JOHN CONYERS, JR., Michigan
CHAIRMAN

HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
LINDA T. SÁNCHEZ, California
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
BETTY SUTTON, Ohio
LUIS V. GUTIERREZ, Illinois
BRAD SHERMAN, California
TAMMY BALDWIN, Wisconsin
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
ARTUR DAVIS, Alabama
DEBBIE WASSERMAN SCHULTZ, Florida
KEITH ELLISON, Minnesota

ONE HUNDRED TENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6216

(202) 225–3951
http://www.house.gov/judiciary

LAMAR S. SMITH, Texas
RANKING MINORITY MEMBER

F. JAMES SENSENBRENNER, JR., Wisconsin
HOWARD COBLE, North Carolina
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
STEVE CHABOT, Ohio
DANIEL E. LUNGREN, California
CHRIS CANNON, Utah
RIC KELLER, Florida
DARRELL E. ISSA, California
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TOM FEENEY, Florida
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio

April 17, 2008

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

Dear Mr. Attorney General:

We write once again regarding the difficult subject of selective or politically-motivated prosecutions that we have previously raised with you and your predecessors in letters of July 17, 2007, September 10, 2007, January 31, 2008, and February 14, 2008. There are few issues which have proved so corrosive to the Department's reputation as the persistent concerns that political considerations may have influenced the exercise of prosecutorial power during this Administration. And while we are confident that you share our view that political considerations must play no part in the Department's criminal law enforcement decisions, we are discouraged that you have not responded to the questions that Chairman Conyers posed on this subject this past January, nor to the letter sent by Representative Davis of the Judiciary Committee on February 14, 2008, and also by your public comments which appear to dismiss the significance of this issue.[1]

As you know, Chairman Conyers has today asked the Department's Offices of the Inspector General and Professional Responsibility to conduct a thorough review of these issues as one of several needed steps in the restoration of the Department's reputation for fairness and

---

[1] At a recent event in California, you commented that "Politics has no role in the investigation or prosecution of political corruption or any other criminal offense, and I have seen absolutely no evidence of any such impropriety in my time at the Department, and would not tolerate it." Remarks Prepared for Delivery in San Francisco, CA, March 27, 2008, *available at* http://www.usdoj.gov/ag/speeches/2008/ag_speech_080327.html. While you may not have seen evidence of such impropriety occurring during your short tenure as Attorney General, the Committee's investigation is focused on events that occurred prior to your confirmation which undisputably present at least some evidence of exactly this sort of impropriety.

impartiality. The Committee's work on this matter also continues and in this regard we are renewing the Committee's prior request for relevant documents on the Siegelman and Wecht prosecutions discussed in prior correspondence.

Prior correspondence, in particular the letter we sent on September 10, 2007, make clear that the Department's blanket refusal to provide information or documents about "open" cases is legally unsupportable and that Congress has often had access to such information when the circumstances required it. While we recognize the sensitivity of such materials, and are happy to discuss reasonable arrangements concerning their handling and confidentiality, a blanket refusal to provide such information to Congress is simply unacceptable.

Accordingly, as stated in prior correspondence and in staff discussions with Department personnel, the documents we seek are as follows:

1. Any memoranda, analysis, communications, or documents discussing whether and to what extent criminal charges should be or were pursued against Governor Siegelman or Dr. Wecht.

2. Any memoranda, analysis, or any other document from, reflecting, or referencing any communication involving White House staff, members of Congress or their staff, any state or local political party officials or their staff, or any private person, regarding Governor Siegelman or Dr. Wecht.

3. Case impression, prosecution or declination memoranda, including drafts, and notes or emails discussing or referencing the Siegelman or Wecht matters.

4. Any memoranda, analysis, communication or other documents regarding whether or not any federal prosecutor, investigator, or judge should recuse from either the Wecht or Siegelman matters, including the 514 pages of documents related to the recusal of U.S. Attorney Leura Canary in the Siegelman matter reportedly being withheld in response to a public FOIA request.[2]

---

[2] Johnson, *Request Denied for 514 Pages on Recusal in Siegelman Case*, Associated Press, Sept. 17, 2007.

5. Indictment review files/memoranda, and notes or emails discussing or referencing the Siegelman or Wecht matters.

6. Discovery correspondence regarding the Siegelman or Wecht matters.

7. FBI 302s and other witness interview records or memoranda relating to or referencing the Siegelman or Wecht matters.

8. Witness immunity agreements, Giglio materials, or Brady materials regarding the Siegelman or Wecht matters including any notes, draft testimony, or witness preparation materials created by or for any witnesses in the Siegelman or Wecht matters.

9. Any document regarding any contact of any kind between any juror in either the Siegelman or Wecht matter and any member of the prosecution or investigative team.

10. Any other emails or documents discussing the strengths, weaknesses, merits, wisdom, or political implications of the Siegelman or Wecht prosecutions, including whether to bring any particular charges or types of charges in either case such as RICO charges and whether or not to impanel, re-impanel, or continue any grand jury in either matter.

The following Department components should be included in your search for relevant materials:

1. Central Department files and computer servers, including active systems and all backup and archival systems.

2. Department component files and computer servers, including active systems and all backup and archival systems, including the Criminal Division, the Public Integrity Divisions, the Office of the Attorney General, the Office of the Deputy Attorney General, and the Executive Office of United States Attorneys.

3. Files and computer servers, including active systems and all backup and archival systems, of the Northern District of Alabama, the Middle District of Alabama, and the Western District of Alabama.

4, Personal files and computers, including backup systems, home or laptop or blackberry/mobile communications to the extent used for official business or any matter related to Governor Siegelman or Dr. Wecht, of all Department employees and contractors who worked on the Siegelman or Wecht matters.

5. Any other Department source you believe may have relevant information.

We are hopeful that a voluntary agreement can be reached on the collection and production of these materials, and that work on this request can be efficiently coordinated with work that would be undertaken in response to the Office of Inspector General/Office of Professional Responsibility investigation that we have today requested. Indeed, we were able to reach a constructive accommodation through staff concerning access to information on the Thompson matter, as to which we do not seek additional documents at this time, and are disappointed that this has not occurred with respect to the Siegelman and Wecht cases. Hopefully, a mutually agreeable path forward can be quickly reached, so that the Committee can avoid the initiation of compulsory process.

We appreciate your attention to this matter and ask that you provide these materials to us by Monday, May 5, 2008. Please direct your response and any questions the staff at the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515. (tel: 202-225-3951, fax:: 202-225-7680).

Sincerely,

John Conyers, Jr.
Chairman

Linda T. Sánchez
Chair, Subcommittee on Commercial and Administrative Law

Artur Davis
Member, Committee on the Judiciary

Tammy Baldwin
Member, Committee on the Judiciary

cc: Hon. Lamar S. Smith
Hon. Chris Cannon
Hon. Brian A. Benczkowski