



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

June 17, 2002

SA Robert Wright, Jr.  
Federal Bureau of Investigation  
219 South Dearborn Street  
Suite 900  
Chicago, Illinois 60604-1702

Dear Mr. Wright:

This responds to your letter of June 9, 2002, regarding the release of your manuscript, *Fatal Betrayals of the Intelligence Mission*, to certain members of Congress and the Director of Homeland Security.

As we have previously advised you, our review of the manuscript and the guidance that we received from the U.S. Attorney's Office reveals that the manuscript contains information regarding an open investigation, matters occurring before a federal grand jury, sensitive law enforcement techniques, intelligence information, and other material otherwise prohibited from disclosure. We have also encouraged you to report any and all concerns that you have regarding the subject of the manuscript or any other pertinent topic to the Department of Justice's (DOJ) Office of the Inspector General or to the FBI's Office of Professional Responsibility. We have also offered to assist you in raising your concerns with the relevant congressional committees investigating the terrorist attacks of September 11, 2001.

You may also, of course, avail yourself of the protections afforded under federal law to "whistleblowers." The law specifically permits you to communicate matters of concern to Congress, but it does provide some restrictions on how you do so in order to protect national security. Pursuant to the Intelligence Community Whistleblower Protection Act of 1998, 5 U.S.C. Appendix 3, § 8H, you may communicate "a complaint or information with respect to an urgent concern" with respect to intelligence activities to the DOJ Inspector General. The DOJ Inspector General has 14 days to review the information and may then transmit it to the FBI Director, who has 7 days for review. If, at the end of this period, your information has not been transmitted to Congress, you may contact the House of Representatives Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence directly, provided you first obtain and follow the FBI Director's direction on how to contact these committees in accordance with appropriate security practices. Note that the law does not provide for disclosure to other officials of the government, such as the Director of Homeland Security.

Further, and as you know, disclosure of matters occurring before a grand jury are governed by the secrecy strictures of Federal Rule of Criminal Procedure 6e. We are not aware of any statutory, regulatory, or common law exception to the grand jury secrecy doctrine that would permit disclosure of such matters to non-criminal investigatory or prosecutorial entities. Neither you nor we are in a position to waive the strictures of Rule 6e.

Therefore, I strongly suggest that you discuss your proposed course of action with your attorney and ensure that it complies fully with the requirements of the law.

Sincerely,



John E. Collingwood  
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Office of Public and  
Congressional Affairs

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