



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

December 23, 2004

Honorable Patrick J. Leahy
United States Senate
Committee on the Judiciary
Washington, DC 20510

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 06-10-2009 BY 65179 DMH/STW

Dear Senator Leahy:

I am writing in response to your letter to Director Mueller dated December 21, 2004 regarding the FBI's failure to provide information to you relating to FBI reports of mistreatment of detainees in overseas locations. As Assistant Director for Congressional Affairs, I am responsible for ensuring that Questions for the Record (QFRs) and Congressional correspondence are handled in a timely and appropriate manner.

With regard to the QFRs submitted to the FBI on June 7, 2004 following the May 20 hearing before the Senate Judiciary Committee, my office worked diligently to obtain thorough and accurate responses to the nearly 300 questions and their subparts posed by Committee members. This required coordination with personnel in 11 different divisions of the FBI, many of whom were responding to inquiries from the 9/11 Commission, the Government Accountability Office, and the Department of Justice Office of the Inspector General. Among those QFRs, were yours asking for information relating to reports from FBI Agents of the mistreatment of detainees in Iraq, Afghanistan, or Guantanamo Bay. We made every effort to respond as quickly as possible to the QFRs without sacrificing quality and, on October 29, 2004, we delivered our responses to the Department of Justice (DOJ) for review, approval and transmittal to the Committee. We informed the Committee of this by letter on that date.

Coincidentally, also on October 29, we received your letter making further inquiry on the line of questioning covered in your QFRs regarding reported mistreatment of detainees. Because our responses to these questions were pending DOJ approval, my office contacted DOJ to advise them of your incoming letter and to seek guidance on whether we could provide the information and copies of documents that we had submitted in response to your QFRs on this topic. DOJ advised that they would review the matter and advise as to what information could be provided. At this time, DOJ is still considering your inquiries. I regret that I did not advise you by interim letter of the status of this matter.

FBI030871CBT

Honorable Patrick J. Leahy

Finally, the Director testified before the Committee on May 20, 2004 that, although investigation was continuing, instances of detainee mistreatment reported by FBI personnel had been referred to appropriate officials. Subsequent to the hearing, the FBI contacted each FBI Agent who had served at Guantanamo Bay to inquire whether any mistreatment of detainees had been observed. The responses we received as a result of that survey are the responses that were recently released to the American Civil Liberties Union pursuant to a Freedom of Information Act request. Thus, Director Mueller was not aware of these reports at the time of the Committee's hearing but only learned of them afterward as a result of the internal review the FBI initiated in July 2004.

I hope this addresses your concerns and explains the delay in the FBI's response to your inquiries. As a component of the Department of Justice, the FBI must ensure that Congressional matters are coordinated and that official responses by FBI executives are approved for dissemination. If you have any questions about our handling of this matter, please do not hesitate to contact me.

Sincerely,



Eleni P. Kalisch

Assistant Director

Office of Congressional Affairs