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DCMN BURRELL

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GARY G. GRINDLER

Wednesday, December 14, 2011

Washington, D.C.

The interview in the above matter was held in 2247, commencing
at 10:00 a.m.

Appearances:

For the HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

STEVE CASTOR, MAJORITY CHIEF COUNSEL, INVESTIGATIONS

HENRY J. KERNER, MAJORITY SENIOR COUNSEL

CARLTON DAVIS, COUNSEL TO THE CHAIRMAN

SCOTT LINDSAY, MINORITY COUNSEL

CARLOS URIARTE, MINORITY COUNSEL

For the SENATE COMMITTEE ON THE JUDICIARY:

JASON A. FOSTER, CHIEF INVESTIGATIVE COUNSEL

TRISTAN L. LEAVITT, INVESTIGATIVE COUNSEL

ROB DONOVAN, COUNSEL

BRIAN M. DOWNEY, INVESTIGATOR

For U.S. DEPARTMENT OF JUSTICE:

DAN ROLLINS, DEPARTMENT OF JUSTICE

STEVEN F. REICH, ASSOCIATE DEPUTY ATTORNEY GENERAL

M. FAITH BURTON, SPECIAL COUNSEL, OFFICE OF LEGISLATIVE AFFAIRS

arbitrary selection of February 4th is completely without basis.

So are you saying that you are instructing the witness not to answer any questions about anything after February 4th, because that is a remarkable instruction if that is the case?

Mr. Reich. What I am saying is that the Attorney General made it clear at his testimony last week that we are not providing information to the committee subsequent to the February 4th letter.

Mr. Castor. Okay. You are standing by that?

Mr. Reich. Given the Attorney General's testimony, I would say yes.

Mr. Castor. That is troubling information. That is breaking news, that you are going to deny the committee any information after February 4th. It wasn't until May 1 when the Department -- or the May 1st timeframe that the Department originally acknowledged that there was a "there" there. Until May, this Department was in complete denial that this investigation had any merit. So you have an opportunity here to help the Department in walking us through how senior folks such as yourself came to understand that this was a major issue and how you dealt with it.

Mr. Reich. Needless to say, we don't agree with your recitation.

Mr. Foster. Wasn't the Attorney General's testimony with regard to documents? I didn't understand him to be referring to speaking to witnesses about things post-February 4th.

Mr. Reich. I think we can have this discussion lawyer to lawyer. I think the basic point is that the Department is entitled to respond

to a congressional inquiry without Congress investigating our response, whether that is through the receipt of documentary evidence or the set of testimonial evidence.

Mr. Foster. And what is your basis for that statement?

Mr. Reich. Separation of powers.

BY MR. CASTOR:

Q All right, let's just get back. Sir, you are the Chief of Staff to the Attorney General. When did you realize this was a major management challenge for the Department, when you got Senator Grassley's letter or when you realized the allegations had some merit?

A Well, I have to abide by basically what Mr. Reich is saying. I can talk about my best recollection of that week. I wasn't -- there was a meeting with Senator Grassley. I wasn't at it, I think the 31st, and the letters came back. At some point I think there may have been a newspaper article or something. So we realized or I realized -- when I say "I," I mean, I am only the Chief of Staff. I don't really have the decision-making authority. But that these were serious allegations and they needed to be looked into.

The letters, I think, were sent to Mr. Melson, and I can't tell you exactly when I had the copy, whether it was on the 31st or the next day, but I sent an email that week to Lisa Monaco, who was the Principal Associate Deputy Attorney General, and said that in my view the Deputy Attorney General's office needed to be engaged on looking at the response to this letter. And I did that, which underscores really how seriously I took the letters, because typically when letters come in