

Questions for the Record for
Attorney General Alberto Gonzales
Senate Judiciary Committee
DOJ Oversight Hearing on April 19, 2007
(Part 3)

Leahy 18 Several weeks ago, a federal judge ruled in favor of the State of Missouri in a case Mr. Schlozman prosecuted against the State for alleged voter registration problems, and which he had approved as Acting Assistant Attorney General for Civil Rights several months before being named interim U.S. Attorney. The court found “no evidence” of major voter fraud in the state. Many have raised a concern at the effects of these attempts to purge voter lists on the ability of particularly poor or minority voters to register and vote. What steps has the Department taken to make sure that the Administration’s political goals do not influence the filing of lawsuits targeting the registration of voters? Are you concerned that the increasing number of U.S. Attorneys appointed without Senate confirmation—currently there are only 2 nominations for 21 spots without a Senate confirmed nominee—threatens to erode whatever firewalls do exist to ensure prosecutorial independence in cases involving voter fraud and elections?

ANSWER: Politics played no role in the filing of the National Voter Registration Act (NVRA) lawsuit in Missouri. The civil complaint (it was not a criminal prosecution) filed by the United States against Missouri involved two separate claims. First, the lawsuit alleged that the State had failed to assure that registered voters would be notified, as required by the NVRA, prior to their removal from the poll lists. Second, the lawsuit alleged that the State had failed to maintain a reasonable voter registration list maintenance system. Because the Government has appealed the District Court’s decision, we cannot comment further on the case.

I am confident that all U.S. Attorneys - whether Senate confirmed or acting - exercise prosecutorial independence and bring cases based solely on the evidence.

Leahy 26 During the Committee’s January 18, 2007 oversight hearing, I asked you about Maher Arar, a Canadian citizen who when returning home from a vacation in 2002, was detained by federal agents at JFK Airport in New York City on suspicion of ties to terrorism, and was sent to Syria, where he was held for 10 months. A Canadian commission found no evidence that Mr. Arar had any terrorist connection or posed any threat, but concluded that he was tortured and held in abhorrent conditions in Syria. The Canadian government has apologized to Mr. Arar for its part in this debacle. In addition, the head of the Royal Canadian Mounted Police resigned, and the country has agreed to compensate Mr. Arar almost \$10 million. This country, meanwhile, has not apologized or admitted any wrongdoing. After I pressed you about the Arar case at the hearing in January, Senator Specter and I were finally granted a classified briefing. Both of us said afterward that we emerged with as many questions as we had going in. We subsequently wrote to request a Justice Department investigation into the matter and we have since learned that the Department’s Office of Professional Responsibility is looking into the

Department's legal decisions. Given that a past OPR investigation of a politically sensitive matter, specifically the NSA's warrantless wiretapping program, appears to have been blocked, will you commit to provide OPR with full access to all documents and personnel it needs for its investigation into the Department's handling of the Arar case?

ANSWER: It is my understanding that the investigation is still ongoing and that OPR has not encountered any issues with regard to access to documents or personnel.

Leahy 41 How can Congress verify that political considerations are not a factor in the hiring of career employees?

ANSWER: On July 6, 2007, in response to questions for the record we transmitted to the Committee a recent memo regarding process changes to the Honors Program. In addition, the Department has an internal website available to all employees addressing the Department's employee's rights and policies. The site contains full information on the Prohibited Personnel Practices. If a Department employee has reason to believe that a particular career hiring was based on any prohibited basis such as consideration of politics, the website provides links to the OSC website, which contains full information on how to properly report such a violation as well as an explanation of whistle blower rights. The Attorney General has also recently directed that all political appointees be briefed on both Merit System Principles and Prohibited Personnel Practices as they enter on duty in the Department. In addition, the Assistant Attorney General of the Civil Rights Division has already issued a reminder of those requirements to all attorneys within his Division. Further, OPR and OIG are conducting a review of the Honors Program /Summer Law Intern Program and other Departmental hiring issues at this time. Finally, GAO has conducted reviews of Department hiring issues and Congress through its Committees has, and continues to exercise, oversight of this and other Department issues.

