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145-12-13170

**U.S. Department of Justice**

*Vesper Mei, Trial Attorney  
Federal Programs Branch  
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P.O. Box 883, Ben Franklin Station  
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February 18, 2005

**VIA EMAIL AND FACSIMILE (202) 588-7795**

Michael T. Kirkpatrick  
Public Citizen Litigation Group  
1600 20th Street, N.W.  
Washington, D.C. 20009

Re: POGO v. Ashcroft, et al. 04-CV-1032 (JDB)

Dear Mr. Kirkpatrick:

I am writing with respect to the three letters at issue in this lawsuit: 1) the June 19, 2002 letter from Senators Patrick Leahy and Charles Grassley to Glenn Fine, Inspector General of the Department of Justice referred to in paragraph 9 of your Complaint; 2) the August 13, 2002 letter from Senators Leahy and Grassley to Attorney General John Ashcroft referred to in paragraph 10 of your Complaint; and 3) the October 28, 2002 letter from Senator Grassley to Robert Mueller, Director of the FBI, referred to in paragraph 11 of your Complaint. The FBI has determined that these documents are releasable in full, pursuant to the Freedom of Information Act. The first two letters are attached; we note that the third is available on the internet at <http://grassley.senate.gov/releases/2002/p02r10-28.htm>. We trust that this resolves the concerns that you raised in your case.

Sincerely yours,

Vesper Mei  
Trial Attorney

Attachments

# U.S. SENATOR PATRICK LEAHY

CONTACT: Office of Senator Leahy, 202-224-4242

VERMONT

Following is the text of a letter sent today (Wed., June 19) by Sen. Patrick Leahy, chairman of the Senate Judiciary Committee, and Sen. Charles Grassley, a senior member of the committee, to Glenn Fine, the Justice Department's Inspector General, in which the senators ask Fine to pursue answers to several questions during his inquiry into the matter of allegations made by a former FBI contract linguist. -

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June 19, 2002

The Honorable Glenn A. Fine  
Inspector General  
Department of Justice  
Washington, D.C. 20530

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/10/02 BY [signature]  
89645 [signature]

Dear Mr. Fine:

The Senate Judiciary Committee has received unclassified information from the FBI regarding allegations made by Ms. Sibel D. Edmonds, a former FBI contract linguist, that your office is currently investigating. We request that, as this investigation progresses, you consider the following questions on this matter:

(1) Ms. Edmonds has alleged, and the FBI has confirmed, that the FBI assigned a contract language "monitor" to Guantanamo Bay, Cuba, contrary to clear FBI policy that only more qualified "linguists" be assigned to Guantanamo Bay. What circumstances led to the contract language monitor being considered qualified for this assignment, and what were the consequences, if any, for the effectiveness of the interrogator of those being detained at Guantanamo?

(2) Ms. Edmonds has alleged, and the FBI has confirmed, that another contract linguist in the FBI unit to which Ms. Edmonds was assigned failed to translate at least two communications reflecting a foreign official's handling of intelligence matters. The FBI has confirmed that the contract linguist had "unreported contacts" with that foreign official. To what extent did that contract linguist have any additional unreported or reported contacts with that foreign official? What counterintelligence inquiries or assessments, if any, were made with respect to those contacts? Do you plan to interview field office and headquarters counterintelligence personnel regarding this matter?

(3) The FBI has said that, to review the other contract linguist's work that Ms. Edmonds questioned, it used three linguists in its language division, a supervisory special agent, and special agents who worked on the case that generated the communications under review. Was this a "blind" review by the linguists, or did they know the person whose work was under review? Were the linguists sufficiently independent to make objective judgments about the

translations in question? Would it have been appropriate to use linguists from outside the FBI?

(4) The FBI has said a determination was made by the supervisory special agent that the contract linguist whose work was reviewed made a mistake and that the matter was a training issue. Did this agent's position affect his ability to render an objective judgment? What input did the other special agents provide? Did their involvement in the case that generated the communications affect their ability to make an objective judgment about a person with whom they had worked on the case? Would it have been better to ask other counterintelligence agents to assess the importance of the untranslated information and the reason it was not translated?

(5) To what extent is the credibility of witnesses regarding Ms. Edmonds' allegations affected by their continuing employment in the same translation unit and under the same supervisor where the contract linguist discussed in question (2) is employed.

(6) The FBI has said that Ms. Edmonds prepared two classified documents with respect to her allegations on her home computer without authorization and that one witness reported Ms. Edmonds discussed classified information regarding her allegations in the presence of three uncleared members of her family without authorization. Would these actions disqualify her from a security clearance, given the circumstances of her concern about a foreign attempt to penetrate or influence FBI operations at her workplace?

(7) What guidance is provided to FBI contract linguists as to the steps they should take if they are concerned about a possible foreign attempt to penetrate or influence FBI operations? How well is this guidance understood by contract linguists in the FBI translation centers and other FBI personnel who would handle such matters?

