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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 16, 2021

VIA ELECTRONIC TRANSMISSION

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

Dear Inspector General Horowitz:

On July 30, 2021, the U.S. Office of Special Counsel (OSC) released the results of its investigation into whistleblower allegations of wrongdoing by the U.S. Drug Enforcement Administration (DEA) in Haiti.¹ Those whistleblower allegations related, in part, to concerns about “insufficient vetting of Haitian law enforcement partners” and the DEA’s allegedly sluggish response to “corruption concerns” about a Haitian law enforcement commander.² In a letter to President Biden describing OSC’s findings, Special Counsel Kerner noted that “DEA failed to explain why there was a significant delay in severing ties with a corrupt Haitian official” and described the DEA’s findings and report regarding the allegations as “unreasonable.”³

Further, according to a 2016 Department of Justice briefing document filed with the 11th Circuit Court of Appeals, Rodolphe Jaar, one of the individuals now wanted by Haitian police in association with the assassination of President Jovanel Moïse, “ostensibly acted as a DEA confidential source” in a joint operation in 2012 that involved DEA agents and Haitian police officers from Haiti’s anti-narcotics unit.⁴ That operation targeted a drug trafficking ring that included Jaar and multiple corrupt Haitian police officers providing security for drug shipments bound for the United States.

We understand that your office is conducting an audit of the DEA and its “strategic management and oversight of DEA-supported foreign law enforcement units.”⁵ Based on the subject matter, your audit report likely contains information that will substantially inform our oversight of these matters. Accordingly, we ask that you produce an unredacted copy of the audit report to the Committee as soon as possible.

¹ U.S. Office of Special Counsel, “DEA Investigation Fails to Hold Officials Accountable for Lax Security at Haitian Seaport, Illegal Drug Flow” (July 30, 2021), available at <https://osc.gov/News/Pages/20-20-DEA-Haitian-Seaport.aspx>.

² Letter from Special Counsel Henry J. Kerner to the President (July 30, 2021) at 1-2, available at <https://osc.gov/Documents/Public%20Files/FY21/DI-16-1098%2c%2018-1075/Redacted%20OSC%20Letter%20to%20President%20DI-16-1098%2c%20DI-18-1075.pdf>.

³ *Id.* at 1, 3-4.

⁴ Mark Hosenball, “U.S. probes ties of Colombian suspects in Haiti president’s assassination – source *Reuters* (July 14, 2021), available at <https://www.reuters.com/world/americas/us-probes-ties-colombian-suspects-haiti-presidents-assassination-source-2021-07-14/>; Brief of Appellee at 5, *United States v. Thelemaque*, No. 16-10348 (11th Cir. October 19, 2016).

⁵ U.S. Department of Justice Office of the Inspector General, “Ongoing Work”, available at <https://oig.justice.gov/ongoing-work>.

We anticipate that your written response and the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this important matter. Should you have questions, please contact Daniel Parker of Ranking Member Grassley's staff at 202-224-5225 or Nicole Walton of Chair Durbin's staff at 202-224-7703.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Richard J. Durbin
Chair
Committee on the Judiciary