



July 1, 2011

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

I am writing to respond to your June 22, 2011, letter in which you raised concerns regarding the ability of the Department of Justice (Department) Office of the Inspector General (OIG) to conduct a review of Operation Fast and Furious free from political or other improper considerations. In sum, I can assure you that the OIG's review is moving forward expeditiously and, like all OIG reviews, is being conducted objectively, aggressively, and independently.

I will address the three major points raised in your letter in turn.

First, you expressed concern that officials at the Bureau of Alcohol, Tobacco, Firearms and Explosive (ATF) cited an OIG report on a separate ATF program called Project Gunrunner as a factor that prompted them to shift to "a riskier strategy" that resulted in Operation Fast and Furious.¹ However, the ATF could not have instituted the strategies we are reviewing in Operation Fast and Furious in response to our Gunrunner report because we had neither reached any findings nor provided any recommendations to the ATF at the time the ATF initiated Operation Fast and Furious.

The ATF first became aware of our findings and recommendations with respect to developing more complex firearms trafficking cases in Project Gunrunner on September 3, 2010, when we provided a draft of our report to ATF for its review prior to publication. Our understanding is that Operation Fast and Furious was initiated in late 2009 and that the investigative strategy employed in this operation was implemented shortly thereafter, well before the OIG began to formulate its recommendations relating to the investigative strategies of Project

¹ A *Review of Project Gunrunner*, issued by our office in November 2010, can be found at: <http://www.justice.gov/OIG/reports/ATF/e1101.pdf>.

Gunrunner. Contrary to the suggestion in your letter, our Gunrunner report does not recommend that ATF move to a strategy of "allowing guns to be trafficked rather than arresting straw buyers." Moreover, an interim review of the Gunrunner project issued by the OIG in November 2009 focused solely on administrative aspects of the program and did not involve an examination of ATF's investigative strategies.²

The second concern you raised in your letter is that the OIG received allegations from an ATF Special Agent about Operation Fast and Furious in December 2010 and failed to adequately follow up on those allegations. This concern is unfounded. We first learned of this agent's allegations on January 27, 2011, when a member of Senator Grassley's staff contacted me about the matter. We took these allegations very seriously as soon as we became aware of them, and we promptly followed up by interviewing the agent.³

Your third concern relates to whether there is a conflict of interest with my supervision of the ongoing OIG review because I may be under consideration for the position of Inspector General. Whether I am being considered as a nominee for the Inspector General position has no bearing on my ability to lead the OIG's review of this matter. I have been a career employee in the Department for 22 years, including 7 years as a criminal prosecutor and over 5 years in OIG senior leadership positions. Through my long history as a career public servant, I have demonstrated my ability to conduct my work with independence and objectivity.⁴

In addition, this Office has a demonstrated history of conducting sensitive reviews in an independent, objective, and aggressive manner.

² This *Interim Review of ATF's Project Gunrunner* can be found at: <http://www.justice.gov/DOJ-OIG/reports/ATF/e0906.pdf>.

³ The OIG's public webpage at <http://www.justice.gov/OIG> provides several means of reporting allegations of waste, fraud, abuse, or misconduct, including a hotline number, an e-mail address, an on-line submission form, and a fax number. We discussed with the agent the unsuccessful attempts he made to contact our office so that we could identify and correct any possible deficiencies in our intake process.

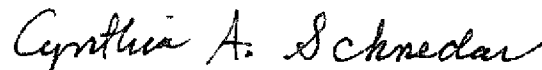
⁴ As you may be aware, in February 2011 Senator Grassley requested a determination by the Integrity Committee of the Council of Inspectors General on Integrity and Efficiency (CIGIE) that the OIG be recused from conducting its review of Operation Fast and Furious for many of the same reasons you raise in your letter. The CIGIE Integrity Committee informed Senator Grassley that it found no basis for such a recusal. Indeed, the Integrity Committee characterized the OIG as "a model of independence, objectivity, and above all, integrity in every aspect of its daily pursuits." The Committee concluded by stating that the OIG "fully earned an unquestioned reputation for successfully addressing highly difficult and sensitive cases, and deserves the trust and confidence of the public." A copy of the Integrity Committee's response is enclosed with this letter.

