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FOR IMMEDIATE RELEASE:
March 26, 2007

**STATEMENT BY JOHN M. DOWD, ATTORNEY FOR MONICA M. GOODLING,
REGARDING THE CONGRESSIONAL INQUIRY INTO
THE FIRINGS OF CERTAIN U.S. ATTORNEYS**

(Washington, DC) – Today, the Senate Judiciary Committee requested an interview with and possible testimony from Ms. Monica M. Goodling in connection with the Committee’s inquiry into the firings of United States Attorneys. Ms. Goodling, who serves as Counsel to the Attorney General and White House Liaison, is represented by John M. Dowd and Jeffrey M. King of Akin Gump Strauss Hauer & Feld in Washington, D.C. In a letter to Senate Judiciary Committee Chairman Leahy today, Ms. Goodling’s counsel explained the reasons why Ms. Goodling will, upon the advice of counsel, invoke her Fifth Amendment privilege not to answer any questions about this subject.

Citing the Supreme Court’s opinion in Ohio v. Reiner, Mr. Dowd explained: “It is a well-settled principle of our nation’s jurisprudence – as stated time and again by the United States Supreme Court – that one of the basic functions of the Fifth Amendment is to protect the “innocent[,] ... who otherwise might be ensnared by ambiguous circumstances.” Mr. Dowd said that “the hostile and questionable environment in the present Congressional proceedings is at best ambiguous; more accurately the environment can be described as legally perilous for Ms. Goodling” for the following reasons.

First, the public record is clear that certain members of the Senate and House Judiciary Committees (both of which are working jointly in this inquiry) have already reached conclusions about the matter under investigation and the veracity of testimony provided by the Department:

- Chairman Leahy has concluded in a March 15 Press Release that the Attorney General and Deputy Attorney General “failed to tell Congress the whole truth about this matter under oath.”
- In a joint press conference with Senator Feinstein on March 13, Senator Schumer no fewer than five times characterized the Department’s testimony to date as “false” or a “falsehood” and concluded that there had been “misleading statement after misleading statement -- deliberate misleading statements.”
- Chairman Conyers and Representative Sanchez of the House Judiciary Committee stated in a March 22 letter to the White House Counsel that “evidence of misconduct, misstatements . . . has already come to light” and that “the

PRESS RELEASE:

March 26, 2007

p. 2

Department of Justice itself has acknowledged that its officials have misled Congress.”

Second, the Senate Judiciary Committee’s Ranking Member, Senator Specter, has suggested that Senator Schumer is using the hearings to promote his political party. That is not a legitimate reason for the Judiciary Committee to conduct hearings. Third, Senator Specter has publicly raised questions about the basic fairness of the Committee’s inquiry and lack of “objectivity.” (Fox News Transcript, March 19, 2007 interview of Sen. Specter).

Fourth, Mr. Dowd stated that “it has come to our attention that a senior Department of Justice official has privately told a member of the Senate Judiciary Committee that he (the official) was not entirely candid in his report to the Senate’s Committee, and that the official allegedly claimed that our client and others did not inform him of certain pertinent facts.”

The letter to Chairman Leahy cited numerous examples of witnesses who gave testimony before the Congress and then faced criminal investigations and even indictments for perjury, false statements, or obstruction of congressional proceedings, including United States v. Poindexter, United States v. North, United States v. Safavian, and United States v. Weissman. Mr. Dowd observed that “the potential for legal jeopardy for Ms. Goodling from even her most truthful and accurate testimony under these circumstances is very real. One need look no further than the recent circumstances and proceedings involving Lewis Libby.”

“Where members of the Committees have already reached conclusions about the matter under investigation and the veracity of the Department’s testimony; where the forum is politically charged; and most importantly, where a senior Department official is making accusations about others, including our client,” Mr. Dowd stated, “we have advised Ms. Goodling (and she has decided) to invoke her Constitutional right not to answer any questions.”

Ms. Goodling, age 33, remains actively employed by the Department of Justice.

