampson, chief of staff to the attorney general?

Mr. MOSCHELLA. The chief of staff was involved.

Mr. CONYERS. Yes. Mike Elston, chief of staff to Mr. McNulty?

Mr. MOSCHELLA. That is correct.

Mr. CONYERS. Monica Goodling, in the office of the attorney general?

Mr. MOSCHELLA. Yes, sir.

Mr. CONYERS. And who else?

Mr. MOSCHELLA. I would say that was probably the core group, and then at certain stages other folks—

Mr. CONYERS. What about Michael Battle?

Mr. MOSCHELLA. As I was saying, some may have been consulted to obtain either information or—

Mr. CONYERS. Yes. What about Michael Battle?

Mr. MOSCHELLA. Yes, he was consulted.

Mr. CONYERS. Okay. And he has since resigned as head of the executive office of the U.S. attorneys?

Mr. MOSCHELLA. I think he has another couple weeks on the job. But to the extent that the question somehow implies that he is being forced out, nothing could be further from the truth.

Mr. CONYERS. Well, I haven't implied anything.

Mr. MOSCHELLA. Not you. But it is implied. We have received many—

Mr. CONYERS. Look, we are not reviewing the media right now. I just am trying within this limited time to get some responses from you.

You were involved subsequently, though, in these discussions. Am I right?

Mr. MOSCHELLA. That is right. I was involved in the discussions.

Mr. CONYERS. Did you consult former DOJ officials, like James Comey?

Mr. MOSCHELLA. I don't believe Mr. Comey was consulted.

Mr. CONYERS. Well, was anyone at the White House consulted or did they offer any input in compiling the list of U.S. attorneys to be terminated, to the best of your knowledge?

Mr. MOSCHELLA. The list was compiled at the Department of Justice.

Mr. CONYERS. Was the White House consulted?

Mr. MOSCHELLA. Well, eventually, because these are political appointees—

Mr. CONYERS. Sure.

Mr. MOSCHELLA [continuing]. Which is unremarkable, send a list to the White House, let them know—

Mr. CONYERS. I understand.

Mr. MOSCHELLA [continuing]. Our proposal and whether they agreed with it.

Mr. CONYERS. The answer is yes. Your answer is yes?

Mr. MOSCHELLA. Yes.



Wednesday, Oct. 10, 2007

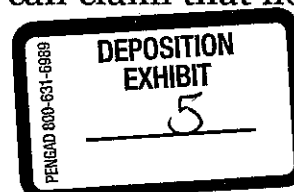
Rove Linked to Alabama Case

By Adam Zagorin/Washington

A Republican lawyer claims she was told that Karl Rove — while serving as President Bush's top political adviser — had intervened in the Justice Department's prosecution of Alabama's most prominent Democrat. Longtime Alabama G.O.P. activist Dana Jill Simpson first made the allegation in June, but has now provided new details in a lengthy sworn statement to the House Judiciary Committee. The Committee is expected to hold public hearings on the Alabama case next week as part of its investigation of possible political interference by the Bush Administration in the activities of the Department of Justice.

Simpson said in June that she heard a close associate of Rove say that the White House political adviser "had spoken with the Department of Justice" about "pursuing" Don Siegelman, a former Democratic governor of Alabama, with help from two of Alabama's U.S. attorneys. Siegelman was later indicted on 32 counts of corruption, convicted on seven of them, and is currently serving an 88-month sentence in Federal prison.

If Simpson's version of events is accurate, it would show direct political involvement by the White House in federal prosecutions — a charge leveled by Administration critics in connection with the U.S. attorney scandal that led to the resignation of Attorney General Alberto Gonzales. But her account is disputed; those who she alleges told her about Rove's involvement during a G.O.P. campaign conference call claim that no such



conversation took place. Rove himself has not responded to Simpson's allegations, which are clearly based on second-hand information, and the White House has refused to comment while Siegelman's case remains on appeal.

Still, the Judiciary Committee plans to air Simpson's testimony as part of its probe into political involvement in federal prosecutions. TIME has obtained a copy of Simpson's 143-page sworn statement to the Judiciary Committee. She recalls conversations in early 2005 with Rob Riley, Jr., son of Alabama's current Republican governor, over his father's coming gubernatorial race, in which Siegelman appeared to be the top Democratic challenger. The younger Riley, she says, told her that his father and Bill Canary, the state's top Republican political operative and a longtime friend of Rove, contacted Rove in late 2004, after which he intervened with the Justice Department's Public Integrity section to push for criminal prosecution of Siegelman. Months later, in May 2005, Siegelman was indicted, setting off a chain of events that led to his imprisonment and the end of his political career.

Simpson also claims Riley, Jr., named the judge who would eventually be assigned to the case, and says Riley told her the judge would "hang Don Siegelman" because of a grudge against the former governor. She says he also specified one of the exact charges that Siegelman would later face. She says Riley, Jr., told her that Siegelman had conceded the close 2002 governor's race to his father only after being told he would no longer be subject to possible federal corruption charges.

Contacted by TIME, Riley said, "Ms. Simpson's statements have gone from being not only untrue to absurd and ridiculous." He added, "She has now gone way beyond her original affidavit, to make claims so important

that it's inconceivable they would not have been included in her original statement."

Simpson also provided evidence aimed at refuting the younger Riley's claims, when the allegations first surfaced last June, that he barely knew Rove. This evidence includes a letter, over which a message is scrawled in what Simpson says is Riley's handwriting. The message reads, "To: Jill — I e-mailed this to (name redacted), Karl ♦ (signed) Rob". Simpson says Riley's reference is to Karl Rove. Riley counters that "Karl" refers to another lawyer. The president of the company whose case Riley was handling at the time said: "Rob Riley mentioned Karl Rove about four or five times as someone he was getting in touch with to help settle our business in Washington."

When the Judiciary Committee publicly examines the Siegelman case next week, sources close to the panel say that former Alabama U.S. attorney Doug Jones will likely be a witness. Jones had been Siegelman's lawyer until 2005, and says that in July 2004, he was told by federal prosecutors that only three areas of potential wrongdoing by the former governor were under investigation. Yet when Siegelman went to trial, he faced a 32-count indictment. "We on the defense believed that the case would soon be over, based on that conference with Federal prosecutors in July 2004," Jones said.

By late 2004, the same prosecutors had rethought the entire case. Jones claims he was told by one prosecutor that the reason for the change was that the Justice Department in Washington had ordered a "top-to-bottom review," revisiting all possible charges against Siegelman after more than three years of investigation. After that, Jones says, the case unexpectedly "kicked into high gear" as witnesses were called before a grand jury.

But Steve Feaga, a U.S. attorney who dealt with Jones, has a different recollection. "The offenses charged against Siegelman were the same ones we discussed all along with his lawyers," Feaga says. "The prosecution never conducted a top-down review at the direction of DOJ in Washington; that review was done at our own initiative."

The Judiciary Committee will examine the timing of prosecutors' top-to-bottom review of their case with the timing of Rove's alleged intervention with the Justice Department. That's one reason Simpson was summoned before the Judiciary Committee last month to explain herself under penalty of perjury.

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PATTON BOGGS LLP
ATTORNEYS AT LAW

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

July 22, 2008

Robert D. Luskin
202-457-6190
rluskin@pattonboggs.com

The Honorable Lamar Smith
Ranking Member, Committee on the Judiciary
United States House of Representatives
B-351A Rayburn House Office Building
Washington, DC 20515

Dear Congressman Smith:

Attached please find the answers of my client, Karl C. Rove, to your questions regarding the case of former Governor Donald E. Siegelman.

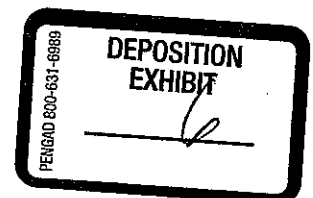
As you know, Mr. Rove has never asserted any personal privileges in response to the Committee's subpoena, but remains obligated to follow the direction of the President. We simply cannot understand the Committee's interest in provoking a confrontation with Mr. Rove while the precise legal issue that is presented by his subpoena is subject to a pending action in District Court. We have struggled instead to find a method by which Mr. Rove could answer the Committee's questions while at the same time respecting the prerogatives of the President. We thank you for providing such an opportunity, and we trust that Mr. Rove's answers will assist the Committee in resolving these utterly unfounded allegations.

Yours sincerely,



Robert D. Luskin

Attachment



Answers to House Judiciary Committee Ranking Member Lamar Smith from
Karl C. Rove Regarding Allegations of Selective Prosecution in the Case of Former Alabama
Governor Donald E. Siegelman
July 22, 2008

1. Before former Alabama Governor Donald E. Siegelman's initial indictment in May 2005, did you ever communicate with any Department of Justice officials, State of Alabama officials, or any individual other than Dana Jill Simpson, Esq., regarding Governor Siegelman's investigation or potential prosecution? If so, please state separately for each communication the date, time, location, and means of the communication, the official or individual with whom you communicated, and the content of the communication.

I have never communicated, either directly or indirectly, with Justice Department or Alabama officials about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, or about any other matter related to his case, nor have I asked any other individual to communicate about these matters on my behalf. I have never attempted, either directly or indirectly, to influence these matters.

2. Before Governor Siegelman's initial indictment in May 2005, did you ever communicate with Dana Jill Simpson, Esq., regarding Governor Siegelman or Governor Siegelman's investigation or potential prosecution? If so, please state separately for each communication the date, time, location, means, and content of the communication.

I have never communicated, either directly or indirectly, with Simpson about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, about any other matter related to his case, or about any other matter whatsoever.

3. After Governor Siegelman was initially indicted in May 2005, but before the first superseding indictment against him in October 2005, did you ever communicate with any Department of Justice officials, State of Alabama officials, or any individual other than Dana Jill Simpson, Esq., regarding Governor Siegelman's investigation or prosecution? If so, please state separately for each communication the date, time, location, and means of the communication, the official or individual with whom you communicated, and the content of the communication.

I have never communicated, either directly or indirectly, with Justice Department or Alabama officials about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, or about any other matter related to his case, nor have I asked any other individual to communicate about these matters on my behalf. I have never attempted, either directly or indirectly, to influence these matters.

4. After Governor Siegelman was initially indicted in May 2005, but before the first superseding indictment against him in October 2005, did you ever communicate with Dana Jill Simpson, Esq., regarding Governor Siegelman or Governor Siegelman's investigation or prosecution? If so, please state separately for each communication the date, time, location, means, and content of the communication.

I have never communicated, either directly or indirectly, with Simpson about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, about any other matter related to his case, or about any other matter whatsoever.

5. After Governor Siegelman's first superseding indictment in October 2005, but before his subsequent conviction, did you ever communicate with any Department of Justice officials, State of Alabama officials, or any individual other than Dana Jill Simpson, Esq., regarding Governor Siegelman's investigation and prosecution? If so, please state separately for each communication the date, time, location, and means of the communication, the official with whom you communicated, and the content of the communication.

I have never communicated, either directly or indirectly, with Justice Department or Alabama officials about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, or about any other matter related to his case, nor have I asked any other individual to communicate about these matters on my behalf. I have never attempted, either directly or indirectly, to influence these matters.

6. After Governor Siegelman's first superseding indictment in October 2005, but before his subsequent conviction, did you ever communicate with Dana Jill Simpson, Esq., regarding Governor Siegelman or Governor Siegelman's investigation or prosecution? If so, please state separately for each communication the date, time, location, means, and content of the communication.

I have never communicated, either directly or indirectly, with Simpson about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, about any other matter related to his case, or about any other matter whatsoever.

