

**Congress of the United States**  
**Washington, DC 20515**

May 24, 2012

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Holder:

We are writing in response to recent reports that Google may have misled Congress, Federal regulators, and the American public, and potentially impeded a Federal Communications Commission ("FCC") investigation, with respect to its interception and collection of consumer Internet communications transmitted over Wi-Fi networks.

We are concerned that the facts uncovered by the FCC's investigation put Google's initial explanation of these events in question. Over the past two years, in both public statements and in testimony before Congress, Google contended that its actions were merely a "mistake" that resulted from the conduct of a "rogue" engineer, and that the company never "used" the data that it collected. However, it seems that the FCC's findings, which were based on documents, e-mails, witness interviews and other source material, demonstrate that Google's actions were intentional, that they "resulted from a deliberate software-design decision" of a Google employee who examined and evaluated the data that was collected and shared his findings with others at the company. The facts also demonstrate that this activity was not the act of a single individual, but rather of an entire team; that at least one senior manager at Google was aware of this conduct and that many others at Google were involved in carrying it out, whether by reviewing the software code that facilitated the collection, or by deploying and testing it.

The FCC's findings also show that Google's collection of consumer Internet communications was implemented without any meaningful review of its potential impact on privacy.

We understand from recent press reports and from statements made by Google that the Department of Justice conducted its own investigation into Google's activities some time ago but declined to pursue a case at that time for violations of Federal wiretap laws. It seems that the Department may have made this determination on the basis of Google's past statements that have turned out to be untrue. In light of this, we are writing to request that the Department evaluate whether its determination was based on the facts that have come to light more recently, and, if not, whether it would be appropriate to re-open its investigation to assess whether Google's conduct may in fact have violated the law.

Privacy is an important issue. The American public deserves to know that Congress and the United States Government are doing everything it can to protect privacy and hold accountable companies that violate the privacy rights of Americans. By ensuring that this matter is investigated to the fullest extent, we can understand what happened and how it can be prevented from ever happening again.

Thank you for your prompt consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." with a stylized flourish at the end.

Frank Pallone, Jr.  
Member of Congress

A handwritten signature in blue ink that reads "John Barrow" with a long, sweeping flourish extending to the right.

John Barrow  
Member of Congress