Leahy 43 What is the involvement of political appointees, officials in political offices within the Department, and other political officials in hiring processes aside from the Attorney General's Honors Program and the Summer Law Intern Program?

ANSWER: The authority to make career attorney excepted service hires is vested in the Attorney General as the Head of Agency. The Attorney General largely delegates this authority to the Deputy Attorney General and the Associate Attorney General, who in turn delegate it to the Office Attorney Recruitment and Management (OARM). The OARM is directed and staffed by career employees. The actual appointment authority for career attorney positions is vested in the OARM subject to an appeal to the Deputy Attorney General. The OARM in turn delegates a portion of that authority to the various Assistant Attorneys General and other heads of Department components.

The role of component career employees and political appointees in the initial selection process is determined by the heads of the components, who are usually Presidential appointees and often subject to Senate Confirmation. Accordingly, political appointees participate in aspects of the hiring processes for career attorneys at the Department. Any such participation

should at all times be consistent with all applicable laws, rules, regulations, and Department policies. Set forth below is the Department's normal practice when engaging in hiring career attorneys.

When the component head authorizes a career attorney vacancy to be filled, the component's HR staff places an announcement on the Department's internet attorney web site. This has been required since 2003. The OARM maintains this website providing general information on attorney career opportunities in the Department. Applications are made directly to the Component or United States Attorneys office (USAO). Each component or USAO has broad discretion in the candidate review and selection process but it frequently involves recommendations by section chiefs or by some other review or initial screening process. The method of this screening and the ultimate selection of a proposed hire rests with the Assistant Attorney General, or other component head or United States Attorney.

Once a selection is made a hiring package is forwarded to the OARM for an initial suitability review. Such a review includes a check of, among other things, credit and tax history, arrest record, drug and alcohol use, associations, and other information contained in the security forms including professional credentials. If approved the applicant usually receives a temporary appointment of up to 18 months pending completion of the full field FBI Background Investigation (BI). Once the BI is completed a final adjudication is made before the applicant is converted to permanent employee status. If the OARM declines approval at either stage the component may appeal the refusal to the Deputy Attorney General for the final decision. The Department's Security and Emergency Planning Staff (SEPS) also evaluates the BI if necessary for the granting of National Security Clearances. Sometimes the OARM discovers past employment or other issues that do not rise to the level of immediate exclusion for suitability but may bear on a component management's decision to continue to support the candidate for employment. In those instances the matter or issues are brought to the component management's attention for their consideration.

Unlike other Department components, pursuant to 28 CFR § 0.15(h)(1), the Attorney General reserves hiring authority for career attorneys hired to serve in the Office of the Attorney General and the Office of the Deputy Attorney General.

Leahy 44 **For instance, what role do they play in the hiring of career attorneys on a lateral basis?**

ANSWER: See the answer to Leahy 43.

Leahy 54: **Did you communicate with Monica Goodling about replacing United States Attorneys? When? How? How many times? What specifically do you recall about your communications with Monica Goodling on this topic? Did you discuss the "performance" of U.S. Attorneys? Did you discuss dissatisfaction or complaints about U.S. Attorneys?**

ANSWER: In my previous testimony, I answered a number of questions concerning my discussions with Ms. Goodling about replacing United States Attorneys. That testimony represents my best recollection of my discussions with Ms. Goodling about replacing the eight U.S. Attorneys. I am now aware that Ms. Goodling has testified about a conversation with me in which she indicated that I mentioned the US Attorney matter. Ms. Goodling's testimony is accurate in that we did talk around March 15th. But the context of the conversation was not a factual inquiry into the US Attorney matter or an attempt to shape anybody's testimony. Ms. Goodling had asked to see me because she was emotionally distraught. My goal in the meeting was to console her because I was worried about her well being.

