

United States Senate
WASHINGTON, DC 20510

June 16, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice 950
Pennsylvania Avenue N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

Since 2015, the FBI knew¹ that Larry Nassar posed a threat to young female gymnasts, many of whom were vulnerable minors. Now, many of those same victimized women have filed a \$1 billion dollar lawsuit against the FBI for injuries they sustained due to the FBI's failure to take the most basic and fundamental steps to investigate Nassar's predatory behavior.²³

In July 2021, the Department of Justice Office of Inspector General (DOJ OIG) determined that the FBI agents who failed to investigate Nassar's crimes also repeatedly lied under oath, in violation of federal criminal law, and also fabricated evidence to cover up their investigative failures.⁴ Approximately three months after the release of the DOJ OIG's comprehensive report, on October 5, 2021, Deputy Attorney General (DAG) Lisa Monaco appeared before the Senate Judiciary Committee and stated, "I can inform the Committee today that the recently confirmed Assistant Attorney General for the Criminal Division is currently reviewing [the Nassar] matter, including *new information that has come to light* . . . I want the [Senate Judiciary Committee], and frankly I want the survivors to understand how exceptionally seriously we take this issue and believe that this deserves a thorough and full review."⁵

¹ Devlin Barrett, *FBI fires agent who failed to pursue tips about sex abuse by USA Gymnastics doctor Larry Nassar*, Washington Post (September 14, 2021), https://www.washingtonpost.com/national-security/fbi-agent-nassar-investigation/2021/09/14/f4fed85a-158a11ec-9589-31ac3173c2e5_story.html (identifying former FBI Special Agent in Charge Jay Abbott and former Supervisory Special Agent Michael Langeman as the agents who failed to investigate Nassar's crimes).

² Matt Bonesteel and Cindy Boren, *Gymnasts sue FBI for \$1 billion over mishandling of Larry Nassar case*, Washington Post (June 8, 2022), <https://www.washingtonpost.com/sports/olympics/2022/06/08/larry-nassar-victims-fbi-lawsuit/>

⁴ U.S. Department of Justice, Office of the Inspector General, *Investigation and Review of the Federal Bureau of Investigation's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar*, Rep. No. 21-093, at 89, 105-06 (July 2021), <https://oig.justice.gov/sites/default/files/reports/21-093.pdf>; *Dereliction of Duty: Examining the Inspector General's Report on the FBI's Handling of the Larry Nassar Investigation: Hearing Before the S. Comm. On the Judiciary*, 117th Cong. (September 15, 2021), <https://www.judiciary.senate.gov/meetings/dereliction-of-duty-examining-the-inspector-generals-report-on-the-fbis-handling-of-the-larry-nassar-investigation>

⁵ *Renewing and Strengthening the Violence Against Women Act: Hearing before the S. Comm. on the Judiciary*, 117th Cong. (October

Despite the incriminating analysis and findings in the DOJ OIG report, and despite DAG Monaco's stated commitment to undertake a "thorough and full review," DOJ again declined⁶⁷ to pursue any criminal violations against the former FBI agents.⁸ This declination is all the more inexplicable in light of DAG Monaco's representation to the Committee on October 5, 2021, that "new information" had come to light and which was under review by the Assistant Attorney General of the Criminal Division. Presumably, this "new information" was inculpatory and not exculpatory as to the two former FBI agents.

It is both in the public interest and in support of the Senate's legislative work for DOJ to brief the Senate and provide an explanation as to why no criminal charges were brought against either of the former FBI agents in this case. This briefing should also include an explanation of what constituted the "new information" referenced by DAG Monaco and why that information, especially when combined with the comprehensive review contained in the July 2021 DOJ OIG report, failed to persuade DOJ to seek criminal charges. The issues involved in this matter are deeply concerning, which is why we have previously requested that DOJ brief Senators about it. In addition to being in the public interest and related to the Senate's work, such a briefing will help to protect against this type of tragedy in the future, as well as confirm the FBI has the tools it needs to police its own and foster credibility with both the Senate and the public by ensuring justice is done when it is shown – as in this case – that FBI agents have broken the law.

Finally, briefing the Senate about the facts and circumstances that led to DOJ's repeated declinations to pursue criminal charges in this matter would certainly be consistent with DOJ's stated commitment to "stand ready to collaborate with Congress" to prevent events like this from taking place in the future.⁷

We requested this briefing as soon as the Department's declination was announced, but were denied. We are asking you to reverse this decision and offer a briefing no later than June 24, 2022. To set up the briefing, please contact Lauren Stimpert of Senator Grassley's staff at (202) 224-5225 and Jessica Helmers of Senator Young's staff at (202) 224-5623.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Todd Young
United States Senator

⁶, 2021), at 56:02, <https://www.judiciary.senate.gov/meetings/renewing-and-strengthening-the-violence-against-women-act>

⁷ Sara Powers, DOJ Declines for 3rd Time to Bring Charges Against Former FBI Agents Who Botched Nassar Case, 62 CBS Detroit (May 27, 2022), <https://detroit.cbslocal.com/2022/05/27/doj-declines-for-3rd-time-to-bring-charges-against-former-fbi-agents-whobotched-nassar-case/>

⁸ U.S. Department of Justice, *Federal Officials Adhere to Prior Decision Related to Nassar Investigation*, (May 26, 2022), <https://www.justice.gov/opa/pr/federal-officials-adhere-prior-decision-related-nassar-investigation> ⁷ *Supra* note 5.