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The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

I write regarding a policy issue which has come to my attention. For many years, the Department of Justice has denied the attorneys of Jonathan Pollard access to several classified documents, which were created for his sentencing and filed with the district court. Mr. Pollard's attorneys stress that access to these materials is necessary for the full and effective representation of their client. The courts have decided, in *United States v. Pollard*, 416 F.3d 48 (D.C. Cir. 2005) cert. denied, 547 U.S. 1021 (2006), that there is no judicial authority to grant access to these documents and that the decision to allow access rests with the Executive Branch. That is why I am contacting you.

I take very seriously the need to prevent the dissemination of appropriately classified information to those who have no legitimate need to see it. I also believe that every citizen has the right to effective representation of counsel, no matter what the charges may be against them, including the ability to have access to information possessed by the government that was used against them. I understand that Mr. Pollard's attorneys have been granted security clearances by the Department, but have nonetheless been denied access to the documents, even under secure conditions. The fundamental principals of fairness, upon which our system of justice is based, apply at every stage of the process, including appeals for clemency.

Accordingly, I suggest that any definition of "need to know" which results in the denial to counsel of documents they need in connection with legal representation is flawed, however that definition may have been established. Although this situation has come to light with regard to

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the Pollard case, my concerns are far greater than this situation. I ask that you consider revisiting any Executive Branch policy which would continue to result in denial of access to documents in this case, or in any other such situation in the future.

I thank you for your consideration of this matter.

Sincerely,



John Conyers, Jr.
Chairman

cc: The Honorable Lamar Smith