

Congress of the United States**Washington, DC 20515**

May 21, 2003

Lisa Redman
Assistant Inspector General for Investigations
Department of Homeland Security
Washington, DC 20528
Attn: Office of Inspector General

Re: Diverting Federal Resources Against Political Targets

One week ago we requested answers from the Department of Homeland Security (DHS) Secretary Ridge concerning reported diversions of federal resources against Texas State Legislators. (Exhibit 1). DHS has refused to respond.

On May 19, we made a second request to Secretary Ridge for "the audiotapes and transcripts of all conversations or transmissions pertaining to any aspect of the alleged attempts to use any federal resources of any type with regard to any member of the Texas Legislature." (Exhibit 2) DHS has not responded.

We are also concerned by two reports today: (1) in the Fort Worth Star-Telegram that the Texas Department of Public Safety has ordered the destruction of documents and photos concerning the pursuit of Texas state representatives, and (2) in the Houston Chronicle that you "had no idea how long the investigation would take, or when the tapes might be released."

Given previous obstruction of our efforts and these reports of state destruction, we write to you with the following requests:

- (1) Does any federal statute deny you the discretion to release immediately the documents we have requested?
- (2) If you refuse to release immediately all documents, please explain why.
- (3) If you refuse to release immediately all documents, when will you release them?
- (4) What is the scope of your investigation and what do you consider your specific mandate to be?
- (5) What steps have you taken to ensure no further destruction of documents?
- (6) Will you attempt to determine if any Members or any person acting in any way on their behalf or at their request contacted any Homeland Security entity or other federal entity (including those under contract) directly or indirectly?
- (7) When will your review be complete? In one week? One month? One year?
- (8) What steps have you taken to ensure Acting Inspector General Clark Kent Ervin will have no role in this investigation?
- (9) Who on your staff will assist you in this investigation?

several published reports

Sincerely,

Hal Duggan
The Green
Maffucci
Adapt
Cris D Rodriguez
Charles Stenham
Nick Langson

Eddie Bernice Johnson
Mae Fann
Cliff Edwards
Charles A. Joyner
Letha R
Rubin Fingosa
Cris Bell
Steve Jackson Lee

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DEPARTMENT OF HOMELAND SECURITY
Office of Inspector General
Washington, DC 20528

May 23, 2003

Dear Mr. Doggett:

I am writing in response to your letter to Lisa Redman, Assistant Inspector General for Investigations, concerning reported the diversions of Department of Homeland Security (DHS) resources to search for Texas State Legislators. I am unable to read the names of some of the other signatories to the letter and would appreciate your sharing our response with them.

Your letter raised a number of specific questions to which we respond below:

- (1) Does any federal statute deny you the discretion to release immediately the documents we have requested [from Secretary Ridge]?

Answer: We are unaware of any federal statute that explicitly precludes us from releasing the requested materials. However, section b(7) of the Freedom of Information Act (FOIA), 5 U.S.C. 552, authorizes our withholding from public release material gathered for law enforcement purposes under certain circumstances. Furthermore, standard investigative practice dictates that we not release information gathered during the course of an open investigation. We do not wish to take any action that could hamper our ability to gather all relevant facts or jeopardize our ability to secure judicial or administrative sanctions against potential wrongdoers.

- (2) If you refuse to release immediately all documents, please explain why.

Answer: Please see the response to question 1, above.

- (3) If you refuse to release immediately all documents, when will you release them?

Answer: We will release the requested material according to the FOIA upon the completion of the investigation and enforcement action(s), if any.

- (4) What is the scope of your investigation and what do you consider your specific mandate to be?

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Answer: We seek to determine whether DHS resources were misused and, if so, who or what caused those resources to be misused.

- (5) What steps have you taken to ensure no further destruction of documents?

Answer: We do not wish to discuss any investigative activities during the pendency of the investigation.

- (6) Will you attempt to determine if any Members or any person acting in any way on their behalf or at their request contacted any Homeland Security entity or other federal entity (including those under contract) directly or indirectly?

Answer: We will pursue all leads we may lawfully pursue to resolve our investigative inquiry.

- (7) When will your review be complete? In one week? One month? One year?

Answer: We intend to complete our investigation as quickly as possible but cannot provide a specific timeframe at this point. As soon as we complete our work, however, we will promptly notify you and, should you desire, brief you on our findings.

- (8) What steps have taken to ensure Acting Inspector General Clark Kent Ervin will have no role in this investigation.

- (9) Answer: On the afternoon of May 16, 2002, Acting Inspector General Ervin recused himself from any involvement in this matter. This case is being managed by our Office of Investigations without any involvement by the Acting Inspector General.

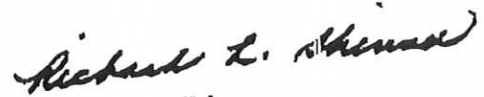
- (10) Who on your staff will assist you in this investigation?

Answer: The investigation will be conducted under the direction of Lisa Redman, Assistant Inspector General for Investigations. Ms. Redman will be assisted by members of her investigative staff at headquarters and in our field offices as necessary.

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We take the allegation of misuse of Department resources very seriously. You can be sure that we will investigate these matters promptly, thoroughly, and impartially. Please do not hesitate to contact me at (202) 254-4100 should you have any additional questions or desire any additional information.

Sincerely,



Richard L. Skinner
Deputy Inspector General

The Honorable
Lloyd Doggett,
House of Representatives.