United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510–6275

March 12, 2004

The Honorable John D. Ashcroft
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Ashcroft:

We write to request that the Department of Justice appoint a prosecutor of the highest integrity and independence to investigate, and, if appropriate, prosecute all potential crimes related to the access and dissemination of Judiciary Committee staff files outlined in the attached Report from the Senate Sergeant at Arms. We consider this breach of Senators' privacy to be a matter of the utmost seriousness. While we very much appreciate the fine work of the Sergeant at Arms, we note that the attached Report itself suggests many avenues of additional inquiry that have not been – and indeed could not have been – pursued by this preliminary Senate investigation.

Because of the potential for perceived and actual conflicts of interest, the undersigned members of the Judiciary Committee agree that this matter must be handled by a professional prosecutor who is free from all conflicts and appearances of conflict -- or, if appropriate, a special counsel -- who has full investigatory, charging and reporting authority; who will conduct a thorough investigation; and who will not be removable from this assignment except in case of extraordinary improprieties. Patrick Fitzgerald, the US Attorney for the Northern District of Illinois, has been given such independence in the investigation of the leak of CIA operative Valerie Plame's identity, and we believe that his mandate should be a model for the mandate of the prosecutor in this case. Indeed, we agree that Mr. Fitzgerald himself would be an ideal candidate for this investigation as well. At a minimum, any special counsel or other prosecutor appointed in this matter should be of Mr. Fitzgerald's integrity and have the same degree of independence.

Sincerely,

Charles Schumer

Richard Durbin

Ted Kennedy

Tom Harkin

Saxby Chambliss

Mike Dewine