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March 26, 2007

VIA FACSIMILE AND OVERNIGHT DELIVERY

Hon. Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
433 Russell Senate Office Building
Washington, D.C. 20510

Re: Senate Judiciary Committee Hearings on the Firings of United States Attorneys

Dear Mr. Chairman:

We represent Ms. Monica M. Goodling, Counsel to the Attorney General and White House Liaison. We were advised today by counsel to the Committee on the Judiciary that the Committee seeks Ms. Goodling's testimony with respect to the Committee's inquiry into the firings of United States Attorneys.

Please be advised that Ms. Goodling will, upon our advice, assert her Fifth Amendment privilege as to any and all questions regarding the firings of U.S. Attorneys, and any other questions related to that subject matter, for the following reasons.

First, the public record is clear that certain members of the Senate Judiciary Committee have already reached conclusions about the matter under investigation and the veracity of testimony provided by the Department of Justice to date. For example, you, Mr. Chairman, have concluded that the Attorney General and Deputy Attorney General "failed to tell Congress the whole truth about this matter under oath." (Press Release, March 15, 2007, Office of Senator Leahy). Additionally, in his joint press conference with Senator Feinstein on March 13, Senator Schumer no less than five times characterized the Department's testimony to date as "false" or a "falsehood" and concluded that there had been "misleading statement after misleading statement -- deliberate misleading statements."

We understand that the Senate Judiciary Committee is working jointly with the House Judiciary Committee, whose members have made similar conclusions about this subject.

Second, the Committee's Ranking Member, Senator Specter, has suggested that Senator Schumer is using the hearings to promote his political party. That is not a legitimate reason for the Judiciary Committee to conduct hearings. Third, and related to the second reason, Senator

Hon. Patrick Leahy
United States Senate
March 26, 2007
Page 2

Specter has publicly raised questions about the basic fairness of the Committee's inquiry and lack of "objectivity." (Fox News Transcript, March 19, 2007 interview of Sen. Specter). The Committee's hearings not only must have the appearance of a "modicum of justice," as Senator Specter called it, but also must comport with the basic notions of fundamental fairness.

Fourth, it has come to our attention that a senior Department of Justice official has privately told Senator Schumer that he (the official) was not entirely candid in his report to the Committee, and that the official allegedly claimed that others, including our client, did not inform him of certain pertinent facts.

It is a well-settled principle of our nation's jurisprudence – as stated time and again by the United States Supreme Court – that one of the basic functions of the Fifth Amendment is to protect the "innocent[,] ... who otherwise might be ensnared by ambiguous circumstances." See, e.g., Ohio v Reiner, 532 U.S. 17, 21 (2001). The hostile and questionable environment that has been created by the members of the Judiciary Committee in the present proceedings, including the accusations by Department of Justice officials to members of the Committee about Ms. Goodling, is at best ambiguous; more accurately the environment can be described as legally perilous for Ms Goodling, whose testimony you seek.

It is not uncommon for witnesses who give testimony before the Congress to face criminal investigations and even indictments for perjury, false statements, or obstruction of congressional proceedings. See, e.g., United States v. Safavian, 429 F. Supp. 2d 156 (D.D.C. 2006) (indictment alleging obstruction of investigation and false statements based on testimony before Senate Committee on Indian Affairs); United States v. Weissman, No. S2 94 Cr. 760, 1996 U.S. Dist. LEXIS 19125 (Dec. 19, 1996) (indictment alleging perjury based on testimony before Senate Permanent Subcommittee on Investigations). See also United States v. Poindexter, 725 F. Supp. 13 (D.D.C. 1989) (indictment alleging false statements to House Intelligence Committee); United States v. North, 716 F. Supp. 644 (D.D.C. 1989) (indictment alleging aiding and abetting obstruction of Congressional investigation).

