

United States Senate

WASHINGTON, DC 20510

April 23, 2004

The Honorable John Ashcroft
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear General Ashcroft:

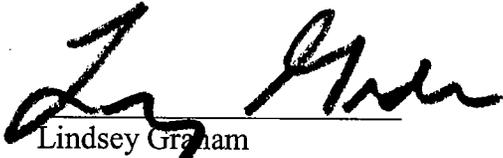
We have reviewed your testimony before the National Commission on Terrorist Attacks Upon the United States (the Commission) regarding the “wall” that prevented the necessary sharing of information between intelligence and law enforcement officials in the years before September 11, 2001. In your testimony, you stated that “the basic architecture for the wall in the 1995 Guidelines . . . was contained in a classified memorandum entitled ‘Instructions on Separation of Certain Foreign Counterintelligence and Criminal Investigations.’” You also informed the Commission that the author of that memorandum was then-Deputy Attorney General Jamie Gorelick, now a member of the Commission.

Your statements are in accord with testimony Ms. Gorelick gave before the Senate Intelligence Committee in October of 1995, where she stated that the policies governing the relationship between intelligence and law enforcement officials were delegated to her by Attorney General Janet Reno as a “special project.” However, recent statements by Commissioner Gorelick have cast doubt upon exactly what steps were taken by the Department of Justice in the creation of information-sharing policy. Indeed, Ms. Gorelick, in a recent interview with CNN, denied having authored the memorandum clarifying the 1995 Guidelines. She stated “. . . the policy that was put in the mid ninties, which I didn’t sign, wasn’t my policy by the way, it was the Attorney General’s policy.”

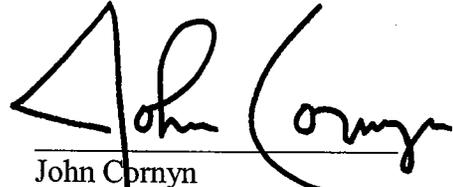
It is clear that the relationship between the intelligence and law enforcement communities in the years before September 11th must be fully examined. Accordingly, we respectfully request that the Department of Justice produce any records relating to Deputy Attorney General Gorelick’s involvement in the development and promulgation of Attorney General Reno’s *Procedures for Contacts Between the FBI and the Criminal Division Concerning Foreign Intelligence and Foreign Counterintelligence Investigations*. Furthermore, please also provide the United States Senate Judiciary Committee with records regarding concerns raised about these procedures. We request that these materials be provided under the same terms and conditions that the Department has provided documents to the Commission.

Thank you for your prompt attention to this important request.

Sincerely,



Lindsey Graham
Chairman, Subcommittee on Crime,
Corrections, and Victims' Rights



John Cornyn
Chairman, Subcommittee on
the Constitution, Civil
Rights, and Property Rights