

Congress of the United States
Washington, DC 20510

November 3, 2011

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Holder:

Thank you for the response to our letter of July 11, 2011, regarding the shared network drive developed to house documents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

In its response, the Department acknowledged that twenty-four of its employees, including six ATF employees, had access to the entire contents of the shared network drive. The Department's letter of September 19, 2011 also stated that over fifty other employees and contractor staff had access to portions of the shared network drive at various times, though most of these individuals never had access to the folder containing records that were produced or made available to the Committees. The letter, however, failed to answer a number of the specific questions posed in our July 11 letter.

As you are aware, the Office of Inspector General (OIG) is investigating the unauthorized disclosure to the press of a document that may have been accessible from this shared drive. The leaked document contained information protected under the Privacy Act regarding ATF whistleblower John Dodson's participation in an undercover law enforcement operation. This document, given to the press, was not even produced to the Committees, instead being made available only for *in camera* review. This leaked document was also accompanied by a set of talking points designed to undermine Agent Dodson's credibility as a whistleblower. This egregious violation of the Privacy Act, and attempted retaliation for protected disclosures to Congress, is unacceptable.

Accordingly, please provide full and complete responses to the following requests for information:

- 1) Please identify, by name, all DOJ and ATF employees who had access to this shared drive. This should include, by name, all employees who had access to the entire contents of the shared network drive, including which individuals still had access after July 1, 2011.

- 2) Please identify, by name, the more than fifty individuals who had partial access to the folder containing records that were produced or made available to the Committees, and the dates on which these employees had access.
- 3) Please identify, by name, each employee who had access to the portion of the shared drive containing the leaked documents that were only made available to the Committee *in camera*, and the dates on which these employees had access.
- 4) For the eight individuals who had access to the shared drive after July 1, 2011, but were removed some time before September 6, 2011, please identify, by name, these employees, and the dates on which these employees had their access terminated.
- 5) Please identify, by name, the six employees who continued to have access to the shared network drive as of September 6, 2011.
- 6) If any of the six employees who continued to have access to the shared network drive as of September 6, 2011 have since had their access terminated, please identify, by name, these employees, and the dates on which these employees had their access terminated.

As a result of this shared drive, the number of individuals who had access to internal ATF and DOJ materials multiplied significantly. Many people were given access to sensitive information, thus increasing the likelihood that documents might be leaked. Not surprisingly, as mentioned above, documents in fact were leaked, with the intention of smearing one of the ATF whistleblowers.

During phone conversations last week with Senator Grassley's staff, the Justice Department indicated that someone had resigned, in part, due to actions related to the leaking of this document. Senator Grassley's staff discussed this with OIG staff, who reported knowing an individual had left the Department, but being unaware the departure was related to the leak of the document. When pressed for the name of the individual fired, the Department cited, ironically, privacy concerns related to personnel matters, despite the fact that disclosures to Congress are explicitly exempt from the Privacy Act. Moreover, the Congressional interest in inquiring into retaliation against a witness for his testimony before one of its committees outweighs the Department's interest in protecting the privacy of an official responsible for leaking a Privacy Act-protected document to the press.

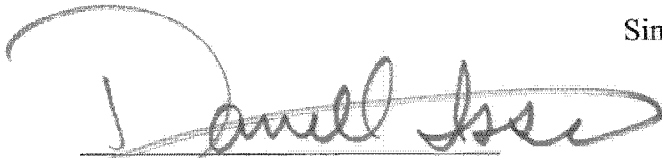
With that in mind, please answer the following questions:

- 7) What is the name of the individual who resigned, or was asked to resign, as a result of the leaked documents?

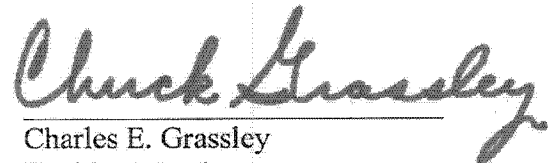
- 8) On what date was this individual's employment terminated?
- 9) Was this matter self-reported to the OIG? If so, when was this matter self-reported to the OIG?
- 10) What evidence supports the conclusion that the employee was responsible for the leak?
- 11) According to the Department, its Office of Professional Responsibility (OPR) is investigating other leaks of information related to Fast and Furious. What evidence led to the opening of these additional leak investigations?
- 12) Why are these investigations being handled by OPR rather than by the OIG?
- 13) Who are the targets of the OPR's leak investigations?
- 14) Are the targets of OPR's investigation any of the whistleblower known to the Department to have testified or communicated with Congress regarding Operation Fast and Furious?

Please provide responses to the foregoing no later than November 9, 2011, at noon. If you have any questions regarding these requests, please contact Tristan Leavitt in Ranking Member Grassley's office at (202) 224-5225 or Henry Kerner of Chairman Issa's Committee staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,



Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives



Charles E. Grassley
Ranking Member
Committee on the Judiciary
U.S. Senate

cc: The Honorable Elijah E. Cummings, Ranking Member
U.S. House of Representatives, Committee on Oversight and Government Reform

The Honorable Patrick Leahy, Chairman
U.S. Senate, Committee on the Judiciary