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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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November 13, 2012

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder,

Since the resignation of Central Intelligence Agency (CIA) Director David Petraeus on Friday, November 9, it has become clear that the Federal Bureau of Investigation (FBI) began an investigation this summer that uncovered his extramarital affair with a journalist as well as possible breaches of security. However, White House and Congressional officials were reportedly first notified of the investigation and its connection to General Petraeus just last week.<sup>1</sup>

According to media reports, the investigation that uncovered General Petraeus's extramarital affair and led to his resignation began as early as June of this year when the FBI was asked to investigate allegations of harassing emails and potential cyber-stalking.<sup>2</sup> Reports suggest that you first learned of the investigation in late summer.<sup>3</sup> However, the Department of Justice (DOJ) and the FBI reportedly did not notify Obama Administration and Congressional officials of the investigation and its connection to General Petraeus until Director of National

<sup>1</sup> Scott Shane and Eric Schmitt, Biographer's E-Mails to Woman Led F.B.I. to Petraeus, NY Times (Nov. 10, 2012), available at <http://www.nytimes.com/2012/11/11/us/fbi-said-to-have-stumbled-into-news-of-david-petraeus-affair.html>.

<sup>2</sup> See, e.g., CBS This Morning: Details of Petraeus Affair Emerge as Scandal Engulfs Gen. John Allen (CBS television broadcast, Nov. 13, 2012), available at [http://www.cbsnews.com/8301-505266\\_162-57548836/details-of-petraeus-affair-emerge-as-scandal-engulfs-gen-john-allen/](http://www.cbsnews.com/8301-505266_162-57548836/details-of-petraeus-affair-emerge-as-scandal-engulfs-gen-john-allen/); see also Carrie Johnson, The FBI's Role in the Petraeus Investigation, NPR's Morning Edition (Nov. 13, 2012), available at <http://www.npr.org/2012/11/13/164991736/the-fbis-role-in-the-petraeus-investigation?sc=tw>.

<sup>3</sup> Evan Perez et al., FBI Scrutinized on Petraeus, Wall St. J. (Nov. 12, 2012), available at <http://online.wsj.com/article/SB10001424127887324073504578113460852395852.html>.

Intelligence James Clapper was notified at 5:00 p.m. on Election Day, November 6, 2012.<sup>4</sup>  
President Obama was reportedly not notified until Thursday, November 8.

Accordingly, I write to seek clarification of the timeline of the investigation.

Please respond to the following questions and requests by November 26, 2012:

1. On what date did the investigation begin?
2. On what date did the investigation first implicate classified intelligence information?
3. On what date did the FBI first become aware of contact between Mrs. Broadwell and General Petraeus?
4. When were you first notified of the investigation? When were you first notified of General Petraeus's involvement in the investigation?
5. Did you or anyone within the Justice Department notify the President or anyone within the White House of the investigation? If so, on what date?
6. To the extent that there was a gap between the date that you were first notified and White House officials were first notified, why was there such a delay?
7. Did you discuss the investigation or whether to disclose the investigation with FBI Director Mueller? If so, please provide the date and describe the nature of those discussions.
8. Please provide the names of all individuals outside the Department of Justice and the FBI with whom Department of Justice personnel discussed the investigation before Director Clapper was notified, and the dates of those discussions.
9. Please provide all legal analysis conducted within the Department regarding whether you were obligated by the National Security Act<sup>5</sup> or other law to report the investigation to any person outside of the Department and the FBI.
10. When did the Department first engage in an analysis of potential obligations to disclose the investigation to persons outside of the DOJ or FBI?

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<sup>4</sup> Scott Shane and Eric Schmitt, Biographer's E-Mails to Woman Led F.B.I. to Petraeus, NY Times (Nov. 10, 2012), available at <http://www.nytimes.com/2012/11/11/us/fbi-said-to-have-stumbled-into-news-of-david-petraeus-affair.html>.

<sup>5</sup> 50 U.S.C. §413a.

11. When did the Department of Justice make the decision to notify Obama Administration officials or Congress about the investigation?
12. Has the Department concluded that General Petraeus is not the subject of any criminal or intelligence-related investigation? If so, on what date did it reach that conclusion?
13. Is the Department pursuing an investigation into allegations that Ms. Broadwell was in possession of classified materials and the source of those materials? Is General Petraeus a person of interest or subject of any such investigation?
14. Please provide any other information that would aid the Committee in reconstructing the timeline of the investigation and the decision by the Department and the FBI to delay notifying outside individuals about the investigation.
15. Please make the Department of Justice officials and supervisors with the greatest knowledge of the investigation's timeline and the Department's decision regarding when to disclose the investigation available for interviews on or before December 3, 2012.

I look forward to your prompt reply.

Sincerely,



Lamar Smith  
Chairman

cc: The Hon. John Conyers, Jr., Ranking Member