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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

October 12, 2012

MICHAEL L. ALEXANDER, STAFF DIRECTOR
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The Honorable Eric Holder
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder:

In April of this year, United States Secret Service (USSS) personnel hired prostitutes while on official duty during a Presidential visit to the Summit of Americas in Cartagena, Colombia. The USSS integrates closely with White House Advance staff to coordinate the President's schedule and safeguard his person at all times. The national security risks associated with this type of misconduct threaten the very safety of the President and creates an environment where sensitive information may be stolen, accessed, or otherwise extracted from U.S. personnel. Further, this type of disappointing behavior creates an opportunity for blackmail. Needless to say, this sort of risky conduct is of grave concern to the American people.

During a hearing before the Senate Homeland Security and Governmental Affairs Committee on May 23, 2012, USSS Director Mark Sullivan testified:

“Since the beginning of this investigation, we have been transparent and forthcoming with the Department of Homeland Security’s Office of Inspector General (DHS OIG). I have instructed our Office of Professional Responsibility to cooperate fully with DHS acting Inspector General Edwards, as his office conducts its own comprehensive review of the matter.”

The ability for the DHS OIG to conduct an independent and transparent investigation into the disappointing events in Cartagena is vital to restoring the credibility of the USSS. It is also indisputably necessary to ensure actions and behavior by U.S. personnel do not jeopardize the security of our President or our national security interests. Despite the important ramifications that could result from forgoing an independent review, the scope of the DHS OIG investigation was limited because investigators were unable to interview foreign nationals or access foreign records. In the executive summary of their investigation, the DHS OIG stated:

“We made an official Mutual Legal Assistance Treaty (MLAT) request from the Department of Justice so we could interview the female Colombian nationals and secure other investigative records. However, the

Department of Justice declined our request because the information was sought for a Congressional proceeding rather than a U.S. criminal matter.”

Without a MLAT, DHS OIG was unable to interview the prostitutes, hotel staff, and employees at the establishments where USSS personnel solicited prostitutes. Further, the DHS OIG was only able to access overnight visitor logs at one of the 15 hotels where U.S. personnel stayed in Cartagena. Without the ability to interview foreign nationals and access these hotel records, it is impossible to determine if additional White House personnel engaged in misconduct and if U.S. personnel have solicited prostitutes previously while in Cartagena.

The decision by DOJ is particularly troubling in light of the fact that the USSS was authorized to interview foreign nationals as part of its internal investigation in the days following the events in Cartagena. Given the Administration’s strong stance on transparency, it is hard to understand why you would deny the DHS OIG the tools it needs to conduct an independent and thorough investigation.

My office reviewed the DHS OIG report of investigation on the events in Cartagena. Although this report is not public, I can assure you that there is already a remarkable discrepancy between what the DHS OIG uncovered and what Administration officials briefed to Congress and the American public. Even with the limitations imposed by DOJ, the DHS OIG investigation raised concerns about the validity of White House Press Secretary Jay Carney’s statement on April 23, 2012:

“There have been no specific, credible allegations of misconduct by anyone on the White House advance team or the White House staff. Nevertheless, out of due diligence, the White House Counsel’s office has conducted a review of the White House advance team, and in concluding that review, came to the conclusion that there’s no indication that any member of the White House advance team engaged in any improper conduct or behavior. So, simply out of due diligence, over the last several days that review was conducted, and it produced no indication of any misconduct.”

In fact, the DHS OIG stated:

“While the scope of the investigation was limited to the conduct of DHS personnel in Cartagena, we did obtain hotel records that suggested female foreign nationals signed in as guests to rooms registered to one White House Communications Agency employee and one reported member of the White House staff and/or advance team.”

This is clearly in direct contradiction to the findings of the White House “review” Mr. Carney referenced on April 23, 2012. In order to achieve full transparency, it is imperative that DHS OIG be authorized to review the hotel records of foreign establishments and interview Colombian proprietors and locals to determine if additional

White House personnel checked in overnight guests. This information will also enable a more transparent view into if it is commonplace for these Cartagena establishments to be frequented by U.S. personnel.

Please provide the following information no later than 5PM on October 15, 2012:

1. Has DOJ reviewed the DHS OIG report of investigation into the events in Cartagena? Please provide the names and titles of DOJ personnel that have either reviewed the report or been briefed on its contents. Please provide dates and a summary of the discussions including any recommendations made by DOJ personnel.
2. Does DOJ plan to investigate the inaccuracies between statements made by the White House and information in the DHS OIG report of investigation related to WH personnel involvement in misconduct in Cartagena? Have there been any discussions either in person, over the phone or electronically regarding such an investigation? Please provide the dates of these discussions and the names and titles of those involved.
3. Please provide the basis for DOJ's decision to decline the DHS OIG request for a Mutual Legal Assistance Treaty. When did DOJ make this decision? Did DOJ consult with anybody at the White House regarding this decision? Did DOJ consult with anybody at the USSS regarding this decision? Please provide all communications, notes, and meeting dates related to this decision.
4. Under what circumstances would you take the appropriate steps to ensure DHS OIG access to foreign national and records as part of their independent investigation?

I appreciate your cooperation in this important matter. If you have any questions or wish to discuss this request, please have your staff contact Rachel Weaver at 202-224-2674. I look forward to receiving your responses.

Sincerely,



Ron Johnson
Ranking Member
Subcommittee on Oversight of Government Management