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United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

September 14, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Loretta E. Lynch
Attorney General
United States Department of Justice
Washington, D.C. 20530-0001

The Honorable Michael Horowitz
Inspector General
United States Department of Justice
Washington, D.C. 20530-0001

Dear Attorney General Lynch and Inspector General Horowitz:

I write with concern regarding multiple allegations of sexual harassment, bullying, gender discrimination, and witness intimidation within the Bureau of Alcohol, Tobacco, and Firearms (ATF). Reports of these practices have been widespread, with many originating from inside the Special Operations Division (SOD) and dating back to 2012. Special Agent SherryAnn Quindley—a 25 year ATF veteran—along with 7 other whistleblowers indicate that they have experienced some form of the above harassment and sought help from the Internal Affairs Division (ATF IAD), largely to no avail. According to these whistleblowers, it is not uncommon for allegations to be suppressed for several years, preventing the Office of the Inspector General (DOJ OIG) from properly determining whether to conduct further investigations.

Quindley and the other whistleblowers allege a wide variety of abuses, and expressed concern for dozens of other female agents who are too fearful of possible retaliation to come forward.¹

¹ As a reminder, denying or interfering with employees' rights to furnish information to Congress is unlawful, 5 U.S.C. § 7211 ("The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."), and obstructing a Congressional investigation is a crime, 18 U.S.C. § 1505 ("Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede . . . the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress" "[s]hall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both."). Furthermore, federal officials who deny or interfere with employees' rights to furnish information to Congress are not entitled to have their salaries paid by taxpayers' dollars. Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113-235, § 713, 128 Stat. 2130 (2014).

Quindley's Claims

Quindley says she began to experience harassment and bullying by then-SOD Deputy Chief Billy Wright in the fall of 2012. According to Quindley, Chief Wright yelled at her in front of subordinates, threatened to “break her,” and eliminated her from Organized Crime Drug Enforcement Task Force (OCDETF) Program meetings and emails to the OCDETF Regional Coordinators. Chief Wright also threatened to put Quindley on a Performance Improvement Plan (PIP) when he claimed a hospital stay prevented her from submitting travel documentation. Additionally, Chief Wright allegedly used Quindley's battle with cancer as an excuse to marginalize her and to transfer her job duties to male counterparts. This behavior appears to violate the Rehabilitation Act's prohibition against discrimination based on a perception of a disability, and is highly inappropriate.²

In February of 2013, Quindley reported the harassment to Chief Wright's superior, then-SOD Chief Charlie Smith.³ Quindley also sought assistance from the Ombudsman's Office, but she was informed that without additional complaints from other women, the office could not help her. The representative further suggested that, if she was experiencing problems, she should find another job.

In March of 2013, Quindley was called into a meeting with Chiefs Wright and Smith in which they threatened an internal investigation by the Office of Professional Responsibility and Security Operations (OPRSO). After the meeting, they escorted her out of the building without any of her personal belongings. By April, Quindley had reported the conduct to the EEO, which she says only seemed to accelerate the harassment. For example, Wright attempted to suspend Quindley for two days after hearing of her complaint—a suspension that was ultimately lifted when deemed inappropriate by new management.

Seven days after filing the EEO, Quindley was informed that ATF was reorganizing SOD and OCDETF which substantially reduced her duties and responsibilities. By August of 2014, almost a year later, EEO completed an investigation. Quindley immediately requested the Final Agency Decision from DOJ's Complaint Adjudication Office, which is still pending. On January 21, 2015, Quindley wrote to Director Brandon who was allegedly aware of the abuses, and asked him to support an investigation of sexual harassment, discrimination, and retaliation related to her and many other women in ATF. Additionally, then-Director B. Todd Jones was allegedly aware of the sexual harassment during his tenure, and failed to properly investigate the claims.

In May of 2015, Quindley filed a complaint with the DOJ OIG, urging it to investigate the many harassment claims filed by female agents within ATF, including her own. In the IG's

² 29 U.S.C. § 705(20) (B); 42 U.S.C. § 12102(1) (C).

³ Billy Wright is now Assistant Special Agent in Charge (ASAC) of the Kansas City Field Division and Charlie Smith is the Special Agent in Charge (SAC) of the Washington Field Division.

response, Deputy Assistant Inspector General Eric Johnson acknowledged that in July 2013, OIG received Ms. Quindley's allegations from IAD, determined the "matter was more appropriate for investigation by IAD," and referred the matter back to IAD immediately. OIG claimed that as of June 2015, the investigation "remains ongoing," and therefore will not take action at this time.

