

Justice officials talked of putting Lam on 'short leash'; joked she couldn't 'meet a deadline'

by Dana Wilkie

WASHINGTON - At the same time Justice Department officials were crafting letters assuring lawmakers that fired U.S. Attorney Carol Lam was "vigorously" enforcing immigration laws, they privately questioned her prosecution philosophy, made snide remarks that she "can't meet a deadline" and suggested she be put "on a very short leash" or be removed.

Carol Lam

Internal memos released Monday demonstrate conflicting views within the Justice Department over Lam and seven other U.S. attorneys whose abrupt firings have ignited controversy over whether they were dismissed for performance reasons, as the White House claims, or political reasons, as some Democrats insist. That controversy has led to increasing calls for the resignation of Attorney General Alberto Gonzales, and to vows from Democrats that they will require top White House officials to testify about the firings under oath.

"This incident has shown a bright light into the inner workings of the Bush administration," Feinstein said Tuesday, after the Senate overwhelmingly approved her bill revoking the attorney general's power to appoint U.S. attorneys without Senate confirmation. "We've seen mismanagement and abdication of responsibility by the senior leadership of the Department of Justice. And we've seen a chilling message sent to the 85 remaining U.S. attorneys."

The bill, which passed with a 94-2 vote, would undo a White House-backed law that stripped the Senate's power to reject interim U.S. attorneys the administration picks to replace prosecutors.

The Justice Department on Monday released to Congress 3,000 pages of documents that shed new light on how Bush administration officials privately felt about Lam and seven other U.S. attorneys dismissed last December.

Rep. Darrell Issa, the Vista, Calif., Republican who three years ago began questioning Lam's record on immigration-related prosecutions, noted that the e-mails demonstrate internal dissatisfaction with Lam's record - even as Justice Department officials drafted rosy letters about Lam to him and Feinstein.

"It does appear they were supporting their own while figuring out how to discipline or change (Lam's) behavior," Issa said. "That's been a pattern of this administration- which has not had a great record of being forthcoming with Congress."

Justice Department spokesman Brian Roehrka did not reply to a request for comment.

In a June 1, 2006, memo from Kyle Sampson, former chief of staff to Gonzales, Sampson directs acting associate attorney general Bill Mercer to have a "heart-to-heart" with Lam about "the urgent need to improve immigration enforcement in San Diego."

"Put her on a very short leash," Sampson wrote. "If she balks- or otherwise does not perform in a measurable way by July 15, remove her."

In a series of July 8, 2006, e-mails, Mike Elston, chief of staff to deputy attorney general Paul McNulty, wrote that he was "sad" about a new post that Mercer was taking.

But Mercer jokingly suggested some other reasons why Elston might be sad:

"That Carol Lam can't meet a deadline," wrote Mercer, who six weeks earlier participated in an analysis saying Lam "should place a greater emphasis on pursuing illegal re-entry and alien smuggling cases."

"Or that you'll need to interact with her in the coming weeks, or that she won't just say, 'O.K. You got me. You're right, I've ignored national priorities and obvious local needs. Shoot, my production is more hideous than I realized.'" Replied Elston: "Carol Lam is sad, too."

Five days later, a Justice Department official sent Elston a draft of two letters addressing inquiries from Issa and Feinstein about complaints from Border Patrol agents that Lam's prosecution of illegal immigrants was low.

The drafts tell the lawmakers to "rest assured that the immigration laws in Southern California are being vigorously enforced," and explain that Lam devoted "substantial resources" to prosecuting cases involving immigration violations, alien smuggling and border corruption. The drafts were signed by Assistant Attorney General William E. Moschella, who testified before Congress just months later that Lam's gun prosecution numbers were "at the bottom of the list" and her immigration prosecutions "just didn't stack up."

But the e-mails indicate that even Lam may have been in the dark about how Justice Department higher-ups felt about her work.

"This was not handled well," Issa said. "As much as (U.S. attorneys) serve at the pleasure of the president, they also need input from the administration on the direction they're going."

In an Aug. 2 e-mail to Deputy Assistant Attorney General Rebecca Seidel, Lam said the tone of an early August meeting with Issa about her performance was "civil" and that the congressman "seemed to grasp" her explanation about her prosecution strategy.

"Essentially, I must make a choice: prosecute the coyotes who are smuggling but not endangering anyone, or the rapists and murderers who are coming back to rape and murder again," she wrote. "We left on very cordial terms without any request for follow up information."

Reidel forwarded Lam's memo to at least seven officials, including Elston, indicating that it "sounds like (Lam) handled well and it was actually constructive."

Democrats say the dismissals may have been retribution for the attorneys' prosecuting Republicans or declining to prosecute Democrats.

Feinstein revealed Sunday that a Justice Department e-mail suggesting Lam should be fired came the day after Lam told the department she was executing search warrants that stemmed from Lam's prosecution of former Rep. Randy "Duke" Cunningham, the Rancho Santa Fe, Calif., Republican now in prison for taking more than \$2.4 million in bribes.

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