

December 18, 2007

Senator Patrick Leahy
Chairman Senate Judiciary Committee
433 Russell Senate Office Building
Washington, DC 20510

Via Facsimile: (202) 224-3479

Dear Senator Leahy,

Thank you for taking the time to meet with us regarding the situation of Mr. Richard M. Barlow. We hope that in the last month you have had the chance to discuss the matter with Senator Specter, with whom we also met. Senator Specter was also supportive on the issue of providing relief for Mr. Barlow.

As far as we can determine, no meaningful obstacles remain, and all that is left essentially is for the Senate Judiciary Committee to find an appropriate bill moving through the Senate on which to attach a relief amendment. Mr. Rossi from the Minority has indicated that he is on the watch for such bills. There appear to us to be one or two viable options at the moment, including the omnibus spending bill.

Given the history of Congressional and particularly Senate Judiciary's involvement in this case over the years, we think that immediate action is more than justified and as best we can tell, entirely possible. Mr. Barlow has served his country well for well over 20 years, and suffered enormous harm and losses for no justifiable reason at the hands of some in the Executive Branch.

The Congressional involvement in Mr. Barlow's case and the very serious issues it raises for both the nation and the interests of the Congress itself, including Constitutional issues as well as people misleading the Congress on WMD intelligence and retaliation against intelligence officers, has now dragged on for eighteen years involving almost a dozen Congressional committees as well as dozens of Senators and Congressmen. Twice now, once in 1998 and again a few months ago, following extensive investigation, knowledge and deliberation, the committees with primary jurisdiction over DOD concluded on a bipartisan majority basis that Mr. Barlow was due relief. In the earlier instance, even the President also supported relief and expressed his intention to sign the PR bill introduced for Mr. Barlow relating to damages then. Twice now, the Senate Judiciary Committee alone has blocked this relief.

In the first instance, after seven years of Congressional investigations in which Mr. Barlow cooperated fully--based on the objection of a single Senator not even on your committee--the Committee launched Mr. Barlow on what we all now understand was a mistaken, unnecessary, and utterly futile and very expensive massive four year court proceeding. In the end, the government asserted the State Secret's privilege over the evidence in what was, in fact, the Senate's court case involving people lying to Congress.

In the latest instance, an amendment to the DOD Authorization Bill relating to Mr. Barlow's pension had the full support of both the Senate and House Armed Services Committee and clearly would have passed but for anonymous holds by a few Republicans on your committee who were unfamiliar with the court case.

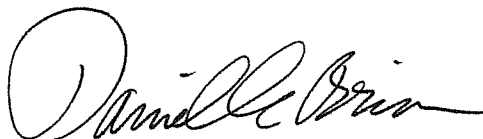
Regardless, we provided extensive information as to why the court case has no validity as a separate matter including among many other reasons, that the court failed to find the facts for the Senate, its primary assignment. It became evident that there were considerable misconceptions by some on your committee that the Library of Congress' Constitutional expert addressed, including the limited role of the court and the role of the Senate as the deciding body in a Congressional Reference.

We think that eighteen years of Congressional deliberations is excessive and has caused considerable additional harm to Mr. Barlow's life. Given the Senate Judiciary Committee's history in this case, we are respectfully urging you and Senator Specter to take a leadership role in effecting this relief and righting this wrong as soon as possible.

Sincerely,



Dean Robert Gallucci,
Georgetown University School of Foreign Service



Danielle Brian,
Executive Director,
Project On Government Oversight (POGO)

cc: Mary DeRosa, Senate Judiciary Committee