Leahy 57: When and how did you become aware that the White House had signed off on the plan to replace U.S. Attorneys?

ANSWER: At the time that I approved the recommendations to ask the seven U.S. Attorneys to step down, my understanding was that Mr. Sampson had kept the White House informed.

Leahy 58: Deputy Attorney General Paul McNulty, the number two official at the Department, has direct supervisory authority over United States Attorneys. Mr. McNulty has testified to Committee investigators that he first learned of the plan to remove and replace multiple U.S. Attorneys in late October 2006, in communications from your Chief of Staff Kyle Sampson to his Chief of Staff, Michael Elston. Mr. McNulty also testified to investigators that he deferred to ""personnel"" people on the firings including yourself and Mr. Sampson and described himself as having had no knowledge of why any of the U.S. Attorneys were placed on the list or discussion with your or Mr. Sampson about those reasons. You testified on April 19 that when you received the recommendation of the list of U.S. Attorneys to fire, "what I presumed was that—most importantly, what I cared about is did this reflect the recommendation of the Deputy Attorney General. That would be the most important thing." Did you have any discussions with Mr. McNulty about the reasons these U.S. Attorneys were being asked for their resignations? Why or why not?

ANSWER: I do not recall any direct discussions with Mr. McNulty prior to December 7th. As I have previously testified, documents show that Mr. McNulty was present, along with others, in November 2006 when the final list was approved. I did not have any other direct contact with Mr. McNulty prior to December 7th because I understood that he had been consulted and had offered his views and opinions. In other words, I believed that the final list incorporated the views of the Deputy Attorney General and that he did not object to any of the listed names. As I have also testified, if I had to do it over again, I would have had more direct contact with Mr. McNulty and may have asked him to lead the process.

Leahy 59: What was the basis of your assertion and belief that the list reflected the recommendations of the Deputy Attorney General? How do you reconcile this assertion with Mr. McNulty's testimony that he did not know why the U.S. Attorneys were placed on the list and that he deferred to you and others?

ANSWER: In my previous testimony, I explained that I had directed Mr. Sampson to consult with the senior officials in the department who would have the most relevant knowledge and information about the performance of United States Attorneys. I specifically asked Mr. Sampson to consult with the Deputy Attorney General, who was responsible for supervising U.S. attorneys and who was a former colleague. It was my understanding that such consultation occurred before the final list was presented to me.

Leahy 60: Mr. McNulty testified before this Committee on February 6 that seven of the eight U.S. Attorneys were dismissed for “performance” reasons. He later briefed Committee members and staff about the dismissals, citing a variety of “performance” reasons for the dismissals based on a document assembled by Monica Goodling. Many of those reasons are not only contradicted by the Department’s internal evaluations, but actually post-date the first appearance of many of those U.S. Attorneys on lists of possible U.S. Attorneys for firing. Are the “performance” reasons cited by Mr. McNulty in his Committee testimony and briefing the reasons those U.S. Attorneys were added to the list for firing? How do you know?

ANSWER: My previous testimony, in which I discussed at various points my understanding of the reasons for each of the dismissals, represents my best recollection on this issue.

Leahy 61: Mr. McNulty told the Committee in February that the process for dismissing the U.S. Attorneys began in October 2006. Yet documents produced by the Department and the testimony of your former Chief of Staff demonstrate that the process began nearly two years earlier and that you had knowledge of the process dating back to your time as White House Counsel. Why did Mr. McNulty tell the Committee that the process started in October 2006? What steps did you take to correct the inaccurate information he provided to the Committee?

ANSWER: Although I can not speak for Mr. McNulty, I am aware that he recently testified to the Commercial and Administrative Law Subcommittee of the House Judiciary Committee that he was consulted toward the “end of what we now know to be the process” and that he subsequently learned “there was a process that extended over a two-year period of time...”