7. Since Governor Siegelman's conviction, have you ever communicated with any Department of Justice officials, State of Alabama officials, or any individual other than Dana Jill Simpson, Esq., regarding Governor Siegelman's conviction, sentencing or appeal? If so, please state separately for each communication the date, time, location, and means of the communication, the official with whom you communicated, and the content of the communication.

I have never communicated, either directly or indirectly, with Justice Department or Alabama officials about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, or about any other matter related to his case, nor have I asked any other individual to communicate about these matters on my behalf. I have never attempted, either directly or indirectly, to influence these matters.

8. Since Governor Siegelman's conviction, have you ever communicated with Dana Jill Simpson, Esq., regarding Governor Siegelman or Governor Siegelman's conviction, sentencing or appeal? If so, please state separately for each communication the date, time, location, means, and content of the communication.

I have never communicated, either directly or indirectly, with Simpson about the investigation, indictment, potential prosecution, prosecution, conviction, or sentencing of Governor Siegelman, about any other matter related to his case, or about any other matter whatsoever.

9. Did you ever communicate with Dana Jill Simpson, Esq., regarding any political campaign before, during or after 2001? If so, please state separately for each communication the date, time, location, means, and content of the communication.

I have never communicated, either directly or indirectly, with Simpson about any political campaigns before, during, or after 2001, or about any other matter whatsoever.

10. Do you know Dana Jill Simpson, Esq., personally, and have you ever met or communicated with her in any other manner or context? If so, please describe the nature and context of the meeting or communication.

I do not and have never known Simpson personally. It is possible that Simpson may have met me at a public function, but I do not know her, I have never worked with her, and I have never communicated with her, either directly or indirectly.

11. In a September 14, 2007, interview with staff of the House Committee on the Judiciary, Ms. Simpson identified you as the "Karl" referred to in a hand-written note atop an email discussing a 2001 FEMA contract. Interview of Dana Jill Simpson, September 14, 2007, at 36. The e-mail refers to a proposed letter dated May 23, 2002, to FEMA Director Joe Allbaugh. Simpson Exhibit 550. This letter appears to refer to an appeal of a FEMA decision to deny payment for work performed pursuant to the contract. The hand-written note reads: "To: Jill . . . I e-mailed this to [redacted], Karl, and Stewart today . . . Rob." Id. Ms. Simpson identifies the hand-writing as that of Mr. Rob Riley and identifies "Stewart" as "a lobbyist that works for the Federalist Group." Interview at 35-36. Do you have any reason to believe that you are the "Karl" referred to in this exhibit?

I am not the "Karl" referenced on the email. Karl Dix, a partner at Smith, Currie & Hancock in Atlanta, Georgia, has publicly stated that (1) he worked with Rob Riley and Simpson on a Federal Emergency Management Agency cleanup contract (the subject of the email); and (2) "Rob did give me an e-mail in 2002, and I was the Karl in the email." See Exhibit A, "Riley's son willing to rebut testimony," *Tuscaloosa News*, October 11, 2007.

12. In a February 24, 2008, interview with 60 Minutes, Ms. Simpson specifically claimed that during a meeting with you in 2001, you asked her to try to catch then-Alabama Governor Donald E. Siegelman cheating on his wife. Specifically, Ms. Simpson claimed that you asked Ms. Simpson to take pictures of Governor Siegelman in a compromising sexual position with one of his aides. Did you ever ask Ms. Simpson to take pictures of Governor Siegelman in a compromising sexual position with one of his aides?

I have never communicated, either directly or indirectly, with Simpson about taking photographs of any individuals whatsoever, including Governor Siegelman, and I have never asked her to undertake any task to discredit Governor Siegelman. Nor have I asked any other individual, either directly or indirectly, to take photographs of Governor Siegelman.

13. Are you aware of statements by any officials or individuals regarding whether or not Ms. Simpson's allegations about the investigation and prosecution of Governor Siegelman, your alleged role in it, or your alleged communications with Ms. Simpson are credible? If so, please identify the official or individual who made the statement, the date, place and

manner of the statement's publication, and the statement's content. Please also provide a citation to or copy of each such statement, if you have one.

No one has corroborated Simpson's allegations regarding my alleged "involvement" in the Siegelman case. Indeed, many individuals have rebutted her charges. With respect to the telephone call Simpson alleges took place on November, 18, 2002, the following individuals have denied that such a call occurred:

- In an October 2007 Affidavit, Terry Butts asserted that "among other general matters that I recall on November 18, 2002, co-counsel Matt Lembke, Rob Riley, and I were together in Rob's office on the mentioned date. As I recall, none of us were ever outside each other's presence on that day for any length of time, so if a conference call with Ms. Simpson occurred as she alleges, I am confident we would remember it, particularly, in light of the comments she alleges. Again, I neither recall any such call, nor do I believe any such call/conversation as alleged ever took place. Further, Bill Canary was not present with us on November 18, 2002, nor do I ever recall any conference call with him. In fact, to my knowledge and recall, I have never had a phone call with Mr. Canary." See Exhibit B, Butts Affidavit.
- In an October 2007 Affidavit, Rob Riley stated that he has "no memory" of being on a phone call with Jill Simpson on November 18, 2002. He further stated that "I do not believe a phone call occurred that involved Ms. Simpson, former Alabama Supreme Court Justice Terry Butts . . . Bill Canary . . . , and myself on November 18, 2002 in which Mr. Butts allegedly stated that he would confront former Alabama Governor Don Siegelman . . . with photographs of a political prank, . . . and would attempt to convince Mr. Siegelman to concede the election based on said photographs, or that Mr. Canary allegedly made statements to the effect that 'his girls' would take care of Mr. Siegelman or that 'Karl' had spoken to, or gone over to, the Department of Justice and that the Department of Justice was pursuing, or would pursue, a case against Siegelman." See Exhibit C, Riley Affidavit.
- In an October 2007 Affidavit, Matthew Lembke asserted, "I do not recall the phone call that Ms. Simpson claims took place between her, Justice Butts, Bill Canary, and Rob Riley at 10:52 am on November 18, 2002, for 11 minutes. I did not leave the presence of Justice Butts and Rob Riley for more than a few minutes at any point from the time I arrived at Rob's office until we left for the victory speech at the end of the day . . . If there had been a conference call conducted by speaker phone in Rob's office as described by Ms. Simpson, I believe that I would have heard it. I do not recall any such call taking place while I was there. In addition, Bill Canary was not at Rob's office on November 18, 2002, nor do I recall that he participated in any conference call involving me at any point during the post-election controversy. . . . During the post-election controversy, there were several lawyers around the state who served as co-counsel for the Riley campaign on various post-election legal matters. Jill Simpson was not one of those lawyers. In fact, the first time I ever recall hearing Ms. Simpson's name was when I read an account of her affidavit on the *New York Times* website." See Exhibit D, Lembke Affidavit.

- In a July 2007 interview with the Birmingham News, Simpson herself backed away from her original charges about the phone call, explaining, “[y]ou can read it both ways . . . I did it as best I could to factually write it down as exactly as to what was said. And there’s two interpretations to it, there’s no doubt about that.” See Exhibit E, “Affidavit about Siegelman case open to debate,” *Birmingham News*, July 8, 2007.

With respect to the Siegelman charges more generally:

- Louis V. Franklin, Sr., Acting U.S. Attorney in the Scrushy/Siegelman prosecutions, has stated as follows: “[T]he entire story is misleading because Karl Rove had no role whatsoever in bringing about the investigation or prosecution of former Governor Don Siegelman. It is intellectually dishonest to even suggest that Mr. Rove influenced or had any input into the decision to investigate or prosecute Don Siegelman. That decision was made by me, Louis V. Franklin Sr., as Acting U.S. Attorney in the case, in conjunction with the Department of Justice’s Public Integrity Section and the Alabama Attorney General’s Office . . . Our decision was based solely upon evidence in the case, evidence that unequivocally established that former Governor Siegelman committed bribery, conspiracy, mail fraud, obstruction of justice, and other serious federal crimes.

...

I have never spoken with or even met Karl Rove . . . My decision [to prosecute] was based solely on the evidence uncovered by federal and state agents, as well as the special grand jury, establishing that Mr. Siegelman broke the law . . . Contrary to how the prosecution is portrayed in Adam Zagorin’s Time article, rather than the U.S.

Department of Justice pushing the MDAL to move forward with the prosecution of former Governor Siegelman, the push has always come from the Middle District’s U.S. Attorney’s office and has been spearheaded by me as the Acting U.S. Attorney in the case. My sole motivation for pushing the prosecution was a firmly held belief, supported by overwhelming evidence and the law, that former Governor Siegelman had broken the law . . . Ultimately, a jury of former Governor Siegelman’s peers, consisting of men and women, African-American and Caucasian, agreed and convicted the former Governor[.]

...

I am a career Assistant U.S. Attorney in the Middle District of Alabama. I have served under both Democratic and Republican appointees. I take my role as a government prosecutor and my ethical obligations as a lawyer very seriously. I value my integrity above all else. I would never pursue a prosecution for political reasons, nor would I bring any prosecution not warranted by the evidence or the law. That simply did not happen here, no matter what anyone prints.” See Exhibit F, Franklin Statement.

- Principal Deputy Assistant Attorney General Brian Benczkowski has stated that “[a]t the time Ms. Simpson alleges the purported statements were made, Mr. Siegelman was already under federal investigation. The existence of the investigation had been widely reported in newspapers and television reports, some released more than ten months before the alleged conversation. . . . Indeed, even Mr. Siegelman states that Ms. Simpson’s affidavit is false as it relates to him. Moreover, according to Ms. Simpson, she met with Mr. Siegelman and his co-defendant Richard Scrushy for several months before signing the statement at their urging.” See Exhibit G, Benczkowski Letter.

14. Please share with us any additional information which you would like to provide concerning Ms. Simpson's and Governor Siegelman's allegations against you or any other questions that have arisen concerning your alleged involvement with Governor Siegelman's investigation and prosecution.

Thank you for the opportunity to share additional information. Several issues are worth the Committee's consideration:

(1) Despite his repeated public statements that I played a role in his prosecution, and despite being called upon to substantiate that charge, Governor Siegelman has not offered a single piece of evidence that I played any role whatsoever in his case.

- Before giving credence to Siegelman's baseless allegations of impropriety, the Committee should require Siegelman to substantiate his allegations about my "involvement" in his prosecution – something he has failed to do in either media interviews *or* court filings.
- While Siegelman seems to rely on Simpson's claims to make his argument to the media, he has directly denied her other charges about his reasons for conceding the 2002 Alabama gubernatorial race. In an interview prior to entering prison, he publicly stated that he *actually* dropped out because he did not want a repeat of Al Gore's challenge of the 2000 presidential vote in Florida, not because he was threatened by Riley operatives or promised a deal regarding the Justice Department investigation. See Exhibit H, "Siegelman aides contradict main part of Simpson affidavit," The Associated Press State & Local Wire, July 19, 2007.

(2) Simpson is simply not a credible source, and the Committee should exercise due diligence before relying upon her accusations.

