



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

DUCHY TRACHTENBERG
COUNCILMEMBER
AT-LARGE

November 20, 2009

Thomas E. Perez
Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Office of the Assistant Attorney General, Main
Washington, D.C. 20530

Dear Mr. Perez: 

It is with a heavy heart and a solemn sense of obligation that I write to you today. As you may be aware, in recent weeks a formal finding was provided by the Montgomery County Ethics Commission against my senior advisor, Dr. Dana Beyer who is a transgender woman. I have attached the complaint filed on her behalf with the Montgomery County Human Rights Commission. There are several disturbing facts in relation to both the investigation performed by Montgomery County Ethics Commission and the one completed by the Montgomery County Attorney's Office at their direction.

First off, it has been confirmed that Dr. Beyer's computer was swept with inadequate notice and consent, in violation of the county administrative procedure relating to e-mail searches. I am also attaching a copy of a letter just forwarded today to Mr. Leon Rodriguez, Montgomery County Attorney requesting specific information regarding the actual authorization, search and results of said search. I am specifically requesting confirmation of any unlawful sweep of my personal office computer as well.

The lack of information provided and the stunning implications of such a clandestine activity has eroded my confidence in the integrity of forensic evidence – evidence that is critical as any complaints are investigated and litigation is pursued. I am respectfully requesting guidance from your office on what the appropriate steps may be to safeguard evidence and protect the workplace rights of both myself and Dr. Beyer.

Secondly, I am requesting input from your office because I simply have lost confidence in the oversight function of our county government. It is abundantly clear that concerted actions have taken place that cross many county agencies: the County Attorney's Office;

Department of Technology Services; the Montgomery County Ethics Commission; the Office of the Inspector General and the Office of the County Council. For this reason alone, I am asking for your guidance on who should lead an official investigation of this entire matter. I do not feel impartial judgment or fair decisions are possible from any County authority, given the level of interaction, the potential wrongdoing and the political ramifications of the concerted activities that have already been confirmed through interviews and even official documents.

I am confident that your sound judgment and expertise as a civil rights leader will help define the fair and appropriate course of action here. As I said in my letter to Mr. Rodriguez this morning, the residents of Montgomery County expect transparent and ethical behavior of all public servants. They deserve no less.

It is my hope that a swift and equitable resolution will be secured in these matters in the short term. My primary focus will remain the needs of those million residents I have the pleasure to serve. And I am in awe of the enormous responsibility you have in the defense and protection of the civil rights of all Americans.

Yours,

A handwritten signature in black ink, appearing to read 'Duchy Trachtenberg', with a long, sweeping horizontal line extending to the right.

Duchy Trachtenberg