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June 18, 2009

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-07-0367

Dear Mr. President:

The Office of Special Counsel received a disclosure from a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ). The whistleblower, Special Agent Jay Dobyns, alleged that ATF did not have adequate policies and procedures for reviewing and responding to threats of violence made against its agents and their families. Special Agent Dobyns also alleged that ATF failed to respond to and investigate death threats against him and his family in a thorough and timely manner.

In accordance with a referral pursuant to 5 U.S.C. § 1213(c) and (d), the Attorney General was required to conduct an investigation into these disclosures. Former Attorney General Alberto Gonzalez tasked the DOJ, Office of Inspector General (OIG) with conducting the investigation and writing the report. As discussed further in the enclosed report and Analysis of Disclosure, the OIG investigation partially substantiated the whistleblower's allegations.

The OIG concluded that ATF "needlessly and inappropriately delayed" its response to and investigation of threats against its own agent and that the agency should have done more to investigate threats. The OIG also concluded that ATF's policies and procedures for the management of threats against its agents were generally adequate. In this case, however, a misunderstanding among ATF officials resulted in Special Agent Dobyns and his family being relocated under standard relocation procedures, rather than under emergency relocation procedures as had been recommended. An emergency relocation would have ensured that protective measures were taken to shield the identity and location of Special Agent Dobyns and his family.

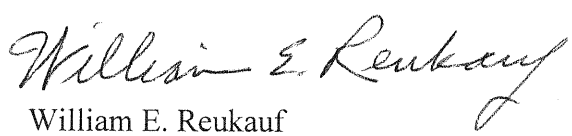
The OIG recommended that ATF amend its policies to prevent similar miscommunication in the future. ATF concurred with the recommendation and has amended its policies and training materials to ensure that ATF personnel are aware of the new policy.

I have reviewed the original disclosures and the reports. Based on that review, I have determined that the agency report contains all of the information required by statute and that the findings appear to be reasonable.

Notably absent from the report, however, is any statement from ATF regarding action taken to address the failure to adequately investigate the threats made against Special Agent Dobyns. If ATF is to fully address this issue, threats against agents must be pursued aggressively and officials at all levels must cooperate in any investigation. The protection of its own agents is critical to the success of ATF's mission to protect the nation from violent crime and enforce federal criminal laws regulating the firearms and explosives industries.

As required by law, 5 U.S.C. § 1213(e)(3), I have sent a copy of the report and the whistleblower's comments to the Chairmen of the Senate and House Committees on the Judiciary. I have also sent copies to the Ranking Member of each Committee. A copy of the report and the whistleblower's comments has been placed in our public file and the case closed. OSC's public file is now available online at www.osc.gov.

Respectfully,



William E. Reukauf
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Enclosures