- The *Weekly Standard* has said this: "As a lawyer, [Simpson] has scratched out an uncertain living in DeKalb County, Alabama. Fellow DeKalb County lawyers describe her as 'a very strange person' who 'lives in her own world.' The daughter of rabid Democrats, she has rarely if ever been known to participate in politics as even a low-level volunteer. . . Those who know her in DeKalb County scoff at the idea that she is a Republican at all." See Exhibit I, "A Conspiracy So Lunatic . . . Only 60 Minutes could fall for it," The *Weekly Standard*, May 26, 2008.
- Simpson has not provided any information about campaigns on which she may have worked with me. Not a single Republican county chairman, activist, or candidate has stepped forward to verify that she is indeed – as she now styles herself – a known "Republican operative."
- Simpson has been unable to produce *any* Alabama campaign finance filings identifying her as a paid staffer receiving a salary or a consulting fee. Such a disclosure would have been required if she were, in fact, a paid campaign operative to an Alabama campaign. In addition, Simpson has not provided *any* other information supporting her claim to have worked with me in Alabama campaigns over the years, or that I asked her to undertake any projects or assignments on my behalf in Alabama or elsewhere.

- Said the Alabama Republican Party Chairman in a press release: “Our staff has done an exhaustive search of Alabama Republican Party records going back several years, and we can find not one instance of Dana Jill Simpson volunteering or working on behalf of the Alabama Republican Party – as stated by 60 Minutes reporter Scott Pelley. Nor can we find anyone within the Republican Party leadership in Alabama who has ever so much as heard of Dana Jill Simpson until she made her first wave of accusations last summer in an affidavit originally released only to the New York Times.” See Exhibit J, “Statement by Alabama Republican Party Chairman Mike Hubbard,” February 24, 2008.

(3) Simpson’s story has dramatically evolved over the last year, raising grave doubts about her veracity.

May 2007 Affidavit

- In her May 2007 Affidavit, Simpson asserted (1) that Rob Riley called her “multiple” times on November 18, 2002, and that during one of the calls, she, Rob Riley, Bill Canary and Terry Butts discussed that Terry Butts would confront Siegelman regarding a scheme involving the KKK and “get” him to concede (yet, multiple individuals have vehemently denied that such a call happened); (2) that Bill Canary stated that “his girls” would take care of Siegelman (never mind that the investigation was public knowledge at this point); and (3) that Bill Canary stated that “Karl” had spoken with the Department of Justice and the Department was already pursuing Siegelman (an assertion denied by the Acting U.S. Attorney who prosecuted Siegelman, among others). At no point did Simpson mention working with me to take photographs of Governor Siegelman in a compromising position, a scintillating “fact” which would seem to be noteworthy.

July 2007 Birmingham News Interview

- In a July 2007 interview with the Birmingham News, Simpson herself backed away from her original charges about the phone call, explaining, “[y]ou can read it both ways . . . I did it as best I could to factually write it down as exactly as to what was said. And there’s two interpretations to it, there’s no doubt about that.” See Exhibit E, “Affidavit about Siegelman case open to debate,” *Birmingham News*, July 8, 2007.

September 2007 Committee Interview

- In her interview, Simpson again backed away from the Affidavit, asserting that “I mean, as I said, I couldn’t put everything down. I put the best I could, but I didn’t write every single word that occurred in that.” Simpson Interview at 26.
- In her interview, Simpson asserted that prior to drafting the Affidavit, she had been told that I had spoken about Governor Siegelman’s case to the “head guy” at the Public Integrity Section at the Department of Justice, and that the “head guy” had “agreed to allocate whatever resources, so evidently the guy had the power to allocate resources, you know.” She apparently possessed this alleged “knowledge” prior to her May 2007 Affidavit and her July 2007 interview, but inexplicably did not reference it on either occasion. Simpson Interview at 50-53.

February 2008 *60 Minutes* Interview

- In her February 2008 interview with *60 Minutes*, Simpson unveiled the bizarre accusation that I personally asked her to take pictures of Siegelman in “a compromising, sexual position” with one of his aides. This story seems to be an outgrowth of the tale she told the Judiciary Committee, wherein it was Rob Riley who had asked her to “obtain some pictures” of Don Siegelman (although in the older version of the story, Riley had allegedly asked only for pictures of campaign events). She presumably possessed this alleged “knowledge” prior to her May 2007 Affidavit, her July 2007 newspaper interview, and her September 2007 Committee interview, but inexplicably did not reference it on any of these occasions. Simpson Interview at 12; “Did Ex-Alabama Governor Get a Raw Deal?” *60 Minutes*, February 24, 2008.
- Despite this shocking “fact” about her spy missions, neither in the original Affidavit, nor in 143 pages of interview transcript, did she ever claim to have met me, spoken to me, or carried out any work on my behalf, even though the apparent point of her Affidavit and interview was to accuse me of wrongdoing in connection with Governor Siegelman.

February 2008 MSNBC Interview

- When questioned about her claims regarding requests to photograph Governor Siegelman, Simpson made disturbing allegations about the Judiciary Committee majority, which either further calls into question Simpson’s veracity or suggests that the majority attempted to conceal the absurdity of her allegations:

ABRAMS: Why have you never mentioned before the, uh, the allegation about Rove and the pictures?

SIMPSON: Oh, I mentioned it to people. They just did not, um, use it. Because nobody wanted to go into the fact that I had been following Don Siegelman trying to get pictures of him cheating on his wife.

ABRAMS: But . . . some of your critics have said, “Oh, you know, in front of Congress, et cetera, she had a lot of opportunities. Why hasn’t she mentioned this before?”

SIMPSON: Well, let me explain something to you. I talked to congressional investigators, Dan. And when I talked to those congressional investigators I told them that I had followed Don Siegelman and tried to get pictures of him cheating on his wife. However, they suggested to me that that was not relevant because there was nothing illegal about that and they’d just prefer that it not come up at the hearing that day.

Verdict with Dan Abrams, February 25, 2008.

(4) Simpson has not offered any proof whatsoever of her allegations, and the Committee should require that such proof be produced before giving credence to her accusations.

- *Not a single individual* has corroborated Simpson's story about my "involvement" in the Siegelman investigation, indictment, and conviction. Nor has any individual corroborated her other odd stories about the KKK, the Siegelman/Riley race, and her so-called involvement with various Alabama campaigns in which I was involved. Indeed, multiple trustworthy individuals and public officials have publicly and forcefully denied her allegations – and these individuals and public officials are the mere tip of the iceberg.
- Simpson has provided no evidence that she indeed was asked to take photographs of Governor Siegelman, or even that she attempted to do so in some manner. She has produced no photographs, no meeting or telephone records showing that we communicated, no travel receipts that would prove she was following Governor Siegelman, no gubernatorial travel schedules or itineraries, and no proof whatsoever that I hired her to undertake a surreptitious research effort.
- Indeed, it is highly unlikely that her presence shadowing Governor Siegelman over a lengthy period of time would somehow escape detection by the Governor's security detail.

(5) Simpson's motives in attacking me are murky at best.

- At her interview before this Committee, Simpson was accompanied by Joseph Sandler, the current general counsel to the Democratic National Committee. Simpson Interview at 1-2.
- Simpson has admitted that she assisted "an attorney for [Richard] Scrushy," Art Leach, in attempting to secure a new trial for Scrushy. She also admitted that she has corresponded with John Aaron, an Alabama attorney and "political researcher" to whom she was allegedly introduced by Siegelman, for purposes of "researching" the judge overseeing Siegelman's case. Simpson Interview at 67-80.
- During her interview before the Committee, Simpson admitted that she asked Aaron "to help me write the affidavit," and that Aaron created the first draft. She was "not certain" whether for the final draft, she "start[ed] from scratch" or "start[ed] with Aaron's and change[d] it around[.]" Simpson Interview at 79-81.
- During her interview, Simpson also admitted that her intention in drafting the Affidavit was that it would be given to the Scrushy and Siegelman legal teams via Aaron and her friend Mark Bollinger, who previously served as an aide to a former Democratic Alabama Attorney General. "I had decided to do an affidavit and had done it because [Scrushy's office] had called several times," she said. Simpson Interview at 79-84, 136-138.

Riley's son willing to rebut testimony | TuscaloosaNews.com | The Tuscaloosa News
By Dana Beyerle Montgomery Bureau Chief

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MONTGOMERY | Rob Riley Jr. said Wednesday that he would be willing to testify under oath to rebut testimony by a Rainsville lawyer who said she heard him and others discuss influencing the criminal prosecution of former Gov. Don Siegelman.

Rainsville lawyer Jill Simpson told lawyers for the U.S. House Judiciary Committee in testimony released Wednesday that she believes Rob Riley Jr., the son of Gov. Bob Riley, and others conspired in 2002 with the White House to eliminate Siegelman's challenge to Riley's 2006 re-election by influencing a federal case against him.

Rob Riley said Simpson did not tell the truth in her Sept. 14 testimony, which was released Wednesday along with talking points from the Judiciary Committee's majority membership.

"I'm working right now on an affidavit I plan to file with the committee addressing the untruthfulness of Ms. Simpson's testimony," said Rob Riley, a Birmingham lawyer.

When asked if he was willing to testify under oath before the committee, Rob Riley said, "Absolutely." He said he has not been called to testify.

Simpson's hearsay testimony and Rob Riley's willingness to testify puts pressure on the committee to force testimony from the alleged participants in the November 2002 telephone call that Simpson said she overheard.

Carl Grafton, a retired political science professor at Auburn University Montgomery said the committee looking into the Siegelman prosecution could end the speculation by issuing subpoenas.

"You think they would, because the committee is run by Democrats, and it would potentially serve their interests to cast the Republicans in a bad light," Grafton said. "The only thing I imagine is there's something about the story that could come back and bite them."

The House Judiciary Committee was to have conducted a hearing Thursday on allegations that the U.S. Department of Justice targeted Democrats for prosecution. Siegelman and former HealthSouth CEO Richard Scrushy were convicted of government corruption charges and are now in prison.

Melanie Roussell, an information officer with the House Judiciary Committee majority, said there are no plans to subpoena witnesses. Minority counsel for the committee couldn't be reached for comment. Roussell said the committee meeting will be rescheduled because of a death.

Simpson said she believes the targeting occurred after Alabama Republicans, including Business Council of Alabama President William Canary, whose wife, Leura Garrett Canary, is the U.S. Attorney in Montgomery; Riley Jr., and former Democratic Supreme Court Justice Terry Butts got involved.

Simpson said that in the phone call, William Canary said he would get help from then-White House adviser Karl Rove.

Canary and Riley Jr. denied Simpson's version of events.

"Billy Canary has never made those statements at any time in my presence, nor in any private conversations nor in any public conversations," Rob Riley said.

Montgomery lawyer Thomas Gallion III, who said he represents Simpson "on a limited basis," said she has been told not to discuss this matter publicly.

Rob Riley once said he barely knew Simpson, a classmate at the University of Alabama, anything he says has to be taken with a grain of salt, Gallion said.

"Jill Simpson has shown me and I have witnessed with my own eyes she has represented Rob Riley in plaintiff cases and has canceled checks and documents ... and I believe what she says is true," Gallion said. "What they ought to do, everybody involved (on Rob Riley's side), is to go to Washington and testify."

Neither Simpson nor her lawyer, Priscilla Duncan, could be reached for comment Wednesday. Rob Riley said errors in Simpson's testimony led to questions about her overall testimony. In 143 pages of testimony, Simpson said Riley Jr. once mentioned e-mailing something to "Karl." "I believe that is Karl Rove," Simpson testified.

Riley Jr. said "Karl" was Atlanta attorney Karl Dix.

Dix said in a phone interview he had worked with Rob Riley and Simpson on a Federal Emergency Management Agency cleanup contract. "Rob did give me an e-mail in 2002, and I was the Karl in the email," Dix said.

Rob Riley Jr. said Simpson made other misstatements, including an assertion that he and U.S. District Judge Mark Fuller, who presided over Siegelman's trial, knew each other from their days at the University of Alabama.

