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Foley Probe Not A Jefferson Replay

WASHINGTON, Oct. 4, 2006

(CBS) This was written by CBS News producer **Beverley Lumpkin**.

Because Mark Foley is no longer a member of Congress, and because his personal inner-office has already been sealed, the Department of Justice is confident there will be no Constitutional clash like the one that is ongoing with Rep. William Jefferson, D-LA.

Jefferson has been under investigation for accepting bribes, although he has denied violating any law or taking any bribes. FBI agents came under sharp criticism from Congressional leaders when they searched Jefferson's Congressional office late one Saturday night last spring. Although an appeals court has ruled that the search did not violate the doctrine of Separation of Powers, many in Congress were infuriated by what they considered the Justice Department's high-handed attitude towards a separate branch of government.

In the Foley case, however, the House Counsel has already provided information to the Justice Department in terms of facts known about Foley, concerns that were raised about him, and when.

The "preservation letter" that went up to the Hill this morning was signed by U.S. Attorney Jeff Taylor and addressed to the House Counsel. The letter requested that the House Counsel ensure the preservation in Foley's office of all documentation, computers and electronic files.

The original letter from Speaker Hastert to the Justice Department did not say anything about cooperating with the investigation, but the House Counsel has given "verbal assurances of cooperation" and DOJ is satisfied that it will have no problem accessing any documents or records necessary.

The investigation currently is in the preliminary stages and, as reported earlier, is being conducted by the Washington Field Office working with the FBI/HQ Cybercrime unit, with guidance from the Criminal Division's Child Exploitation and Obscenity Section, as well as the U.S. Attorney.

The Justice Department told CBSNews that in July, when Citizens for Responsibility and Ethics in Washington (CREW) provided the "innocuous" e-mails to the FBI, they were heavily redacted. CREW adamantly denies that and says they provided an FBI agent with complete, unredacted e-mails.

The Justice Department also said that the FBI asked CREW to go back to its source and ask for more information so it could follow up, but CREW refused. That's why the FBI, Justice said, did nothing further at that time. CREW says the FBI made no such follow-up requests for more information at any time. An FBI agent did place one clarifying phone call on the day CREW turned over the e-mails to double-check that Mark Foley was the congressman involved, CREW said.

Editor's Note: An earlier version of this story failed to present CREW's account. That was a mistake for which we apologize.

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Watchdog Group Disputes FBI's Claims on E-Mails

BYLINE: Dan Eggen, Washington Post Staff Writer

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The watchdog group that first provided the FBI with suspicious e-mails from then-Rep. Mark Foley (R-Fla.) said yesterday that FBI and Justice Department officials are attempting to cover up their inaction in the case by making false claims about the group.

Law enforcement officials said the allegations by Citizens for Responsibility and Ethics in Washington (CREW) are without merit, and they stood by allegations that the group had refused to provide some information to the FBI.

The dispute is the latest controversy this week for CREW, a liberal-leaning group that has come under attack from House Speaker J. Dennis Hastert (R-Ill.) and other Republicans because it has received money from a foundation funded by liberal financier George Soros.

CREW held a news conference Monday to announce that in July it had provided the FBI suspicious e-mails between Foley and a former House page. The group criticized the bureau for not taking more aggressive action and asked Justice Department Inspector General Glenn A. Fine to investigate the FBI's handling of the case.

Law enforcement officials said then that the e-mails did not provide enough evidence of a possible crime to warrant a full investigation. In the e-mails, Foley praises the physical attributes of one page and asks another teenager for his picture.

In subsequent days, unidentified Justice and FBI officials told reporters that the e-mails provided by CREW were heavily redacted and that the group refused to provide unedited versions to the FBI. One law enforcement official -- speaking on the condition of anonymity to discuss an ongoing investigation -- also told The Washington Post the FBI believed that CREW may have received the e-mails as early as April and that the group refused to tell the FBI how they were obtained.

Melanie Sloan, CREW's executive director, said copies of the original e-mails she sent to an FBI agent show those assertions to be wrong. Sloan said the agent called to confirm receipt of the e-mails and to ask if one of the parties was Foley.

Sloan said the group sent unedited e-mails to the FBI because "we wanted them to commence an investigation. We're sort of outraged that they're saying anything differently." The group has asked Fine's office to look into the FBI's assertions.

Justice Department spokesman Brian Roehrkasse declined to comment on that issue but defended the FBI's handling of the original e-mails: "The e-mails, while inappropriate, did not contain a criminal predicate to allow the FBI to move forward in an investigation."

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