



New “Whistleblower” Position Created Inside Justice Department

Department of Justice Inspector General Michael Horowitz has announced the [creation](#) of a new “Whistleblower Ombudsman” position to protect federal employees who report misconduct within their department.



Fox News reported August 8 on this position — one of the first of its kind in the federal government:

The Whistleblower Ombudsman will focus on training department employees about how colleagues who come forward improve “the effectiveness and efficiency” of the department, and educating department employees about legal protections for whistleblowers and the possible repercussions of retaliation against them, a press release said.

Additionally, the U.S. House is now considering the Whistleblower Protection Enhancement Act (WPEA), which would require each inspector general to designate an ombudsman. The Senate has already passed its version of the bill, S. 743, with unanimous consent in May.

The announcement from the Justice Department’s inspector general indicates that other inspectors general may designate their own ombudsmen.

Inspector General Michael Horowitz [explained](#) that the position is intended to protect whistleblowers, who “play a critical role in uncovering waste, fraud, abuse, and mismanagement, and this new position will enable the OIG [Office of Inspector General] to continue its leadership as a strong and independent voice within the Department of Justice on whistleblower issues.”

Analysts contend that the new ombudsman position was prompted by allegations from whistleblowers at the Bureau of Alcohol, Tobacco, Firearms, and Explosives (still known as ATF) that they have faced retaliation for exposing the bureau’s scandalous Fast and Furious gunwalking operation that armed Mexico’s largest drug cartel with thousands of assault rifles.

Vince Cefalu worked for ATF for 24 years before he was fired following his instrumental role in the exposure of the Fast and Furious operation. Unsurprisingly, ATF denies that he was terminated for whistleblowing. An ATF spokesman issued the following statement in reference to Cefalu’s termination: “ATF will not comment on specific, ongoing personnel matters. It is illegal to use disciplinary actions to retaliate against employees, and ATF does not engage in such improper reprisals.”

But Cefalu remains unconvinced, though he does not regret his decision to expose the underhanded government operation:



Written by [Raven Clabough](#) on August 10, 2012

I feel instrumental in doing my job. That's all I ever wanted to do. We don't cheat to win. We play by the rules. And, when our leadership chose to not play by the rules, people stepped forward.

Cefalu was not the only ATF employee alleged to have experienced retaliation. Peter Forcelli — one of the first to report to a House panel on Fast and Furious — claimed that after his testimony, prosecutors in Arizona “made false accusations in an effort to discredit me.” According to Forcelli, the majority of the retaliation came from the U.S. Attorney's office in Phoenix, which worked closely with his field on the gunwalking operation.

“I was forced to relocate, and had to short-sale my home for a loss of nearly \$200,000,” he wrote in an email. He said his wife had to quit her job, but “most hurtful” to him was that his daughter, “who also felt very uncomfortable, was forced to leave” the college that had awarded her a full scholarship worth \$82,000.

And ATF whistleblower Larry Alt contends that he was transferred to an “administrative job” and received a poor work evaluation after he voiced concerns about Fast and Furious. His retaliation claims are still being resolved. “This process ... has taken a personal toll on all of us,” he stated.

According to Senator Charles Grassley (R-Iowa), whistleblowers at the ATF had been put under the supervision of Scot Thomasson, the bureau's public affairs division chief in 2011, who reportedly made fiery statements about these men. “We need to get whatever dirt we can on these guys and take them down,” Thomasson allegedly stated. “All these whistleblowers have axes to grind. ATF needs to F**k these guys.”

Meanwhile, the inspector general's office claims that the new position “is not a direct result of Fast and Furious,” pointing to legislation that made recommendations for such a position in the past. The spokesman asserts that a number of recent cases compelled the creation of the position at this time.

But as noted by Fox News, “The timing comes amid several Fast and Furious developments.” Earlier this week, for example, the U.S. Special Counsel's office announced that Peter Forcelli had “successfully [resolved](#) his case” of alleged retaliation, though the details of that settlement are confidential.

“It's nice to have it over,” said Forcelli. “I'm glad ATF has put me in a position to continue my career and, frankly, let me and my family get on with our lives.”

Dan Meyer, director of Whistleblowing and Transparency at the Department of Defense's inspector general's office, made a [statement](#) regarding the new position:

Beginning with the Department of Interior a decade ago, ombuds offices have been created and tailored to the mission of each Executive branch agency seeking to execute the Whistleblower Protection Act of 1989, as amended. Inspectors general sit at the perfect crossroads within which to locate this mission, and it is great news that Justice is now joining the ranks of Interior, Defense, Commerce, Homeland Security and the other programs established thus far. We look forward to not only close cooperation with our new peer in the support and deconfliction of cases, but also in furthering whistleblowing policy discourse and exploring how we all protect the sources that make our investigations, audits, evaluations and inspections possible.

Despite the stated intent, however, the creation of the new position will likely do little to assuage concerns about possible retaliation against whistleblowers, particularly since the position comes out of the same department that is now under investigation for helping to cover up the very scandal that likely



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prompted the need for the position in the first place.

Robert Storch, a senior official in the inspector general's office, has already been recommended for the position.

Members of the GOP have voiced [support](#) for the new position.

"In light of Operation Fast and Furious, this position is especially necessary at the Justice Department," said Senator Charles Grassley, who is conducting a joint investigation into Operation Fast and Furious with Rep. Darrell Issa.

"The creation of this new position by the inspector general is a clear and positive response to the difficulties ATF Fast and Furious whistleblowers encountered," Issa said in a statement. "The ombudsperson should give DOJ employees greater confidence to come forward when they see wrongdoing or abuse."

Photo: Justice Department building in Washington, D.C.



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