

December 5, 2007

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

Dear Mr. Attorney General:

As the Committee in the U.S. House of Representatives with jurisdiction over telecommunications, we have been considering questions relating to whether telecommunications carriers should be afforded immunity from suit for potential violations of their customers' privacy rights. In response to our requests to the carriers for information, the carriers have informed us that a number of laws prevent them from responding to our inquiries. Two carriers stated that the Department of Justice (Department) has instructed that the carriers could neither confirm or deny their role in the programs at issue. Accordingly, on November 1, 2007, we wrote to Acting Attorney General Peter Keisler to request that the Department promptly provide us with a briefing detailing the basis for the Department's position. A copy of that letter is attached for your reference.

Although your Department's response to our letter was due on November 7, 2007, we have not received any response to date. Nor have we received any response to repeated telephone calls to your Department's Office of Legislative Affairs.

The failure of the Department to respond to a request for information within the scope of this Committee's jurisdiction is unacceptable. The Department is preventing telephone companies from defending themselves, depriving Congress of the ability to evaluate the legitimacy of their arguments for legislation. Until sufficient information is provided to the Committee to assist us in making informed public policy decisions concerning these important issues, we will not consider any requests for approving telecommunications carrier immunity. Likewise, we will also request that our colleagues in the Congress on other Committees with related jurisdiction decline to consider grants of immunity to telecommunications carriers.

We request that you contact us or have your staff contact John Sopko, Amy Levine, or Colin Crowell with the Committee staff at (202) 226-2424 at the earliest possible opportunity in order to arrange the requested briefing as soon as possible.

Sincerely,

John D. Dingell
Bart Stupak

Chairman
Chairman

Subcommittee on Oversight and Investigations

Edward J. Markey

Chairman

Subcommittee on Telecommunications and
the Internet

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Fred Upton, Ranking Member
Subcommittee on Telecommunications and the Internet

The Honorable Silvestre Reyes, Chairman
Permanent Select Committee on Intelligence

The Honorable Peter Hoekstra, Ranking Member

Permanent Select Committee on Intelligence

The Honorable John Conyers, Jr., Chairman

Committee on the Judiciary

The Honorable Lamar S. Smith, Ranking Member

Committee on the Judiciary