

Congress of the United States

Washington, DC 20510

October 12, 2012

VIA ELECTRONIC TRANSMISSION

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

Dear Attorney General Holder:

Throughout the course of our investigation into Operation Fast and Furious, you have made clear that you were waiting on the release of the Inspector General's report before deciding whether to take any personnel actions against those responsible for Fast and Furious. On November 8, 2011, you said before the Senate Judiciary Committee:

We have an inspector general report that will look into this matter. And I think that we will glean from that report a better sense of what people did, who should be held accountable. . . . I will certainly await the report that comes out of the inspector general and I will assure you and the American people that people will be held accountable for any mistakes that were made in connection with Fast and Furious.¹

One month later, on December 8, 2011, you said before the House Judiciary Committee:

It is something . . . where mistakes were made, and . . . we have to find out where those mistakes were made and then I'm going to hold people accountable . . . [Y]ou have to do these things on the basis of evidence, on the basis of findings that are factually grounded. And when I am in that position, I will take the appropriate action. But I want to assure you and the American people that people will be held accountable for the mistakes that were made in Fast and Furious.²

You have been aware of the report's conclusions since mid-August when the Inspector General sent a draft copy to your office. In addition, it has now been three weeks since the Inspector General publicly released his report. Yet, to date, there has

¹ S. Comm. on the Judiciary Hearing, *Oversight of the Department of Justice*, 112th Congress (Nov. 8, 2011), at 41, 65.

² H. Comm. on the Judiciary Hearing, *Oversight of the Department of Justice*, 112th Congress (Dec. 8, 2011), at 24.

been no public indication that disciplinary proceedings have been initiated against even one individual. This includes former Deputy Assistant Director for Field Operations William McMahon. On August 21, 2012 we wrote to ATF Acting Director B. Todd Jones to express our concern about the fact that McMahon had recently obtained full-time employment working for J.P. Morgan – in the Philippines – while continuing to receive a full-time six-figure salary from ATF. To date, ATF has been completely unwilling to provide any information about McMahon’s status, and cannot even confirm his physical whereabouts.

Therefore, please answer the following questions:

- 1) Has the Department initiated any disciplinary action against the six employees still with ATF whose performance was criticized in the Inspector General’s report? If so, against whom?
- 2) Has the Department initiated any disciplinary action against the two employees still with the U.S. Attorney’s Office for the District of Arizona whose performance was criticized in the Inspector General’s report? If so, against whom?
- 3) Has the Department initiated any disciplinary action against the three employees still at Justice Department headquarters whose performance was criticized in the Inspector General’s report? If so, against whom?
- 4) News reports indicate that you have “admonished” Assistant Attorney General Lanny Breuer.³ What did this admonishment consist of? Has a record of this been placed in his personnel file? If not, please explain why not.

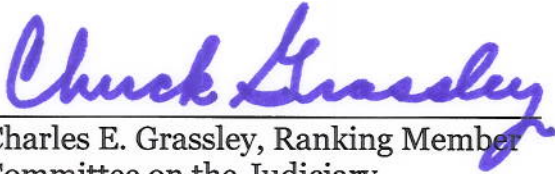
Please provide your response by Friday, October 19, 2012. In lieu of a formal letter, the Department may provide a briefing to congressional staff regarding the above questions no later than Friday, October 19, 2012. Should you have any questions regarding this request, please contact Tristan Leavitt of the Senate Judiciary Committee staff at (202) 224-5225 or Henry Kerner of the Oversight and Government Reform Committee staff at (202) 225-5074.

Thank you for your attention to this important matter. The American people deserve to know who is being held accountable for their roles in Operation Fast and Furious and the “failures by Department officials related to these matters.”⁴

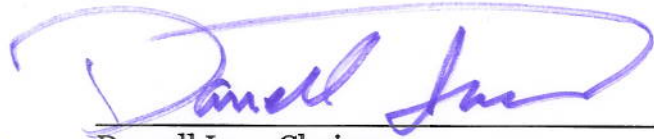
³ Sari Horwitz, *Inspector general’s report on ‘Fast and Furious’ criticizes Justice Dept., ATF*, WASH. POST (Sep. 19, 2012), available at http://www.washingtonpost.com/world/national-security/justice-ig-critical-of-atf-in-gun-operation/2012/09/19/379daf18-0273-11e2-8102-ebee9c66e190_story.html.

⁴ Department of Justice, Office of the Inspector General, “A Review of ATF’s Operation Fast and Furious and Related Matters” (Sept. 2012), at 471.

Sincerely,



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



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

cc: The Hon. B. Todd Jones, Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives

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

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

The Hon. Michael E. Horowitz, Inspector General
U.S. Department of Justice