



THE LIBRARY OF CONGRESS

101 INDEPENDENCE AVENUE, S.E.

WASHINGTON, D.C. 20540-1050

OFFICE OF THE GENERAL COUNSEL

December 14, 2009

VIA FIRST CLASS MAIL AND E-MAIL

Aden Fine
Senior Staff Attorney
ACLU Foundation
125 Broad Street, 18th Floor
New York City, NY 10004-2400

RE: Morris Davis

Dear Mr. Fine:

Your letter of December 4, 2009, to the Librarian of Congress, James Billington, has been forwarded to me for a response. I have reviewed your letter and conferred with the Congressional Research Service (CRS) management regarding their decision to remove Morris Davis during his one-year probationary period rather than convert his probationary status to permanent. We maintain that the removal of Mr. Davis is justified.

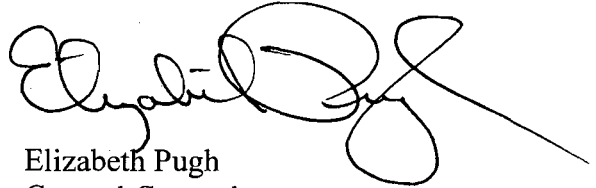
The November 20, 2009, notice of separation sets forth Daniel Mulhollan's chief reason for the determination to separate Mr. Davis: "[he has] not adequately demonstrated the Senior Level Executive qualities and characteristics necessary to serve effectively as Assistant Director in the Foreign Affairs, Defense and Trade Division of the Congressional Research Service." Furthermore, Mr. Mulhollan explains that Mr. Davis "failed to adhere to the CRS policy on Outside Speaking and Writing", "impairing [his] ability to lead the analysts and managers in [the Foreign Affairs, Defense and Trade Division] (and throughout the Service)", and that he had been previously verbally counseled on his failure to adhere to another CRS policy on Report Authorship and inappropriate interaction with a CRS senior manager. Mr. Mulhollan concluded that Mr. Davis "showed poor judgment and discretion . . . not consistent with 'acceptable service'".

Because the sole mission of CRS is providing objective and non-partisan research and analysis to Congress to aid in the legislative process, CRS expects its employees to conduct themselves appropriately at all times and to exercise good judgment in the performance of their duties for the Congress. This includes dealings with the media and outside writing or speaking engagements. Hence, CRS staff members must avoid

conduct that would undermine the appearance of objectivity and non-partisanship and adhere to established CRS procedures.

Thank you for the opportunity to respond and if you have any further questions relating to this matter, please contact me at the foregoing address or (202) 707-6316.

Respectfully,

A handwritten signature in black ink, appearing to read "Elizabeth Pugh", with a long horizontal flourish extending to the right.

Elizabeth Pugh
General Counsel