

THE IG REPORT-WORKING THREAD

Look what MadDog found: the DOG Inspector General Report on the US Attorney firings. Use this as a working thread.

Also, h/t to Bay State Librul, Mukasey has appointed career prosecutor Nora Dannehy to conduct the further investigation.

Here's a roster of who did—and who didn't—cooperate. Note how the people closest to Bush–Rove, Miers, and Domenici—didn't cooperate.

We also attempted to interview Monica Goodling, a former counsel to Attorney General Gonzales and the Department's White House Liaison. She declined to cooperate with our investigation. However, on May 23, 2007, Goodling testified before the United States House of Representatives Committee on the Judiciary pursuant to a grant of immunity issued by the United States District Court for the District of Columbia, and we reviewed the transcript of that hearing.

We also attempted to interview White House staff who may have played a role in the removals of the U.S. Attorneys. We discussed our request with the Office of Counsel to the President (White House Counsel's Office), and that office encouraged current and former White House employees to agree to be interviewed by us. Several former White House staff members agreed to be interviewed, including Deputy White House Counsel David Leitch; Director of Political Affairs Sara Taylor; Deputy Director of Political Affairs Scott Jennings; Associate White House Counsel Dabney Friedrich, Christopher Oprison,

and Grant Dixon; and Paralegal Colin Newman. **However, other former White House staff, including White House Counsel Harriet Miers, Assistant to the President and Deputy Chief of Staff and Senior Advisor Karl Rove, Deputy White House Counsel William Kelley, and Associate White House Counsel Richard Klingler, declined our request to interview them.**

[snip]

We also interviewed several members of Congress and congressional staff regarding the removals. We interviewed Congresswoman Heather Wilson in relation to Iglesias's removal. We interviewed Congressman "Doc" Hastings and his former Chief of Staff, Ed Cassidy, in relation to the removal of McKay. We requested an interview with Senator Christopher S. "Kit" Bond in relation to Graves's removal, and he provided us with a written statement.

We also attempted to interview Senator Pete V. Domenici and his Chief of Staff, Steven Bell, about the removal of Iglesias and any conversations they had with the White House or the Department related to the removal. However, Senator Domenici and Bell declined our requests for an interview. [my emphasis]

Frankly, I'm surprised Oprison cooperated.

Here's their rationale:

Miers's attorney told us that although he understood that considerations of executive privilege were not an issue between the Department of Justice and the White House since both are part of the Executive Branch, an interview with us might undermine Miers's ability to rely on the instructions she received from the White House directing her to

refuse to appear for Congressional testimony. Rove's attorney advised us after consultation with Rove that he declined our request for an interview. We were informed by the White House Counsel's Office that both Kelley and Klingler also declined our request.

I find this interesting for several reasons. First, the White House was very clearly trying to limit cooperation here to preserve executive privilege claims down the road—they know this is not done. I would suggest that Miers' refusal to testify has a lot to do with trying to avoid revealing that her testimony shouldn't be privileged, because it hides a crime. But that's just a guess.

Also note that Rove had Luskin involved—though this time Luskin didn't employ any of the high-falutin' language he has otherwise to hide Rove's criminality. Just a simple, "no," he declines your request.

And finally, why Klingler and Kelley? Did Fred Fielding find them more dangerous for some reason?

Hiding the Rosetta Stone

~~John Dean~~ The White House conducted their own investigation of why and how they fired the US Attorneys. Alberto Gonzales even used it as a cheat sheet. But the White House only provided a too-redacted-to-be-useful copy to the investigators.

As we discuss in more detail in Chapter Three, in the course of our investigation we also learned that in early March 2007 Associate White House Counsel Michael Scudder had interviewed Department and White House personnel at the request of White House Counsel Fred Fielding in an effort to understand the circumstances surrounding the U.S. Attorney removals and be in a position to respond to this issue. Based on his

interviews, Scudder created a memorandum for Fielding containing a timeline of events, which was provided to the Department of Justice's Office of Legal Counsel (OLC) and to the Attorney General. Because the Scudder chronology appeared to contain information we had not obtained elsewhere in our investigation, we requested that OLC produce a complete copy of the final Scudder memorandum and all drafts of the memorandum. OLC declined to produce the document, stating that the White House Counsel's Office directed it not to do so.

[snip]

The White House Counsel's Office eventually provided to us a heavily redacted version of the document, but the redactions made the document virtually worthless as an investigative tool. We disagree with the White House's rationale for withholding this document, particularly since the document was shared with OLC and e-mail records also show that **drafts had been provided to former Attorney General Gonzales**. [my emphasis]

Honestly, Fred Fielding has to feel that he's in a kind of time warp.

Also note, from a footnote, one of the reasons they can't give us the Scudder chronology is because it shows details of a Heather Wilson call on Iglesias [corrected per W0] ~~Pete Domenici called Bush and told him to fire Iglesias.~~

When we obtained earlier drafts of the OLC chronology, we saw references to the Scudder memorandum as support for certain propositions in the chronology, including alleged communications between a member of Congress and the White House

regarding Iglesias.

