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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

July 15, 2021

The Honorable Dick Durbin
Chairman
U.S. Senate Committee on the Judiciary
Washington, DC 20510

Dear Chairman Durbin:

I commend your decision to convene a hearing on the Federal Bureau of Investigation's handling of complaints of child sexual exploitation and offer my assistance as we move forward with the planning of this hearing.

Congressional oversight of the Federal Bureau of Investigation (FBI) falls within the jurisdiction of our Judiciary Committee, and as its chairman in March 2017, I convened the first hearing at which Congress heard concerning testimony from leading gymnasts about a culture of "fear" in amateur sports and reported delays in investigating sexual abuse allegations against former USA Gymnastics Team doctor Larry Nassar.¹ Following this hearing, at which USA Gymnastics declined to testify, I contacted the FBI to request a briefing on its handling of multiple gymnasts' sexual abuse allegations against Nassar.

After my Committee staff received no response to requests for a briefing, I formally reiterated the request in writing, joined by Senator Feinstein in our letter of July 9, 2018 to the FBI Director.² (Our bipartisan letter notes that many months had elapsed between the time when the gymnasts initially reported Nassar's misconduct and the FBI's investigation of their allegations.) It was then that I learned that the Department of Justice's (DOJ's) Office of Inspector General (OIG) was reviewing the Bureau's handling of the Nassar investigation. That same year, the FBI publicly released a statement that it was reviewing its own role in this investigation but declined to comment further because the Bureau's internal review was then

¹ Archived webcast of this March 28, 2017 hearing of the Senate Judiciary Committee, "Protecting Young Athletes From Sexual Abuse" is available online at <https://www.judiciary.senate.gov/meetings/protecting-young-athletes-from-sexual-abuse>.

² Letter from U.S. Sens. Charles E. Grassley and Dianne Feinstein to the Hon. Christopher Wray, FBI (July 9, 2018), available at <https://www.judiciary.senate.gov/imo/media/doc/2018-07-09%20CEG%20to%20FBI%20-%20Nassar%20Investigation.pdf>.

ongoing.³ Its Inspections Division, an internal entity that explores alleged employee misconduct or failures in conducting FBI investigations and operations, reportedly led this internal review.⁴

News reports around this same period describe how Nassar sexually abused hundreds of young victims over a period of years, with an investigation by the Indianapolis Star preceding his eventual criminal investigation and arrest. Media reports around this time also describe an investigation by DOJ's Public Integrity Section into the FBI's delays in handling the sexual abuse allegations.⁵ (One such account suggests that the Nassar investigation stalled for 294 days partly due to "questions concerning federal-versus-state jurisdiction as well as jurisdiction within the FBI "itself.")⁶ Neither the findings of DOJ's Public Integrity Section nor the findings of the FBI's Inspections Division were ever shared with our Committee, however, and neither my office nor Senator Feinstein's ever received the requested briefing from the FBI.

As confirmed by the DOJ OIG in a scathing report released yesterday afternoon,⁷ we all had ample reason to be concerned about the FBI's handling of this matter. I met with Inspector General Michael Horowitz yesterday to discuss this report, which raises extremely troubling questions about internal hurdles at the FBI (as well as a conflict of interest between a USA Gymnastics official and an FBI official) that allowed Nassar to prey on dozens of additional victims in the eighteen month-long period between the FBI's first learning of allegations against him and his eventual arrest.

³ Nicole Chavez, "Justice Department is investigating how the FBI handled claims against Larry Nassar, report says," CNN (Sep. 5, 2018), available at <https://www.cnn.com/2018/09/05/us/fbi-response-larry-nassar-claims>.

⁴ Rebecca Davis O'Brien and Louise Radnofsky, *FBI Opens Internal Review of Handling of Gymnasts' Sex-Abuse Allegations*, WALL ST. J. (Mar. 1, 2018), available at <https://www.wsj.com/articles/fbi-opens-internal-review-into-handling-of-nassar-allegations-1519900321?mod=e2tw>.

⁵ Sarah Fitzpatrick and Lisa Cavazuti, *More than 120 Larry Nassar victims call for DOJ to release report on FBI's handling of case*, NBC NEWS (June 17, 2020) ("People familiar with the inspector general's investigation were told by the office's lead investigator that the report on the FBI's inquiry was referred to the Justice Department's Public Integrity Section in 2018....The report has never been released."), available at <https://www.nbcnews.com/news/sports/more-120-larry-nassar-victims-call-doj-release-report-fbi-n1231211>.

