

United States Senate

WASHINGTON, DC 20510-1007

July 11, 2012

The Honorable Eric Holder
Attorney General
Department of Justice
950 Pennsylvania Avenue NW, Suite 5111
Washington, DC 20530-0009

Dear Attorney General Holder:

As you recall, I wrote to you on June 6, 2012, over the trend of “SWAT-ting” cases that apparently target political commentators. Since then, at least one additional such incident has been reported.

On a June 8 phone call, you personally assured me that you would give special attention to my inquiry on this matter. On June 29, my office received a cursory, boilerplate response from the acting assistant attorney general in the Office of Legislative Affairs that did not address the substance of the issue at hand. With that in mind, I am asking for a more substantive response to my initial inquiry and for illumination on the following points:

The department’s letter states that the Federal Bureau of Investigation (FBI) and its law enforcement partners are working with the telecommunications industry to address this issue. A SWAT-ting story from February 2008 on the FBI’s public Web site also states that, “(l)aw enforcement agencies at all levels are currently working with telecommunications providers around the country to help them address swatting activity.”¹ After four years, I believe that Congress needs additional information to aid our understanding of this cooperation.

The department’s letter also mentions that the FBI has investigated some instances of SWAT-ting directly, but that the majority of cases have been investigated at the local level. As my initial letter stated, I have no doubt that local law enforcement is reviewing each incident, but I asked that you, “look into each of these cases as well to determine if any federal laws may have been violated.” Your response was notably silent on whether this has happened. Why are the majority of cases investigated at the local level if there is a strong possibility that federal laws have been violated?

Finally, the department’s letter indicates a willingness to work with Congress to determine whether existing criminal authorities are adequate to address this problem. In advance of any discussion regarding sufficiency of existing criminal statutes, it would seem necessary for Congress to have a better understanding of how the department has attempted to apply those existing provisions, a point on which your letter was also silent. In order to better inform us, please provide

¹ FBI.gov, *Don’t Make the Call – The New Phenomenon of Swatting*, <http://www.fbi.gov/news/stories/2008/february/swatting020408/> (last visited July 10, 2012).

examples of where the department believes existing criminal authorities, when applied to these cases, are potentially inadequate.

I remain extremely concerned about the danger SWAT-ting presents, and am worried about its use as a tool for silencing political speech. You and your department should be equally worried about these attempts at intimidation.

To date, no one has been harmed during these dangerous acts, but when an unsuspecting family is awakened in the middle of the night by police with guns drawn rushing into their bedrooms, all of the elements are in place for a tragedy. When innocent people are handcuffed, children witness their parents treated as criminals, helicopters overhead awaken the neighbors and the victim realizes that one wrong move by him or his family could lead to irreversible catastrophe, there is overwhelming cause for concern. An issue of such gravity is deserving of more than a cursory response from your department.

I hope you will take this opportunity to more thoroughly address my concerns. Delay in addressing this issue could prove disastrous. Again, I appreciate your attention to this matter, and look forward to your response by July 27, 2012. Please feel free to contact my office with any questions or comments you may have.

Very truly yours,



Saxby Chambliss