



U.S. Department of Justice

Criminal Division

**FILED JUN 18 2001**

Special Division

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Washington, D.C. 20530

JUN 18 2001

Mark J. Langer, Esq.  
Clerk of the U.S. Court of Appeals  
for the District of Columbia  
Circuit  
3<sup>rd</sup> and Constitution Avenue, NW  
Washington, DC 20001

Dear Mr. Langer:

I am writing to address Independent Counsel Smaltz's conclusions with respect to the positions taken by the Public Integrity Section during the investigation of Secretary of Agriculture Mike Espy. Independent Counsel Smaltz suggests that the Public Integrity Section simply wished to complete the investigation so that it could then be declined and the matter closed. This is wrong.

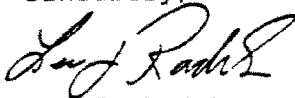
While it is true that there were some differences of opinion between some representatives of the FBI and the Public Integrity Section, both about the importance of certain investigative findings and the proper scope of the investigation, it is not true that the Public Integrity Section ever cut off or foreclosed appropriate investigative avenues. In fact, the differences of opinion during this investigation were no greater than those which will be found in any sensitive investigation of a public figure which is pursued under severe time constraints.

In this case, a meeting was held between Public Integrity Section attorneys and FBI agents and supervisors to determine how the investigation would proceed. More specifically, the meeting was held to consider what, if any additional investigative steps needed to be taken. The FBI identified a limited number of interviews which they believed should be conducted. We then agreed on a time frame for completion of those interviews. We did not rush the interviews, discourage the interviews, or frustrate the investigation. We worked with the FBI to complete the investigation, so that a timely and informed decision about prosecuting the matter could be made.

Independent Counsel Smaltz also alleges in his report that he made a referral to the Department of Justice concerning allegations that Tyson Foods made illegal gifts to former Governor Clinton and other government officials, and that he did not believe that any further action was taken. The Department of Justice did review the information identified by Independent Counsel Smaltz concerning the referred allegations. A Senior Trial Attorney with the Public Integrity Section carefully reviewed the information and concluded that no further investigation was warranted.

If you have any questions regarding this letter, please do not hesitate to contact me at 202-514-1412.

Sincerely,



Lee J. Radek  
Chief  
Public Integrity Section