

Congress of the United States

Washington, DC 20515

June 18, 2024

The Honorable Michael Horowitz
United States Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Inspector General Horowitz:

We write requesting you investigate whether Jacqueline Romero, U.S. Attorney for the Eastern District of Pennsylvania, engaged in misconduct and politically motivated retaliation. According to alarming reports, Ms. Romero retaliated against an Assistant United States Attorney (AUSA) for that attorney's work on the Hunter Biden investigation.¹

After the AUSA was temporarily detailed to the Hunter Biden investigation, and even though the AUSA remained an employee of the Philadelphia U.S. Attorney's Office, Ms. Romero revoked their office access.² Past precedent shows that other detailed AUSAs did not lose office access. Ms. Romero also denied the AUSA's request to maintain a portion of their local docket. Historically, it is common practice for prosecutors detailed from the Eastern District of Pennsylvania to continue work on their local cases.

It has been publicly reported that Ms. Romero told the AUSA that she objected to their assignment because of her relationship with the Biden family, and because of Beau Biden's past employment in the Philadelphia U.S. Attorney's Office. Ms. Romero has a long history of donating to President Biden's campaigns, as well as numerous other Democrat candidates since 2007.³

Federal law and regulations prohibit politically motivated retaliation.⁴ For example, the Hatch Act expressly prohibits covered federal employees, such as Ms. Romero, from engaging in political activities in their official capacity.⁵ Such laws and regulations are intended to maintain a politically neutral workplace. This is especially important for a U.S. Attorney, whom the public relies upon to be a nonpartisan law enforcement official.

¹ Steven Nelson, *Philly US Attorney with ties to Bidens accused of retaliating against Hunter prosecutor: 'Power trip'*, NY POST (February 6, 2024), <https://nypost.com/2024/02/06/news/philly-us-attorney-with-ties-to-bidens-accused-of-retaliating-against-hunter-prosecutor-power-trip/>.

² Jim Morley, *Attorney Accused of Retaliating Against Hunter Prosecutor*, NEWSMAX (February 6, 2024), <https://www.newsmax.com/newsfront/hunter-biden-jacqueline-romero-derek-hines/2024/02/06/id/1152524/>.

³ James Lynch, *US Attorney Jacqueline Romero Donated to Biden Campaign, Records Show*, DAILY CALLER (February 6, 2024), <https://dailycaller.com/2024/02/06/joe-biden-appointee-retaliation-hunter-prosecutor-donate-campaign-jacqueline-romero-derek-hines/>.

⁴ Romella Janene El Kharzazi et al., *Retaliation – Making It Personal*, EEOC, <https://www.eeoc.gov/retaliation-making-it-personal>.

⁵ 5 U.S.C. § 7323.

Given Ms. Romero's actions, we urge you to investigate her conduct. We ask that your investigation address the following questions:

1. What is the precedent for removing an AUSA's, or other detailee's, physical access to the Philadelphia U.S. Attorney's office? Are there examples of other Department of Justice (DOJ) detailees losing building access?
2. Was the AUSA barred from the Philadelphia U.S. Attorney's Office as an act of retaliation?
3. What factors went into the decision to remove the AUSA from their existing caseload, and have these same factors been considered uniformly when deciding to maintain other detailees' casework?
4. Did Ms. Romero attempt to leverage her relationship with the Biden family to dissuade the AUSA from accepting a detail position?
5. Did Ms. Romero violate the Hatch Act or other Federal rules regarding retaliation against employees?

Thank you for your attention to this important matter.

Sincerely,



Tom Cotton
United States Senator



Lloyd Smucker
Member of Congress