



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 11, 2007

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During his testimony at the Committee's hearing on June 5, 2007, on "Preserving Prosecutorial Independence," Mr. Bradley Schlozman was asked to submit to the Committee in writing the name of any Civil Rights Division section chief whom he ordered removed, suggested for removal, carried out the removal, or ordered transferred. The name of the one section chief who was ordered transferred is Albert Moskowitz.

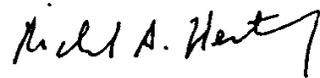
Additionally, Mr. Schlozman was asked to identify in writing the names of any career attorneys whom he ordered transferred out of the Appellate Section of the Civil Rights Division. Two attorneys were transferred out of the Appellate Section while it was under Mr. Schlozman's supervision: Teresa Kwong and Karen Stevens. Ms. Stevens has returned to the Appellate Section, and Ms. Kwong is scheduled to return to the Appellate Section in July. Also during the time of Mr. Schlozman's supervision, the position of a third attorney, Tovah Calderon, was transferred from the Section while she was on a detail. She returned to work in the Appellate Section at the conclusion of her detail.

Mr. Schlozman was also asked about the rationale for searching the e-mail account of a career employee in the Civil Rights Division. We are enclosing two memoranda provided by the Office of Professional Responsibility (OPR) in response to this request. The first is an August 17, 2005, memorandum advising that OPR had initiated an inquiry into the actions of the employee and asking for additional evidence. The second is a memorandum stating OPR's understanding that the Civil Rights Division would review the electronic communications and documents in the employee's accounts because of the Division's ability to discern what communications involved confidential or privileged information. OPR has advised that the correct date of this memorandum is September 9, 2005, not August 9, 2005, as indicated on the document. We have redacted the names and references to the employees involved to protect their individual privacy interests.

The Honorable Patrick Leahy
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We hope that this information is helpful. Please do not hesitate to contact the Department if we can be of further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hertling". The signature is written in a cursive style with a prominent initial "R" and a long, sweeping tail.

Richard A. Hertling
Principal Deputy Assistant Attorney General

cc: The Honorable Arlen Specter
Ranking Minority Member

Enclosures



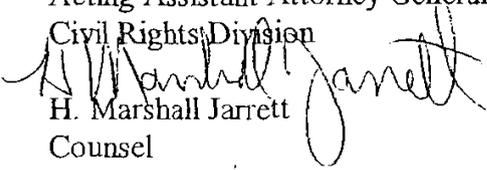
U.S. Department of Justice
Office of Professional Responsibility

Washington, D.C. 20530

AUG 17 2005

MEMORANDUM

TO: Brad Schlozman
Acting Assistant Attorney General
Civil Rights Division

FROM: 
H. Marshall Jarrett
Counsel

SUBJECT: Allegations Regarding

This Office has reviewed the materials you forwarded to us in July and August 2005 relating to communications by _____ formerly with the Voting Rights Section, Civil Rights Division, with representatives of parties against whom the Department of Justice had litigation or potential litigation. The alleged communications occurred during and after _____ employment with the Department of Justice, and related to matters in California and in Boston, Massachusetts.

_____ alleged conduct, if substantiated, may implicate various ethical rules of the Department and of the state bars where _____ is licensed.

This Office has initiated an inquiry into your allegations. To enable this Office to evaluate your allegations, please provide within two weeks of the date of this letter any additional evidence you may have that supports your allegations. If you have any questions about this matter, please contact me or Associate Counsel

OPR: :August 17, 2005
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U.S. Department of Justice

Office of Professional Responsibility

Washington, D.C. 20530

AUG -9 2005

MEMORANDUM

TO: Brad Schlozman
Acting Assistant Attorney General
Civil Rights Division

FROM: H. Marshall Jarrett
Counsel

SUBJECT: OPR Investigation of [redacted] and [redacted]

As you are aware, this Office is conducting an investigation into allegations that [redacted] formerly an attorney in the Voting Rights Section, Civil Rights Division, improperly communicated with representatives of parties against whom the Department of Justice had litigation or potential litigation, both during and after [redacted] employment with the Department of Justice. [redacted] alleged conduct, if substantiated, may implicate various ethical rules of the Department and of the state bar where [redacted] licensed.

When we met with you on August 16, 2005, we indicated that OPR would send you a formal request for any evidence you may have that supported the allegations against [redacted]. The evidence you had already provided included an email sent by [redacted] while still employed by the Department, but from a personal email account, to a potentially adverse party (who in turn provided it to you), that may have contained confidential Department information. Consequently, we discussed with you the possibility that searching [redacted] Department of Justice email account and other electronic records might reveal additional evidence of potential professional misconduct, and we approved that course of action. Thus, when we sent you a memorandum dated August 17, 2005 requesting any additional evidence you may have that supported the allegations against [redacted], we understood that you would review (1) emails contained in [redacted] Department of Justice email account; (2) emails in Department of Justice accounts that were sent from or to [redacted] personal email addresses; and (3) documents of [redacted] that were still archived on the Department's computer network. We requested that the Civil Rights Division, rather than OPR, review in the first instance the electronic communications and documents because of the Division's ability to discern what communications involved confidential or privileged information.

We understand that in conducting your initial search of Department of Justice email accounts, you discovered an email to [redacted] from [redacted] a nonlawyer currently employed by the Voting Rights Section. That email appears to provide [redacted] with confidential and privileged information about an investigation the Department was conducting in Ohio. The email was sent to [redacted] at his private email address after [redacted] left the Department. Based on this email, we informed you that we had expanded our investigation to include [redacted]. Thereafter, in complying with our request of August 17, we understand that you conducted a search of [redacted] documents and emails on the Department's computer network.

Please forward to us for review any materials obtained as a result of your searches that you have not yet provided. In addition, we understand that you will update the same searches periodically and forward to us any relevant information. If you have any questions about this matter, please contact me or Senior Assistant Counsel [redacted].