

HAROLD ROGERS, KENTUCKY, CHAIRMAN

C.W. BILL YOUNG, FLORIDA
FRANK R. WOLF, VIRGINIA
JACK KINGSTON, GEORGIA
RODNEY P. FRELINGHUYSEN, NEW JERSEY
TOM LATHAM, IOWA
ROBERT B. ADERHOLT, ALABAMA
KAY GRANGER, TEXAS
MICHAEL K. SIMPSON, IDAHO
JOHN ABNEY CULBERSON, TEXAS
ANDER CRENSHAW, FLORIDA
JOHN R. CARTER, TEXAS
RODNEY ALEXANDER, LOUISIANA
KEN CALVERT, CALIFORNIA
JO BONNER, ALABAMA
TOM COLE, OKLAHOMA
MARIO DIAZ-BALART, FLORIDA
CHARLES W. DENT, PENNSYLVANIA
TOM GRAVES, GEORGIA
KEVIN YODER, KANSAS
STEVE WOMACK, ARKANSAS
ALAN NUNNELEE, MISSISSIPPI
JEFF FORTENBERRY, NEBRASKA
THOMAS J. ROONEY, FLORIDA
CHARLES J. FLEISCHMANN, TENNESSEE
JAIME HERRERA BEUTLER, WASHINGTON
DAVID P. JOYCE, OHIO
DAVID G. VALADAO, CALIFORNIA
ANDY HARRIS, MARYLAND

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

April 26, 2013

NITA M. LOWEY, NEW YORK
MARCY KAPTUR, OHIO
PETER J. VISCLOSKEY, INDIANA
JOSÉ E. SERRANO, NEW YORK
ROSA L. DeLAURO, CONNECTICUT
JAMES P. MORAN, VIRGINIA
ED PASTOR, ARIZONA
DAVID E. PRICE, NORTH CAROLINA
LUCILLE ROYBAL-ALLARD, CALIFORNIA
SAM FARR, CALIFORNIA
CHAKA FATTAH, PENNSYLVANIA
SANFORD D. BISHOP, JR., GEORGIA
BARBARA LEE, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
MICHAEL M. HONDA, CALIFORNIA
BETTY McCOLLUM, MINNESOTA
TIM RYAN, OHIO
DEBBIE WASSERMAN SCHULTZ, FLORIDA
HENRY CUELLAR, TEXAS
CHELLIE PINGREE, MAINE
MIKE QUIGLEY, ILLINOIS
WILLIAM L. OWENS, NEW YORK

WILLIAM E. SMITH
CLERK AND STAFF DIRECTOR

TELEPHONE:
(202) 225-2771

Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder,

We are writing to follow-up on your testimony at the House Appropriations Committee Subcommittee on Commerce, Justice, Science, and Related Agencies hearing on April 18, 2013.

During the hearing, Congressman Harris asked you about Assistant Attorney General Thomas Perez's use of a personal e-mail account to conduct official Department business and a subpoena issued to Mr. Perez by the House Committee on Oversight and Government Reform regarding this personal e-mail use. You testified that personal e-mail information requested in that subpoena had been provided the day before the hearing, April 17, 2013. However, it has been brought to our attention that Assistant Attorney General Thomas Perez is not in compliance with the House Oversight Committee's subpoena.

According to the House Committee on Oversight and Government Reform, the subpoena requires the actual production of all personal e-mails used to conduct official business. A letter sent from Peter J. Kadzik, Principal Deputy Assistant Attorney General for Legislative Affairs at the Department of Justice, states that Mr. Perez has used his personal, non-official e-mail almost 1,200 times to conduct official Department business since October of 2009.¹

Mr. Perez has not produced any e-mails and the Department of Justice has only allowed the House Committee on Oversight and Government Reform to review 34 of the responsive e-mails at Department of Justice Headquarters.² In light of this information, we expect you will be clarifying your testimony to the Subcommittee.

We are concerned about compliance with the Federal Records Act and this apparent pattern of use of personal e-mail, amounting to roughly one e-mail per day since he became Assistant Attorney General for the Civil Rights Division in October 2009. Please describe the official policy of the Department of Justice concerning the use of a personal, non-official email account to conduct

¹ Letter from Peter J. Kadzik, U.S. Dep't of Justice, to Darrell E. Issa, H. Comm. On Oversight & Gov't Reform (Apr. 17, 2013).

² See *id.*

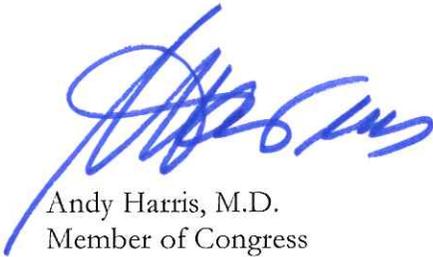
official Department business, and provide any official direction, memorandum or guidance that documents that policy to the House Appropriations Committee as soon as possible.

As the lead attorney in the Executive Branch, we are certain you understand the importance of compliance with the Congressional subpoena. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Frank Wolf', with a long horizontal flourish extending to the right.

Frank Wolf
Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies

A handwritten signature in blue ink, appearing to read 'Andy Harris', with a long horizontal flourish extending to the left.

Andy Harris, M.D.
Member of Congress