⁶ *As FBI Took a Year to Pursue the Nassar Case, Dozens Say They Were Molested*, N.Y. TIMES (Feb. 4, 2018) ("For more than a year, an F.B.I. inquiry into allegations that...Nassar, a respected sports doctor, had molested three elite teenage gymnasts, followed a plodding pace as it moved back and forth among agents in three cities"), available at <https://www.nytimes.com/2018/02/03/sports/nassar-fbi.html>.

⁷ U.S. Dept. of Justice, Office of Inspector Gen., *Investigation and Review of the Federal Bureau of Investigation's Handling of Allegations of Sexual Abuse by Former USA Gymnastics Physician Lawrence Gerard Nassar*, 21-093 (July 2021), available at <https://s3.documentcloud.org/documents/20996344/21-093.pdf>.

Yesterday's OIG report confirms that far more could have been done by federal authorities, not just to investigate the allegations against Nassar, but also to alert state and local authorities in the 18-month period between the time when the FBI first learned of a sexual abuse complaint against Nassar and the time of his arrest. More concerning, the OIG report details troubling lapses and wrongdoing by multiple individuals in multiple FBI field offices—suggesting that systemic reforms may be needed to ensure that FBI personnel accord greater priority to preventing perpetrators from exploiting children and youths who may be in harm's way.⁸

This is not the first occasion on which the criminal justice system reportedly has failed vulnerable children and youth. Jeffrey Epstein was arrested on federal charges of child sexual exploitation in July 2019 only after an investigation by The Miami Herald found that “he was running a ‘vast network’ of underage girls—some as young as 14—for sex.”⁹ There, as in the Nassar case, the perpetrator preyed on hundreds of minor girls for years before his conviction on federal charges. And there, as in the Nassar case, it was the news media that unearthed dozens of sexual abuse victims, who otherwise might have been overlooked by the criminal justice system,¹⁰ before the perpetrator eventually was stopped.

Nassar and Epstein will never again be able to hurt any other child. And the enactment of the *Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act*, which I cosponsored with Senator Feinstein, and which our Judiciary Committee reported during my tenure as its chairman, will help ensure that these kinds of abuses do not recur in amateur sports. But as noted by more than 100 of Nassar's victims last year, transparency is important to maintain public confidence in our federal law enforcement agencies and ensure that reforms are

⁸ See Report of U.S. Senate Commerce Subcmte. on Manufacturing, Trade, and Consumer Protection, *The Courage of Survivors: A Call to Action* (July 30, 2019), available at <https://www.moran.senate.gov/public/cache/files/c/2/c232725e-b717-4ec8-913e-845ffe0837e6/FCC5DFDE2005A2EACF5A9A25FF76D538.2019.07.30-the-courage-of-survivors--a-call-to-action-olympics-investigation-report-final.pdf>.

⁹ *Jeffrey Epstein case: FBI 'investigating Ghislaine Maxwell*, BBC News (Dec. 27, 2019), available at <https://www.bbc.com/news/world-us-canada-50927651>; *Perversion of Justice: Investigating Epstein*, THE MIAMI HERALD (Dec. 19, 2019) (describing the newspaper's role in uncovering the victimization of 80 girls by Jeffrey Epstein), available at <https://www.miamiherald.com/news/local/article238237729.html>.

¹⁰ See *Perversion of Justice: Investigating Epstein*, *supra* note 9; see also Dakota Crawford and Amy Haneline, *Follow IndyStar's investigation of USA Gymnastics and Larry Nassar from start to finish*, INDYSTAR, available at <https://www.indystar.com/story/sports/2018/01/24/indystar-larry-nassar-usa-gymnastics-investigation/1062120001/>.

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adopted, if necessary, to prevent lapses in future sexual assault investigations.¹¹ It is for this reason that I urge you to promptly convene the Judiciary Committee hearing to review the OIG's recommendations regarding the Bureau's approach to investigating child abuse allegations.

Thank you for your holding this hearing. Please contact Evelyn Fortier of my staff if you have any questions.

Sincerely,



Charles E. Grassley
Ranking Member

¹¹ Vandana Rambaran, "More than 120 Larry Nassar victims demand DOJ release full report of FBI handling of case," FOX NEWS (June 18, 2020), available at <https://www.foxnews.com/us/120-larry-nassar-victims-demand-doj-release-fbi-handling-case>.