

PATRICK J. LEAHY, VERMONT, CHAIRMAN

EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERB KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
BENJAMIN L. CARDIN, MARYLAND
SHELDON WHITEHOUSE, RHODE ISLAND

ARLEN SPECTER, PENNSYLVANIA
ORRIN G. HATCH, UTAH
CHARLES E. GRASSLEY, IOWA
JON KYL, ARIZONA
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
SAM BROWNBACK, KANSAS
TOM COBURN, OKLAHOMA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

BRUCE A. COHEN, *Chief Counsel and Staff Director*
STEPHANIE A. MIDDLETON, *Republican Staff Director*
NICHOLAS A. ROSSI, *Republican Chief Counsel*

December 11, 2008

Ms. Terri Garner
Director
William J. Clinton Presidential Library and Museum
1200 President Clinton Avenue
Little Rock, AR 72201

Dear Ms. Garner:

As part of the Senate Judiciary Committee's preparation for the hearings on the nomination of Eric H. Holder to the office of Attorney General, we write, pursuant to 44 U.S.C. § 2205, to request that the William J. Clinton Presidential Library provide to the Committee certain materials in its possession relating to Mr. Holder's service in the Department of Justice.

Specifically, we write to request, in accordance with the attached guidelines, all memoranda, correspondence, and other documents on which Mr. Holder is designated as a recipient, or documents prepared by Mr. Holder or by his staff, for his approval, or on which his name or initials appear, related to the following matters:

1. The issue of attorney-client privilege and work product protection for corporations under criminal investigation;
2. The pardons of the following members of the organization FALN (an acronym that translates to the Armed Forces of Puerto Rican Nationalists) by President Clinton on August 11, 1999: Elizam Escobar, Ricardo Jimenez, Adolfo Matos, Dylcia Noemi Pagan, Alicia Rodriguez, Ida Luz Rodriguez, Luis Rosa, Carmen Valentin, Alberto Rodriguez, Alejandrina Torres, Edwin Cortes, Oscar Lopez-Rivera, Juan Enrique Segarra-Palmer, Antonio Camacho-Negron, Roberto Maldonado-Rivera, and Norman Ramirez-Talavera;
3. FALN members who had petitions for clemency filed in their name but were not granted clemency, including but not limited to Carlos Alberto Torres.
4. The pardons of Marc Rich, Pincus Green, Susan L. Rosenberg, and Linda Sue Evans by President Clinton on January 20, 2001;
5. The April 22, 2000, raid in Miami, Florida by Border Patrol agents to take Elian Gonzales into custody;
6. Any clemency or non-clemency related matter regarding Marc Rich, Pincus Green, Carlos Vignali, Harvey Weinig, Susan L. Rosenberg, and Linda Sue Evans, including but not limited to all communications to and from the U.S. Attorney's Office for the Southern District of New York prior to and following the issuance of the Rich and Green pardons;
7. The Youth Gun Crime Enforcement Act of 1999, the extension of the Brady bill, and other matters affecting gun rights;

8. Death penalty approvals, rejections, or disputes; and
9. The Department of Justice's decision not to defend the power of Congress to enact 18 U.S.C. § 3501 in the Supreme Court litigation in *Dickerson v. United States*, including Department responses to Judiciary Committee inquiries on the subject and views of U.S. Attorneys and Department advisory panels on the matter; and
10. Any denial of a Congressional request for documents or information from the Executive Branch.

This request is consistent with requests for similar documents that presidential libraries have provided in the consideration of past nominees.

We would appreciate your prompt attention to this request so that the Committee may have adequate time to review the requested documents in preparation for Mr. Holder's hearing. We would appreciate having the requested documents no later than December 22, 2008. Thank you for your cooperation.

Sincerely,

Allen Bech

Chuck Grassley

Sam Brownback

Orin G. Hatch

John Cornyn

J. Thune

Tom U. Coburn

Tommy V. Davis

Guidelines

1) This request is continuing in character, and if additional responsive documents come to your attention following the date of production, please provide such documents to the Committee promptly.

2) As used herein, “document” means the original (or an additional copy when an original is not available) and each distribution copy of writings or other graphic material, whether inscribed by hand or by mechanical, electronic, photographic or other means, including without limitation correspondence, memoranda, publications, articles, transcripts, diaries, telephone logs, message sheets, records, voice recordings, tapes, film, dictabelts and other data compilations from which information can be obtained. This request seeks production of all documents described, including all drafts and distribution copies, and contemplates production of responsive documents in their entirety, without abbreviation or expurgation.

3) In the event that any requested document has been destroyed or discarded or otherwise disposed of, please identify the document as completely as possible, including without limitation the date, author(s), addressee(s), recipient(s), title, and subject matter, and the reason for disposal of the document and the identity of all persons who authorized disposal of the document.

4) If a claim is made that any requested document will not be produced by reason of a privilege of any kind, describe each such document by date, author(s), addressee(s), recipient(s), title, and subject matter, and set forth the nature of the claimed privilege with respect to each document.