



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 12, 2008

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Arlen Specter
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Leahy and Senator Specter:

We write in response to your request that the Department provide members of the Committee with copies of the Attorney General's proposed guidelines for the Federal Bureau of Investigation's (FBI) investigative activities in advance of the Committee's hearing next week. We appreciate your continued interest in the development and implementation of these guidelines.

As we indicated in our August 20 letter to you, we believe there is great value in harmonizing processes across the spectrum of the FBI's investigative responsibilities. Moreover, we remain cognizant that any changes to investigative procedures must protect and uphold core civil and constitutional rights.

To this end, over the past month we have engaged in consultation with congressional staff and numerous members of the civil rights community. We have made, and continue to make, the proposed guidelines available for review by Members and congressional staff, and we have conducted several briefings to address any questions or concerns. These consultations have afforded us valuable insights, and undoubtedly will result in changes to the proposed guidelines.

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Indeed, these changes are ongoing, and the guidelines have yet to be finalized. Consequently, as the deliberative process continues, the Department is unable to provide copies of the proposed guidelines until they are signed by the Attorney General. However, we are pleased to continue to offer the guidelines for your review, and would be happy to brief you or your staff again at any time, including next week in advance of the hearings.

If you have any further questions or concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Nelson", with a long, sweeping horizontal flourish extending to the right.

Keith B. Nelson
Principal Deputy Assistant Attorney