The Department has taken extraordinary steps to correct the information provided to the Committee. In fact, it is my understanding that Mr. McNulty has also clarified his testimony. We have provided many on-the-record interviews and thousands of pages of documents, including deliberative pre-decision material, because of the concern that Congress was provided with incomplete information. This information demonstrates there was no intentional attempt to mislead the Congress.

Leahy 62: Michael Battle, until recently your Director of the Executive Office of U.S. Attorneys, said that Kevin Ryan in San Francisco was the only one of the fired U.S. Attorneys for whom he was aware of major performance or management problems. Mr. Battle said he had heard about Mr. Ryan's issues even before they were documented in a standard Evaluation and Review Staff (EARS) report. Yet he granted Mr. Ryan an extension on the EARS evaluation, and when the report came back negative, he asked for a supplemental report to give Mr. Ryan another chance to "put his best foot forward." Even though that report also came back negative, Mr. Ryan was only added to the list of U.S. Attorneys to be fired at the last minute. In other words, for the one fired U.S. Attorney for whom everyone agrees there were real management and performance problems, those problems were well-documented, and Mr. Ryan was given every opportunity to address and fix the problems before he was fired. There is really no file produced on the firings of the other U.S. Attorneys, and the testimony of, among others, your former Chief of Staff who aggregated the list, shows that none of the others were told any reasons they might be fired or given any opportunity to correct purported problems. Given that the other U.S. Attorneys were not informed of performance-related problems or given a chance to address those problems, and that none of them had problems documented in any kind of systematic way, isn't it a fair inference that their firings were not really performance-related at all?

ANSWER: With all due respect, I do not believe that it is a fair inference. After thousands of pages of documents have been produced and hours of witness testimony have been heard, both publicly and privately, there has been no evidence that the US Attorneys were asked to resign for improper political reasons.

Leahy 63: Can you see why these after-the-fact explanations—like the one about David Iglesias being an absentee landlord—are not being accepted?

ANSWER: I have testified about my understanding of the reasons for each decision. People can accept or reject the reasons that have been provided, but there is no evidence that anyone was asked to resign for an improper reason.

Leahy 68: Mr. Battle told the Committee staff that, at the November 27, 2006 meeting to discuss U.S. Attorney firings, at which you approved the dismissals, you had no questions about the U.S. Attorneys on the list to be replaced, or about the reasons for the firings. Was that because you already knew why these people were on the list to be fired, or was it because you did not care, or some other reason? For example, why did you sign off on November 27 on replacing David Iglesias?

ANSWER: As I stated in response to *Leahy 60*, my April testimony, in which I discussed at various points my understanding of the reasons for each of the dismissals, represents my best recollection on this issue.

Leahy 88: Millions of White House e-mails between 2003 and 2005 were accidentally lost, according to White House accounts, when e-mail accounts were converted from Lotus Notes to Microsoft Outlook. As White House Counsel, what was the policy and practice with regard to preserving and archiving emails?

ANSWER: I respectfully suggest that you direct this question to the White House.

Leahy 89: What was your role in establishing that policy and practice?

ANSWER: See answer to Leahy 88.

Leahy 90: Did you follow that policy and encourage others to do so?

ANSWER: See answer to Leahy 88.

Leahy 91: Did you conduct any audit or oversight of the preservation and archiving of White House emails?

ANSWER: See answer to Leahy 88.

Leahy 92: Did you ever as White House Counsel raise a concern about what appears to have been a widespread failure to comply with White House document preservation rules and the Presidential Records Act?

ANSWER: See answer to Leahy 88.

Leahy 93: The White House announced that millions of e-mails may have been lost from the Republican National Committee, and that they could not rule out the possibility that the lost e-mails could have included e-mails from Karl Rove and other political operatives in the White House relevant to this Committee's investigation into political influence into the firing and replacement of United States Attorneys. When did the Administration first become aware that e-mail records relevant to this Committee's investigation were not easily retrievable, were erased, or were otherwise deleted and not retained?

