
Lawrence Brown
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January 5, 2009

The Honorable Dianne Feinstein
United States Senate
Attention: Jim Molinari
One Post Street, Suite 2450
San Francisco, CA 94104

Re: United States Attorney- EDCA

Dear Senator Feinstein:

I write to express my interest in appointment as United States Attorney for the Eastern District of California. Since 2003, I have been First Assistant U.S. Attorney in the district, serving as second-in-command under McGregor Scott. Presently, I am Acting United States Attorney.

Since graduating from the University of California, Davis King Hall School of Law in 1989, I have spent my entire career in public service. From 1989 until 1994, I was a deputy district attorney in Ventura County. In 1994, I joined my then-felony supervisor, Gregory Totten, at the California District Attorneys Association, serving as his deputy executive director. On his return to Ventura County, where he now serves as the District Attorney, I was promoted to executive director and served from 1996 to 2003. In that role, I represented the 58 elected District Attorneys of California, regularly testifying before the Legislature and serving as their primary spokesperson to the media. I managed an annual budget of \$5 million and a staff of approximately 50 persons, responsible for the training and education of prosecutors statewide. In 2000, I was elected by colleagues across the country to serve as president of the National Association of Prosecutor Coordinators.

In 2003, I was selected by incoming United States Attorney McGregor Scott to serve as his First Assistant. Over the past nearly six years, I have been responsible for the day-to-day management of the office. I serve as key point of contact to local, state, and federal law enforcement and prosecution agencies, as well as to the Chief Clerk, the U.S. Marshal, and the Chief Judge. Since 2005, I have served on the Chief Judge's Judicial Advisory Committee. I also routinely serve as a media spokesperson for the office and lecture frequently to law enforcement and at citizen meetings to explain such controversial topics as the USA PATRIOT Act and the federal ban on medicinal marijuana.

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Not hailing from federal prosecution, during my tenure I also took it upon myself to learn the federal justice system. To that end, I indicted a number of relatively routine cases, including child exploitation, bank fraud, and counterfeiting. Last summer, I co-tried the corruption case of United States v. Julie Lee, involving the illegal transfer of state grant funds to the Shelley for Secretary of State campaign account. I also have appeared before the Ninth Circuit Court of Appeal on several occasions. In my role as key advisor to the U.S. Attorney, I have been involved in virtually every major decision on every significant case the office has brought in recent years, and during the U.S. Attorney's frequent trips outside the district, I served as Acting U.S. Attorney.

I submit my name for consideration only after considerable reflection. I recognize the tremendous responsibilities befalling the position and the particular importance the role serves in light of controversies on a national level in recent years. I believe what I can offer the President-elect and his administration is a figure universally well regarded for integrity and decency. I have earned the trust and respect of law enforcement throughout the Central Valley, and have been urged by such persons as the Sacramento Sheriff, Chief of Police, and FBI Special Agent-in-Charge to seek this appointment. I would build on the outstanding relations U.S. Attorney Scott forged with allied local, state, and federal agencies. I also have an excellent relationship with the bench, court administration, and the federal bar.

Perhaps most importantly, my appointment would have significant support from the men and women comprising the U.S. Attorney's Office who serve their careers doing the bidding of the United States. Greg Scott's and my tenure has been viewed as extremely effective by office personnel, respected for its transparency, fairness, and sense of mission. It is understood I would carry on that tradition, and would do so with good humor and humility.

As this is a political appointment, I will note that for the past two years, I have been registered as Decline to State. From 1988-2007, I was a registered Democrat and from 1982-1988, a Republican. As may be evident, I am not a rigid ideologue and discovered that I simply did not fit neatly within either party. I chose to ultimately become an independent because I felt that in my line of work, namely the administration of justice, neither party has a monopoly and its handiwork must be performed in non-partisan fashion. I count myself in the ranks of those who have grown weary of the overly-simplistic "red state/blue state" debates over complex issues and enthusiastically embrace President-elect Obama's call to abandon such labels and become the *united* states of America.