The Lists

Reading through the section with the lists of people to be fired. Interestingly, the suggestion that Heffelfinger was too focused on Native American issues (remember—he was in charge of the committee that dealt with these issues) came from St. Comey:

Finally, Comey said he was concerned that Heffelfinger was overly focused on Indian affairs issues.

Here's Mary Beth Buchanan on Heffelfinger and Native American issues:

Buchanan said she also discussed with Sampson concerns about Heffelfinger's focus on Native American issues, but she said she did not recall expressing any negative views about any other U.S. Attorney's performance.

Note that Sperling, O'Meilie, and Lampton were earlier names on the lists—which makes the list of people considered even more NAIS heavy than we thought.

Also note—the HJC interviews with Margolis reveal that there was a still-serving US Attorney that David Margolis believed should (still) be fired. That person is Dunn Lampton, US Attorney for Mississippi's Southern District. I'll need to return to this to see whether Lampton was responsible for some of the crummy cases that have gone down in MS in recent years. Goodling recommended keeping Lampton, based on his performance during Katrina. Hmmm. [See this link to Scott Horton's work on Lampton, h/t W0.]

Here's the currently operative explanation for the focus on Debra Yang (who was probably fired to scuttle the investigation into Jerry Lewis:

We also found evidence that the White

House asked about replacing Debra Yang, the U.S. Attorney in the Middle District of California. According to Sampson, Miers had asked him whether Yang should be replaced because she had rejected an overture to serve on the Ninth Circuit. Sampson testified that he had informed Miers that Yang was a "strong" U.S. Attorney who should remain in place. Sampson said that Miers accepted his explanation and did not raise the subject again. Yang resigned of her own volition in 2006 to take a job with a private law firm.

I realize BushCo has been trying to make the 9th less rational, but I find it hard to believe that Miers wanted to fire Yang because she refused a lifetime promotion.

Note that the report places the Fitz-firing attempt in Summer 2006, not in 2004-2005 when we know Kjellander was claiming Rove would arrange for Fitz's firing. The report makes no mention of the three sworn statements that the thugs in Chicago, as much as the thugs in DC, were pushing for Fitz' firing.

During the summer of 2006, no further action was taken on the plan to remove additional U.S. Attorneys. However, during this time, Sampson met at least once with Miers and Deputy White House Counsel Kelley to discuss the proposal. According to Sampson, sometime during the summer he met informally with Miers and Kelley after a judicial selection meeting at the White House. At this meeting they discussed the plan to remove U.S. Attorneys, and Sampson broached the subject of including Patrick Fitzgerald, the U.S. Attorney for the Northern District of Illinois, on the removal list.

Sampson testified to Congress that although Fitzgerald was widely viewed as

a strong U.S. Attorney, Sampson had placed Fitzgerald in the “undistinguished” category on the initial list he sent to the White House in March 2005 because he knew that Fitzgerald was handling a very sensitive case and Sampson did not want to rate Fitzgerald one way or the other. At that time, Fitzgerald was serving as the Special Counsel investigating the leak of information relating to Central Intelligence Agency employee Valerie Plame, which ultimately resulted in the conviction of the Vice President’s Chief of Staff, I. Lewis “Scooter” Libby, for perjury and making false statements.

This is a rather disturbing oversight in the report.

Timing

Here’s how the report accounts for the gap of time it took to get Bush’s buy-off on the plan.

For logistical reasons, the plan could not be carried out on the schedule Sampson suggested. After receiving Sampson’s November 15 e-mail, Miers responded that she would have to determine if the plan required the President’s attention. She stated that the President had left town the night before and she would not be able to get his approval “for some time.” Sampson responded by asking Miers who would determine if the President needed to be apprised of the removal plan. Sampson told us that he never received an answer to that question, and the documents provided to us by the White House do not mention this issue. As stated previously, Miers and Kelley from the White House Counsel’s Office refused our requests for interviews.

Which, IMO, is just a polite way of saying Bush was involved in this in spite of the Administration's claims to the contrary.

Here's another polite example of the report calling someone on lying, without quite going there:

In our interview of him, Gonzales told us he did not recall the November 27 meeting at which he approved the plan to request the resignations of six U.S. Attorneys. However, everyone else in attendance at the meeting stated that Gonzales was present, that he received a copy of the 3-page implementation plan, and that he gave his approval to proceed.

Can anyone explain to me why Gonzales is not in jail yet?

Have we heard about this "thumbnail" before?

In the week following the November 27 meeting, Sampson awaited word from the White House Counsel's Office on whether the Department was authorized to proceed with the removal plan. Sampson told us that around this time he gave Deputy White House Counsel Kelley a "thumbnail" sketch of the reasons each U.S. Attorney was placed on the list. Sampson stated that Kelley raised no objection.

So Sampson wants to claim that he knew, in late November, all the reasons why these people were fired, but forgot by February when Congress asked him? Huh?

And once again, Kelley was one of the White House people that did not cooperate.