ANSWER: See answer to Leahy 88.

Leahy 94: Since that time, what has been done to secure the relevant services, equipment, software, elements, data, and documents stored in paper or electronic form from all e-mail systems, personal computers, workstations, PDAs, Blackberries, backup systems, or other electronic storage devices?

ANSWER: See answer to Leahy 88.

Leahy 106: Have you provided the Committee with all documents you reviewed in preparation for your April 19, 2007 appearance before the Judiciary Committee, including the “thousands of pages of documents related to [your] upcoming testimony” you were reported to be reviewing in an April 5, 2007 article in The Washington Post? If not, please provide those documents to the Committee and please explain the reasons why they were withheld.

ANSWER: In advance of my April 19, 2007 testimony, I reviewed copies of documents that the Department had produced to Congress, public testimony and summaries that my staff provided to me. It is my understanding that the Department has made available to the Committee the documents I reviewed that were responsive to the Committee's earlier requests.

Specter 113: In your written statement before the Committee, you write, “Shortly after the 2004 election and soon after I became Attorney General, my then-deputy-chief-of-staff Kyle Sampson told me that then-Counsel to the President Harriet Miers had inquired about replacing all 93 U.S. Attorneys.” An email sent from Kyle Sampson to David Leitch on January 9, 2005 suggests that you discussed such an idea with Sampson in late 2004, while you were still serving as Counsel to the President (OAG 0180). How do you rectify these conflicting timeframes?

ANSWER: As I explained in both my previous Senate Judiciary Committee hearing and before the House Judiciary Committee I do not recall a conversation with Mr. Sampson during that period of time. But, in preparing for my testimony I did become aware that there was some email traffic about U.S. Attorneys shortly before I became Attorney General.

Specter 114: A number of Senators have encouraged you to reconsider the decision to ask certain U.S. Attorneys to resign, particularly Mr. Daniel Bogden and Mr. David Iglesias. It is acknowledged that after consulting with DAG McNulty and others, you have decided to stand by your decisions because U.S. Attorneys ultimately serve at the pleasure of the President. What steps have you taken to consider the merits of each decision to ask the individual U.S. Attorneys to resign?

ANSWER: As I explained in my previous testimony, I've gone back and searched the record and I spoke with the Deputy Attorney General and asked him whether or not he stood by the decision. He concluded, and I agreed, that the decision should stand.

Specter 119: Given the doubt expressed by both the man you tasked with running the process of targeting which U.S. Attorneys should be asked to resign and the man whose recommendation you testified you depended on with regard to the decision to stand by the decision, what degree of confidence do you now feel you have regarding the removal of Daniel Bogden?

ANSWER: See answer to Specter 118.

Specter 125: Recent reports as well as DOJ documents submitted to Congress have revealed that top White House officials have been using the RNC email system to conduct official business, and that such emails may have been permanently deleted. Disposal of official White House business email violates the Presidential Records Act (PRA). The White House has blamed the failure to comply with the PRA on inadequate guidance to White House staff on the PRA. White House spokesperson, Dana Perino, has said that the White House "has not done a good enough job overseeing staff using political e-mail accounts to assure compliance with the Presidential Records Act." She added that it did not "give enough guidance to staff on how to avoid violating the Hatch Act while following the Records Act." According to the LA Times, redacted copies of White House employee manuals were shown to reporters on Friday April 13th, 2007 at the White House press office on condition that they not be removed from the premises. The LA Times reports that the documents included a memorandum from you when you were White House General Counsel, which cautioned employees that "any e-mail relating to official business ... qualifies as a presidential record." The instructions also explain that all e-mail sent "to your official account is automatically archived as if it were a presidential record." The manual adds: "If you happen to receive an e-mail on a personal account which otherwise qualifies as a presidential record, it is your duty to insure that it is saved as such by printing it out and saving it or by forwarding it to your White House e-mail account." How can you reconcile the inconsistencies between these clear instructions with the Administration's statements that staff was not given sufficient guidance on how to comply with the PRA?