Fuller is about eight years older than Riley Jr. and Riley Jr. said he doesn't know Fuller.

TERRY LUCAS BUTTS
ALABAMA SUPREME COURT JUSTICE (RET.)

ATTORNEY AT LAW

Mailing Address
P.O. Drawer 272
Luverne, Alabama 36049
Email: tlucasbutts@yahoo.com

76 South Glenwood Avenue
Luverne, Alabama 36049

Telephone: (334) 335-2262

Facsimile: (334) 335-2214

STATEMENT OF TERRY LUCAS BUTTS

My name is Terry Lucas Butts. I received my law degree in 1968 from the University of Alabama Law School. Following law school, I practiced law in Elba, Alabama, for eight years. I then became a Circuit Court Judge, ultimately serving some 23 ½ years as a judge, before retiring from the Alabama Supreme Court in 1998 to run as the Democratic nominee for Attorney General of Alabama against then appointed incumbent Attorney General Bill Pryor. After losing the 1998 race to Attorney General Pryor by three-tenths of one percent, I returned to the active practice of law, practicing in Troy, Alabama, in ultimately an eight person law firm. I left this firm and practice in 2005, returning to my home town of Luverne, Alabama, where I resided, to open my separate law practice, which continues today.

Since leaving the judicial bench, among my clients have been Governor Bob Riley, Former Alabama Chief Justice Roy Moore, and Former CEO of HealthSouth Corporation, Richard Scrushy, in respective matters.

After the November 2002 general election in Alabama, then challenger Bob Riley prevailed over then incumbent Governor Don Siegelman by some 3,100 votes. Governor Siegelman immediately began a legal challenge to obtain a recount of the votes. Along with Attorney Matt Lembke of the firm Bradley/Arant in Birmingham, I was employed by Governor-elect Bob Riley to resist the recount challenge.

For nearly two weeks, co-counsel Matt Lembke and I (along with other attorneys who assisted locally in various counties, but those attorneys did not include Dana Jill Simpson) "punched and counter-punched" all over the State, with Governor Siegelman's attorneys Joe Espy and Bobby Segall, both of Montgomery, and "Boots" Gale of Birmingham, as to Governor Siegelman's efforts to obtain vote recounts and our efforts to block any recounts.

I take up Mrs. Simpson's allegations involving me as follows:

1. Ms. Simpson alleges a conference call occurring on November 18, 2002. As I recall that day, Attorney Matt Lembke and I arrived within minutes of each other at approximately 9:00 am, at Rob Riley's law office in Birmingham. Rob Riley's office had come to be headquarters for the election recount challenges.

On November 18, 2002, Matt and I spent the entire morning working together with Rob Riley in Rob's law office. As I recall, some time in the afternoon, Toby Roth (I believe) stuck his head in where we were all working, advising that a call had just been received.

from someone in Governor Siegelman's campaign inquiring as to when Governor Siegelman could speak by phone with Governor Riley.

During the afternoon, Matt and I were in Rob Riley's law office with Governor Riley, Rob Riley, Steve Windom, Toby Roth, and others standing in the doorway – in fact, Matt and I pulled up chairs by Governor Riley and waited with him for the call. The call came sometime thereafter. While I could not hear Governor Siegelman's end of the call, I could hear Governor Riley's. The two men had a very amicable and friendly conversation. When Governor Riley hung up the phone, he stood up, Matt and I stood up, and Governor Riley put an arm around each of us, hugging us to him, and said: "The winning team". Rob Riley had a camera and snapped a photo. There were then hugs and handshakes all around and that was the end of it.

Later, after Governor Siegelman conceded publicly, we all rode with Governor Riley to his press conference. I recall we were all exhausted because there had been some days of around the clock working on the various pending lawsuits and the various legal briefs. I do not believe, nor do I recall, any conference call occurring with Ms. Simpson. In fact, during the entire recount controversy, Matt Lembke and I never did anything involving the issues, including conference calls, unless we did it together and with both consultation/concurrence by both of us on any matter, as we were the lead attorneys. Further, on November 18, 2002, Matt and I were never outside of each other's presence for any length of time for any phone conferences.

2. As to Ms. Simpson's allegations about concern over a Ku Klux Klan rally involving campaign signs of Governor Riley, I simply do not know of anyone who would give a good Southern "damn" or a "hoot-in-hell" about what the KKK thinks, either before, during, or after an election on any issue. Certainly this would be particularly true as to the placing of anyone's campaign signs at a Klan rally after an election.
3. As to Ms. Simpson's allegations concerning me approaching either Governor Siegelman or some of his "campaign people" about Governor Siegelman conceding the election and in return the KKK allegations, as well as that any Federal investigation/prosecution would end, that simply did not happen.

I could not ethically (and did not) approach another attorney's client (in this instance Governor Siegelman), nor did I contact any of Governor Siegelman's "campaign people". Additionally, I would have no authority to prevent, stop, or end any Federal or State investigation/prosecution of anyone. That kind of authority derives only from State or Federal Attorney Generals, State District Attorneys, United States Attorneys, or the United States' Justice Department, none of whom was I in contact with concerning any investigation/prosecution of Governor Siegelman as alleged by Ms. Simpson.

4. Along with other co-counsel, I did help represent former HealthSouth CEO Richard Scrushy in the Middle District Federal Court of Alabama in 2006, wherein former Governor Don Siegelman was a co-defendant. While there is much that can be said about

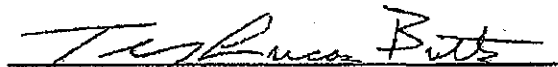
that trial, I continue to believe that both Richard Scrushy and Don Siegelman were erroneously convicted and that their respective convictions should be reversed on appeal for many trial errors. However, I did not (as Ms. Simpson alleges) "go back and tell the Governor things" about Mr. Scrushy's case. Neither did I discuss Mr. Scrushy's case with Rob Riley. Again, these allegations by Ms. Simpson did not happen.

Additionally, there is just simply no conflict of interest on my part in having represented Mr. Scrushy, as Ms. Simpson's allegations on that issue are not true. In fact, the first time I ever heard of Ms. Simpson and/or her allegations was in May 2007 when I received media calls about her allegations.


5. Finally, among other general matters that I recall on November 18, 2002, co-counsel Matt Lembke, Rob Riley, and I were together in Rob's office on the mentioned date. As I recall, none of us were ever outside each other's presence on that day for any length of time, so if a conference call with Ms. Simpson occurred as she alleges, I am confident we would remember it, particularly, in light of the comments she alleges. Again, I neither recall any such call, nor do I believe any such call/conversation as alleged ever took place.

Further, Bill Canary was not present with us on November 18, 2002, nor do I ever recall any conference call with him. In fact, to my knowledge and recall, I have never had a phone call with Mr. Canary.

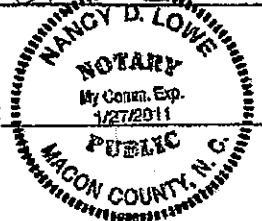
Reiterating, the allegations made by Ms. Simpson involving me are simply not true. While Ms. Simpson herself may not personally be in doubt, however, with no disrespect intended, I certainly believe her to be in error.


Terry Lucas Butts

SWORN TO and subscribed before me this 19th day of October, 2007.


Notary Public

My Commission Expires:



AFFIDAVIT

Comes now the undersigned Affiant and, after having been duly sworn, states on oath to the best of my recollection, information, and belief, the following statements set forth in paragraphs one through six are true and correct:

My name is Robert R. Riley Jr. I am an attorney practicing law in Birmingham, Alabama at the law firm of Riley & Jackson, P.C. I graduated from the University of Alabama in 1988 with a degree in Economics, Yale Law School in 1991, with a J.D. degree, and the University of Cambridge (England) in 1992, with a LL.M. degree. My father, Bob Riley, was elected Governor of Alabama in November, 2002 and was re-elected Governor in November, 2006.

I have no memory of being on a phone call with Jill Simpson ("Ms. Simpson") on November 18, 2002. Furthermore, I do not believe a phone call occurred that involved Ms. Simpson, former Alabama Supreme Court Justice Terry Butts ("Mr. Butts"), Bill Canary ("Mr. Canary"), and myself on November 18, 2002 in which Mr. Butts allegedly stated that he would confront former Alabama Governor Don Siegelman ("Mr. Siegelman") with photographs of a political prank, described in the following paragraph, and would attempt to convince Mr. Siegelman to concede the election based on said photographs, or that Mr. Canary allegedly made statements to the effect that "his girls" would take care of Mr. Siegelman, or that "Karl" had spoken to, or gone over to, the Department of Justice and that the Department of Justice was pursuing, or would pursue, a case against Mr. Siegelman.

I have never been told by Mr. Butts, or anyone else, that Mr. Butts spoke with Mr. Siegelman on November 18, 2002, and convinced Mr. Siegelman to concede the 2002 campaign for Governor. Other than from Ms. Simpson's Affidavit, I have never heard anyone say that Mr. Siegelman conceded the election in exchange for not releasing photographs of a political prank involving Democratic operatives putting up Riley for Governor signs at a KKK rally. Other than in Ms.

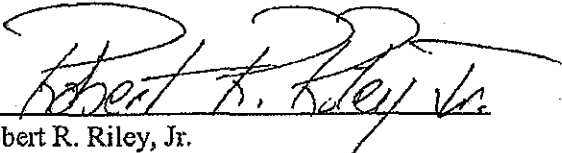
Simpson's testimony of September 14, 2007, I have never heard that Mr. Siegelman conceded the election in exchange for immunity from prosecution. I have never made a statement to Ms. Simpson that there was an agreement between Mr. Butts and Mr. Siegelman regarding Mr. Siegelman's concession of the 2002 campaign for Governor.

I do not believe that I have ever met or spoken with Judge Mark Fuller ("Judge Fuller"). Other than what I have read in Ms. Simpson's testimony and the documents that I understand she produced at the time of her testimony, I have no knowledge of any ownership in any business or alleged grudges Ms. Simpson says Judge Fuller holds against Mr. Siegelman, and I never discussed such with Ms. Simpson. I have spoken with Stewart Hall ("Mr. Hall") since Ms. Simpson's testimony was released. Mr. Hall has told me that, to the best of his recollection, he has never met or spoken with Judge Fuller at any time in his life, nor does he have knowledge of any businesses in which Judge Fuller has been involved or any alleged grudge that Judge Fuller has against Mr. Siegelman. Ms. Simpson stated in her testimony that she understood that Judge Fuller was in "college" at "Alabama" with Stewart and me. It is my understanding based on an internet search that Judge Fuller graduated from college at the University of Alabama in 1982. I began college at the University of Alabama in 1984. Mr. Hall has told me that he began college at the University of Alabama in January, 1985.


I have never requested Karl Rove's ("Mr. Rove") assistance to "speed up" checks for any of Ms. Simpson's clients, or his assistance on any other federal matter, nor have I ever told Ms. Simpson that I was doing so. Ms. Simpson's belief that I e-mailed a copy of a document to Mr. Rove regarding a matter associated with a FEMA appeal is not correct. The document that Ms. Simpson has discussed in her testimony was sent to Mr. Karl Dix, who is an attorney in Atlanta,

Georgia, practicing with the law firm of Smith, Currie, and Hancock, who provided assistance with the appeal. Furthermore, I did not tell Ms. Simpson that Mr. Rove was assisting with this project.

