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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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May 15, 2008

The Honorable Michael B. Mukasey  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Mukasey:

We are greatly disturbed by the reports in the *Washington Post* about continued infighting between the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) after legislation ordered them to be integrated under the Department of Justice and to work in cooperation. We have three major concerns:

1. The lack of coordination poses a direct threat to our national security, as noted by Michael A. Mason, former head of the FBI's Washington Field Office, who was quoted as saying that he worries about a potential attack "where the ball got dropped . . . because information wasn't passed or shared." This is reminiscent of the substantial evidence indicating the attacks of 9/11 might have been prevented had the FBI and CIA shared information, especially the now-famous memo from the FBI's Phoenix Field Office, which practically laid out a blueprint of the hijackers' plans and yet went unheeded.
2. Successive Attorneys General have apparently failed to provide proper supervision and leadership of the two agencies. Again, as noted by Mr. Mason, "[a] lot of these things require a little adult supervision from the Justice Department or Congress, which will resolve a lot of the food fights these two agencies find themselves in." It is the responsibility of the Attorney General in the first instance to manage organizations within the Justice Department, and it is the responsibility of the Directors of the FBI and the ATF to act constructively and foster cooperation. If the Attorney General cannot successfully manage this situation, he should then seek assistance from Congress.
3. The *Post* article further notes that, "the rival law enforcement agencies have fought each other for control, wasting time and money and causing duplication of effort." Even in this era of budget cuts, Congress has continued to increase funding for national security, making such reports of wasted resources especially troubling.

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As Chairman and Ranking Member of the Justice Department's primary oversight committee, we cannot accept the status quo. We request that you inform us of the full extent of the disputes between the FBI and the ATF and the steps you are taking to resolve these continuing turf battles. Also, please advise us of the measures you are implementing to ensure that resources are not wasted on duplicative programs administered by the two agencies. We look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Leahy". The signature is written in a cursive, flowing style.

PATRICK LEAHY  
Chairman

A handwritten signature in black ink, appearing to read "Arlen Specter". The signature is written in a cursive, flowing style.

ARLEN SPECTER  
Ranking Member