

## Another Fact today...Facts are STUBBORN Things...Whistleblower Retaliation Leak

Written by Grassley Press

Friday, 09 December 2011 15:17

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Senator Grassley: “Someone in the Justice Department leaked a document to the press along with talking points in an attempt to smear one of the ATF whistleblowers who have testified before the House. This document was supposed to be so sensitive that you refused to provide it to Congress, but then someone provided it to the press. The name of the criminal suspect in the document was deleted. But the name of the ATF agent was not. This looks like a clear and intentional violation of the Privacy Act as well as an attempt at whistleblower retaliation. In a private phone conversation with me, you already told me that someone has been held accountable for this. But your staff refused to provide my staff with any details. Who was held accountable and how?”

Attorney General Holder: “You know, it – it’s – it – it almost pains me and please don’t take this away from Senator Grassley – pains me that as you said we had a private conversation. You sent me a handwritten note that I took very seriously. You and I have worked together on a variety of things, I think I have a good relationship with you. You sent me a handwritten note that I looked at, took serious, referred that letter to OPR, the I.G., I’m not sure which of the two, and asked them to try to find out what happened. I called you to try to indicate to you that I had taken that matter seriously, that action had been taken. You know, in a different time in Washington, I’m not sure that what you just said necessarily would have been shared with everyone here, but, you know, so be it, it’s a different time I suppose.”

### FACT

A week and a half before the November 8th oversight hearing with the Attorney General,

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Senator Grassley was informed that the Attorney General wanted to speak with him. Their discussion was a follow-up to a handwritten letter which Senator Grassley had sent to Attorney General Holder on June 30, 2011, but had never released or discussed publicly. The letter raised concerns about the leak of a sensitive document to the press regarding a whistleblower who had come forward with allegations of gunwalking.

In the Attorney General's call, he assured Senator Grassley that someone had been held accountable for the leak of the document. However, Attorney General Holder would not identify who had been held accountable. At that time, Senator Grassley informed Attorney General Holder that in order to refrain from raising the issue publicly, Senator Grassley's staff would need more detailed information on the issue from Justice Department staff, such as who had been held accountable and how. After the phone call, Justice Department staff contacted Senator Grassley's staff, but refused to provide any further details.

The evening of the November 8<sup>th</sup> hearing, attorneys for former U.S. Attorney Dennis Burke acknowledged that Mr. Burke had leaked the sensitive document to the press. The Justice Department Inspector General confirmed that the office continues to investigate the leak, which means there are others who may be involved in drafting and distributing the talking points and document to the press. In addition to the Inspector General investigation into the leak, the Justice Department has confirmed that its Office of Professional Responsibility is conducting a separate investigation of other leaks. However, the department has refused to provide additional details.