

Congress of the United States

Washington, DC 20515

August 24, 2004

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

Dear Mr. Attorney General:

We are concerned about the Justice Department's recent efforts to have publicly-available documents on asset forfeiture destroyed and are writing to determine the reason for these actions. The Judiciary Committees have been deeply involved in ensuring that our forfeiture laws strike the proper balance between prosecutorial needs and defendants' rights; in fact, just four years ago we enacted the Civil Asset Forfeiture Reform Act. Given the Administration's penchant for secrecy, we fear that this action was yet another attempt to erode the public's right to know.

Earlier this year, the Department asked that federal depository libraries destroy copies of government documents on the grounds that they were for "internal use only," such as personnel training. While the Department later rescinded the request, we are confused about why these materials, some of which were federal laws, were to be removed.

According to a July 20, 2004 Government Printing Office letter to the libraries, your Department asked that libraries destroy: (1) Civil and Criminal Forfeiture Procedure; (2) Select Criminal Forfeiture Forms; (3) Select Federal Asset Forfeiture Statutes; (4) Asset Forfeiture and Money Laundering Resource Directory; and (5) the Civil Asset Forfeiture Reform Act of 2000 (Public Law No. 106-185). One of these, Select Federal Asset Forfeiture Statutes, appears to be a compilation of federal laws and another, the Civil Asset Forfeiture Reform Act of 2000, is a public law.

We seek clarification of your initial destruction request because it defies logic that federal statutes could be considered solely internal to the Department's deliberations and not useful for any other purpose. For this reason, we would appreciate an answer to these basic questions:

- (1) On what grounds would the Department consider federal statutes to be "internal use" documents?
- (2) For what reason did the Department initially believe the two particular statutory materials (Select Federal Asset Forfeiture Statutes and the Civil Asset Forfeiture Reform Act) would be "internal use only" and seek their destruction? In making its

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determination, did the Department consider the fact that they are publicly-available statutes?

(3) Why were the forms, procedures, and directory considered sensitive?

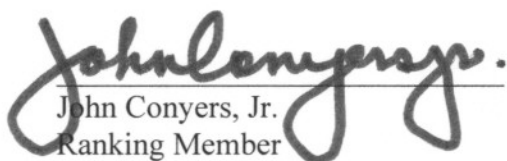
(4) What is the justification, once any of these documents were out in the public, for requesting their withdrawal and destruction?

(5) What Justice Department personnel were involved in making the decision to seek the destruction of the materials? What Justice Department official gave final approval to ask the Superintendent of Documents to have the documents destroyed?

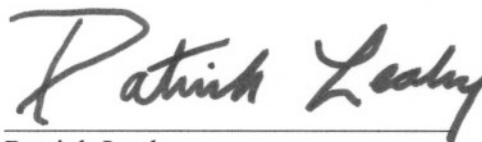
(6) Prior to this incident, has the Department ever sought the destruction of depository materials? If so, of what materials and when?

Please reply through Perry Apelbaum of the House Judiciary Committee staff, 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504) and through Tara Magner of the Senate Judiciary Committee staff, 152 Dirksen Senate Office Building, Washington, DC 20510 (tel: 202-224-7703).

Sincerely,



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



Patrick Leahy
Ranking Member
Committee on the Judiciary
U.S. Senate

cc: The Honorable William Moschella
Assistant Attorney General
Office of Legislative Affairs

The Honorable F. James Sensenbrenner, Jr.
Chairman
U.S. House Committee on the Judiciary

The Honorable Orrin Hatch
Chairman
U.S. Senate Committee on the Judiciary