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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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July 31, 2008

The Honorable Michael B. Mukasey  
Attorney General of the United States  
950 Pennsylvania Avenue, NW  
Washington DC, 20530

Dear Mr. Attorney General:

In recent weeks, including on Monday, July 21, 2008, in the San Francisco Chronicle, we have seen various detailed news accounts relating to an ongoing grand jury investigation in the Northern District of California – almost five years in duration – involving California State Senate President Don Perata. Some of the news stories have contained previously confidential information, sourced specifically to law enforcement personnel.

As you are well aware, pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure, it is a criminal violation to discuss confidential matters related to a grand jury investigation. The purpose of grand jury secrecy in our legal system is to protect the integrity of a judicial examination, and in particular the reputations of innocent people. As a general comment, it would be unfair and wrong to conclude or speculate that merely because someone's name appears on a subpoena that they have done anything wrong. The nature of grand jury investigation is to assemble a wide range of information, including testimony and documents from witnesses and others in order to make an evaluation on a particular matter. Oftentimes, a grand jury investigation will come to a conclusion and nothing will happen. The grand jury process works best when law enforcement sources are not discussing matters which they may or may not know much about, and when such sources are not attempting to influence those outside of the grand jury process to reach certain conclusions.

It is for those reasons that we are disturbed and concerned that news story after news story in this matter has cited federal law enforcement sources as the basis of information. The Department of Justice is responsible for all of the people involved in the investigation. Such leaks are in violation of the criminal law. Therefore, we would like the Department to formally investigate the source, or sources, of the information, and to determine why this information was made public.

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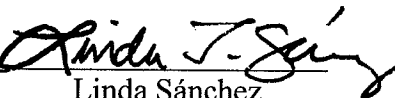
The timing of these leaks is particularly curious, given that Senator Perata is serving his final, and most critical, year in the Senate and is one of the most prominent elected officials in state office. Senator Perata is playing a key role in negotiating a solution to one of the largest budget crises in California's history.


We ask that the Department of Justice take this matter seriously and open an investigation. In so doing, we do not take a position on the underlying investigation of Senator Perata, but we strongly urge that you take steps to ensure that whatever actions the Department of Justice feels it should take based on the facts are untainted by illegal leaks or whispering campaigns.

We look forward to your response.

Sincerely,

  
John Conyers, Jr.  
Chairman

  
Linda Sánchez  
Chair, Subcommittee on  
Commercial and  
Administrative Law

  
Zoe Lofgren  
Chair, Subcommittee on  
Immigration,  
Citizenship, Refugees,  
Border Security,  
International Law

cc: The Honorable Lamar Smith