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U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 4, 2008

The Honorable John D. Rockefeller, IV
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the appearance of FBI Director Robert S. Mueller III before the Select Committee on Intelligence on January 11, 2007, at a hearing regarding National Security Threats.

We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

Cc: ✓ The Honorable Christopher S. Bond
Vice Chairman

Enclosures

During the course of the FBI's economic espionage investigations, the FBI may obtain information that is considered proprietary or trade secret information by a foreign entity. The FBI restricts access to this information and does not share it with competing U.S. companies. If, however, this information has strategic intelligence value (such as information regarding the level of development a specific technology has reached in a country of interest to the U.S.), this information, or aspects of the technology development, may be disseminated to USIC partners (to determine, for example, gaps in the strategic technologies available to the country of interest and the U.S.).

With respect to balancing the benefits of collection against the risks of detection, a country's reaction will depend on its particular circumstances. A country may already be employing their best possible defensive measures because they are aware that the United States is cognizant of their clandestine activities. Another country may decry these investigations as having an ethnic or xenophobic bias if it is aware of several high-profile espionage cases relating to individuals or companies of the same ethnicity or country. Many variables affect a country's response to detection, but the determination to conduct, or forego, an investigation is not premised on the possibility of such a response.

7. Since you became Director of the FBI in 2001, how many crime reports related to the unauthorized disclosure of classified information has the FBI investigated? How many such cases have been successfully prosecuted by the Department of Justice?

Response:

While various types of unauthorized disclosures of classified information are reported to the FBI through various vehicles, a Memorandum of Understanding between the Department of Justice and Intelligence Community agencies requires that unauthorized disclosures of classified information to the media be reported by way of a "crime report." Since September of 2001, the FBI has investigated and ultimately closed 85 investigations based upon crime reports related to the unauthorized disclosure of classified information, all of which concerned unauthorized disclosures of classified information to the media. None of these cases reached prosecution. Currently, 21 such cases are under investigation.

8. The FBI's counterterrorism translation capabilities are critical if we are to successfully confront the terrorist threat. In a recent response to a series of questions posed by the