

# Congress of the United States

Washington, DC 20510

October 19, 2005

Honorable Alberto Gonzales  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Gonzales:

We are writing with questions about the Department's commitment to provide continuing support for the professional team that has litigated the government's case in *U.S. v. Philip Morris*, the tobacco litigation now pending before the District Court for the District of Columbia.

It is our understanding that at the end of a trial it is customary for members of the litigation team to be reassigned to other projects or cases, with a contingency plan in place to ensure that the team can be readily re-assembled. Given the potential for appeals throughout this process, such contingency plans would appear necessary for the tobacco litigation team.

We ask that you provide an update on the Department's plans to retain and reassemble the legal team and to commit the necessary resources for post-trial developments. Specifically, we ask that you address the following questions:

- What are the Department's plans to retain and regroup the tobacco litigation team in the event of post-trial developments?
- How do those plans compare to planning that has been done for comparable U.S.-led lawsuits?
- For the 2006 fiscal year, how do you plan to ensure that the Department's civil division is adequately funded to support full deployment in the tobacco litigation, should the need arise?
- What are the Department's plans to fund and staff the rest of this case through fiscal year 2006 and beyond?
- From what accounts will any needed funds will be drawn?

The case against the tobacco industry has tremendous implications for public health in this country. This makes it essential to ensure that the government has every resource it needs to build on the considerable expertise and institutional knowledge already acquired by the government's legal team. If the Department is lacking sufficient resources – or has failed to develop adequate contingency plans – Congress should address these matters during the ongoing 2006 appropriations process.

We appreciate your prompt personal response. In addition, we request that the appropriate Department staff provide a briefing on these issues in our offices by the end of October. Please contact Dena Morris in Senator Durbin's office at (202)224-8466 to schedule the briefing.

Sincerely,



Richard J. Durbin  
Assistant Minority Leader  
United States Senate



Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform  
U.S. House of Representatives