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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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

June 2, 2016

**VIA ELECTRONIC TRANSMISSION**

The Honorable Loretta Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Dana J. Boente  
United States Attorney, EDVA  
U.S. Department of Justice  
2100 Jamieson Ave  
Alexandria, VA 22314

Dear Attorney General Lynch and U.S. Attorney Boente:

As you know, Marcel Lehel Lazar, the Romanian hacker known as “Guccifer,” was recently extradited from Romania to the United States to stand trial in the Eastern District of Virginia for some of his alleged hacking crimes. He recently entered into a plea agreement with the government, pleading guilty to some of his crimes and agreeing to cooperate fully with the government, including providing “all information known to the defendant regarding any criminal activity as requested by the government.”<sup>1</sup> I am writing to inquire whether the Department complied with its legal obligations to notify Mr. Lazar’s victims of his court proceedings and plea agreement.

Under the Crime Victims’ Rights Act, 18 U.S.C. § 3771, the Department of Justice and other departments and agencies engaged in the detection, investigation, or prosecution of crime are legally required to make their best efforts to see that crime victims are notified of the rights provided for them by the Act. Those include the victims’ “right to reasonable, accurate, and timely notice of any public court proceeding involving the crime”; “the reasonable right to confer with the attorney for the Government in the case”; “the right to be reasonably heard at any public proceeding in the district court involving...plea”; and “the right to be informed in a timely manner of any plea bargain.” The Act defines a “crime victim” as “a person directly and proximately harmed as a result of the commission of a Federal offense.”

The agreed Statement of Facts filed by the Department of Justice in Mr. Lazar’s case states: “In total, LAZAR victimized approximately one hundred individuals in the United States,

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<sup>1</sup> Plea Agreement, *U.S. v. Lazar*, 1:14-cr-213 (EDVA), ECF No. 28.

including former government officers or employees and the immediate family members of former government officers or employees.”<sup>2</sup> While the Statement of Facts describes the specific actions Mr. Lazar took against a few of his victims, it does not specifically describe his other crimes against the rest of his approximately one hundred American victims. It further states: “The Statement of Facts includes those facts necessary to support the defendant’s guilty plea. It does not include each and every fact known to the defendant or to the government, and is not intended to be a full enumeration of all the facts surrounding the defendant’s case.”<sup>3</sup> As part of Mr. Lazar’s plea agreement, the government agreed that it will not further criminally prosecute him in the Eastern District of Virginia for the conduct described in the statement of facts, which presumably includes the described one hundred hacking victims.<sup>4</sup>

The Crime Victims’ Rights Act is an important safeguard of victims’ rights, particularly in the context of plea agreements affecting multiple crimes. Accordingly, it is important that the Department fully comply with its legal obligations under the Act. In order to evaluate the Department’s compliance in Mr. Lazar’s case with its legal obligations under the Crime Victims’ Rights Act, please respond to the following by June 16, 2016:

1. Has the Department of Justice provided the required Crime Victims’ Rights Act notifications to each of the approximately one hundred American individuals the Department says were victimized by Mr. Lazar’s hacking? If so, when were these notifications sent? If not, why not?
2. If any of Mr. Lazar’s victims were notified pursuant to the Crime Victims’ Rights Act, did any exercise his or her right under the Act to confer with the Government attorneys for the case? If so, how many exercised this right, who, and when did he or she do so?
3. What steps has the Department taken to ensure it properly identifies all of Mr. Lazar’s victims so that they may receive the required notifications under the Crime Victims’ Rights Act? Has the Department asked Mr. Lazar to identify his other victims?
4. Mr. Lazar has publicly claimed that former Secretary Clinton is one of the victims of his hacking crimes.<sup>5</sup> Did the Department provide Secretary Clinton with a Crime Victims’ Right Act notification relating to Mr. Lazar’s hacking crimes? If so, when was the notification provided? If not, why not?

Thank you for your attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee Staff at (202) 224-5225.

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<sup>2</sup> Statement of Facts, ECF No. 29 (emphasis added).

<sup>3</sup> *Id.*

<sup>4</sup> *Supra* n. 1

<sup>5</sup> Catherine Herridge, Pamela K. Browne, *Romanian Hacker Guccifer: I Breached Clinton Server, ‘It Was Easy,’* FOX NEWS, May 4, 2016; Cynthia McFadden, Tim Uehlinger, Tracy Connor, *Hacker ‘Guccifer’: I Got Inside Hillary Clinton’s Server*, NBC NEWS, May 5, 2016.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary

cc: The Honorable Patrick J. Leahy  
Ranking Member  
Senate Committee on the Judiciary