I have not been told or provided information that Mr. Siegelman would be prosecuted if he ran for political office again after the 2002 election; that Mr. Rove had spoken to someone about prosecuting Mr. Siegelman; that Judge Fuller was going to be appointed the Judge of the Siegelman-Scrushy case; that a case would be brought against Mr. Siegelman and Mr. Scrushy or that specific charges were going to be brought against them; nor have I made statements to this effect to Ms. Simpson. Furthermore, at no time have I participated, in any manner or way, in the criminal prosecutions of Mr. Siegelman or Mr. Scrushy.


Robert R. Riley, Jr.

In Jefferson County, Alabama, on the 22nd day of October, 2007, before me, a Notary Public in and for the above-state and county, personally appeared Robert R. Riley, Jr., known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.


Notary Public
My commission expires: 03/02/10

STATE OF ALABAMA)

JEFFERSON COUNTY)

AFFIDAVIT OF MATTHEW H. LEMBKE

My name is Matthew H. Lembke. I am a partner in the Birmingham, Alabama office of Bradley Arant Rose & White LLP. I received my law degree from the University of Virginia School of Law in 1991. Following law school, I clerked for Judge J. Harvie Wilkinson III on the United States Court of Appeals for the Fourth Circuit and for Justice Anthony M. Kennedy on the Supreme Court of the United States. I joined Bradley Arant in 1993 and have practiced at the firm continuously since then.

In the fall of 2002, I served as counsel to the Riley for Governor campaign. The results of the 2002 Alabama gubernatorial election were very close. Bob Riley, then a congressman, won by approximately 3,000 votes over Governor Don Siegelman. I understand it to have been the closest gubernatorial election in Alabama history.

Due to the closeness of the election, Governor Siegelman initially refused to concede and asked for a recount of the ballots. What ensued was a legal controversy involving numerous state courts that extended over a 13-day period until Governor Siegelman conceded on Monday, November 18, 2002.

In my role as campaign counsel, I led the Riley campaign's efforts in that post-election legal controversy. Within a day or two of the election, the campaign also retained former Alabama Supreme Court Justice Terry Butts, who had been the Democratic nominee for Alabama Attorney General in 1998, to join me in leading the legal effort. From the time that Justice Butts joined the effort on or about November 7,

2002, until Governor Siegelman's concession, Justice Butts and I worked closely together on all the legal issues.

I have reviewed the affidavit executed by Jill Simpson with regard to certain alleged events occurring on November 18, 2002. I have also reviewed Ms. Simpson's testimony to representatives of the House Judiciary Committee on September 14, 2007.

I arrived at Rob Riley's law office around 9:00 a.m. on November 18, 2002. Justice Butts and I were physically located in Rob Riley's personal office during most of the day. Rob's personal office is a large room with a desk at one end and a sofa and conference table at the other end. Rob was also present in that office throughout the day. Justice Butts, Rob, and I worked on various legal issues throughout the morning and into the early afternoon.

In the early afternoon of November 18, we learned from Governor-elect Riley's campaign manager, Toby Roth, that a representative of Governor Siegelman had called to determine where Governor Siegelman could call Governor-elect Riley late that afternoon. For the next few hours, we sat in Rob's office waiting to see if the Siegelman call would take place.

Late that afternoon, Governor Siegelman placed the call to Governor-elect Riley and stated that he was conceding the election. Along with Justice Butts, Rob Riley, Toby Roth, and others, I listened to Governor-elect Riley's end of the conversation. When the call ended, the room erupted in celebration, and all of us left shortly thereafter to accompany Governor-elect Riley to the location where he made his victory speech.

I do not recall the phone call that Ms. Simpson claims took place between her, Justice Butts, Bill Canary, and Rob Riley at 10:52 am on November 18, 2002, for 11

minutes. I did not leave the presence of Justice Butts and Rob Riley for more than a few minutes at any point from the time I arrived at Rob's office until we left for the victory speech at the end of the day. I do not believe that I was out of Justice Butts' and Rob Riley's presence for 11 consecutive minutes at or around 10:52 a.m. that day. If there had been a conference call conducted by speaker phone in Rob's office as described by Ms. Simpson, I believe that I would have heard it. I do not recall any such call taking place while I was there. In addition, Bill Canary was not at Rob's office on November 18, 2002, nor do I recall that he participated in any conference call involving me at any point during the post-election controversy.

The notion that Governor Siegelman would have conceded the governorship because a photo existed of a Democratic operative planting Riley signs at a Ku Klux Klan rally in Scottsboro, Alabama after the election strikes me as absurd. Indeed, the first time I ever recall hearing about Riley signs at a Ku Klux Klan rally in Scottsboro, Alabama was when I read a press account of Ms. Simpson's affidavit.

I was with Justice Butts on November 18 virtually continuously from approximately 9:00 a.m. until Governor-elect Riley's victory speech, and I am unaware of him having had any meeting or phone call with Governor Siegelman or any representative of Governor Siegelman to discuss a concession.

During the post-election legal controversy, there were several lawyers around the state who served as co-counsel for the Riley campaign on various post-election legal matters. Jill Simpson was not one of those lawyers. In fact, the first time I ever recall hearing Ms. Simpson's name was when I read an account of her affidavit on the *New York Times* website.


The matters contained herein are true and correct based upon my personal knowledge.



MATTHEW H. LEMBKE

Sworn to and subscribed before me this 22nd day of October, 2007.

(SEAL)



Notary Public

My Commission Expires: July 30, 2009



The Birmingham News

Affidavit about Siegelman case open to debate

Sunday, July 08, 2007

BRETT J. BLACKLEDGE
News staff writer

An affidavit cited as proof that White House strategist Karl Rove helped arrange the Justice Department prosecution of former Gov. Don Siegelman doesn't actually say Rove was behind the investigation, the lawyer who wrote it said. But that hasn't stopped others from using the affidavit to demand a congressional hearing.

Jill Simpson, the Republican Rainsville lawyer who wrote the affidavit, said in an interview that she is not responsible for how others interpret her sworn statement. She said she tried to accurately represent a conference call she heard in which Rove's name came up, and she said no one definitively said in that call that Rove arranged for Siegelman's investigation.

It's not clear if Rove was being identified in the call as the person behind the investigation or as someone who heard Siegelman already was under investigation, Simpson said.

"You can read it both ways," Simpson said in the interview Friday. "I did it as best I could to factually write it down as exactly as to what was said. And there's two interpretations to it, there's no doubt about that."

The fact that Simpson's affidavit is unclear about Rove's role is significant because her statement has been reported nationally as the first clear link between Rove and the Siegelman case. Democrats and Siegelman supporters have cited Simpson's affidavit as proof that the case was politically motivated, with U.S. Rep. Artur Davis, D-Birmingham, becoming the latest to argue that Siegelman's case should be included with others under congressional review for possible selective prosecution.

And that's fine with Siegelman's lawyers, who say Simpson's claims are not relevant to the appeal of his conviction. A congressional review, however, could help him win a new trial.

"I don't know whether what she says is true or not. And it doesn't really matter as to where I am or what my job is right now," Siegelman lawyer Vince Kilborn said. "But if there are documents produced, let's say, in the congressional investigation, and they're exculpatory and they have not been produced to the defense, that's a new trial, in my opinion."

Siegelman and HealthSouth founder Richard Scrushy remain in an Atlanta federal prison following their sentencing on corruption convictions last month.

Close election:

The national buzz over possible White House influence in the Siegelman investigation began several weeks ago, after Simpson's affidavit was distributed to several national publications. Simpson said Scrushy lawyer Art Leach asked her earlier this year to write the affidavit.

In her affidavit, written in May, Simpson said fellow Republicans during a conference call on Nov. 18, 2002, discussed concerns that Siegelman would continue to be a political problem in the future. That was days after the general election, and Siegelman and Bob Riley, who would go on to win the governor's race, were involved in a heated recount battle because of the election's razor-thin margin.

Simpson's affidavit said Bill Canary, a Riley adviser, told Riley's son on the call that Siegelman wasn't likely to be an issue. Canary is the husband of U.S. Attorney Leura Canary of Montgomery, whose staff handled the Siegelman investigation.

"William 'Bill' Canary told him not to worry, that he had already gotten it worked out with Karl and Karl had spoken with the Department of Justice and the Department of Justice was already pursuing Don Siegelman," Simpson said in the affidavit.

The federal investigation of Siegelman was well publicized before the November 2002 conference call Simpson describes in her affidavit. Nearly 10 months earlier, The Birmingham News reported the federal investigation of Siegelman.

The case received extensive media coverage throughout that year, including articles about Leura Canary stepping aside from the investigation, and arguments by Siegelman and his lawyers that politics prompted the investigation.

Media inferences:

While Simpson does not say it explicitly in her carefully worded affidavit, her statement about Rove has led several national media outlets and Siegelman supporters to infer that she heard Canary say Rove arranged for the Justice Department investigation of Siegelman. The result has been a number of articles characterizing Rove's role in different ways, even using partial quotes from Simpson's affidavit at times to more clearly link Rove to the case.

Time magazine: "A longtime Republican lawyer in Alabama swears she heard a top GOP operative in the state say that Rove 'had spoken with the Department of Justice' about 'pursuing' Siegelman."

Los Angeles Times: "Just this month, a Republican lawyer signed a sworn statement that she had heard five years ago that Rove was preparing to politically neutralize the popular Siegelman." The Times in the same article states that Simpson's affidavit said Rove and others "would make sure the Justice Department pursued the Democrat so he was not a political threat in the future."

The New York Times editorial: "The most arresting evidence that Mr. Siegelman may have been railroaded is a sworn statement by a Republican lawyer, Dana Jill Simpson. Ms. Simpson said she was on a conference call in which Bill Canary, the husband of the United States attorney whose office handled the case, insisted that 'his girls' would 'take care of Mr. Siegelman. According to Ms. Simpson, he identified his 'girls' as his wife, Leura Canary, and another top Alabama prosecutor. Mr. Canary, who has longstanding ties to Karl Rove, also said, according to Ms. Simpson, that he had worked it out with 'Karl.'"

Hearing requested:

Davis, in a letter requesting a congressional hearing, also went further in linking Rove to the Siegelman case than Simpson did in her affidavit. He cited The New York Times editorial in his request to House leaders Friday that Siegelman's case be included in a broader congressional investigation of selective political prosecutions.

"Most explosively, an attorney who worked in the 2002 campaign against Siegelman has sworn an affidavit claiming that she participated in a November 2002 conference call in which an influential Republican claimed that Karl Rove had given assurances that Siegelman would be indicted."

Simpson said in her interview Friday that she is not responsible for how Davis and the media characterize her affidavit.

Davis held a different view of Simpson's affidavit in an interview last month, noting that her statement did not prove Siegelman's case was politically motivated. "All Jill Simpson can testify to is what she says a bunch of people said during a phone conversation. Rove never came on the line," Davis said last month. "That's why the affidavit doesn't tell you that much."

Davis on Friday said he has not changed his position, and he once again downplayed Simpson's affidavit.

"I don't put much stock in the affidavit as critical proof," he said. "The affidavit is one piece of proof ... but I don't think it is the most important piece of proof in this matter. It doesn't speak to Karl Rove. The question is whether Karl Rove ever did or said anything to instigate this investigation."

A bid for accuracy:

Simpson said that while she personally believes Rove had a role in the federal investigation of Siegelman, she was careful in her affidavit not to overstate what was said in the conference call, despite complaints from some who wanted her to more clearly link Rove to the case. Instead, Simpson said, she tried to factually recount the call, and in doing so allowed for the possibility that Canary was saying Rove heard about the investigation or Rove arranged for it.

