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June 21, 2011

Mr. William J. Hoover
Deputy Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, N.E.
Washington, D.C. 20226

Dear Deputy Director Hoover:

I write to request your assurance that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will not retaliate against witnesses who have provided information to this Committee. I make this request in light of the fact that on June 15, 2011, in a hearing before the Committee entitled "Operation Fast and Furious: Reckless Decisions, Tragic Outcomes," three veteran ATF special agents gave testimony highly critical of the ATF. They should not face reprisals of any kind for their testimony. No other ATF employees who cooperate with Congress should face retaliation either.

The Committee relies on whistleblowers to conduct unvarnished and thorough oversight. Witnesses who choose to cooperate with the Committee must be confident that they can provide information without fear of punishment. I am sure you agree.

During a meeting on May 5, 2011, you assured my staff that ATF leadership would see to it that witnesses would not suffer for choosing to have communications with our staff. I was encouraged by this because, as you know, there has already been at least one questionable internal affairs inquiry into what appears on its face to be a months-old *de minimis* infraction. Retaliation can take many forms – disciplinary action, less desirable duties and assigned tasks, and assignment transfers that affect personal lives and uproot families, to name a few. Such insidious actions debilitate agency morale.

In his testimony at the June 15 hearing, Assistant Attorney General Ronald Weich promised in no uncertain terms that there will be no retaliation against the witnesses who testified: "I want to assure the committee – I think a number of Members raised this – that **the Department of Justice will not, would never, retaliate against whistleblowers.**"¹

Despite these assurances, I remain interested in seeing that this is carefully monitored by ATF.

During the course of the Committee's investigation, several ATF agents related that they have already experienced retaliation. Two agents stated they were removed from Group VII after reporting their misgivings about Operation Fast and Furious up the chain of command.² One agent stated he and several other agents in Group VII who expressed unease with the operation received negative performance evaluations.³

Having witnessed these incidents, you might expect that the witnesses who testified on June 15, and other ATF employees with information relevant to this investigation, fear reprisal. In fact, they do. One special agent testified that he was initially reluctant to speak to the Committee because he feared retaliation:

[T]here has been a lot of undertones of retaliation. Like I took the schism as, hey, you don't like what we are doing here, quit, or we will fire you or whatever. . . . ATF is just – they have been known historically from my experience . . . just depending on the supervisor, to be **a very retaliatory agency**. And that's why when . . . your office reached out to me, I wanted to talk back then, but it would have been under the guise of a whistleblower. And . . . this is important enough to blow a whistle on, but **I would be afraid of the retaliation that still might be coming down.**⁴

A second special agent testified that individuals who have information are reluctant to come forward for fear of retaliation:

[T]here are many people that I know of still with firsthand information about this case who want to cooperate, have expressed that to me, that have information that they feel you need to further your investigation, but **are afraid of ATF and retaliation for talking to you.** . . .⁵

¹ *Operation Fast and Furious: Reckless Decisions, Tragic Outcomes: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 112th Cong. 153 (testimony of Hon. Ronald Weich) (emphasis added).

² Transcript of interview with Special Agent Number 1 at 61, 72 [hereinafter Agent 1 Tr.]; Transcript of interview with Special Agent Number 2 at 125 [hereinafter Agent 2 Tr.].

³ Agent 1 Tr. at 124.

⁴ Transcript of interview with Special Agent Number 3 at 104-105 (emphasis added).

⁵ Agent 2 Tr. at 124 (emphasis added).

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A special agent also testified that he feared his cooperation with the Committee would jeopardize his job. He stated that he was “concerned that being here and providing this testimony puts me in a very precarious position in my career.”⁶ A fourth special agent told Committee investigators that he feared he would be deemed “**retroactively incompetent**” by his bosses because the agency has “**a long and rich history of retaliation.**”⁷

These statements reveal a worrying cycle: a history of retaliation by ATF management causes its employees to fear reprisals, which in turn prevents them from coming forward to the Committee. This needs to end.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darrell Issa', written in a cursive style.

Darrell Issa
Chairman

⁶ Agent 1 Tr. at 76.

⁷ Interview with Special Agent 4.