



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 27, 2015

The Honorable Ted W. Lieu
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Lieu:

This responds to your letter dated May 21, 2015, to the Attorney General regarding Xiafen Chen, an employee of the National Oceanic and Atmospheric Administration who was indicted last year in connection with allegations that she accessed restricted U.S. Government files and made materially false representations to federal investigators. Your letter refers to certain news media accounts and requests an investigation of whether Ms. Chen was “targeted” by federal investigators on the basis of her race. An identical response is being transmitted to the other Members who co-signed your letter.

As your letter notes, Ms. Chen was never tried for her alleged criminal activities. On March 10, 2015, the United States Attorney’s Office for the Southern District of Ohio (USAO), in consultation with and without objection from Ms. Chen’s counsel, exercised its discretion to terminate the pending prosecution of Ms. Chen. We have received assurances from the USAO and the Federal Bureau of Investigation that Ms. Chen’s race played no role in the handling of her case. Department of Justice lawyers make charging decisions based on the laws and facts presented in particular cases in light of guidelines set forth in the *Principles of Federal Prosecution* (see United States Attorneys’ Manual 9-27.000, http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/27mcrn.htm#9-27.001). No policy exists for using race or any other civil rights classification to “target federal employees for arrest, surveillance, security clearance denials or other adverse actions,” or for any other purpose.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter J. Kadzik".

Peter J. Kadzik
Assistant Attorney General