"It can be either of the two," Simpson said. "And mind you, the fact of the matter is, I've heard from half a dozen people, 'Well, why can't you have said, blah blah blah blah?' And I'm like, 'I was trying to be factual.'"

Simpson said she's also troubled by the fact that the purpose of her affidavit is being ignored by some who have portrayed it as focusing on Rove's role in the Siegelman case. Rove is mentioned in only one of the 22 paragraphs, she said, in an affidavit that was written to disclose what she believes is another lawyer's conflict of interest.

Simpson claims Terry Butts, one of Scrushy's lawyers, had a conflict of interest in the corruption case because he earlier had worked for Riley and against Siegelman.

"To be honest with you, I wrote it about Terry Butts. I ended up writing an affidavit about it eventually. And I stand on it," she said in the interview.

In her affidavit, Simpson states that Butts was involved in the conference call and said he would persuade Siegelman to drop his challenge of Riley's 2002 victory. Butts and Canary have said the phone call Simpson refers to in the affidavit never happened.

"I can't have a conflict if the conversation didn't happen," Butts said Saturday.

Washington correspondent Mary Orndorff contributed to this report. bblackledge@bhamnews.com

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Department of Justice

Acting United States Attorney Louis V. Franklin, Sr.
Middle District of Alabama

FOR IMMEDIATE RELEASE

www.usdoj.gov/usao/alm

CONTACT: Retta Goss
Telephone (334) 223-7280
Fax (334) 223-7560
Cell (334) 546-1930

STATEMENT OF LOUIS V. FRANKLIN, SR.,
ACTING U.S. ATTORNEY IN THE SIEGELMAN/SCRUSHY PROSECUTION

"Neither I nor the U.S. Attorney's Office for the Middle District of Alabama (MDAL) have heretofore seen the affidavit referenced in Time's article, initially entitled "Rove Linked to Prosecution of Ex-Alabama Governor," and later changed to "Rove Named in Alabama Controversy," stated Louis V. Franklin. "Thus, I cannot speak to the affidavit itself or to the specific allegations made by Dana Jill Simpson except to say that its timing is suspicious, and other participants in the alleged conversation say it didn't happen, most notably Terry Butts, who represented Richard Scrushy during the trial of this case.

I can, however, state with absolute certainty that the entire story is misleading because Karl Rove had no role whatsoever in bringing about the investigation or prosecution of former Governor Don Siegelman. It is intellectually dishonest to even suggest that Mr. Rove influenced or had any input into the decision to investigate or prosecute Don Siegelman. That decision was made by me, Louis V. Franklin, Sr., as the Acting U.S. Attorney in the case, in conjunction with the Department of Justice's Public Integrity Section and the Alabama Attorney General's Office. Each office dedicated both human and financial resources. Our decision was based solely upon evidence in the case, evidence that unequivocally established that former Governor Siegelman committed bribery, conspiracy, mail fraud, obstruction of justice, and other serious federal crimes.

Our decision to prosecute Don Siegelman and Richard Scrushy was based upon evidence uncovered by federal and state agents, as well as a federal special grand jury which convened in the case. The investigation was precipitated by evidence uncovered by a Mobile investigative reporter, Eddie Curran, and a series of stories written by him. The investigation began about the time an article appeared in the Mobile Press-Register alleging an improper connection between then-Governor Siegelman and financial supporter/businessman/lobbyist, Clayton "Lanny" Young, months before Laura Canary was appointed as the U.S. Attorney for the MDAL.

When the investigation first began, Laura Canary was not the U.S. Attorney for the MDAL. Initially, the investigation was brought to the attention of the Interim U.S. Attorney, Charles Niven, a career prosecutor in the U.S. Attorney's Office. Niven had almost 25 years of experience as an Assistant U.S. Attorney in the office prior to his appointment as Interim U.S. Attorney upon U.S. Attorney Redding Pitt's (currently attorney of record for Defendant Siegelman in this case) departure.

Ms. Canary became U.S. Attorney in September 2001. In May 2002, very early in the investigation, and before any significant decisions in the case were made, U.S. Attorney Leura Canary completely recused herself from the Siegelman matter, in response to unfounded accusations that her husband's Republican ties created a conflict of interest. Although Department of Justice officials reviewed the matter and opined that no conflict, actual or apparent, existed, Canary recused herself anyway to avoid even an appearance of impropriety. I, Louis V. Franklin, Sr., was appointed Acting U.S. Attorney in the case after Charles Niven retired in January 2003. I have made all decisions on behalf of this office in the case since my appointment as Acting U.S. Attorney. U.S. Attorney Canary has had no involvement in the case, directly or indirectly, and has made no decisions in regards to the investigation or prosecution since her recusal. Immediately following Canary's recusal, appropriate steps were taken to ensure that she had no involvement in the case. Specifically, a firewall was established and all documents relating to the investigation were moved to an off-site location. The off-site became the nerve center for most, if not all, work done on this case, including but not limited to the receipt, review, and discussion of evidence gathered during the investigation.

After Canary's recusal, the investigation proceeded much like any other investigation. Federal and state agents began tracking leads first developed by investigative reporter Eddie Curran, leads that eventually led to criminal charges against local architect William Curtis Kirsch, Clayton "Lanny" Young, and Nick Bailey, an aide to the former Governor. Kirsch, Young, and Bailey pled guilty to informations charging violations of federal bribery and/or tax crimes on June 24, 2003.

Armed with cooperation agreements from Bailey, Young and Kirsch, the investigation continued. In June 2004, a special grand jury was convened to further assist in the investigation. An indictment was returned under seal against Mr. Siegelman and ex-HealthSouth CEO Richard Scrushy on May 17, 2005. The first superseding indictment was filed and made public on October 26, 2005, charging Siegelman, Scrushy, Siegelman's former Chief of Staff Paul Hamrick, and Siegelman's Transportation Director Gary Mack Roberts. Immediately after the indictment was announced, Messrs. Scrushy and Siegelman publicly denounced the indictment and personally attacked the prosecutors. Those attacks have continued throughout the case and have now escalated to charges that Karl Rove had something to do with this investigation or prosecution. These charges are simply untrue.

The indictment was solely the product of evidence uncovered through an investigation that began before Leura Canary became U.S. attorney and continued for three years after she recused herself. I have never spoken with or even met Karl Rove. As Acting U.S. Attorney in the case, I made the decision to prosecute the former Governor. My decision was based solely on the evidence uncovered by federal and state agents, as well as the special grand jury, establishing that Mr. Siegelman broke the law.

During the investigation, I consulted with career prosecutors in the Public Integrity Section of Main Justice to obtain guidance on the prosecution of the former Governor, but I alone maintained the decision-making authority to say yea or nay as to whether or not the U.S. Attorney's Office for the MDAL would proceed with the prosecution. Contrary to how the prosecution is portrayed in Adam Zagorin's Time article, rather than the U.S. Department of

Justice pushing the MDAL to move forward with the prosecution of former Governor Siegelman, the push has always come from the Middle District's U.S. Attorney's Office and has been spearheaded by me as the Acting U.S. Attorney in the case. My sole motivation for pushing the prosecution was a firmly held belief, supported by overwhelming evidence and the law, that former Governor Siegelman had broken the law and traded his public office for personal and political favors. Ultimately, a jury of former Governor Siegelman's peers, consisting of men and women, African-American and Caucasian, agreed and convicted the former Governor of conspiracy, accepting bribes, and obstructing justice.

I am a career Assistant U.S. Attorney in the Middle District of Alabama. I have served under both Democratic and Republican appointees. I take my role as a government prosecutor and my ethical obligations as a lawyer very seriously. I value my integrity above all else. I would never pursue a prosecution for political reasons, nor would I bring any prosecution not warranted by the evidence or the law. That simply did not happen here, no matter what anyone prints.

In the public interest, one other matter needs to be addressed. Former Gov. Siegelman and Richard Scrushy and others speaking on their behalf have made public claims that the sentence recommended by the United States is excessive. The sentence recommended is appropriate under the advisory U.S. Sentencing Guidelines when all of the relevant conduct associated with this case is weighed as required by the Guidelines and well established federal law. As in all other cases prosecuted by this office, the recommended sentence is reasonable under the Guidelines and existing federal law. The recommended sentence, in brief, is calculated as follows:

base offense level for bribery - 10;
 amount of loss and/or expected gain - add 20 levels;
 more than one bribe - add 2 levels;
 obstruction of justice - add 2 levels;
 organizer/leader in the offense - add 4 levels;
 upward departure for systematic pervasive government corruption - add 4 levels.

The resulting adjusted guideline level of 42 and criminal history category of 1 results in a guideline range of 360 months to life imprisonment. Specific justification and explanation for this recommendation is fully articulated in the United States Sentencing Memorandum (Document Number 589) and United States Motion for Upward Departure for Systematic Pervasive Corruption (Document Number 591). These documents are available through accessing the Court's Pacer system."



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 4, 2007

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter, dated July 17, 2007, which requested information and documents in connection with the Committee's oversight inquiry regarding allegations of political interference in the matters of United States v. Cyril H. Wecht (W.D. Pa.), United States v. Georgia Thompson (E.D. Wis.), and United States v. Don Siegelman (M.D. Ala.). We are sending similar responses to the other Members who joined in your letter to us. We are also sending copies of this letter to the Chairman and Ranking Minority Member of the Senate Judiciary Committee, who requested information regarding the Georgia Thompson matter in a letter, dated April 10, 2007.

In response to your request, we searched for documents in the relevant U.S. Attorney's Offices, the Criminal Division, the Office of the Deputy Attorney General for the Thompson and Wecht matters, and the Executive Office for U.S. Attorneys and the Office of the Attorney General for the Thompson matter. While our search is continuing and we will supplement our response if additional documents are found, we have not identified any documents related to these three cases containing communications from White House staff, Members of Congress, congressional staff, or state and local political party officials or their staff.

The Department has substantial confidentiality interests in predecisional memoranda, analysis, and other deliberative communications concerning our decisions whether to prosecute individuals. Prosecution memoranda contain frank assessments of evidence and witnesses, recommendations, and evaluations of legal issues. We believe that their disclosure would chill the candid internal deliberations that are essential to the discharge of our law enforcement responsibilities. Moreover, the disclosure of these types of materials would adversely impact individual due process and privacy interests. Finally, disclosure would raise substantial separation of powers concerns and risk compromise to the integrity of the criminal justice process. The longstanding Department position was articulated by the Attorney General (as Counsel to the President) in a letter to Congressman Burton regarding the President's assertion of executive privilege over prosecution memoranda:

[C]ongressional access to these kinds of sensitive prosecutorial decisionmaking documents would threaten to politicize the criminal justice process and thereby threaten individual liberty. The Executive Branch is appropriately concerned that the prospect of congressional review of prosecution or declination memoranda might lead prosecutors to err on the side of investigation or prosecution solely to avoid political criticism. This would, in turn, undermine public and judicial confidence in our law enforcement processes.

Letter to the Honorable Dan Burton, Chairman, Committee on Government Reform, U.S. House of Representatives, from Alberto R. Gonzales, Counsel to the President (Jan. 10, 2002).

Also based on long-standing policy and many of the same considerations, we do not provide non-public information about pending law enforcement matters. We want to avoid any perception that the conduct of our criminal investigations and prosecutions is subject to political influence. Disclosures of such non-public information could also compromise our law enforcement efforts by revealing our investigative plan and prosecution priorities and damage the privacy and due process interests of individuals involved. Accordingly, we are not providing non-public documents relating to our ongoing investigations and prosecutions of Dr. Wecht and Mr. Siegelman. We believe that the publicly available materials in those cases provide important information that we hope will be helpful to the Committee.

