



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

INVESTIGATIVE SUMMARY | 22-039

Poor Judgment by a then U.S. Attorney for Making Derogatory Public Remarks About an Assistant United States Attorney That Were Also Contrary to Guidance

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated an investigation after receiving a complaint regarding a then U.S. Attorney's response, during a press conference on an unrelated case, to a reporter's question about a letter signed by a number of Assistant U.S. Attorneys (AUSA) that was critical of a voting fraud investigations memorandum issued by then Attorney General William Barr. The complaint alleged that the U.S. Attorney responded to the reporter's question about whether the U.S. Attorney's Office (USAO) had signed the letter by personally attacking the AUSA from that USAO who signed the letter.

The OIG investigation substantiated the allegation. The investigation determined that the U.S. Attorney, in response to the reporter's question, sought to undermine the AUSA's professional reputation by referencing that the spouse of the AUSA who signed the letter had previously worked for two U.S. Attorneys General of the previous administration, thereby inappropriately suggesting that partisan political considerations motivated the AUSA to sign the letter. Further, the U.S. Attorney noted in response to the reporter's question that the AUSA did not discuss the letter with the USAO's ethics officer, thereby wrongly implying that the AUSA acted unethically by signing the letter.

Additionally, the OIG investigation determined that, two days before the press conference, a senior official in the Executive Office for U.S. Attorneys (EOUSA) informed the U.S. Attorney, along with other U.S. Attorneys, that the letter to then Attorney General Barr likely constituted legally protected speech. The senior EOUSA official further advised the U.S. Attorneys, among other things, to avoid any negative comments or tone regarding the letter that could be viewed as retaliatory.

The OIG investigation concluded that the U.S. Attorney's intentionally derogatory public remarks about an AUSA in the U.S. Attorney's office was contrary to EOUSA's guidance, constituted poor judgment, was unbecoming of a U.S. Attorney or any DOJ leader, and reflected poorly on DOJ.

The OIG further determined that DOJ does not have "Standards of Conduct" that were applicable to this situation, and therefore the U.S. Attorney's remarks to the reporter did not constitute misconduct in violation of a specific policy, rule, regulation, or guideline.

The OIG has completed its investigation and provided its report to EOUSA for its information and to DOJ's Office of Professional Responsibility for appropriate action.

