

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 1, 2006

The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Gonzales:

Late last week, the Justice Department filed papers in federal court alleging that David Safavian, then-Chief of Staff of the General Services Administration (GSA), provided confidential information to lobbyist Jack Abramoff about GSA's decision to suspend Tyco International's federal contracts. On the same day as the Justice Department's court filing, Tyco issued the attached statement confirming that Mr. Abramoff shared this insider information with Tyco. Tyco acknowledged that Timothy Flanigan, a senior Tyco official, then contacted GSA, which subsequently decided not to suspend Tyco's federal contracts.

We are very troubled to learn now about these secret dealings between Mr. Safavian, Mr. Abramoff, and Mr. Flanigan. As you know, on October 7, 2005, the President withdrew Mr. Flanigan's nomination to be Deputy Attorney General after serious questions arose about the connections between Mr. Abramoff, Mr. Flanigan, senior administration officials, and Republican congressional leaders. The Judiciary Committee had scheduled an unusual follow up hearing to explore these questions, but, due to the withdrawal of Mr. Flanigan's nomination, the hearing was cancelled, and these troubling questions remain unanswered.

In light of the new revelations regarding Mr. Flanigan's dealings with Mr. Safavian and Mr. Abramoff, who are both under indictment, we write to ask for more information about the circumstances surrounding the withdrawal of Mr. Flanigan's nomination. Specifically, we would appreciate your response to the following questions:

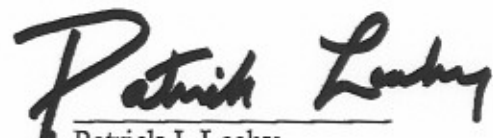
- Who made the decision to withdraw Mr. Flanigan's nomination to be Deputy Attorney General?
- When was the decision made to withdraw Mr. Flanigan's nomination?
- Did you or any White House, Justice Department, or GSA official know about the dealings between Mr. Safavian, Mr. Abramoff and Mr. Flanigan before the withdrawal of Mr. Flanigan's nomination?

- Did these dealings play any part in the decision to withdraw Mr. Flanigan's nomination?
- Have you or any other administration official discussed with Mr. Flanigan his dealings with Mr. Safavian and/or Mr. Abramoff? If so, when, and what specifically was discussed?
- According to *The Washington Post*, George Terwilliger, Tyco's outside counsel, said, "I have asked and been assured by line-level prosecutors that neither Tyco nor anyone at the company is being investigated or is suspected or any wrongdoing." Does the Justice Department routinely provide such assurances to corporations and/or individuals who are implicated in a criminal investigation? Were Mr. Terwilliger, Mr. Flanigan or any other Tyco official or representative given advance notice of the Justice Department's filing? Please describe all communications between Mr. Terwilliger, Mr. Flanigan, or any other Tyco official or representative and Justice Department line-level prosecutors or other Justice Department officials.
- It would seem appropriate to investigate the secret dealings between Tyco, Mr. Flanigan, Mr. Safavian, and Mr. Abramoff. Is it true that no one at Tyco, including Mr. Flanigan, is being investigated or is suspected of any wrongdoing? If so, what is the basis for this position? Has the Justice Department already investigated and cleared Mr. Flanigan and other Tyco officials?

We look forward to your prompt response to these questions.

Sincerely,


Richard J. Durbin


Patrick J. Leahy

Attachment

cc: The Honorable Arlen Specter, Chairman, Senate Committee on the Judiciary