In United States v. Siegelman, Mr. Siegelman was tried and convicted by a jury of federal funds bribery (18 U.S.C. § 666), conspiracy to commit mail fraud (18 U.S.C. § 371), honest services mail fraud (18 U.S.C. §§ 1341 and 1346), and obstruction of justice (18 U.S.C. § 1512). Subsequently, Mr. Siegelman filed an appeal of his conviction and sentence in the United States Court of Appeals for the Eleventh Circuit. This case was brought by career prosecutors, following the May 2002 recusal of U.S. Attorney Leura Canary, based upon the law and the evidence. The appeal is pending and has not yet been briefed by the parties. Although, as discussed above, we cannot provide deliberative documents relating to the charging decision in this matter, we have enclosed publicly-available materials which provide background on the government's position in the case. Presently, we are continuing to search for potentially responsive documents, and we will supplement this response when that process is completed.

The focus of recent controversy has been a May 2007 affidavit signed by Alabama attorney Jill Simpson. Ms. Simpson signed the affidavit almost a year after Mr. Siegelman's conviction, and it has never been filed in the case. In the affidavit, Ms. Simpson claims to have overheard statements she attributes to U.S. Attorney Leura Canary's husband. The national media has interpreted the alleged statements as linking the prosecution of former Governor Siegelman to Karl Rove.

At the time Ms. Simpson alleges the purported statements were made, Mr. Siegelman was already under federal investigation. The existence of the investigation had been widely reported in newspapers and television reports, some released more than ten months before the alleged conversation. The alleged conversation described by Ms. Simpson has been denied by all of the alleged participants except Ms. Simpson. Indeed, even Mr. Siegelman states that Ms. Simpson's affidavit is false as it relates to him. Moreover, according to Ms. Simpson, she met with Mr. Siegelman and his co-defendant Richard Scrushy for several months before signing the statement at their urging. She also claims to have provided legal advice to them. She contends she drafted but did not sign a motion filed by Mr. Scrushy seeking to have the federal judge removed from the case.

Finally, your letter mentions allegations of jury tampering that were raised in the case. The defendants made these allegations the basis of several motions for relief. The Court conducted an extensive investigation into the allegations of juror misconduct, conducting two evidentiary hearings and calling all twelve jurors to the stand to answer numerous questions under oath. Following its independent investigation, the Court found no basis for a new trial under the governing authorities. The Court's order on the issue is included among the documents furnished to you with this letter. The Court's ruling on that issue is encompassed by the appeal now pending in the Eleventh Circuit Court of Appeals.

In United States v. Wecht, the grand jury returned an indictment on January 20, 2006, and trial is now set for January 28, 2008. Dr. Wecht is charged in 84 counts with using government resources for his private gain and defrauding his private clients in violation of 18 U.S.C. §§ 1341, 1343, 1346, and 666. Although trial was originally scheduled for October 2006, a date requested by Dr. Wecht, this initial trial date was stayed by the U.S. Court of Appeals for the Third Circuit while it considered the government's interlocutory appeal of an order unsealing certain personnel records of an agent involved in the investigation.

Enclosed are publicly-available materials which provide background on the government's position in the Wecht case. These materials also serve to correct several factual inaccuracies which appear in your letter about this case. First, your letter states that the U.S. Attorney's Office "urged the courts to set the trial in October, 2006, a month before the congressional elections," and that the trial was postponed "only after the federal appeals court agreed to hear motions by Dr. Wecht's attorneys." Both allegations are demonstrably inaccurate. The enclosed transcript, dated February 10, 2006, states:

Mr. Johnson [Dr. Wecht's counsel]: One thing that will determine when it would be timely to go to trial from the standpoint of the defense will have to do with discovery because there will be a certain amount of discovery that we need before we can file pretrial motions, number one . . . I think that we would probably not be ready to go to trial, based on our need to review the documents and file motions, until at the very earliest September. . . .

The Court: Then I would also like your proposed order to choose one of these trial dates with the knowledge that you have got to hold this date . . . So the first date you get is September 5th. Second date you get is September 11th. The third date you get is October 17th. Does the Government need more than those three dates?

Mr. Stallings [Government counsel]: No, your Honor. Either of those would be fine.

The Court: You don't need – you just have to work together. Are those sufficient dates for the Defendant to pick a date that works?

Mr. Johnson: They are, your Honor, yes, Sir.

Subsequently, Dr. Wecht's counsel, not the government, selected the October 2006 trial date, which was embodied in a joint pretrial order filed on March 1, 2006. Moreover, Dr. Wecht never filed a motion to continue the trial. Instead, the government, Dr. Wecht, and third party media outlets filed various interlocutory appeals. The Third Circuit, on its own initiative, stayed the trial in connection with the government's appeal and the media outlet's appeal, not the defendant's interlocutory matter. (See District Court Order, dated June 14, 2007, stating "Defendant sought, but did not receive, from the Court of Appeals, a 'stay [of] district court proceedings pending disposition of petition for writ of mandamus.' Instead, the Court of Appeals stayed only the trial, and the Court's stay order was not filed at that Court's case number for defendant's mandamus action (06-3704), but only at the case numbers for the other related appeals.").

Your letter also alleged that the U.S. Attorney's Office "intended to arrest Dr. Wecht and subject him to a 'perp walk,' even though Dr. Wecht and his lawyers repeatedly offered to self-surrender," and suggested that only the intervention of the Deputy Attorney General convinced the U.S. Attorney to reassess this decision. As court filings demonstrate, this allegation is inaccurate. On January 18, 2006, First Assistant U.S. Attorney Robert Cessar informed Dr. Wecht's then-counsel, J. Alan Johnson, that Dr. Wecht would be issued a summons to appear, not arrested on a warrant. (See Cessar affidavit ¶¶ 6-7). However, Dr. Wecht does not claim to have contacted the Office of the Deputy Attorney General about this issue until January 19, 2006. *Id.*

Finally, the sole source cited in your letter to support the allegations of a threatened arrest and "perp walk" is an article quoting extrajudicial statements of Dr. Wecht's counsel. The district court has since referred the matter of counsel's extrajudicial statements in the case to the Disciplinary Board of the Supreme Court of Pennsylvania for a determination of whether they violate the Rules of Professional Conduct. (See District Court Order, dated June 20, 2007). Indeed, as demonstrated in the attached filings, a significant concern in this case has been defense counsel's repeated extrajudicial statements, and not the single announcement made by the U.S. Attorney upon Dr. Wecht's indictment.

With respect to your inquiry regarding United States v. Georgia Thompson, Ms. Thompson, a former official in the State of Wisconsin Department of Administration, was tried and convicted by a jury of honest services mail fraud (18 U.S.C. §§ 1341 and 1346) and misapplication of funds (18 U.S.C. § 666). As you know, the United States Court of Appeals for the Seventh Circuit recently issued a written opinion reversing the conviction and entering a judgment of acquittal. We appreciate the Committee's interest in information about the decision to prosecute in this case, and the U.S. Attorney, Steven Biskupic, is prepared to provide an informational, untranscribed briefing to Committee staff and answer their questions about that matter. This briefing can be scheduled at a mutually convenient time in the near future.

In response to your request, we searched for responsive documents in the U.S. Attorney's Office in the Eastern District of Wisconsin, the Executive Office for U.S. Attorneys (EOUSA), the Criminal Division, the Office of the Attorney General, and the Office of the Deputy Attorney General. As we have discussed with Committee staff, the U.S. Attorney's Office has advised that the documents responsive to your request for memoranda and other materials concerning the Thompson case are voluminous and the processing of those materials would require an extensive commitment of resources and time. They include pleadings, exhibits, correspondence, briefs, legal memoranda, transcripts, appellate materials, discovery documents, and other records, many of which are publicly filed and available through the PACER docketing system. We could process these documents if necessary, but given their volume and ready availability on PACER, the Committee may prefer to obtain them from that source.

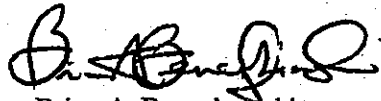
In addition to the foregoing and the documents already provided to the Committee on May 17, 2007, enclosed are 27 pages of documents responsive to your request. We have redacted information that would implicate the privacy interests of Department of Justice employees, such as the names of technical support staff who conducted the searches in response to your request. We have also redacted non-public information about matters unrelated to the Thompson case and a small amount of text that implicates the privacy interests of staff in the U.S. Attorney's Office. We have also not included documents which contain grand jury information, pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure. As previously indicated, our search has not located documents containing communications from White House staff, Members of Congress, congressional staff, or state and local political party officials and their staff related to this matter.

Our search for materials responsive to your request concerning the Georgia Thompson case yielded a number of other documents which we believe reflect deliberations and communications implicating substantial confidentiality interests of the Department. These include U.S. Attorney Biskupic's notes and one letter written in the course of the investigation memorializing conversations with attorneys of persons of interest who were not indicted; pre-indictment documents, including emails, letters, and memoranda, regarding the resolution of a potential conflict of interest which arose concerning individuals who were investigated, but never indicted;

and a memorandum from U.S. Attorney Biskupic to the Criminal Division requesting authorization to issue a media subpoena pursuant to 28 C.F.R. § 50.10, and a subsequent 2-page email on this topic.

We hope that the documents we are presently producing, in addition to an untranscribed briefing provided by U.S. Attorney Biskupic, will satisfy your inquiry. However, we are prepared to confer with Committee staff if you have further information needs. Please do not hesitate to contact this office if we may be of further assistance on this or any other matter.

Sincerely,



Brian A. Benczkowski
Principal Deputy Assistant Attorney General

Enclosures

cc: The Honorable Lamar Smith
Ranking Minority Member

The Honorable Patrick J. Leahy
Chairman, Senate Judiciary Committee

The Honorable Arlen Specter
Ranking Minority Member, Senate Judiciary Committee

Siegelman aides contradict main part of Simpson affidavit

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SECTION: STATE AND REGIONAL

LENGTH: 703 words

HEADLINE: Siegelman aides contradict main part of Simpson affidavit

BYLINE: By BOB JOHNSON, Associated Press Writer

DATELINE: MONTGOMERY Ala.

BODY:

An affidavit cited amid claims that former Gov. Don Siegelman may have been the target of a politicized probe contains an assertion that even the Siegelman camp discounts that he dropped his call for a recount in the 2002 governor's race because an apparent dirty trick was about to be exposed.

The affidavit by attorney Jill Simpson of Rainsville, a campaign worker in Republican Bob Riley's race against Siegelman, has set off controversy over its statement indicating GOP political operatives played a role in the Justice Department's pursuit of the prominent Democrat.

But most of the affidavit is devoted to an entirely different matter a man believed to be a Democrat putting Riley signs near the site of a planned Ku Klux Klan rally, and how the threat to expose the apparent dirty trick forced Siegelman to concede.

Siegelman aides at the time say it didn't happen that way, although they feel the more widely reported part of Simpson's affidavit is on target.

Montgomery attorney Joe Espy, who represented Siegelman in the 2002 election challenge, said Thursday he doesn't recall any discussion of a Klan rally in the days before Siegelman dropped his challenge.

"I never heard that. I was never around any talk like that," Espy said.

Espy said he remembers Siegelman dropped the challenge for several reasons, including: "He had concern about tearing the state up."

He said Siegelman was also worried about the expense of a protracted election challenge and that the final decision would be made by the Republican majority Alabama Supreme Court.