Thank you for any consideration you might give my application.

Sincerely,



Lawrence G. Brown

Duckett, Deb (USACAE)

From: Brown, Lawrence (USACAE)
Sent: Tuesday, March 24, 2009 4:51 PM
To: Matthew G. Jacobs
Cc: Newman, Kendall (USACAE)
Subject: RE: Reasons You Should Either (1) Call out Walpin Publicly, or (2) Tell Him to Take His Case Back Home

Message heard loud and clear, Matt. I am at a complete loss and do in fact plan to speak w/ Gerald.

Larry

From: Matthew G. Jacobs [mailto:mjg@sojllp.com]
Sent: Tuesday, March 24, 2009 4:42 PM
To: Brown, Lawrence (USACAE)
Cc: Newman, Kendall (USACAE)
Subject: Reasons You Should Either (1) Call out Walpin Publicly, or (2) Tell Him to Take His Case Back Home

Larry, I expressed my outrage over Walpin's letter to the editor to Ken, who I'm sure has communicated it to you, but that did not have the fully cathartic effect I desired so I must try another tack:

1. The U.S. Attorney (Greg) already told this guy once he's not supposed to speak publicly about federal cases in this District.
2. He's *not* supposed to speak publicly about federal cases in this District. The DOJ regs explicitly state that the U.S. Attorney is the primary spokesperson for all federal law enforcement in the District. Moreover, Hilburg has stated repeatedly, and as recently as Saturday's Bee article, that he *can't* comment on ongoing investigations. So Walpin *knows* he's not supposed to comment.
3. WTF is wrong with this guy! First, he tried to effect the election; now he's messing around with the entire region's federal funding! Over this case?!

In all seriousness, the U.S. Attorney needs to stand up and say this isn't right. The U.S. Attorney represents the face of justice in this District, and for this District. Please.

Thanks. Matt

Matthew G. Jacobs
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Sacramento, California 95814
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mjg@sojllp.com
www.sojllp.com

Duckett, Deb (USACAE)

From: Brown, Lawrence (USACAE)
Sent: Wednesday, March 25, 2009 10:07 AM
To: Matthew G. Jacobs
Cc: Newman, Kendall (USACAE)
Subject: RE: Reasons You Should Either (1) Call out Walpin Publicly, or (2) Tell Him to Take His Case Back Home

Matt,

Off the record, as they say, I have spoken w/ Mr. Walpin this morning and expressed my views in no uncertain terms. I am not going to get into details of what was said.

Thanks,
Larry

From: Matthew G. Jacobs [mailto:mgj@sojllp.com]
Sent: Tuesday, March 24, 2009 4:42 PM
To: Brown, Lawrence (USACAE)
Cc: Newman, Kendall (USACAE)
Subject: Reasons You Should Either (1) Call out Walpin Publicly, or (2) Tell Him to Take His Case Back Home

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WASP, secured my committee's approval and passed the Senate unanimously on May 20, 2009.

This bill, authored by Senators HUTCHISON and MIKULSKI, recognizes the brave actions of more than a thousand women who served our country so courageously during World War II. Their patriotism and sacrifice were essential to our war effort. Quite simply, they were responsible for transporting critical military aircraft throughout the United States. Ferrying over 12,000 aircraft, of nearly 80 different types, these groundbreaking women operated war machines, from the fabled B-29 Superfortress to the lethal P-51 Mustang fighter. The purpose of their missions was to prepare these aircraft for combat and ensure their readiness.

