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# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 2, 2015

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

## Via Electronic Transmission

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

Dear Attorney General Holder,

I am writing to you to renew my October 2013 request for information concerning the Department of Justice's handling of a small number of specific instances of misconduct by employees of the National Security Agency ("NSA") who allegedly intentionally and willfully abused NSA's surveillance authorities by unlawfully spying on unsuspecting individuals.

Of course, the overwhelming majority of those who work in our national security and intelligence communities are dedicated, law-abiding people who deserve our profound thanks for helping to keep us safe. Nonetheless, there must be appropriate accountability for those few who violate the trust placed in them.

Unfortunately, the American people still do not know whether anyone has been held accountable by the Department of Justice for abusing surveillance laws designed to acquire foreign intelligence information and protect the United States against terrorist attacks.

I laid out my original request to you in a letter dated October 2, 2013. In that letter, I stated that the NSA's Inspector General had informed me by letter dated September 11, 2013 that it had identified twelve specific instances of intentional and willful misuse of surveillance activities by NSA employees since 2003. Some of these instances involved the use of surveillance authorities to target spouses or significant others, many of whom were foreign nationals (so-called "LOVEINT"). According to the Inspector General, at least six of these matters had been referred to the Department of Justice for possible prosecution.

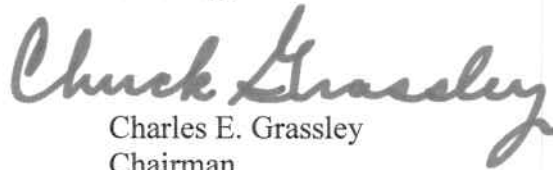
I asked you to provide more information about the Department of Justice's handling of these twelve matters and requested a response by December 1, 2013. That deadline passed. However, when you subsequently appeared before the Judiciary Committee for an oversight hearing on January 29, 2014, we discussed my request. You promised to provide a "fulsome response to indicate how those cases were dealt with by the Justice Department" and to "do that soon."

It has been more than a year since both my initial request and your testimony before the Judiciary Committee. Yet I have not received a response.

Recently, however, the NSA released heavily redacted quarterly and annual reports by the NSA to the President's Intelligence Oversight Board ("IOB") that also provide information about these instances of intentional and willful misconduct, as well as other violations by NSA employees, from 2001 to 2013. In its December 23, 2014 press release, NSA asserted that "in the very few cases that involved the intentional misuse of a signals intelligence system, a thorough investigation is completed, the results are reported to the IOB and the Department of Justice as required, and appropriate disciplinary or administrative action is taken." The NSA even referenced its public letter to me that discussed the twelve instances of intentional abuse by NSA employees that led me to write to you back in October 2013.

Respectfully, given the date of my original request, your prior commitment to respond "soon," and the recent release of information by the NSA that expressly relies upon the Department of Justice's further review of these matters, I believe it is appropriate that you respond to my original request without delay.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Grassley".

Charles E. Grassley  
Chairman