Simpson did not return phone calls seeking comment Thursday and her office said media calls to Simpson are being referred to Montgomery attorney Priscilla Duncan. Duncan did not immediately return a call seeking comment.

Siegelman, convicted of bribery and other charges with former HealthSouth CEO Richard Scrushy, is in federal prison and was not available for comment. But in an interview prior to entering prison, he told the Montgomery statehouse reporter for New York Times regional papers in Alabama that he dropped out because he did not want a repeat of Al Gore's challenge of the 2000 presidential race.

Siegelman also has praised other parts of Simpson's affidavit and said it supports his belief that his prosecution was politically motivated. The lead federal prosecutor in Siegelman's trial, Louis Franklin, issued a lengthy statement

this week denouncing claims of a politicized prosecution and noted that even Siegelman had discredited the part of the affidavit about the Riley signs at a Klan rally.

Siegelman's campaign press secretary in 2002, Rip Andrews, said he doesn't remember any discussion of a Klan rally.

But he said he doesn't discount the substance of Simpson's affidavit.

"It made sense that the Republicans would do anything to get Siegelman to concede," Andrews said.

In the affidavit, Simpson said she took pictures of the man placing Riley campaign signs near the site of the planned Klan rally. And she recounts that attorney Terry Butts planned to use that information to get Siegelman to drop his challenge.

She said in the affidavit she received a call later that day from Riley's son and campaign manager, Rob Riley, who told her: "Terry Butts had talked with Don Siegelman and that Don Siegelman would be resigning before the ten o'clock news."

Siegelman did resign that evening, but along with his dismissal of her account, Butts also has denied that Siegelman told him the Riley signs at the Klan site were any factor in his concession.

Butts also said an alleged conference call described by Simpson never took place. Rob Riley has said he doesn't remember any such call. Simpson's affidavit says the indication of political pressure in the Siegelman probe was made in that call.

University of Alabama political scientist Bill Stewart said it would be unlikely a veteran politician like Siegelman would drop out because of the kind of prank that happens during many campaigns.

"I can't imagine someone dropping out for something like this," Stewart said. "Those sorts of things happen in campaigns. It's not something to be proud of, but on the scale of things that have happened in Alabama campaigns I don't find it to be very important."

LOAD-DATE: July 20, 2007

the weekly
Standard

A Conspiracy So Lunatic...
Only 60 Minutes could fall for it.
by John H. Hinderaker
05/26/2008, Volume 013, Issue 35

Jill Simpson is an unusual woman. A lawyer, she has scratched out an uncertain living in DeKalb County, Alabama. Fellow DeKalb County lawyers describe her as "a very strange person" who "lives in her own world." The daughter of rabid Democrats, she has rarely if ever been known to participate in politics as even a low-level volunteer. Yet today, she is a minor celebrity who is unvaryingly described in the press as a "Republican operative." Those who know her in DeKalb County scoff at the idea that she is a Republican at all.

Recently, Simpson's house and law office were on the auction block. Rumor has it that she is leaving DeKalb County for good and heading for the suburbs of Washington, D.C. Jill Simpson, who barely got by in Alabama, is now toasted by the national Democratic party and featured on network and cable news. All this because she has testified--without a shred of supporting evidence--to a conspiracy so vast as to be not just implausible, but ridiculous.

Simpson claims to have participated in a phone conversation with several Alabama Republicans in which she was made privy to a plot involving the Republican governor of Alabama, Bob Riley, a former justice of the Alabama Supreme Court, a federal judge, two United States attorneys, several assistant United States attorneys, the Air Force, and, apparently 12 jurors, to "railroad" former governor Don Siegelman into his 2006 conviction for bribery and mail fraud. Every person whose name Simpson has invoked has labeled her story a fantasy, including Siegelman; she claimed to have played a key role both in his giving up his unsuccessful contest of the 2002 gubernatorial election and in his defense of the criminal charges against him.

Normally one might expect a person of uncertain mental health who alleged such a comprehensive conspiracy to be ushered quietly offstage. Instead, in late February, CBS's *60 Minutes* gave her a starring role. This can be explained only by the fact that Simpson included in her fable, as she related it to CBS, a final conspirator: Karl Rove, who, according to Simpson, orchestrated the plot against Siegelman.

In her *60 Minutes* interview, Simpson claimed to have been Rove's secret agent in Alabama. She said that during Siegelman's term as governor of Alabama, Rove had asked her to follow Siegelman around and try to get photographs of him "in a compromising sexual position" with one of his aides. This led to one of the great moments in recent broadcast history:

60 Minutes's Scott Pelley: Were you surprised that Rove made this request?

Simpson: No.

Pelley: Why not?

Simpson: I had had other requests for intelligence before.

Pelley: From Karl Rove?

Simpson: Yes.

Pelley was at a crossroads: He knew that either (1) he was on the verge of uncovering a whole series of Rovian plots, the stuff of which Pulitzers are made, or (2) he was talking to a lunatic. Intuiting, no doubt, which way the conversation was likely to go, Pelley discreetly chose not to inquire further.

Simpson can offer no evidence that she has ever spoken to or met Karl Rove. Moreover, when she told her story of the alleged conspiracy against Don Siegelman to John Conyers's House Judiciary Committee staff, she said that she heard references to someone named "Carl" in the aforementioned telephone conversation--she made the natural inference that this must be Karl Rove--but never offered the blockbuster claim that Rove himself had recruited her to spy on Siegelman. Neither in the affidavit that she submitted to the committee, nor in 143 pages of sworn testimony that she gave to the committee's staff, did she ever claim to have met Karl Rove, spoken to Karl Rove, or carried out any secret spy missions on his behalf, even though the whole point of her testimony was to try to spin out a plot against Siegelman that was ostensibly led by someone named "Carl."

60 Minutes chose to highlight Simpson's claim that she was Rove's secret agent without telling its viewers that this sensational allegation had been altogether absent from her sworn accounts. Subsequently, MSNBC's Dan Abrams invited Simpson to repeat her slur against Rove. This prompted Rove to write to Abrams, posing a series of questions about whether Abrams had used elementary journalistic methods to check the accuracy of Simpson's account.

Rove's letter drew a response from Abrams:

[Y]ou wrote, "Did it not bother you Ms. Simpson failed to mention [in her sworn statement to House Judiciary Committee staff] the claim she made to CBS for their Feb. 24, 2008 story, that you then repeated on Feb. 25th?"

Fair question. Which is why I asked her the following on Feb. 25, 2008: ABRAMS: And why have you never mentioned before the allegations of Rove and the pictures?

SIMPSON: Well, let me explain something to you. I talked to congressional investigators, Dan. And when I talked to those congressional investigators I told them that I had followed Don Siegelman and tried to get pictures of him cheating on his wife.

However, they suggested to me that that was not relevant because there was nothing illegal about that and they'd just prefer that not come up at the hearing that day.

Put aside the fact that before she was interviewed by House Democratic staffers, Simpson submitted an affidavit on the alleged conspiracy. In her affidavit, she did not claim that she had ever met Rove, let alone been his secret agent in Alabama. What MSNBC found plausible was Simpson's suggestion that House Democratic staffers got their hands on the story that Karl Rove had tried to get compromising photographs of the governor of Alabama and they hushed it up! The credulity of modern journalists apparently knows no bounds.

Simpson's story is unbelievable and contradictory on so many levels that it cannot bear a moment's inspection. (Wholly unexplained, for example, is why, if Rove or anyone else wanted to spy on the governor of Alabama, he would assign the task to a conspicuously large redhead with no experience

as an investigator and no ties to the Republican party, rather than hire a professional investigator.) But that has not prevented her from being hailed as a hero by the Democratic party. Citing her testimony, John Conyers has threatened to subpoena Karl Rove to testify before his committee. Siegelman himself has called her a "great American," while simultaneously acknowledging that her story, insofar as it claims a relationship with him, is false.

Siegelman's embrace of Simpson is understandable. He is facing seven years in a federal prison; any port in a storm. But what explains CBS's and MSNBC's decision to peddle her fable?

Karl Rove has become the man who cannot be libeled. Any story that includes his name is treated as self-authenticating, requiring neither supporting evidence nor the barest plausibility. Having committed the unforgivable sin of contributing to two successful Republican presidential campaigns, Rove has become, for American media, the equivalent of an outlaw, possessing no rights that must be respected.

John H. Hinderaker is a contributor to the blog Power Line and a contributing writer to The Daily Standard.

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Sunday, February 24, 2008

ALGOP Statement Regarding Jill Simpson's Accusations to Air on 60 Minutes

Statement by Alabama Republican Party Chairman Mike Hubbard on the Dana Jill Simpson Accusations Aired by CBS' 60 Minutes

CBS News and 60 Minutes' disdain for the Republican Party brought them embarrassment when they ran a bogus and fraudulent story about President Bush and his National Guard record in the fall of 2004 – ultimately admitting to not having followed "basic journalistic principles". It appears that same revulsion for the GOP is bringing them embarrassment once again as they air yet another fiction. Today, the staff of the New York Times must be relieved they are not alone in having their liberal political bias examined on the national stage."

It is becoming apparent that Dana Jill Simpson will fabricate any claim in order to extend her 15 minutes in the public spotlight. As the Associated Press pointed out this week, she has never before mentioned her most recent accusations about Karl Rove "...in spite of testifying to congressional lawyers for hours last year, submitting a sworn affidavit and speaking extensively with reporters'. This is not the first time someone has noticed that her story has changed (see attached). I am sure it will not be the last.

"Our staff has done an exhaustive search of Alabama Republican Party records going back several years, and we can find not one instance of Dana Jill Simpson volunteering or working on behalf of the Alabama Republican Party – as stated by 60 Minutes reporter Scott Pelley. Nor can we find anyone within the Republican Party leadership in Alabama who has ever so much as heard of Dana Jill Simpson until she made her first wave of accusations last summer in an affidavit originally released only to the New York Times.

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Response to Day 1 Scope Objections re Questions on Appointment of US Attorneys

During the first day of this interview, counsel for the former Administration objected that questions regarding the nomination process for U.S. Attorneys Chris Christie and Dunn Lampton were outside the scope of the Agreement Concerning Accommodation which establishes the terms for the conduct of this interview.

The Agreement Concerning Accommodation which establishes the terms for this interview allows questions on “facts relating to . . . the alleged decisions to retain certain U.S. Attorneys” and “facts relating to . . . any allegations of selective prosecution.” As all parties know, during the settlement negotiations a group of specific U.S. Attorneys was identified as to whom such questions would be allowed, and that group including U.S. Attorneys Christie and Lampton.

Questions regarding the selection and nomination of these U.S. Attorneys are designed to elicit facts regarding allegations of selective prosecution and facts regarding the Administration’s decision to retain these U.S. Attorneys despite criticisms of their performance. For example, questions whether the political power of Democratic trial lawyers in Mississippi or alleged corruption in the state judiciary were discussed with Dunn Lampton when he was being considered for nomination as United States attorney are plainly relevant to the Committee’s investigation of his decision to prosecute Democratic trial attorney Paul Minor and state Judge Diaz, Teel, and Whitfeld. Facts regarding Mr. Lampton’s nomination and political support are also relevant to understanding the former Administration’s decision to keep him off the US Attorney removal list even though his performance and judgment were sharply questioned by both David Margolis and Jim Comey multiple times during the development of the removal list. Similarly, US Attorney Chris Christie was identified as a possible candidate for removal by Department officials in fall 2006, but was not added to the list. Facts regarding Mr. Christie’s political support and his politically-charged decision to publicize his investigation of Senator Robert Menendez in advance of the 2006 election are relevant to understanding this decision.

