



Congress of the United States
House of Representatives
Washington, DC 20515-6502

December 5, 2008

The Honorable Michael B. Mukasey
Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

On November 26, 2008, President Bush issued an Executive Order in which he determined that certain "subdivisions of the Departments of Energy, Homeland Security, Justice, Transportation, and the Treasury" are "determined to have as a primary function intelligence, counterintelligence, investigative, or national security work." The President's Executive Order further determined that Chapter 71 of Title 5, United States Code, including the provisions of that chapter that allow recognition of the right of bargaining unit employees to organize collectively, "cannot be applied to these subdivisions in a manner consistent with national security requirements and considerations."

I would like further explanation of this sudden and unexpected action as it applies to the employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in the Justice Department who have been represented by a collective bargaining unit for over 30 years, including the last seven years and ten months of the current Administration.

A new collective bargaining agreement between ATF and its employees took effect in April of this year. It is my understanding that during the contract negotiations, management did not raise a single issue regarding a need to exclude employees from the bargaining unit or any proposed provision of the contract that was a national security concern. In fact, in the current contract, both management and the union agreed that employee involvement in the "formulation and implementation of personnel policies and practices affecting their conditions of their employment" benefits the "effective administration of government."

MAJORITY LEADER OFFICE:

H-107, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-3130
(202) 226-0663 (FAX)
<http://majorityleader.house.gov>

WASHINGTON, DC OFFICE:

1705 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4131
(202) 225-4300 (FAX)
<http://www.hoyer.house.gov>

GREENBELT DISTRICT OFFICE:

U.S. DISTRICT COURT HOUSE
6500 CHERRYWOOD LANE, SUITE 310
GREENBELT, MD 20770
(301) 474-0119
(301) 474-4697 (FAX)

WALDORF DISTRICT OFFICE:

401 POST OFFICE ROAD, #202
WALDORF, MD 20602
(301) 843-1577
(301) 843-1331 (FAX)



If, as the Administration asserts, that activity conflicts with their national security responsibilities, I believe the employees, the public, and Congress deserve to know how. I would appreciate it if you could provide me a detailed explanation of why, after more than 30 years of collective bargaining, the Administration moved to rescind the collective bargaining rights of ATF employees whose duties and functions remain unchanged.

I appreciate a prompt response to these questions. With kindest regards, I am

Sincerely yours,



STENY H. HOYER