(8) What improvements, if any, are needed to encourage FBI contract linguists and other FBI contract personnel to come forward with such counterintelligence concerns and to ensure that they are not adversely affected as a result of seeking to assist FBI counterintelligence efforts? Was Ms. Edmonds' case handled in a manner that would encourage such reporting in the future?

Please let us know the timetable for your investigation and advise us of the results.

Sincerely,

**PATRICK LEAHY**  
Chairman, Committee on the Judiciary

**CHARLES E. GRASSLEY**  
United States Senator

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## U.S. SENATOR PATRICK LEAHY

CONTACT: Office of Senator Leahy, 202-224-4242

VERMONT

August 13, 2002

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

Dear Attorney General Ashcroft:

We are writing jointly in order that you might allay our concern about the status of the investigation into allegations made by Sibel Edmonds, a former contract linguist in the Washington Field Office of the FBI. Although we understand that the matter is currently under investigation by the Inspector General, we are troubled that the Department of Justice, including the FBI, may not be acting quickly enough to address the issues raised by Ms. Edmonds' complaints or cooperating fully with the Inspector General's office. We are sending a similar letter to Department of Justice Inspector General Glenn Fine.

By way of background, Ms. Edmonds first raised concerns about security problems and the integrity of important translations earlier this year. Unfortunately, nearly every person at the FBI who was notified of the situation reacted by questioning why Ms. Edmonds was "causing trouble." Indeed, the FBI's first internal security action in this case focused on Ms. Edmonds, instead of the allegations she raised in good faith as a whistleblower which bore on national security and the war against terrorism.

Ms. Edmonds has made a number of serious allegations, some of which the FBI verified were not unfounded during an unclassified briefing for Judiciary Committee staff on June 17. First, Ms. Edmonds has alleged that a contract monitor in her unit ("monitor") chose not to translate important, intelligence-related information, instead limiting her translation to unimportant and innocuous information. The FBI has verified that this monitor indeed failed to translate certain material properly, but has attributed the failure to a lack of training as opposed to a malicious act.

That conclusion is directly related to Ms. Edmund's second allegation. Ms. Edmonds alleged that the same contract monitor once worked for an organization associated with a counter-intelligence investigation and that the monitor had contacts with a foreign national who was a member of the target institution. Additionally, Ms. Edmonds states that some of the mistranslated recordings on which the monitor actually worked contained conversations by this same person with whom the monitor had such contacts and concerned matters pertinent to the investigation.

Even after verifying some of these allegations, the FBI downplayed the importance of this matter and seemed to imply that it had ceased looking into the complaints as a security matter until after the Inspector General finished their investigation. Anyone who remembers the long-time treachery of former FBI Supervisor Robert Hanssen, would be concerned at this reaction. For years, Hanssen's bizarre actions were also written off as minor security breaches and unworthy of serious consideration. If even routine diligence had been exercised earlier, Hanssen could have been stopped from doing untold

damage. The FBI needs to learn from its mistakes.

In addition to general concerns raised by this case, we have two specific concerns we wish to raise for your review. First, we have learned that a person central to the investigation will soon be leaving the country – perhaps before the investigation is resolved. If you or your staff would like to know the identity of this person, please contact Inspector General Fine's office, with whom Senator Grassley's staff has been in touch. This person may hold dual citizenship with the United States and a foreign country and may possess a valid passport issued by that foreign country. Thus, there will be little or no assurance that the person will return or cooperate with an investigation in the future. Based on these facts, we would like your assurance that you are satisfied that there has been and will be no delay that will prejudice, in any way, the outcome of this investigation.

Furthermore, we would like your assurance that the Department of Justice, including the FBI, will fully cooperate in all aspects of the inquiry. For instance, we draw your attention to the fact that the FBI currently opposes depositions of the monitor and her husband as part of the investigation into this case, even though the monitor's husband never worked at the FBI, and even though the military agency at which the monitor's husband does work is not opposing a deposition. Moreover, we understand that the monitor and her husband have signed a letter stating they will make themselves available for depositions. It is unclear, then, why the FBI is taking this position in the wake of such important allegations bearing on national security. We hope that you will ensure that the FBI is fully compliant with the Inspector General's inquiry as it proceeds.

Second, we are concerned about the most crucial evidence in the case – the raw material that was allegedly improperly translated. We seek your assurance that the recordings will be properly maintained and promptly translated by a competent and independent authority. That way the validity of the complaint can be quickly judged.

We know that you share our concern that the FBI address issues bearing on national security in a prompt manner, regardless of whether or not they cast the FBI in a positive light. Only by honest evaluation can the FBI learn from its past mistakes. We thank you in advance for your cooperation in this matter. We request a reply in writing at your earliest possible convenience.

Sincerely,

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PATRICK J. LEAHY

Chairman

Committee on the Judiciary

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CHARLES E. GRASSLEY

Ranking Member

Subcommittee on Crime and Drugs

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