The WASPs were so effective that they logged over 50 percent of these kinds of missions for our Nation, flying more than 60 million miles over the course of the war. Their likes included Jacqueline Cochran, one of the greatest female pilots of all time, who was chosen to be the director of the WASPs flight training. Jacqueline set the women's U.S. high altitude and international speed records and was also the winner of the coveted Bendix trophy in 1938. During the famous air race, she earned an epic victory flying from Los Angeles to Cleveland in just over 8 hours. Jacqueline was further commended for her service during the war when she was awarded the Distinguished Service Medal, the highest decoration she could have received from the military without being recognized as an Active-Duty servicemember. When the war ended, Jacqueline's passion for flying would drive her to set new aviation records, becoming the first female pilot to fly a bomber across the Atlantic. Additionally, six WASPs are still living in my home State of Connecticut. One of them, Gloria Heath, flew a dangerous mission as a B-26 bomber pilot, flying at 6,000 feet while towing a banner that fighter pilots would use for target practice during live fire exercises. Now Gloria is nationally recognized as a leader in aviation safety, having served as a founding board member of the Flight Safety Foundation. She also established an international safety information dissemination service to provide a unified, global response to emergencies on the land, in the air, and on the sea. Her pioneering efforts to ensure the safety of pilots and travelers all over the world have undoubtedly saved lives. Throughout her endeavors, Gloria never lost sight of her lifelong commitment to flying. She would become the director of summer aviation programs at Connecticut College, helping young students discover their passion for flight, just as she did half a decade before.

But these women did more than just serve our country they were also pioneers for women's rights. They will forever have the honor of being the first female aviators in American military

history, serving as the forerunners to women's equality in the Armed Forces. In doing so, they paved the way for women's rights in the military and other workforces across the country. And although much still remains to be done to eradicate gender discrimination, women military combat pilots are now flying alongside their brothers in arms a true testament to the barriers broken down by the WASPs more than six decades ago.

These women often faced scorn and ridicule, but they refused to back down in their conviction that they could fly as proficiently as men. Ultimately, they were proven right and demonstrated that success should be measured in terms of merit and talent, not by gender.

Therefore it is with great pride and honor, Mr. President, that I support this bill. I commend Senators HUTCHISON and MIKULSKI for all their hard work and join them in their gratitude for the pioneering women of the WASP program.

INSPECTORS GENERAL

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to the proceeding to H.R. 885, the Improved Financial and Commodity Markets Oversight and Accountability Act, and a similar Senate bill, S. 1354, dated July 29, 2009, for the following reasons."

I object to provisions regarding inspectors general in H.R. 885, and a similar Senate bill, S. 1354, based on my reading of the language in the Improved Financial and Commodity Markets Oversight and Accountability Act. The act is intended to require Presidential appointments and Senate confirmation for the following five inspectors general: Commodity Futures Trading Commission, CFTC; the National Credit Union Administration, NCUA; the Pension Benefit Guaranty Corporation, PBGC; the Board of Governors of the Federal Reserve System, FRB; and the Securities and Exchange Commission.

In essence, the act will change dramatically the historical and longstanding classification of these five organizations from "designated federal entities" DFE, under the original Inspector General Act of 1978, to Presidential appointees.

These IGs, who are all nonpartisan civil servants, oppose H.R. 885. I have come to agree with their conclusion that the act will neither improve the independence of the five IGs nor enhance their accountability to the American people. Requiring that these five IGs be made Presidential appointees introduces the potential for partisan politics where none currently exists. This is especially true because we have an administration that is not even a year old and three IGs have already been dismissed. I have not yet seen a consistent policy reason articulated for treating these five IGs dif-

ferently from other DFE IGs. If Congress wants to increase the independence and accountability of all inspectors general, there are numerous, more effective ways of doing so, and I would be eager to work toward that common goal. However, this legislation has not had a full and, complete hearing in the Senate, targets only five of the DFE inspectors general for reasons that are unclear, and does not appear to achieve its stated purpose.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. KERRY. Mr. President, I thank Senator KYL and Senator LEVIN for working out a second-degree amendment last week to Senator KYL's earlier amendment, No. 1760, to the National Defense Authorization Act relating to the post-START agreement that the United States is negotiating with the Russian Federation. In my view, the earlier amendment—and section 1239 of the House version of the NDAA, on which that amendment was based—would have undermined the constitutional role of the Senate as the body that considers treaties, as well as the President's role in negotiating treaties. The Senate decided wisely not to adopt the House approach of trying to bar U.S. compliance with a treaty before the treaty has even been negotiated. The substitute amendment we adopted last week was a good result.

