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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*  
MICHAEL O'NEILL, *Republican Chief Counsel and Staff Director*

March 30, 2007

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

Dear Attorney General Gonzales:

As you are aware, Monica Goodling has indicated that she will assert her Fifth Amendment rights against self-incrimination before the Senate Judiciary Committee rather than testify. You must know that her testimony would be important to the Judiciary Committee, since you offered her as a Department witness and agreed in your meeting with Judiciary Committee Senators on March 8 that the Department would cooperate with the Committee in providing her testimony along with that of others.

In the ordinary course, the Committee would discuss this with your Department to determine the best course of action with respect to a witness who has asserted Fifth Amendment rights against self-incrimination, so as not to unwittingly hinder a prosecution by the Department. While it is premature to presume that any criminal prosecution will result from this inquiry now, it is also premature to presume one will not. It therefore seems advisable to have discussions between the Committee and the Department regarding how to proceed with regard to Ms. Goodling. Our question to you is: Who do we talk to at the Department of Justice? The office of the Attorney General appears to be hopelessly conflicted.

We would appreciate hearing from you whether a special counsel is necessary for us to speak with, or how you suggest creating appropriate firewalls so that a non-conflicted person with appropriate knowledge and authority can have the customary discussions with the Committee regarding Ms. Goodling's testimony.

On a related matter, we understand that you initially ordered an investigation by the Department's Office of Professional Responsibility and that a joint Office of Inspector General and Office of Professional Responsibility investigation is now under way. Is Ms. Goodling cooperating with that investigation? It is our understanding that career Department employees are required to cooperate with OIG and OPR investigations.

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We are told by the Department that despite Ms. Goodling's unwillingness to testify, she nonetheless remains on your payroll. Has it ever happened in the history of the Department of Justice that an attorney has refused to cooperate with OIG or OPR or asserted Fifth Amendment rights against self-incrimination and remained an employee of the Department? Please provide information regarding any precedent for these extraordinary circumstances.

We would appreciate hearing from you promptly on these matters.

Sincerely,

  
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PATRICK LEAHY  
Chairman

  
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SHELDON WHITEHOUSE  
United States Senator