Additional Whistleblowers' Claims

Beginning in August of 2013, IAD interviewed many other women with sexual harassment claims originating in SOD, but most cases never made it past a preliminary investigation. These whistleblowers reported a variety of abuses to the Committee. For example, one whistleblower reported that Chief Wright made unwelcomed sexual advances at a work-related dinner, including squeezing her thigh under the table intimating that he would "take care of her marital issues." He also allegedly attempted to photograph her and several female agents with his cell phone, despite their protestations. Another whistleblower reported that Chief Wright continually belittled her, spoke for her at meetings, used derogatory and offensive language to refer to women, and graphically described oral sex to her. Yet another whistleblower reported that Chief Wright made graphic and offensive comments in her presence and undermined her in her job.

Additionally, one whistleblower alleges witness intimidation. She says she was called by IA to testify as a witness in Quindley's harassment claim, and was placed on administrative leave in an effort to intimidate her from testifying. She was reinstated by upper management shortly afterward.

It has also come to my attention that several agents informed their supervisors of the harassment, and filed EEO complaints. They said that while their claims would often make it to the Chief Counsel's Office, their complaints were often altered and never elevated to the OIG.

According to an ATF Order (ATF O 2130.3), ATF has a zero tolerance policy for harassment in the workplace, and has procedures in place for reporting and responding to workplace harassment. But in the case of Quindley and the additional whistleblowers, it appears that these procedures may have not been followed, and the harassers may have not been reprimanded. In fact, the alleged harassers have reportedly been promoted.

Accordingly, please answer the following questions no later than September 28, 2015, numbering your responses according to their corresponding questions:

1. Attorney General Lynch:

- a. Are Billy Wright and Charlie Smith still employed with ATF? If so, what are their current titles?
- b. If they are still employed with ATF, have they been promoted since FY 2012?
- c. How many harassment complaints have been filed against Billy Wright and Charlie Smith from FY 2011- FY 2015?

- d. Have any of the harassment complaints been investigated past a preliminary stage by IAD? Please provide the number of complaints investigated from FY 2012-2015 and the outcomes of the investigations.
 - e. What procedures are in place for reporting and responding to workplace harassment per ATF O 2130.3? Please provide copies of the procedures.
 - f. Are employees with complaints provided the option of filing with the OIG as an alternative to IAD?
 - g. What is the Office of the Chief Counsel's role in investigating harassment complaints?
 - h. Have Billy Wright, Charlie Smith, or others informed of the harassment been disciplined? If so, how? Please provide all documentation detailing the discipline.
 - i. What is the current status of Quindley's case?
 - j. What is the average punishment per violation of a male 1811 versus a female 1811? Please explain.
 - k. What is the percentage of female 1811s versus male 1811s who are investigated pursuant to an anonymous allegation?
 - l. How many times has the ATF punished a first line supervisor for failing to report sexual harassment? Please provide all relevant documentation.
 - m. Name current SESs that have sustained sexual harassment findings and maintained their SES status? Please provide all relevant documentation.
 - n. What is the average time it takes to resolve a sexual harassment or gender discrimination claim after a complaint is filed with EEO?
 - o. How many times has a filing of an EEO claim resulted in an OPRSO formal investigation of the alleged perpetrator?
 - p. How many times has a filing of an EEO claim resulted in an OPRSO formal investigation of the claimant?
 - q. Please provide documentation punishment delivered to women 1811s versus male 1811s for the same offense during the same time frame.
2. Inspector General Horowitz:
- a. In March of 2015, DOJ OIG reported on the Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components.⁴ Is it possible many of the sexual harassment claims originating from ATF and described above weren't included in the report because they were never elevated past a preliminary investigation or not shared with the OIG for some other reason? Please explain.
 - b. Please investigate all sexual harassment, bullying, witness intimidation, and gender discrimination allegations referenced above.

⁴ U.S. Department of Justice, Office of Inspector General, "Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components," March 2015; <https://oig.justice.gov/reports/2015/e1504.pdf>

c. Please contact my staff to arrange an interview with SherryAnn Quindley.

Thank you for your attention to this important matter. If you have any questions, please contact Katherine Nikas of my Committee staff at (202) 224-5225. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley

Chairman,

Committee on the Judiciary