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March 9, 2007

The Honorable Alberto Gonzales  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530-0001

Dear General Gonzales,

On January 19, 2007, I sent you a letter requesting additional information on allegations that the Federal Bureau of Investigations (FBI) closed three leak investigations due to lack of cooperation from the "victim agency." My letter requested a response by January 30, 2007 and a briefing for my staff on this issue. I now write to you to express my aggravation over how your department has responded to my inquiry.

On January 30, my staff was told the department did not know where the letter was in the system and that "these things take time." On February 12, my staff was told the Department of Justice (DOJ) does not typically respond to Congressional requests prior to 30 days. As a result of this significant delay, my staff immediately asked for a briefing to be scheduled as soon as possible. DOJ asked that the briefing be postponed until the department finished its written response. In good faith, my staff agreed. However, it was made unequivocally clear a briefing would be expected as soon as DOJ's letter was received.

When I finally received DOJ's response on February 21, it was wholly unresponsive to my request for "specific information, in writing, as to how the Chief of DOJ's Counterespionage Section handled the leak investigation closure requests by the FBI." The same day, my staff again requested a briefing. My disappointment regarding the vagueness and lack of details contained in your response was, and continues to be, conveyed to the department.

Since February 21, my staff has been in almost daily contact with your department. We continue to get the run around as to why a briefing can not be provided.

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On one day DOJ is confused as to what we want, on another day they have nothing else to add, on another day they will check and get back to us. To alleviate concerns, I offered to hold the briefing at a classified level; DOJ responded "the concern is not classification."

This week, DOJ is claiming the information I requested is under the jurisdiction of the Office of the Director of National Intelligence (ODNI) and that ODNI will only provide the information to the House Permanent Select Committee on Intelligence. When questioned as to why DOJ was just now involving ODNI, my staff was told "because we really hoped the letter would be enough."

General Gonzales, it would be an understatement to say I am frustrated and disappointed by your department's response. There has never been a time during this process when a letter alone would be sufficient to fulfill my request. After weeks of being dismissed by DOJ, I learn on March 5 the department is no longer responsible for responding to this issue. Your own letter states the FBI sets priorities for leak investigations and that Director Mueller is conducting an internal review of the investigations. How can you take responsibility for jurisdiction over investigations in your letter and then pass the buck to ODNI?

The issue of jurisdiction regarding oversight of the FBI, and any decisions it may reach with the assistance of ODNI, is easily resolved. As you know, the Committee on Oversight and Government Reform is the principal investigative committee in the House. Pursuant to House Rule X, clause 4(c)(2), "[T]he Committee may **at any time** conduct investigations into **any matter** . . . ." As such, I expect your department to immediately respond to my briefing request and provide the *specifics* as to how the Chief of DOJ's Counterespionage Section handled the leak investigation closure requests by the FBI.

If you have any questions regarding this request, please contact [REDACTED]  
[REDACTED] at (202) 225-5074.

Sincerely,



Tom Davis  
Ranking Republican Member

cc: Chairman Henry A. Waxman