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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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June 28, 2012

Via Electronic Transmission

The Honorable Leon Panetta
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Panetta:

In March, we joined a bipartisan group of Members of Congress in writing to you to request the release to Congress of an un-redacted copy of the catalog and records contained within the Camp Lejeune Historic Drinking Water Consolidated Document Repository, formerly known as the "Booz Allen Hamilton Document Repository" ("Camp Lejeune Repository Documents"). A June 7, 2012 response from the Office of the Secretary of the Navy stated that these materials would not be provided, because the Department of the Navy (DoN) "may not release [these] un-redacted records without an official request from a committee or subcommittee of jurisdiction in writing." *See* 5 U.S.C. § 552a (b)(9). We write again to request that these documents be promptly provided to the Senate Judiciary Committee.¹

As you know, the drinking water contamination that took place over several decades at Marine Corps Base Camp Lejeune, North Carolina was one of the worst environmental disasters in American history to occur at a domestic Department of Defense installation. It has come to the attention of some Members of Congress that since Camp Lejeune was designated as a National Priority List site by the Environmental Protection Agency, the DoN has frequently undermined public confidence in the investigation into this disaster. In particular, the DoN may have improperly relied upon exemptions under the Freedom of Information Act (FOIA) to withhold vital information about the disaster from the public.

¹ The un-redacted copy of these documents should include all Camp Lejeune documents covered under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA), if any of those documents are not currently held in the repository.

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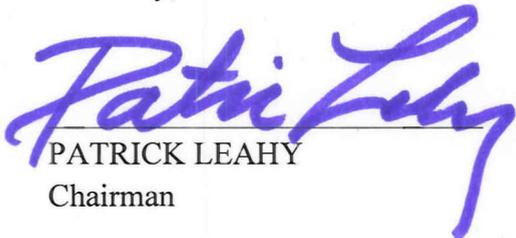
The Senate Judiciary Committee has a long and proud history of conducting oversight of the implementation of FOIA within our Federal agencies. In March, the Committee held an oversight hearing to examine, among other things, the use of FOIA exemptions to withhold information from the public related to the water contamination at Camp Lejeune. The Camp Lejeune Repository Documents that we are requesting are material to that ongoing oversight.

On July 4th, our Nation will celebrate the 46th anniversary of the enactment of FOIA. The “right to know” is a cornerstone of our Democracy and generations of Americans have relied upon FOIA to help shed light on the activities of their government. Government information should not be withheld from the American public to evade accountability or to avoid embarrassment.

Accordingly, we urge you to comply with the letter and spirit of FOIA by promptly making all of the information contained in the Camp Lejeune Repository Documents available to the American people. Because the Camp Lejeune Repository Documents have already been compiled, we ask that these documents be delivered to the Committee within one week.

Thank you for your prompt attention to this matter.

Sincerely,


PATRICK LEAHY
Chairman


CHARLES E. GRASSLEY
Ranking Member