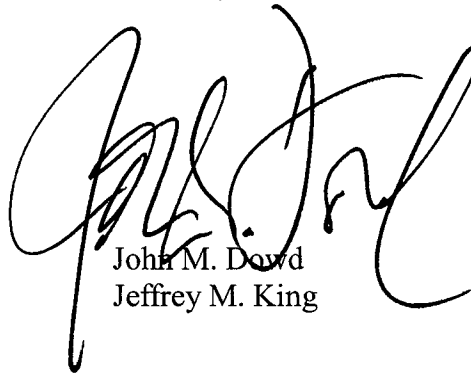
Accordingly, Ms. Goodling will not answer questions before the Committee or its staff under these circumstances. The potential for legal jeopardy for Ms. Goodling from even her most truthful and accurate testimony under these circumstances is very real. One need look no further than the recent circumstances and proceedings involving Lewis Libby.

Hon. Patrick Leahy
United States Senate
March 26, 2007
Page 3

Where this Committee, its Chairman, and prominent members have already reached conclusions about the matter under investigation and the veracity of the Department's testimony, and where the forum is politically charged and lacks fundamental fairness as questioned by the Ranking Member, and most importantly, where a senior Department official is making accusations about our client, we have advised Ms. Goodling (and she has decided) to invoke her Constitutional right not to answer any questions. We have enclosed an affidavit from Ms. Goodling to that effect.

Accordingly, in light of her decision to invoke her right not to answer any questions about this subject matter, and her submission of an affidavit so stating, we request that the Committee not call Ms. Goodling to appear at the hearings or in any other setting.

Sincerely,



John M. Dowd
Jeffrey M. King

Enclosure

cc: Hon. Arlen Specter
Ranking Member
Hon. Charles E. Schumer
Chairman, Subcommittee on Administrative Oversight and the Courts
Ms. Monica M. Goodling

**BEFORE THE UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

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In the matter of the :
Investigation into the :
Firings of U.S. Attorneys :
 :
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Declaration of Monica M. Goodling

1. I am presently employed by the Department of Justice as Counsel to the Attorney General and White House Liaison.

2. I understand that the United States Senate, Committee on the Judiciary, is conducting hearings regarding the firings of certain U.S. Attorneys and has sought my testimony in connection with those hearings. I have directed my counsel to submit this declaration to the Committee on my behalf.

3. I understand from media accounts that the House and Senate Committees on the Judiciary are working together.

4. I have read public remarks by members of both the House and Senate Committees on the Judiciary in which those members have drawn conclusions about the subject matter and the testimony now under investigation by the Committee. For example, I have read that Senator Leahy announced that the Attorney General and Deputy Attorney General “failed to tell Congress the whole truth about this matter under oath.” (Press Release, March 15, 2007, Office of Senator Leahy). Additionally, I read that Senator Schumer in a March 13 press conference called the Department of Justice’s testimony to date “false,” a “falsehood,” and “misleading statement after misleading statement -- deliberate misleading statements.” Also, Representative

Sanchez, the Chairman of the House Judiciary Committee's Subcommittee on Commercial and Administrative Law, has publicly stated that there have been "attempts to mislead the public on this issue[.]" (Press Release, March 15, 2007, Office of Congresswoman Sanchez).

5. I have also become aware that a senior Department of Justice official has privately told Senator Schumer, who is a member of the Judiciary Committee, that he (the official) was not entirely candid in his report to the Committee, and that the official allegedly claimed that others at the Department of Justice, including me, did not inform him of certain pertinent facts prior to his testimony.


6. I have been advised by my counsel John M. Dowd of Akin Gump Strauss Hauer & Feld, LLP, that under the above-described circumstances I should invoke my Fifth Amendment privilege against self incrimination and decline to answer any and all questions from the Committee or its staff about the firings of U.S. Attorneys or related questions.

7. I have decided to follow my lawyer's advice and respectfully invoke my constitutional right, because the above-described circumstances present a perilous environment in which to testify. I understand that the United States Supreme Court in decisions such as Ohio v. Reiner and others recognizes that I am afforded by the Fifth Amendment, as is any innocent person, the right to decline to answer questions in such circumstances.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 26, 2007, in Washington, D.C.

Executed:



Monica M. Goodling