The OIG investigative team we have assembled for the Operation Fast and Furious review is comprised of experienced attorneys, Special Agents, and analysts with a combined total of more than 70 years of investigative experience.

While I serve as Acting Inspector General, the OIG's review of Operation Fast and Furious – and all of our audits, reviews, and investigations – will be conducted free from political or any other improper considerations. At no time has any Department leader, anyone in the Administration, or anyone in Congress attempted to improperly influence our investigation. We will follow the facts in this matter wherever they may lead, and we will report our findings to the Department of Justice, Congress, and the public.

If you have any further questions, please feel free to contact me at (202) 514-3435.

Sincerely,



Cynthia A. Schnedar
Acting Inspector General

Enclosure

cc: The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate



Office of the
Inspector General

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

March 16, 2011

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This is in response to your letter of March 8, 2011, to Kevin L. Perkins, in his capacity as Chair of the Integrity Committee of the Council of Inspectors General on Integrity and Efficiency (CIGIE). You expressed concern that the Department of Justice's Office of Inspector General would not be able to apply a publicly acceptable level of independence and objectivity in carrying out a review that the Attorney General had requested it to perform regarding an operation of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

In accordance with the Integrity Committee's rules, because this matter involved the DOJ-OIG, Mr. Perkins, as an official of the FBI and other Justice Department staff recused themselves from any involvement in this matter. Accordingly, as the Committee's senior member, I am acting as Chairperson for this case.

At a special meeting called on March 14, 2011, to consider the issues identified in your letter, the membership concluded unanimously that neither the Committee's authorizing statute nor its internal rules and procedures apply to the matters you identified. The Committee's jurisdiction, as defined by section 7(d)(1) of the Inspector General Reform Act of 2008 (Public Law 110-409, October 14, 2008), is to "receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members." In this context, the Committee has consistently interpreted its mandate to extend only to questions of improper or wrongful conduct on the part of individuals occupying positions of significant responsibility in Inspector General offices, and then, as required by the statute, make recommendations, where appropriate, to the Chair of the CIGIE. However, your statement of reasons why "the public may be unable to trust that the DOJ-OIG is completely disinterested and independent" appears to involve concerns of an institutional or organizational nature, about which the Committee is not empowered to act. Furthermore, the IC has no authority to mandate the recusal of an Office of Inspector General.

However, as the name Integrity Committee implies, scenarios may occur from time to time that cause the membership to comment in a manner that goes beyond the chartered structure. Your stated reservations about the suitability of the DOJ-OIG to properly investigate the Project Gunrunner case present one of those instances.

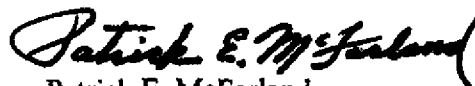
Honorable Charles E. Grassley

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While that office is currently headed by an acting Inspector General, the organization, managed for many years by former Inspector General Glenn Fine, has established itself as a model of independence, objectivity, and above all, integrity in every aspect of its daily pursuits. It fully earned an unquestioned reputation for successfully addressing highly difficult and sensitive cases, and deserves the trust and confidence of the public. Further, its prior involvement in a review of a portion of the same ATF program can properly be viewed, not as an impediment to objectivity, but rather as an opportunity for the DOJ-OIG staff to have obtained familiarity with the subject-matter and working environment that would be used advantageously in the investigation requested by the Attorney General. Thus, although an Inspector General from another agency could feasibly conduct this work, it would face a learning curve that might involve some delay in completing the assignment. Finally, it appears that the belief DOJ-OIG was not responsive to disclosures made by an ATF agent may have been initially reached without obtaining information from that office.

If you have any questions or need further information, please do not hesitate to contact me on (202) 606-1200.

Sincerely,



Patrick E. McFarland
Inspector General