ANSWER: I do not believe it is appropriate for me to comment on her statements.

Kennedy 135: Do you acknowledge that the way in which the firing of U.S. Attorneys was handled created the appearance that U.S. Attorneys were being removed for partisan political reasons?

ANSWER: As I have testified, the process by which the U.S. Attorneys were asked to resign should have been handled differently, but none of the U.S. Attorneys were dismissed for improper political reasons.

Kennedy 136: On March 13th, Dan Bartlett admitted that the White House had received complaints about U.S. Attorneys not doing enough on election fraud cases. According to Mr. Bartlett, President Bush specifically told you about such complaints involving David Iglesias in New Mexico. Mr. Bartlett said you told the President you'd already heard about the problem with the U.S. Attorneys in New Mexico, Philadelphia, and Milwaukee, and that you were looking into it. Did the President contact you about problems with any U.S. Attorneys?

ANSWER: I do not recall any specific conversations with the President on the issue of the seven U.S. Attorneys.

Kennedy 142: Did you or anyone else from the Department of Justice ever talk to Mr. Iglesias about his record on election fraud?

ANSWER: I can only speak for myself, but I do not recall speaking with Mr. Iglesias about his record on election fraud. As I testified in April, I had heard concerns from Mr. Rove generally about voter fraud prosecutions, voter fraud cases in three districts, including New Mexico, and I believe that I communicated this information to Mr. Sampson.

Kennedy 144: John McKay refused to pursue voter fraud charges as a means of challenging a Democrat's close victory in the 2004 election for governor of the State of Washington. We know that Mr. McKay's failure to indict anyone after the 2004 election was a concern to the White House. He testified that in the summer of 2006, he met with Harriet Miers and her deputy to discuss his possible nomination to a federal judgeship. She asked him to explain what why some Washington State Republicans thought he "mishandled" the 2004 governor's race. Who in the Administration knew that Washington state Republicans were concerned about Mr. McKay's failure to bring election fraud indictments in connection with the 2004 election?

ANSWER: As I explained in my April testimony, I am not familiar with the conversation that occurred between Mr. McKay and Ms. Miers. Nor can I speak to what, if anything, others in the Administration knew about concerns allegedly held by Republicans in Washington State.

Kennedy 145: Did the Attorney General know?

ANSWER: As I testified before the House Judiciary Committee, my best recollection is that the voter fraud issues were not the reason I accepted the recommendation to seek Mr. McKay's resignation. Nevertheless, looking back through the documents and correspondence the Department has produced to Congress, there was concern about Mr. McKay's efforts with respect to voter fraud, because my office received some letters from outside groups and parties.

Kennedy 146: Did the President?

ANSWER: I do not know.

Kennedy 147: Were there any discussions in the Administration of the fact that Republicans were calling for Mr. McKay's dismissal because of his failure to bring charges related to the 2004 Washington Governor's race? If so, with whom?

ANSWER: See answer to Kennedy 145.

Kennedy 149: Did you or anyone else involved in the decision to fire Mr. McKay know that at least one Republican member of Congress, Rep. Hastings, was interested in election fraud investigations by Mr. McKay's office?

ANSWER: To the best of my recollection, Representative Hastings' interest in election fraud was not a factor I considered at the time that I accepted the recommendation to seek Mr. McKay's resignation.

Kennedy 151: Before the decision was made to fire Mr. McKay, did you or anyone else from the Department of Justice ever talk to him about concerns with his record? If so, what was Mr. McKay told? By whom?

ANSWER: I do not recall speaking with Mr. McKay about his record.

Kennedy 152: Please list all persons who were involved in any way in the recommendation or decision to fire Mr. McKay.

