

## Gonzales faces sharp questioning about U.S. attorney firings

by Dana Wilkie

WASHINGTON - Attorney General Alberto Gonzales said Thursday that he personally ordered a review of fired U.S. Attorney Carol Lam's prosecution record and told staffers "to do something about it" if complaints about her proved legitimate.

Gonzales, under fire for the abrupt dismissal of eight U.S. attorneys - which some Democrats claim was politically motivated - said he called for the Lam review after learning of "numerous complaints" about the former federal prosecutor.

In testimony before the Senate Judiciary Committee Thursday, Gonzales for the first time acknowledged playing more than a minor role in reviewing Lam's performance - a review his office claims ultimately led to her dismissal.

"The department had received numerous complaints about Carol Lam's performance," said the embattled Gonzales, who is under fire to resign amid charges that the firings were for political reasons, not performance. "I directed the department to try to ascertain whether or not those complaints were legitimate, and if not, we ought to look at perhaps doing something about it." Gonzales was frequently asked during the daylong hearing about the extent of his involvement in Lam's firing, as well as why he would say Lam knew the Justice Department was concerned about her record when Lam and a former Gonzales aide testified that she didn't.

Lam, appointed by President Bush to be San Diego's top federal prosecutor, was told she was being dismissed last December. At the time, she was in the midst of investigating corruption cases stemming from her successful prosecution of former Rep. Randy "Duke" Cunningham, the San Diego County Republican now in prison for taking more than \$2.4 million in bribes.

Lam's detractors insist her thin record on firearms and immigration-related prosecutions was responsible for her ouster. Her supporters argue she devoted half her resources to prosecuting criminal alien cases, focusing on offenders who posed the greatest threat to the region while allowing the local district attorney to pursue gun-related crimes.

While Gonzales could not recall specifics about some of the fired attorneys, he did recall that Lam had come to his attention and noted that he had "genuine concerns" about her gun and illegal immigration prosecutions.

"This is a very important border district," Gonzales said of the Southern District that Lam led more than four years. "And given the current debate about immigration reform, I felt that we should do better, much better in

this district."

Gonzales said he directed his staff to examine Lam's record. But he said his request was not part of an effort by his former chief of staff, Kyle Sampson, who was preparing a list of prosecutors whose performance and loyalty to Bush were questioned.

"I did not view (Lam) at the time as part of this (Sampson) review process," Gonzales said, adding later that "I wasn't focused on - whether her name would go on this list. I was focused on making sure she was doing her job."

Gonzales did not elaborate on what he wanted his underlings to "do" about Lam. But when he later saw Lam's name on a list Sampson provided of recommended dismissals, he said "I was not surprised."

Gonzales faced sharp questioning not only from committee Democrats, but also from some Republicans who only last month appeared more supportive of him. Several lawmakers appeared frustrated by Gonzales' seemingly conflicting statements about his role in the firings.

Sen. Dianne Feinstein, D-Calif., noted that in printed testimony submitted to the committee, Gonzales wrote "I did not make decisions about who should or should not be asked to resign." But in remarks to the committee Thursday, he said he stood by "my decision to ask for the resignations of these U.S. attorneys." Moreover, Justice Department e-mails and the testimonies of former Gonzales staffers indicate Gonzales consulted with underlings on whether to remove Lam and others.

"Who was the decider?" Feinstein pressed.

"I don't recall ever saying - 'No, take that person off or add this person,' "Gonzales said of Sampson's list of recommended firings. He added that he relied on Sampson and other aides to reach a "consensus judgment" of those attorneys in whom they had "lost confidence."

Feinstein also questioned why Gonzales would approve Lam's firing after one of his assistant attorneys general, William E. Moschella, defended Lam's prosecution record in a letter to Feinstein.

Gonzales said he was unaware of Moschella's letter. But he insisted Lam was "acutely aware of the concerns that existed with respect to her policies," and he noted letters from, among others, Rep. Darrell Issa, the Vista, Calif., Republican who three years ago began questioning Lam's prosecution record.

"Ms. Lam may not have been told- 'If you don't change your policies, there's going to be a change,' "he said. "But - she had knowledge that there was certainly an interest about her" prosecution figures.

Asked by Sen. Orrin Hatch, R-Utah, if any attorneys were fired for pursuing or failing to pursue public corruption cases, Gonzales said no.

"That's not the reason I asked for the resignations," he said. "I don't think anyone was motivated for that reason."

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