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United States Senate

WASHINGTON, DC 20510-3005

July 29, 2010

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The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Holder,

I am writing to follow up on my July 26 invitation to the Department of Justice to participate in a full United States Senate Foreign Relations Committee hearing to fully explore allegations surrounding the Scottish Cabinet Secretary for Justice's decision to release Abdelbaset Ali Mohmed al-Megrahi on compassionate grounds and, in particular, whether a \$900 million oil exploration deal between BP and Libya directly or indirectly influenced the decision.

I was disappointed to receive word from my staff that DOJ had declined my invitation to testify at the July 29th hearing. I believe it is critical to hear the DOJ's perspective, as DOJ has been closely involved with the investigation into this tragedy and also communicated with Scottish authorities who ultimately released al-Megrahi. And, more importantly, the families of the victims of Pan Am Flight 103 deserve to hear from all parties involved in these negotiations.

Since Federal Bureau of Investigation Director Robert Mueller; Assistant Attorney General for National Security David Kris; and Deputy Assistant Attorney General for International Affairs, Criminal Division, Bruce Swartz were not available to testify on the original hearing date, we have postponed the hearing and look forward to working with your Office of Legislative Affairs to set a new hearing date on which the invitees will be available to testify in September. I am asking each to discuss the 1998 agreement reached between the U.S., the United Kingdom, and Libya that required anyone convicted of involvement in the Pan Am 103 bombing to serve out their sentence in Scotland, and DOJ's communications with the Scottish government about this agreement. This agreement was the basis of Libya's fulfillment of one of its UNSCR requirements, which paved the way for Libya's removal from the State Sponsor of Terrorism list.

That al-Megrahi was released and is now living out his remaining days outside of Scottish custody is not only an affront to the victims' families, it also poses a threat to our own national security. I ask that these witnesses also address the implications of al-Megrahi's release to our national security in terms of the signal it sends to other would-be terrorists that such unjustifiable actions may not result in a fulfillment of justice.

I appreciate your cooperation in this issue as we seek to review the underlying facts and circumstances leading to the release of al-Megrahi.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a large initial "R" and "M".

ROBERT MENENDEZ
U.S. Senator