

December 17, 2007

Senator Arlen Specter
Ranking, Senate Judiciary Committee
711 Hart Senate Office Building
Washington DC 20510

Via Facsimile: (202) 228-1229

Dear Senator Specter,

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 an opportunity to discuss the matter with Senator Leahy, with whom we also met shortly after meeting with you. Senator Leahy indicated he was 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 your committee to find an appropriate bill moving through the Senate in order to attach a relief amendment. Our hope is that this can occur before the end of this year. Mr. Rossi has indicated that he is on the watch for such bills. There appear to us to be one or two options at the moment, including the omnibus spending bill.

Given the history of Congressional and particularly your committees involvement in this case, we think 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.

As you know, 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, your 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 Senate Judiciary 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 where the government asserted 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 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 we and 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 Leahy 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: Nick Rossi, Senate Judiciary Committee