

## United States Senate

June 20, 2014

The Honorable Eric Holder  
Attorney General  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

Dear Attorney General Holder:

On April 13, 2014, three Americans were killed by gunfire in Johnson County, Kansas, at the Jewish Community Center of Greater Kansas City and Village Shalom, a Jewish retirement community. Shortly after, you traveled to Kansas and delivered thoughtful remarks at a memorial service where you witnessed the deep pain and sorrow inflicted by hate-fueled violence.

The alleged killer, Frazier Glenn Miller, has since been charged with capital murder in the deaths of Reat Underwood and William Corporon, first-degree premeditated murder in the death of Terri LaManno, attempted first-degree murder of three men, aggravated assault against a woman, and discharging a firearm in an occupied building.

After Miller's arrest, information surfaced about his significant criminal history, a sentence-reducing arrangement with the Department of Justice, and possible participation in the federal Witness Security Program.

In 1986, Miller was convicted on a federal contempt of court charge with a resulting sentence of one year in prison, with six months suspended. However, Miller disappeared while out on bond awaiting an appeal. In 1987, Miller was caught with explosives, firearms and ammunition.

Miller was indicted for conspiring to acquire stolen military weapons and for planning robberies and an assassination. Had the prosecution pursued all charges against him, Miller could have faced a 115-year prison sentence.

In a 1987 sentencing memorandum, the Department of Justice made clear the threat to society posed by Miller, "The offenses committed by the defendant, both those to which he has pled and those which were not charged by the government, were extremely serious and could have resulted in the loss of innocent life and the destruction of property. The federal government has a strong and legitimate interest in deterring any further lawless behavior by the defendant..." The document notes Miller's "callous disregard" for court orders and describes him as someone "who can 'inspire' his followers to violence."

The Department of Justice recommended that Miller receive a reduced five-year prison sentence after arranging a plea bargain that secured guilty pleas on some charges and Miller's cooperation with the Department of Justice in federal investigation and prosecution of other white supremacists.

After serving three years of this prison sentence, it appears Miller was enrolled in the Witness Security Program, administered by the Marshals Service under the Department of Justice. Miller has since remained active in white supremacist circles and reportedly made more than 10,000 posts on Vanguard News Network, a white supremacist and anti-Semitic website, where his writings reference "exterminating" Jews and the need to "kill all" Jewish people.

Regretfully, we now know that the recommended five-year sentence failed to achieve the Justice Department's goal of "detering any further lawless behavior by the defendant." I am concerned that Miller's commitment to violence and self-proclaimed unshakable white supremacist beliefs were not appropriately considered by the Department of Justice during initial plea bargain considerations and in the years following his time in federal prison.

Americans can only wonder if Frazier Glenn Miller's alleged 2014 crimes might have been prevented if he had been prosecuted to the fullest extent of the law in 1987 or was more carefully monitored once released from prison. While Miller is now incarcerated and the lives lost on April 13 are irreplaceable, a rigorous assessment of relevant Department of Justice policies and protocols may spare others from the agony and grief of violence.

Accordingly, I request that the Department of Justice please provide answers to the following questions:

1. Which factors are considered before offering a reduced sentence to defendants accused of violent crime or conspiring to commit an act of violence?
2. Which qualities are considered when identifying one or more co-conspirators for plea bargain negotiations? Have these changed since 1987?
3. The U.S. Marshals Service claims that less than 17 percent of protected witnesses with criminal histories are arrested and charged with crimes after joining the Witness Security Program. Has the Department of Justice identified patterns in cases of recidivism?
4. What plea bargain risk-reduction or oversight mechanisms are in place at the Department of Justice? Have these policies changed since the 1980s?
5. What Department of Justice policies are currently in place to reduce recidivism among violent criminals?
6. What level of scrutiny does the Department of Justice impose on Witness Security Program participants?
7. What level of scrutiny does the Department of Justice impose on Witness Security Program participants who leave the program?
8. Was Miller's online activity monitored by the Department of Justice at any point prior to April 13, 2014?

I appreciated your personal attention to this issue in April and thank you for your Department's consideration on this matter. I look forward to your response by July 31, 2014.

Sincerely,



Jerry Moran  
United States Senator