

## Lam's 'unusual' practices spurred 'frequent' talks 2 years before firing, Justice official says

by Dana Wilkie

WASHINGTON - At least two years before she was fired, San Diego U.S. Attorney Carol Lam was the subject of "frequent conversation" inside the U.S. Justice Department, where her lack of gun and immigration prosecutions and tendency to try her own cases were considered "unusual," a former top Justice Department official testified Wednesday.

Monica Goodling, the Justice Department's former White House liaison, said Lam's name began surfacing as early as 2004, and perhaps even 2003, because Justice higher-ups felt her district "was underperforming."

"There were a lot ... of conversations about her work," said Goodling, who testified under limited immunity before the House Judiciary Committee about her role in the firings of Lam and seven other U.S. attorneys, which some lawmakers believe were politically motivated. "She just didn't seem to be doing as much as they thought she should be."

The 33-year-old Regent University School of Law graduate rose quickly from a Justice Department public affairs officer to become the White House liaison, with power to hire and fire political appointees and influence the hiring of career prosecutors in offices run by interim U.S. attorneys. She resigned her job in April after last year's firings of Lam and others ignited national controversy.

Goodling's testimony provided ammunition for Republicans battling the Democratic view that some of the attorneys were fired not for performance reasons, but political ones - including prosecuting corruption cases involving GOP lawmakers, or failing to pursue such cases.

At the time she was fired, Lam had broadened her investigation of former Rep. Randy "Duke" Cunningham, the Rancho Sante Fe Republican now in prison after pleading guilty to bribery and conspiracy.

"For three years there had been a constant drip, drip of Carol Lam not supporting the president's stated policies," said Rep. Darrell Issa, the Vista, Calif., Republican who three years ago began questioning Lam's relatively low number of illegal firearms and illegal immigration cases, which were top Bush priorities. But Democrats focused more on Goodling's testimony that politics sometimes influenced her decision in the hiring of those who were not political appointees - behavior she acknowledged "crossed the line" because such a litmus test would have violated department rules and federal law.

Sen. Barbara Boxer, D-Calif., said she was disturbed by Goodling's testimony that while seeking last fall to replace resigned Los Angeles U.S. Attorney Debra Wong Yang, Goodling and her superiors bypassed a bipartisan commission responsible for screening U.S. attorney candidates in California.

"We did take steps to interview some candidates ... that weren't recommended by the commission," said Goodling, referring to the Parsky Commission, which was created with the White House's blessing to avoid protracted nomination fights and opposition from Boxer and California Sen. Dianne Feinstein, also a Democrat. Goodling said that Kyle Sampson, former chief of staff to Attorney General Alberto Gonzales, "told me that he and the attorney general believed that in some cases the Parsky Commission was rather slow and that they sometimes didn't include all the candidates that they had an interest in considering. And so we actually had interviewed candidates outside that process."

Sources say that after Gerald L. Parsky, the Bush ally who led the commission, phoned the White House about these outside interviews, the Justice Department again began working with the panel. Parsky declined to comment on Goodling's testimony.

But Feinstein said it was "absolute nonsense to suggest that the Parsky Commission was too slow."

"I've never had a complaint about the commission," Feinstein said.

Goodling's testimony left the impression she was a minor player in drawing up a list of prosecutors targeted for firing. But she seemed convinced that politics had nothing to do with the firings. Instead, Goodling testified that she believed it was concerns about Lam's prosecution record that led to her dismissal.

"She was a topic of frequent conversation," said Goodling, adding that conversations about Lam's relatively low gun-related prosecutions first started in 2003 or 2004, while talk of her low illegal-immigration prosecutions started in 2005. "I think that the concerns about her immigration work certainly were relevant to her firing," Goodling said.

Finally, Goodling said it caught the department's attention when Lam spent weeks in front of jury trials prosecuting her own cases.

"It was fairly unusual in extra-large offices where you had hundreds of staff members to supervise, for a U.S. attorney to do so much trial work," Goodling said.

Lam was told she was being dismissed late last year. She has testified that she was confused by her firing, was never told of failings that might warrant her dismissal and that such actions could have "a chilling effect" on U.S. attorneys who might conclude that "perhaps I should just play it safe and try not to displease anyone."

Goodling provided some insight into why the Justice Department publicly supported Lam in letters to Issa and Feinstein despite the internal complaints. Goodling said the department was trying to say "what good things it could."

"The department tried to provide information to assure the senator that there was some good work being done in this area, but maybe not as much good work as the department wanted to have done," she said. "I think the department would have been happier to be able to have an even more positive response, but provided the best response that it could."

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