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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

September 17, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable John F. Kerry
Secretary of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Kerry:

According to the State Department's Trafficking in Persons (TIP) Report, "[t]hose who patronize the commercial sex industry form a demand which traffickers seek to satisfy."¹ In February, 180 victims' advocacy groups told this Committee that "[t]he elimination of sex trafficking is fundamentally linked to targeting the demand for commercial sex. Any effort to prevent sex trafficking must focus on the sex buyers and facilitators."² In March, I wrote you to express concerns based on reports from whistleblowers and the media that the Department may not be taking adequate steps to prevent its own employees from buying sex.

Today, the State Department's Office of Inspector General (OIG) released a report finding that "the Department is not well-positioned to hold employees accountable for violations of TIP or to ensure TIP policies and requirements are understood and followed."³ This finding is based on the Department's apparent failure to fully comply with two of the three recommendations that the OIG made four years ago, in 2011, which were intended to increase awareness among Department employees about TIP policies and requirements.⁴

This alarming OIG report follows last week's highly disturbing revelations that, also in 2011, former U.S. Diplomat Linda Howard and her husband Russell Howard were accused in federal district court of slavery, rape, and sexual abuse of their Ethiopian housekeeper, in violation of the Trafficking Victims Protection Act of 2000 (TVPA).⁵ The abuse allegedly

¹ U.S. Department of State, Trafficking in Persons Report (June 2008), 24.

² Letter to Sen. Charles E. Grassley, Chairman, and Sen. Patrick J. Leahy, Ranking Member, Sen. Comm. on the Judiciary (Feb. 23, 2015), <http://sharedhope.org/wp-content/uploads/2015/02/JVTA-support-letter-2015.pdf>.

³ U.S. Department of State, Office of Inspector General, *Management Assistance Report: Action Still Needed To Update the Department's Standards of Conduct as They Relate to Trafficking in Persons and To Comply With a Related Recommendation*, AUD-ACF-15-43, September 2015, at 1, <https://oig.state.gov/system/files/aud-acf-15-43.pdf>.

⁴ *Id.*

⁵ U.S. Archives, <http://ia700805.us.archive.org/3/items/gov.uscourts.vaed.272788/gov.uscourts.vaed.272788.1.0.pdf> [hereinafter "Complaint"]; see also Steve Butcher, *Melbourne woman settles claim over slavery, sex abuse claims by former maid at US Embassy in Tokyo*, September 6, 2015, <http://www.theage.com.au/victoria/melbourne-woman->

occurred over a four-month period while the housekeeper was trapped inside the Howards' home at the U.S. Embassy in Japan in 2008, where Linda Howard was stationed as a manager.⁶

According to the complaint, the housekeeper was forced to work more than 80 hours a week for \$0.88 an hour; raped and forced to engage in sexual acts with Russell Howard; and was threatened with deportation from Japan by Russell Howard.⁷ Linda Howard allegedly condoned the rape and abuse, advising the housekeeper to acquiesce to Russell Howard's demands.⁸

The housekeeper was eventually able to flee the Howards' home and found shelter in the residence of a Japanese woman, according to the complaint.⁹ Weeks later, the housekeeper reportedly began living in a women's shelter in Japan.¹⁰ According to the complaint, an investigator at the Department's Bureau of Diplomatic Security (DS) interviewed the housekeeper while she was living at the women's shelter.¹¹ As of October 12, 2011, when the complaint was filed, that DS investigation was apparently still pending.¹²

The complaint further alleges that Linda Howard was subsequently removed from her overseas position, but that she remained employed by the Department as of October 12, 2011.¹³ Amazingly, in June 2011, Russell Howard allegedly traveled from Virginia to Ethiopia in an attempt to locate the housekeeper, despite knowing that the Department's investigation was ongoing.¹⁴ According to the complaint, Russell Howard contacted the Ethiopian police to request help locating the housekeeper and in an attempt to file bogus criminal charges against her.¹⁵

Russell Howard failed to contest these allegations.¹⁶ Linda Howard's answer to the complaint was stricken because the court found that she acted in bad faith by telling the court that she was unaware of any upcoming overseas job-related travel and then two weeks later retiring from the Department and leaving the country.¹⁷

settlements-claim-over-slavery-sex-abuse-claims-by-former-maid-at-us-embassy-in-tokyo-20150905-gjftsp.html

[hereinafter "Butcher Article"]; *see generally* Diplopundit, *Tag Archives: Linda Howard*,

<http://diplopundit.net/tag/linda-howard/> [hereinafter "Diplopundit"].

⁶ *See* Complaint; *see also* Diplopundit.

