

ONE HUNDRED TENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5051
Minority (202) 225-5074

March 22, 2007

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

Dear Mr. Attorney General:

The Oversight Committee requests information about allegations of political interference in the Department's recent case against the tobacco industry.

According to Sharon Eubanks, the Department's lead attorney in the case, political appointees at the Department interfered with her legal strategy for political reasons on several occasions. She has asserted that several Department appointees ordered the trial team to soften witness testimony, drop a request for structural changes in tobacco company management, and lower the amount of money requested for a nationwide program to help smokers quit. Ms. Eubanks stated that this interference undermined the government's case and hindered its ability to "zealously represent the interests of the American public."¹

Ms. Eubanks has also indicated to my staff that she had concerns about the role that White House officials may have played in the case. She provided emails to the Committee indicating that the White House reviewed the Department's public response in June 2005 to allegations of political interference in the litigation. According to these emails, the Justice Department was directed to "hold up" sending an op-ed to *USA Today* explaining the Justice Department's position because "the White House wanted some changes."²

A revised draft was prepared within a half hour of the White House objections. The revised draft made a number of changes to the op-ed, including inserting as the lead sentence of

¹ *Prosecutor Says Bush Appointees Interfered with Tobacco Case*, Washington Post, A1 (Mar. 22, 2007)

² Email from Matt Robinson (June 8, 2005).

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the op-ed: "President Bush and his Administration have proven time and again a strong commitment to holding the tobacco industry accountable for past fraud and abuse."³ According to a subsequent email, the White House said this version was "good to go."⁴

To assist the Committee's inquiry into whether there was political interference in the tobacco litigation, please provide the Committee with the following documents for the time frame from January 20, 2001, to the present:

- (1) All communications between the White House and the Department of Justice related to the Department's suit against the tobacco industry, *U.S. v. Philip Morris*;
- (2) All notes, in any form, kept by political appointees at the Department related to White House involvement in the tobacco litigation;
- (3) An accounting of all contacts between the White House and the Department of Justice related to the tobacco litigation; and
- (4) The full report completed by the Office of Professional Responsibility related to its investigation into possible political interference in the tobacco litigation.

Please provide the documents requested by the Committee by April 7, 2007.

The Committee on Oversight and Government Reform is the principal oversight committee in the House of Representatives and has broad oversight jurisdiction as set forth in House Rule X. An attachment to this letter provides additional information on how to respond to the Committee's request.

If you have any questions regarding this request, please contact Robin Appleberry at (202) 225-5051.

Sincerely,



Henry A. Waxman
Chairman

Enclosure

cc: Tom Davis
Ranking Minority Member

³ Email from Matt Robinson (June 8, 2005).

⁴ Email from Kevin Madden (June 8, 2005).