

April 9, 2007

Senator Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Messrs. Chairmen:

Many of us in the Department of Justice have been watching with admiration as you expose the overly political firing of United States Attorneys and hope that you can help in returning our beloved Department to its role of establishing justice in the United States. We are equally concerned, however, about the politicizing of the non-political ranks of Justice employees, offices which are consistently and methodically being eroded by partisan politics.

Many employees within the Department's litigating divisions are sitting quietly by, hoping that you will investigate what has happened to the Attorney General's Honors Program and even the Summer Law Intern Program (SLIP). You are surely aware that the Attorney General's Honors Program has a long history of hiring top students from a variety of law schools, and it is the only way that young lawyers are able to come into the Department immediately after law school. This year the divisions once again pored over applications and resumes, choosing students to interview who demonstrated not only excellent grades but a real interest in the areas of law they might be hired to work in. After choosing potential candidates to interview, the division personnel forwarded their lists to the Office of Attorney Recruitment Management for what was traditionally final approval. This is no longer a final step, however, because the list had to go higher—to the Office of the Deputy Attorney General. When the list of potential interviewees was returned this year, it had been cut dramatically. (For example, many sections were left with fewer potential interviewees than vacant slots to fill; one section was not permitted to interview any of its choices for the Summer Law Intern Program.)

Needless to say, many people were upset and confused. *Why had so many potential interviewees been removed from the list?* Top supervisors requested answers, and on December 5 a meeting was held with Michael Ellston, Chief of Staff to Deputy Attorney General Paul McNulty. Many division attorneys and staff were present, and Mr. Ellston was offensive to the point of insulting. Claiming that the entire group had not "done their jobs" in reviewing applicants, he said that he had a "screening panel" go over the list and research these candidates on the Internet; he refused to give the names of those on his "panel." Mr. Ellston said that people were struck from the list for three reasons: grades, spelling errors on applications, and

inappropriate information about them on the Internet. When the meeting attendees protested that these interviewees had excellent grades, Mr. Ellston replied that a Harvard graduate in the bottom half of the class was more desirable than the top students at second-tier law schools. Although Mr. Ellston stated that he would entertain appeals to his decisions, few of these appeals were granted.

When division personnel staff later compared the remaining interviewees with the candidates struck from the list, one common denominator appeared repeatedly: most of those struck from the list had interned for a Hill Democrat, clerked for a Democratic judge, worked for a "liberal" cause, or otherwise appeared to have "liberal" leanings. *Summa cum laude* graduates of both Yale and Harvard were rejected for interviews. There are also reports that officials at Harvard's Career Placement Office called DOJ personnel to ask why their students were not getting interviews and also to ask why decisions had not yet been made about the Summer Law Intern Program.

While it might be said that whoever wins an election can do the hiring, this new hiring procedure is contrary to Department of Justice tradition. The Department represents the entire country and has always had attorneys from a variety of schools and political leanings. There should be no litmus test for a top law student to get an interview at the Department of Justice. (This same hijacking of hiring may also be occurring in the U.S. Attorney ranks as well, and it would be useful to find out who approves Assistant U.S. Attorney hires, especially when the U.S. Attorney is serving only as an "Interim.")

There are emails written "to the file" memorializing the December 5 meeting, and many people attended who will turn over their information about this if requested. It should be fairly simple to discern which Department personnel in the litigating divisions were involved in choosing candidates to interview and which employees were present at the December 5 meeting with Michael Ellston. We hope that you will indeed ask these questions.

While the current political appointees repeatedly remind everyone that the U.S. Attorneys "serve at the pleasure of the President," the Department's career attorneys serve the people of the United States. We hope you will see fit to include this politicizing of the career ranks in your questioning of Attorney General Gonzales and his staff.

Thank you.

A Group of Concerned Department of Justice Employees