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July 7, 2011

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Holder:

On May 31, 2011 I received a report from the Department of Justice (DOJ) Office of Inspector General (OIG) in response to a request Senator Coburn and I made to all Inspectors General to provide semiannual reports on closed investigations, evaluations, and audits that were not disclosed to the public.

This report contained what appears to be an inexcusable mishandling of serious allegations against an Assistant United States Attorney (AUSA) which calls into question the DOJ's internal controls and prosecutorial discretion. The report cites the following OIG investigation of an AUSA:

“The OIG conducted an investigation concerning allegations that an AUSA was using his government computer to view inappropriate material on his government computer. The investigation determined that the AUSA routinely viewed adult content during official duty hours, and that there was at least one image of child pornography recovered on the AUSA's government computer. The AUSA acknowledged that he had spent a significant amount of time each day viewing pornography. The U.S. Attorney's Office declined prosecution. Disciplinary action against the AUSA is pending.”

This report relates to OIG investigations from October 1, 2010 through March 31, 2011 and was submitted two months later. As the case for disciplinary action is “pending” as of May 31, 2011, this means that, at the very least, the DOJ has allowed an admitted serial viewer of pornography – possibly child pornography – to serve as an AUSA for two months, if not longer, and has yet to take action. This is simply unacceptable and compounds the questions raised by the fact that this AUSA was found to have “at least one image of child pornography” on his government computer and yet he was not charged with a crime.

Regarding the DOJ's decisions in this case, I respectfully ask the following questions:

1. Is this individual still employed by the Department of Justice?
  - a. If so, in what capacity?
  - b. If not, when did this individual leave employment with the Department of Justice?
    - i. Was this departure voluntary or were they terminated?
2. Is this individual eligible for a government pension?
  - a. If so, has the DOJ made any efforts to strip this individual of his or her pension?
    - i. If so, what efforts have been made?
    - ii. If not, why not?
3. What types of cases did this AUSA handle?
4. Did the cases this AUSA was assigned to handle ever lead to any interaction with children?
5. Was the decision not to prosecute this individual made by the U.S. Attorney's Office in which he or she served?
  - a. If so, did that raise any concerns regarding a conflict of interest?
  - b. If not, what office made the decision not to prosecute this individual?
6. How was this individual able to evade the DOJ's pornography filters?
7. Has the DOJ made efforts to upgrade its pornography filters as a result of this individual's actions?
  - a. If so, what efforts have been made?
  - b. If not, why not?

Thank you for cooperation and attention in this matter. I would appreciate a response by July 21, 2011. If you have any questions regarding this letter, please contact [REDACTED] (202) 224-5225.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a large initial "C".

Charles E. Grassley  
Ranking Member  
Committee on the Judiciary