ANSWER: My April testimony represents my best recollection about the process and decision to seek the resignation of Mr. McKay.

Kennedy 153: The obvious conclusion is that Mr. McKay was fired because he refused to use the power of his office for partisan purposes. E-mails show that as late as August 2006, the Administration was considering Mr. McKay as a strong candidate for a lifetime appointment as a federal judge. Yet a month later, he was recommended for dismissal. What happened in that time to alter your view of him so drastically?

ANSWER: With all due respect, I do not agree with the premise of the question. Nevertheless, my April testimony represents my best recollection about the process and decision to seek the resignation of Mr. McKay.

Kennedy 155: Why did Todd Graves leave his position as United States Attorney for the Western District of Missouri? Was United States Attorney Todd Graves of the Western District of Missouri encouraged or forced to resign? Describe all discussions or communications of which you are aware regarding the replacement or resignation of Mr. Graves.

ANSWER: As Mr. Graves testified, he had made no secret of the fact that he had planned to leave office in 2006 to open his own practice. Nevertheless, as he also testified, he was asked to leave.

Schumer 178: To the best of your knowledge, do you continue to enjoy the confidence of senior career officials at the Department of Justice? Please explain on what facts or evidence your response is based.

ANSWER: I hope and believe that the senior officials at the Department have confidence in my commitment to the priorities I have outlined for the rest of my term, including protecting Americans from terrorists, safeguarding neighborhoods from violence, gangs, and guns, and ensuring that we are doing all we can to protect children from exploitation. I am taking steps to reinforce and, if necessary, strengthen that confidence, by increasing my communication with component heads, and by directly reaching out to the entire Department in a televised address that I delivered on July 20th. In addition, I have asked my staff to examine and, if necessary, revise any hiring procedures that may have contributed to allegations of improper politicization. For example, in April, we revised the process by which Immigration Judges are appointed. These revisions restored the significant role of career employees within the Executive Office for Immigration Review (EOIR) and the Office of the Chief Immigration Judge. We also recently changed the hiring process for the Honors Program and Summer Law Interns Program. These changes, which were made working through the Office of Attorney Recruitment and Management, also formalized the role of career employees in the hiring process. Additionally, I directed the Executive Office of U.S. Attorneys to reaffirm DOJ policy applicable to the vetting process for the hiring of AUSAs by Interim or Acting United States Attorneys. In conjunction with this, I have instructed EOUSA to ensure that this vetting process remains within EOUSA and not with political appointees in the senior management offices. Within the Civil Rights Division, we recently reminded each of the attorneys within that section that basing employment and personnel decisions on impermissible factors, such as political affiliation, will not be tolerated. Each of the actions I have taken to date were designed to safeguard the critical work of this department and to reinforce the public's confidence in the work and personnel of our Department.

Schumer 179: To the best of your knowledge, do you continue to enjoy the confidence of a majority of the United States Attorneys still in office? Please explain on what facts or evidence your response is based.

ANSWER: Yes. Many of the U.S. Attorneys support the steps I have taken to address the issues that have arisen and to improve communications with the U.S. Attorney community. Furthermore, I am confident that the U.S. Attorney community is focused on working with me to carry out the Department's priorities over the remaining 18 months of this administration.

Schumer 182: Do you plan to continue the practice of asking U.S. attorneys to fill posts concurrently at the Department of Justice in Washington, D.C.? Please explain what specific steps you have taken to ensure that this practice of concurrent appointments is not diminishing the quality of justice provided in the districts of U.S. attorneys who have concurrent appointments at main Justice.

ANSWER: There is a long tradition of U.S. Attorneys concurrently filling posts at the Department in Washington, D.C. In so doing, the U.S. Attorneys are making significant contributions to the cause of justice. I evaluate each concurrent appointment on its own merit. If I ever believe that a concurrent appointment is diminishing the quality of service to the Department of Justice or to the home district, I would revisit the arrangement.