⁷ U.S. Archives,

<http://ia700805.us.archive.org/3/items/gov.uscourts.vaed.272788/gov.uscourts.vaed.272788.132.0.pdf> [hereinafter "2012 U.S. Decision"].

⁸ *See* Complaint ("Linda Howard acted with intent and in concert with Russell Howard to bring [the housekeeper] to Japan to be sexually abused, held in forced labor, and placed in involuntary servitude.").

⁹ Complaint, at 11.

¹⁰ *Id.*

¹¹ *Id.* at 11-12.

¹² *Id.* at 12.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *See* 2012 U.S. Decision.

¹⁷ *See* Diplopundit ("There is a great need to deter defendants from determining that the proper response to litigation is to leave the country and refuse to participate in the resolution of a dispute. Finally, in light of Mrs. Howard's flight from the country, it is clear that less drastic sanctions would not be effective.").

Consequently, on September 4, 2012, Judge Liam O’Grady in the U.S. District Court for the Eastern District of Virginia found Linda and Russell Howard liable for involuntary servitude, forced labor, and trafficking in violation of the TVPA, in addition to conspiracy, obstruction, and unjust enrichment.¹⁸ The court awarded the plaintiff housekeeper a \$3,306,468 default judgment against defendants Linda and Russell Howard.¹⁹

Unfortunately, however, the housekeeper was not able to obtain redress for these crimes until March 5, 2015 – when the Supreme Court of Victoria in Australia upheld the 2012 U.S. District Court decision.²⁰ Apparently, Linda and Russell Howard had fled to Australia and the housekeeper had to pursue this claim against them through Australia’s courts. Ten days ago, the parties in the Australian case reportedly reached a settlement agreement.²¹

According to reports, Linda Howard worked in the U.S. Embassy in Yemen from 2005 to 2008, and her tenure at the Embassy in Japan lasted from 2008 to 2009.²² Reportedly, she last worked at the State Department in 2012 as an IT manager in Washington, D.C.²³

According to the complaint, Russell Howard told the housekeeper that previous housekeepers had sexual relations with him, and that he fired those who did not comply with his demands.²⁴ He allegedly told the housekeeper that he and Linda Howard subjugated domestic workers and abused them, including one instance in which he and his wife had sex with another maid while the maid was drunk and passed out.²⁵ Reportedly, Russell Howard was not a Department employee but lived with Linda Howard when she was stationed as a diplomat in Yemen as well as Japan.²⁶

The facts and related allegations in this case raise many questions, including whether there are individuals other than the housekeeper in question who were trafficked, abused, or otherwise victimized in violation of the TVPA by the Howards. Given that the federal case in question resulted in a default judgment in 2012, and the matter is no longer pending, the Department should provide full and timely responses to questions regarding this case.²⁷

In addition, this case, viewed in light of today’s OIG report, raises questions about the Department’s commitment to holding itself to the same standard by which it judges other countries in assessing their compliance with anti-trafficking standards in its annual TIP report. These questions merit heightened scrutiny given the OIG’s previous finding that the Department’s own investigation of other TIP-related allegations in 2011 and 2012 under

¹⁸ 2012 U.S. Decision.

¹⁹ *Id.*

²⁰ Pdraic Murphy and Shannon Deery, *Former US diplomat Linda Howard ordered to pay ‘sex slave’ maid \$.3.3m*, March 6, 2015, Herald Sun, <http://www.heraldsun.com.au/news/law-order/former-us-diplomat-linda-howard-ordered-to-pay-sex-slave-maid-33m/story-fni0fee2-1227251211778?nk=2f346cf622872c7887ff34c403cdb0fc-1442425802>.

²¹ *See* Butcher Article.

²² *Id.*

²³ *See* Diplopundit.

²⁴ Complaint, at 6.

²⁵ *Id.* at 10.

²⁶ *Id.* at 4, 6.

²⁷ *See* 2012 U.S. Decision.

Secretary Clinton's tenure suffered from an appearance of undue influence and favoritism by Department managers and leaders, and a failure to timely report.²⁸

Accordingly, please provide responses to the following questions by October 9, 2015:

1. Regarding the two TIP-related OIG recommendations that remain outstanding since 2011:
 - a. Why did the Department fail to implement these recommendations?
 - b. Who is responsible for the failure to implement them?
 - c. Was former Secretary Clinton or any of her aides including Cheryl Mills, Huma Abedin, or Jake Sullivan informed of any of these recommendations, decisions, or findings? If so, please provide all related records, including emails. If the Secretary and her senior staff were not informed, please explain, why not.
2. How does the Department ensure that its foreign service officers treat the domestic workers they hire or sponsor in accordance with the TVPA?
 - a. As of the date of this letter, how many domestic workers are employed by Department employees worldwide?
 - b. Do Department employees stationed abroad need to obtain approval from the Chief of Mission, the Regional Security Officer (RSO), or any other Department official before recruiting and hiring domestic workers? If so, whose approval is needed and what controls exist to ensure the security and safety of those workers as well as national interests? If not, why not?
 - c. Is there an independent and confidential reporting mechanism by which these domestic workers may file a complaint with the Department for alleged abuses by Department employees? If not, will you consider adopting such a mechanism?
 - d. Do you think implementing OIG's 2011 recommendations would help Department employees identify and report suspected instances of TIP violations that may be occurring within their own ranks and housing complexes?
3. Regarding DS' interview of the housekeeper in question and DS' investigation of her allegations:
 - a. On what date did DS initiate the investigation?
 - b. On what date(s) was the housekeeper interviewed?
 - c. How did DS or the Department first learn of these allegations?
 - d. When did DS or the Department first learn of these allegations?
 - e. Who was responsible for conducting and completing this investigation?
 - f. Did DS or the Department interview Linda Howard or Russell Howard? If so, when and how many times?
 - g. Did DS or the Department interview any Japanese nationals? If so, when and how many?

²⁸ U.S. Department of State, Office of Inspector General, *Review of Selected Internal Investigations Conducted by the Bureau of Diplomatic Security* (ESP-15-01) (Oct. 2014) [hereinafter "2014 OIG Report"]; see also the Executive Summary, <https://oig.state.gov/system/files/esp-15-01.pdf>.

- h. Did DS or the Department interview Department employees at the U.S. Embassy in Japan? If so, when, and how many?
 - i. Did DS or the Department interview Department employees at the U.S. Embassy in Yemen? If so, when, and how many?
 - j. What disciplinary or administrative actions were taken against Linda Howard once DS or the Department became aware of these allegations, and related court decisions? Please specify the dates on which such actions were taken.
 - k. Is the investigation closed? If so, on what date was the investigation closed and what were the findings? If not, as of the date of this letter, on what date was the most recent investigative action taken?
 - l. Did any other Department component investigate the allegations of misconduct against Linda Howard or Russell Howard? If so, what allegations were investigated, when, by whom, what did the investigation find, and what corrective action or discipline was imposed, if any?
 - m. Did DS or the Department refer these allegations to any other entity, such as the OIG, or any other law enforcement agency? If so, on what date and to whom?
 - n. At any point in time, was Under Secretary of Management Patrick Kennedy, who oversees DS, apprised of any of the allegations, decisions, findings, or news reports relating to Linda Howard or Russell Howard? If so, when, and what was his response? Please provide all related records, including emails. If not, why not?
 - o. At any point in time, was former Secretary Clinton or any of her aides including Cheryl Mills, Huma Abedin, or Jake Sullivan informed of any of the allegations, decisions, findings, or news reports relating to Linda Howard or Russell Howard? If so, please provide all related records, including emails. If not, why not?
4. Please provide Linda Howard's full employment history at the Department, including dates, title, and duty station. Please specify the date on which her employment commenced, dates on which she was curtailed or otherwise transferred from a station, and the date on which her employment was terminated.
 5. Had DS or the Department received any complaints or allegations of misconduct against Linda Howard or Russell Howard prior to these allegations? If so, when, what allegations, and how many?
 6. The criminal violations of the TVPA referenced above occurred in and around 2008 in the Howards' residence within the housing complex that was apparently two blocks away from the U.S. Embassy in Japan.²⁹ The housing complex itself was reportedly gated and guarded by Embassy compound guards.³⁰
 - a. Who was the Regional Security Officer (RSO) of the U.S. Embassy in Japan at this time?

²⁹ See Complaint and 2012 U.S. Decision; see also Linda Howard's Stricken Answer <http://ia700805.us.archive.org/3/items/gov.uscourts.vaed.272788/gov.uscourts.vaed.272788.27.0.pdf>, at 8 [hereinafter "Stricken Answer"].

³⁰ Stricken Answer, at 8.

- b. Did the RSO ever report these allegations to Department officials or any law enforcement official?
- c. Did anyone at the U.S Embassy in Japan report these allegations to Department officials or any law enforcement official?
- d. Did the Howards ever report to any one at the Department any matter related to their housekeeper?
- e. What is the Department's policy for employees reporting TIP-related allegations?

Please number your responses according to their corresponding questions and sub-questions. Please contact Jay Lim of my Committee staff at (202) 224-5225 should you have any questions. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary

cc:

The Honorable Steve A. Linick
Inspector General
U.S. Department of State