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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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December 31, 2015

VIA ELECTRONIC TRANSMISSION

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

Dear Attorney General Lynch:

I write to you today regarding the case of former U.S. Diplomat Linda Howard. In September 2012, the U.S. District Court for the Eastern District of Virginia found that Linda Howard, together with her husband, Russell Howard, raped and sexually abused their Ethiopian housekeeper, and forced the housekeeper to work 80 hours per week for \$0.88 per hour.¹ Based on this determination, the Howards were found liable for involuntary servitude, forced labor, and trafficking in violation of the Trafficking Victims Protection Act of 2000.² According to court records, the abuse occurred in late 2008 and early 2009 while the housekeeper was trapped in the Howards' residence near the U.S. Embassy in Japan, where Linda Howard was stationed.³

Reportedly, the State Department's Bureau of Diplomatic Security (DS) interviewed the housekeeper after she fled the Howards' home in 2009.⁴ However, according to the State Department, Linda Howard remained employed at the State Department until her retirement in 2012⁵—nearly three years *after* DS reportedly interviewed the victim housekeeper about those offenses. In addition, it is alleged that Linda Howard even received an honor award and a cash bonus from the State Department, during that intervening period.⁶

¹ *Doe v. Howard*, No. 11-1105, 2012 WL 3834867 (E.D. Va. Sept. 4, 2012), available at <http://ia700805.us.archive.org/3/items/gov.uscourts.vaed.272788/gov.uscourts.vaed.272788.132.0.pdf>; see also Steve Butcher, *Melbourne woman settles claim over slavery, sex abuse claims by former maid at US Embassy in Tokyo*, September 6, 2015, available at <http://www.theage.com.au/victoria/melbourne-woman-settles-claim-over-slavery-sex-abuse-claims-by-former-maid-at-us-embassy-in-tokyo-20150905-giftsp.html>.

² See *Doe v. Howard*, No. 11-1105, 2012 WL 3834867.

³ *Doe v. Howard*, No. 11-1105, doc. no. 1 (E.D. Va. Oct. 12, 2011), available at <http://ia700805.us.archive.org/3/items/gov.uscourts.vaed.272788/gov.uscourts.vaed.272788.1.0.pdf>.

⁴ *Id.* at 11-12.

⁵ Letter from the Hon. Julia Frifield, Assistant Secretary, U.S. Department of State, to Sen. Charles E. Grassley, Chairman, Sen. Comm. on the Judiciary (November 24, 2015).

⁶ Peter Van Buren, "Diplomatic Abuse of Servants: Not Just For Indians," *Shadowproof.com*, Dec. 18, 2013, available at <https://shadowproof.com/2013/12/18/diplomatic-abuse-of-servants-not-just-for-indians/>.

These circumstances raise a question as to whether an adequate attempt was made to investigate the serious allegations against Linda Howard. So, on September 17, 2015, this Committee asked the State Department about its handling of this case. On November 24, 2015, the State Department explained that DS referred this matter to the Department of Justice (DOJ).

On November 25, 2015, the Committee sent you a letter asking several questions about how DOJ handled this case. Unfortunately, DOJ's December 24, 2015, response left most of these questions unanswered. Moreover, the little information that DOJ did provide appears to be missing critical details, the omission of which creates a misleading impression. Specifically, DOJ stated as follows:

In this particular matter, the Department of State referred the allegations regarding Linda Howard to the [Justice] Department in 2009, and we subsequently opened a criminal investigation. The investigation is currently open and pending. Due to the pending status of the investigation, the [Justice] Department is not in a position to provide further comment on the matter at this time.

However, according to a May 10, 2012, order of the Foreign Service Grievance Board (FSGB) in Case No. 2011-064, it appears that DOJ declined prosecution of the Linda Howard case in March 2011.⁷ Specifically, although the names of the grievant and the embassy discussed in the FSGB order are redacted, the background facts of Case No. 2011-064 mirror the facts of the Linda Howard case:

[Redaction in original] (grievant) is a twenty-year Foreign Service employee of the Department of State (Department, agency). While assigned to the U.S. Embassy in [redaction in original] she and her husband . . . were the subjects of a Bureau of Diplomatic Security (DS) investigation based on allegations by a household worker of sexual abuse and related crimes. This investigation began in June 2009 and ended with a declination of prosecution by the Department of Justice (DOJ) in March 2011.⁸

Further, in footnote 1 of that decision, the FSGB explained that the State Department decision letter "states that the investigation began in June 2009 and ended in March 2011."⁹

If it is true that DOJ declined prosecution of the Linda Howard case in March 2011, it is unclear why a case that was declined for prosecution four years ago would still be "open and pending" today. Accordingly, it is essential to understand why DOJ failed to note and explain the declination in its previous response. Moreover, if the criminal investigation was reopened following the declination, the timing and circumstances related to that reopening need to be explained.

⁷ *In the Matter Between Grievant and Dep't of State*, Foreign Service Grievance Board, No. 2011-064 (May 10, 2012), available at <http://www.fsgb.gov/Grievances/2011-064%20%20Order%20-%20Jurisdiction%20exc.pdf>.

⁸ *Id.* at 2.

⁹ *Id.* at 2 n.1.

Please provide a response to the following questions by January 19, 2016:

1. On what date did DOJ first receive a referral of the Linda Howard case from the State Department? Please specify by month and year.
2. Did DOJ decline prosecution of the Linda Howard case on or about March 2011? If so, why?
3. If the answer to Question 2 is "yes," on what date did DOJ notify the State Department of DOJ's decision to decline prosecution of the Linda Howard case?
4. If the answer to Question 2 is "yes," then why did the Department's December 24, 2015, letter not disclose to the Committee that the case was declined for prosecution four years ago?
5. Assuming the criminal investigation was closed following a declination, on what date was it closed, on what date was it re-opened, and why was it re-opened? If the criminal investigation was not closed in the four years since the declination, then please explain why not.

Please number your responses according to their corresponding 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 Patrick Leahy
Ranking Member
Senate Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

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