

# Congress of the United States

Washington, DC 20510

January 15, 2013

## VIA ELECTRONIC TRANSMISSION

The Honorable B. Todd Jones  
Acting Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
U.S. Department of Justice  
99 New York Avenue, NE  
Washington, D.C. 20226

Dear Acting Director Jones:

We were pleased to learn that Deputy Director Tom Brandon recently cleared Special Agent John Dodson of any wrongdoing during the pendency of Operation Fast and Furious. Deputy Director Brandon exonerated Agent Dodson with respect to two separate incidents: the first was an investigation related to a case described in the Inspector General's report on Fast and Furious; the second was Agent Dodson's remarks to the media at a benefit dinner for slain Border Patrol Agent Brian Terry.

In one of the clearance letters, dated December 18, 2012, Deputy Director Brandon wrote:

I have given full and careful consideration to all of the information provided to me in this matter, including a thorough analysis of the Inspector General's Report. Based on my review of the entire record . . . I have concluded that no disciplinary action against you is warranted, and I am therefore issuing this letter of clearance.

Brandon went beyond merely clearing Special Agent Dodson, commending him for his courage:

I fully appreciate that you took the courageous step of going to Congress to insure that the public learned of the flawed tactics used in Operation Fast and Furious. You played an essential role in insuring that all of ATF was held accountable for the mistakes we made in that investigation, and I commend you for speaking out. The IG Report validates your decision. I further recognize that going public with your concerns caused much strife in your personal and professional life. . . .

Although it took some time, the basic truth is now known to all: Throughout Operation Fast and Furious, agents and prosecutors failed to insure that firearms were interdicted from straw purchasers and

traffickers whenever there was a legal basis and opportunity to do so. That did not happen and those responsible, including ATF, must be held accountable.

Deputy Director Brandon's willingness to acknowledge the contribution of a whistleblower is rare in the federal government. Whistleblowers with the courage to risk their careers and uncover wrongdoing in the federal government should be valued and applauded by their agencies rather than investigated and vilified. ATF has recognized this fundamental principle in its vindication of Special Agent Dodson.

As Deputy Director Brandon said, however, those responsible for Operation Fast and Furious must be held accountable. Indeed, we wrote to you on October 19, 2012 asking about the lack of disciplinary action imposed by ATF in the aftermath of the Fast and Furious scandal. At the time, ATF had failed to discipline a single manager or employee for their role in allowing criminals to illegally purchase thousands of weapons. You failed to reply to our letter.

Since our inquiry, Deputy Assistant Director William McMahon was terminated on November 27, 2012, for being absent without leave while in the Philippines—not for his role in Fast and Furious. ATF has failed to provide any official update to Congress or the public with regard to other ATF employees whom the Inspector General identified as bearing some measure of responsibility for Fast and Furious.

News reports have suggested that ATF's Professional Review Board recommended the termination of Assistant Director Mark Chait, Special Agent in Charge William Newell, and Assistant Special Agent in Charge George Gillett, the demotion of Group Supervisor David Voth, and the reprimand and disciplinary transfer of Special Agent Hope MacAllister.<sup>1</sup> ATF, however, has failed to confirm this information publicly or report taking any final action on the disciplinary recommendations.

Therefore, please provide the following information:

- 1) A list of all ATF employees mentioned in the September 2012 Inspector General report whom ATF Internal Affairs is investigating or has investigated;
- 2) What stage the investigation of each individual is in; and
- 3) An update on the status of any discipline ATF sought to impose.

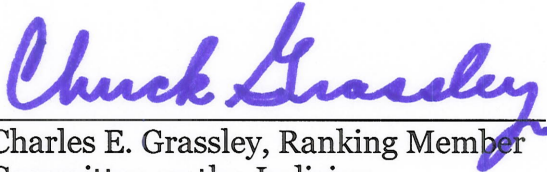
We would appreciate a response as soon as possible, but by no later than January 29, 2013. Should you have any questions regarding this letter, please contact Tristan Leavitt of the Senate Judiciary Committee staff at (202) 224-5225 or Henry

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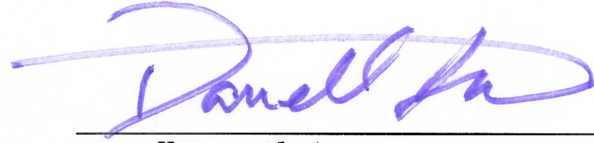
<sup>1</sup> Evan Perez, *Firings Set Over 'Fast and Furious,'* WALL ST. J., Dec. 4, 2012.

Kerner of the House Oversight and Government Reform Committee staff at  
(202) 225-5074.

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 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