

# WHAT ELSE MUKASEY DECLINES TO PROSECUTE: SEXUAL ASSAULT OF A SUBORDINATE

I've just gotten through the first Department of Interior IG report, and wanted to pull out these few discrete details as an example of what Attorney General Mukasey has declined to prosecute.

The first report describes the corrupt acts of Gregory Smith, who managed the Royalty in Kind program. In that program, companies drilling on Federal land, give the government oil or gas, which the government then contracts to sell in lieu of payment for the drilling; one of the scandals underlying this program is that the companies contracted to sell the oil were getting contracts because they were cozy with someone in DOI, not because they could get us the best price.

Among other things this report reveals is that Smith repeatedly offered himself as a consultant to companies doing business with RIK, promising to alert those companies of opportunities with other companies doing business with RIK.

But what really fries my ass is this bit.

We interviewed yet another RIK employee who stated that in approximately 2005, Smith "insisted" that she ride in his car from one business establishment to another, and she agreed.

The employee stated that Smith took "the long way" between the two businesses, and during the drive, he asked to go to her nearby home, but she refused. "He wanted to have sex; I said no," she recalled. Smith then asked if she would

have oral sex with him, but she told him she did not want to. She said then Smith "basically forced [her] head into his lap," and she performed oral sex on him while he drove the car slowly. She said she resisted Smith when he pulled her head into his lap, but Smith did not relent and continued to pull her head down. She said Smith was "real persistent" but not violent, and she did not feel as though she had been sexually assaulted by Smith. She stated that it was difficult for her to have sex with Smith because he supervised her and RIK, but she "felt like [she] could get fired," so she did what Smith wanted. She said she was "scared" that if she did not do what Smith wanted her to do, it could possibly affect her employment.

The report goes on to describe Smith telling this employee, when the OIG investigations began, that he was going to deny it if asked about it by investigators.

And the outcome?

The results of this investigation, to include a substantial amount of information obtained through federal grand jury process that is not included here, were provided to the Public Integrity Section of the U.S. Department of Justice (DOJ) in March 2008 for prosecutorial consideration. In May 2008, DOJ advised that it was declining to prosecute Smith on various charges.

Now, perhaps this woman just refused to serve as a witness to her own sexual assault. Perhaps DOJ has a good reason not to prosecute this guy that they're not telling us.

But Smith did this while you and I were paying his salary. And Michael Mukasey's DOJ seems to

think a government manager sexually assaulting a woman on our dime is okay.

Update: Link to report added.