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ONE HUNDRED TENTH CONGRESS

Congress of the United States

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COMMITTEE ON THE JUDICIARY

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June 25, 2008

The Honorable Michael B. Muskasey
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Muskasey:

In March of 2007, we requested a Government Accountability Office (GAO) study of several issues related to the operations of the Civil Rights Division of the Department of Justice (DOJ). It is our understanding that GAO has encountered significant problems obtaining the documents and data it needs from the Department in order to fulfill its congressional mandate to produce a report analyzing the enforcement work of the Division. We have also received reports that DOJ officials have removed key documents from files, claiming that GAO does not have a right to access predecisional or deliberative information that sets forth the Division's rationale on whether or not to pursue a case. We are troubled by the lack of transparency and refusal of the Department to cooperate fully with GAO's investigation.

As you know, the oversight role of Congressional committees is an essential underpinning of the legislative process. It is necessary for the Judiciary Committee to gather relevant information about how civil rights statutes have been enforced so that we can assess whether additional legislative measures are required, either to rectify practical problems in current law, or to address problems not covered by current law. Conversations with Division officials and "short closing memoranda" are unacceptable alternatives to turning over the actual documents necessary for GAO to complete its investigation.

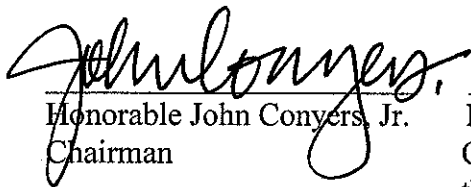
In 2000, Congressman Charles Canady, a Republican who then chaired the Subcommittee on the Constitution, requested a similar report. At that time, the Department, under the leadership of then Attorney General Janet Reno, granted broad access to its files. It is our expectation that GAO will receive the same level of cooperation from the Department in order to complete its evaluation of the Civil Rights Division's enforcement work. Because of the

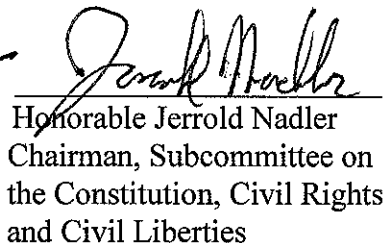
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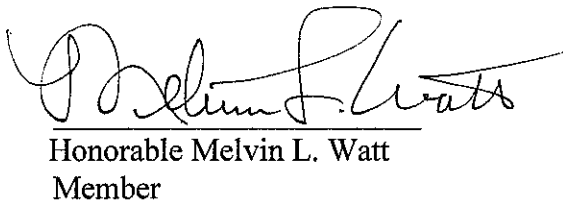
importance of the GAO study in our oversight of the Civil Rights Division, we are prepared to take the necessary steps, including compulsory process to ensure the Government Accounting Office obtains the information it needs to complete its report.

We remain hopeful that the Department will work cooperatively with GAO as it works to complete its study. If you have any questions, please contact Judiciary staff at (202) 225-3951.

Sincerely,


Honorable John Conyers, Jr.
Chairman


Honorable Jerrold Nadler
Chairman, Subcommittee on
the Constitution, Civil Rights
and Civil Liberties


Honorable Melvin L. Watt
Member

cc: Honorable Lamar Smith
Honorable Trent Franks
Ms. Eileen R. Larence