

Received(Date): 2 AUG 2002 21:03:37
From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
To: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
Subject: : Talking points
[P_GSH89003_WHO.TXT_1.doc](#)

Begin Original ARMS Header #####
RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])
CREATION DATE/TIME: 2-AUG-2002 21:03:37.00
SUBJECT: Talking points
TO: Alberto R. Gonzales (CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN
End Original ARMS Header

They are below in text and attached as a separate document. Let me know if you need anything else. My cell is [P6/b6] Thanks.

FBI Investigation of Unauthorized Disclosures
From Congress ,s Inquiry into September 11 Attacks
(August 2, 2002)

* The House and Senate intelligence committees are conducting a joint inquiry into the September 11 attacks. The Administration has been cooperating with that inquiry and has provided a significant amount of extraordinarily sensitive intelligence information to the Congress.

* In gathering information and conducting its inquiry, Congress has an obligation to protect sensitive intelligence and law enforcement information so as to ensure the success of our military and law enforcement operations, and to protect American lives.

* The President has very deep concerns about anything that would be inappropriately leaked that could in any way endanger America ,s ability to gather intelligence information and fight the war on terrorism.

* On June 19, there was a serious leak from the congressional inquiry. In response, Congress itself asked the Attorney General to investigate the leak.
[Background: The June 19 CNN story identified & congressional sources. 8 Chairman Graham and Chairman Goss wrote a letter to the Attorney General seeking this investigation.]

* In response to the congressional request, the Federal Bureau of Investigation has been conducting an investigation.

* Leak investigations generally require investigators to question persons who both had access to the information in question and fit within the category identified in the news story (such as & congressional sources 8 or & Administration sources. 8)

* Polygraphs are a standard investigative tool in criminal investigations. They can help investigators narrow the focus of an investigation. It is important to note that polygraph examinations are voluntary in criminal investigations. Here, for example, no one is being forced to submit to a polygraph examination.

[Background: Government also uses polygraph examinations for personnel decisions, primarily in the intelligence and law enforcement agencies. Those examinations often are a condition of employment.]

* No separation of powers issue is triggered when federal criminal investigators question witnesses who happen to work in the Congress. Members of Congress and their staffs have never been considered immune from federal criminal investigation merely because they work in the Legislative Branch.

[Background: For example, there have been federal criminal investigations of Senator Torricelli, Representative Traficant, and Representative Condit in recent years.]

ATT CREATION TIME/DATE: 0 00:00:00.00
File attachment <P_GSH89003_WHO.TXT_1>

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- In response to the congressional request, the Federal Bureau of Investigation has been conducting an investigation.
- Leak investigations generally require investigators to question persons who both had access to the information in question and fit within the category identified in the news story (such as "congressional sources" or "Administration sources.")
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