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Congress of the United States

House of Representatives

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May 6, 2013

The Honorable Thomas E. Perez
Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Perez:

I am in receipt of a letter from Peter J. Kadzik, Principal Deputy Assistant Attorney General for Legislative Affairs at the Department of Justice, about your use of a personal, non-official e-mail account to conduct official Department business.¹ Your continued and blatant disregard for a duly issued Congressional subpoena is extremely disconcerting, especially coming from one of the Nation's highest law-enforcement officers sworn to uphold the Constitution. I sincerely hope that you will reconsider your obstruction of this investigation and fully produce all documents responsive to the subpoena.

The need for robust legislative oversight stems from the very concept of a representative democracy. The Supreme Court has clearly explained that "[t]he power of Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws, as well as proposed or possibly needed statutes. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency or waste."² The Committee on Oversight and Government Reform has a special mandate to conduct comprehensive oversight at all levels of government. As the chief investigative body of the House, the Oversight Committee may investigate "any matter" at "any time" pursuant to House Rule X.³

Mr. Kadzik's letter states that the Department believes that it has "satisfied the legitimate oversight interest regarding Mr. Perez's emails."⁴ Please allow me to assure you that this is not the case. It is not the prerogative of the Department of Justice to determine the interests and expectations of the United States Congress. Neither Mr. Kadzik nor you are in a position to adequately determine whether your actions have satisfied any interest of the Congress, let alone whether that interest is "legitimate."

¹ See Letter from Peter J. Kadzik, U.S. Dep't of Justice, to Darrell Issa, H. Comm. on Oversight & Gov't Reform (May 3, 2013).

² *Watkins v. United States*, 354 U.S. 178, 187 (1957).

³ Rules of the House of Representatives, Rule X, cl. 4(c)(2).

⁴ Letter from Peter J. Kadzik, U.S. Dep't of Justice, to Darrell Issa, H. Comm. on Oversight & Gov't Reform (May 3, 2013).

The Honorable Thomas E. Perez
May 6, 2013
Page 2

The recent revelation by the Department's Office of Legislative Affairs that you have violated the Federal Records Act on 35 occasions only reinforces the need for the Committee to possess all responsive documents as directed by the terms of the subpoena. In his letter of April 17, 2013, Mr. Kadzik affirmatively represented to the Committee that "[o]nly 34 communications had not previously been sent to or from Department email accounts."⁵ This statement, it turns out, was inaccurate. Department staff informed the Committee on Friday, May 3, 2013, that there was an additional personal e-mail exchange between you and former Michigan Governor Jennifer Granholm that was not captured by Department recording systems. This omission, coupled with the Department's troubling history of misleading Congress, hurts the Department's credibility in asserting that you have complied with the Federal Records Act. Therefore, to accurately and fully assess your compliance with federal law, the Committee requires that you produce all responsive documents.

You have not produced a single e-mail as required by the plain terms of the subpoena issued to you on April 10, 2013. Until you produce all responsive e-mail communications, including at least the 1,200 e-mails that the Department has identified as responsive, you will continue to be noncompliant with the subpoena. As a Senate-confirmed officer of the United States and the President's nominee to lead an executive department of the government, I would expect more from you.

Thank you for your attention to this matter.

Sincerely,



Darrell Issa
Chairman

cc: The Honorable Bob Goodlatte, Chairman
Committee on the Judiciary, U.S. House of Representatives

The Honorable Charles E. Grassley, Ranking Member
Committee on the Judiciary, United States Senate

The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable John Conyers, Jr., Ranking Member
Committee on the Judiciary, U.S. House of Representatives

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary, United States Senate

⁵ Letter from Peter J. Kadzik, U.S. Dep't of Justice, to Darrell Issa, H. Comm. on Oversight & Gov't Reform (Apr. 17, 2013).