The bill approved by the Senate, as amended by Senator KYL's modified amendment, would require the President to report to the Congress on his plan to enhance the safety, security and reliability of the U.S. nuclear weapons stockpile, to modernize the nuclear weapons complex, and to maintain the delivery platforms. I would encourage the administration to see that requirement not as a burden, but as an opportunity. If U.S. ratification of the Comprehensive Nuclear Test-Ban Treaty is to be approved by the Senate, Members will have to be convinced that the executive branch is prepared to sustain our nuclear deterrence by maintaining a stockpile of safe, secure, and reliable nuclear weapons, without resorting to nuclear testing. This report requirement underscores that concern and the need to address it forthrightly.

I believe that this administration has the will to maintain our nuclear stockpile, and the successes of stockpile stewardship over the last decade have been greater than even its proponents predicted when we last considered CTBT. The report required by this amendment would offer an opportunity to explain to the Senate how far we have come, where we are going next, and how we will fund stockpile stewardship to ensure that we will sustain our deterrent posture even as the United States works with other countries to reduce the numbers and importance of these weapons worldwide. It may be only a preliminary report, if

Corporation for
**NATIONAL &
COMMUNITY
SERVICE** 

TO: Elana J. Tyrangiel

FROM: Frank R. Trinity 

DATE: May 21, 2009

SUBJECT: Materials regarding CNCS Inspector General

Following our discussion today, I have compiled materials relevant to Gerald Walpin's performance and conduct as Inspector General for the Corporation for National and Community Service.

Please let me know if you have any questions. You may reach me at , or 



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Senior Corps ★ AmeriCorps ★ Learn and Serve America

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May 21, 2009

MEMORANDUM FOR THE RECORD

FROM: Frank R. Trinity
General Counsel



SUBJECT: **GERALD WALPIN'S PERFORMANCE AND CONDUCT AS INSPECTOR GENERAL**

In my position as General Counsel I have observed the following issues with Gerald Walpin's performance and conduct as Inspector General.

A. **St. HOPE Academy. Tab 1.**

- The Inspector General engaged in inappropriate public commentary on pending matters, failed to provide relevant material to agency and U.S. Attorney decision-makers, and submitted a "Seven Day" Special Report to Congress contrary to the applicable provisions of the Inspector General Act.

B. **Equal Opportunity Issues. Tab 2.**

- The Inspector General approved a parody with ethnic, gender, and other stereotypes; when management informed him that it had caused offense to at least one employee in the Office of Inspector General, he declined to take corrective action.
- In rendering a decision removing an OIG employee, the Inspector General commented at length on the employee's protected EO activity.
- The Inspector General complained to the CEO about an inter-generational awareness program conducted by the Corporation's EO office, calling it a "wasteful use of Corporation assets for an insufficient, if any, Corporation purpose."
- In meetings with the Board of Directors and the Chief Executive Officer, the Inspector General repeatedly disparaged the Corporation's EO office's ability to conduct investigations -- while the EO office was conducting an investigation involving the Office of Inspector General.

C. **CUNY AmeriCorps program. Tab 3.**

- The Inspector General substituted his personal views for policy judgments made by Congress, recommending that the Corporation recoup up to \$75 million from CUNY.

D. **Disregard of Miscellaneous Receipts Act. Tab 4.**

- The Inspector General, over the General Counsel's objections, recommended that the CEO deposit recovered funds in violation of the Miscellaneous Receipts Act (a statute with potentially criminal sanctions).

E. **Disclosure of confidential White House communications. Tab 5.**

- Over OMB's objections and contrary to OMB Circular A-11, the Inspector General disclosed confidential OMB budget deliberations in his personal introduction to a Semi-Annual Report to Congress.