

CAROLYN B. MALONEY  
14TH DISTRICT, NEW YORK

2331 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3214  
(202) 225-7944

COMMITTEES:  
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1651 THIRD AVENUE  
SUITE 311  
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28-11 ASTORIA BOULEVARD  
ASTORIA, NY 11102  
(718) 932-1804

WEBSITE: [www.house.gov/maloney](http://www.house.gov/maloney)

March 30, 2005

The Honorable Alberto Gonzales  
U.S. Attorney General  
950 Pennsylvania Ave, NW  
Washington, DC 20530

Dear Attorney General Gonzales,

As you begin your tenure at the Department of Justice, I am disheartened that my first correspondence with you must be under unfortunate circumstances.

As you know, on February 10, 2005, the Office on Violence Against Women held a public meeting of the National Advisory Committee on Violence Against Women to provide practical and general policy advice concerning the implementation of the Violence Against Women Acts of 1994 and 2000. Among other important topics, this meeting could have provided an open forum to discuss the Department's National Protocol for Sexual Assault Medical Forensic Examination, and specifically the omission of Emergency Contraception (EC) from this first-ever medical guideline for treating sexual-assault victims. To express serious concern about this omission, 97 Members of Congress sent a letter dated January 13, 2005, to Diane M. Stuart, Director of the Office on Violence Against Women, urging her to amend the protocol to include information about EC. A copy of this letter is enclosed.

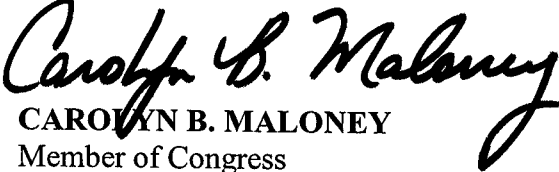
Because our message is so important to victims of sexual assault, I went to the February 10 meeting and attempted to testify and/or offer written comments urging the inclusion of EC in the Protocol. To my dismay, I was not allowed to speak, even though I was the only Member of Congress present. Furthermore, I was led to believe that I had no right to submit written testimony or even physically remain at the site. Eric W. Holland of the Department's Office of Public Affairs actually threatened to call security if I did not remove myself from the room. When the Department of Justice threatens to call security on a Member of Congress trying to help rape victims avoid unwanted pregnancy, something is horribly wrong.

In addition to confirming my resolve to work toward getting EC included in the Protocol, this unfortunate incident raises serious questions about the Justice Department's intentions to refuse the public and Members of Congress the opportunity to voice opposition to current Department positions in public forums. Therefore, I respectfully request your answers to the following questions:

- 1) Is it departmental policy to exclude the public from attending or testifying at publicly advertised public meetings of the National Advisory Committee on Violence Against Women?
- 2) Is it departmental policy to exclude the public from attending or testifying at all publicly advertised public meetings held by the Department of Justice?
- 3) Is it departmental policy to exclude Members of Congress from attending or testifying at publicly advertised public meetings of the National Advisory Committee on Violence Against Women, even those who were original cosponsors of the very legislation that created the Committee?
- 4) What lawyers on your staff could brief me on the legal underpinnings for the Department's exclusionary policies?

I look forward to your response to the above inquires, as well the Justice Department's justification for omitting EC from the Protocol, thereby putting rape victims at higher risk for unwanted pregnancy. Thank you for your attention to this matter.

Sincerely,

  
CAROLYN B. MALONEY  
Member of Congress