



Written by [Alex Newman](#) on July 20, 2012

After Fast and Furious, Lawmakers Slam ATF Threats Against Whistleblowers

As the “Fast and Furious” [federal gun-running scandal](#) continues to grow, top Republican lawmakers and concerned analysts are crying foul after Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) boss B. Todd Jones was caught making statements perceived as a threat against agents who blow the whistle. Trying to stop or retaliate against whistleblowers who expose unlawful actions, of course, violates federal law.



The controversial statements by ATF Acting Director Jones were made in a [video recording](#) for agents posted online earlier this month. “Choices and consequences means simply that if you make poor choices, ... if you don’t find the appropriate way to raise your concerns to your leadership, there will be consequences, because we cannot tolerate — we cannot tolerate — an undisciplined organization,” Jones warned agency officials, ordering agents to “respect the chain of command” or suffer the consequences.

The ATF has been embroiled in a monumental scandal for over a year surrounding its [deadly scheme to put thousands of American guns in the hands of Mexican drug cartels](#) — allegedly an operation aimed at somehow disrupting weapons trafficking, but later [shown to have been exploited to lobby for gun control](#). Some of those taxpayer-funded weapons have been recovered at crime scenes including the slaying of U.S. federal agents such as [Border Patrol officer Brian Terry](#) and hundreds of murders in Mexico.

Fast and Furious, which eventually led to [disgraced Attorney General Eric Holder](#) being [held in contempt of Congress](#), was originally exposed by brave ATF agents who risked their careers to blow the whistle. Since then, however, multiple allegations of [unlawful retaliation](#) against the whistleblowers have emerged. And the Department of Justice has been scrambling to cover up the expanding scandals for over a year.

For that reason and others, ATF boss Jones’ comments struck a nerve among lawmakers trying to investigate the Obama administration and its Justice Department. Senate Judiciary Committee ranking member Sen. Chuck Grassley (R-Iowa) and House Oversight and Government Reform Committee Chairman Rep. Darrell Issa (R-Calif.) — the two members of Congress leading the investigation into Fast and Furious — responded to the ATF video this week with a strongly worded letter seeking clarification.

“Your ominous message — which could be interpreted as a threat — is likely to have a major chilling effect on ATF employees exercising their rights to contact Congress. Therefore, it needs to be clarified,” wrote the GOP lawmakers in their correspondence with Jones, reminding him that whistleblowers played a key role in exposing Fast and Furious. “On numerous occasions, we have stressed to ATF and the Department of Justice the importance of protecting whistleblower disclosures and preventing



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retaliation against whistleblowers.”

The lawmakers are seeking an official response by next week. The letter also demanded that the ATF remind its employees that they have a right to talk to Congress and provide information without any interference or threats from management.

Speaking on Fox News, Rep. Issa called the ATF chief’s statements “scary” and suggested Jones was making unlawful efforts to keep agency misconduct from going public. “What it appears to be is a not-so-veiled threat telling [ATF employees] not to do what they did to expose Fast and Furious,” the Oversight Committee Chairman explained. “He’s basically saying ‘no, keep it in the chain.’”

Sen. Grassley also spoke out about the brewing scandal, telling Sinclair Broadcasting, which reported the story with the *Washington Guardian*, that such lawless behavior by federal bosses could not be tolerated. “It ought to be a wake-up signal for everybody in Congress who wants to do their job of constitutional oversight. You can’t put up with agency heads like this having this attitude,” he explained. “It is outrageous that a leader of a major organization of any department, particularly law enforcement, would have the temerity to make those sorts of comments.”

Whistleblower advocates slammed Jones’ highly controversial remarks as well, warning that federal law specifically protects individuals who go outside the “chain of command” to expose wrongdoing. Analysts also said the ATF chief’s threats may frighten people who otherwise would be blowing the whistle on government corruption and crime.

“This video will cause a chilling effect,” [noted](#) Executive Director Stephen Kohn with the National Whistleblower Center. “There are many cases that say whistleblowers can ignore the chain of command. In fact, under the Whistleblower Protection Act [WPA], you may lose protection if you only report to your first line supervisor, and going outside chain is a way to get protection ... Also, the WPA says that ‘any disclosure’ is protected, not just disclosures made in the ‘appropriate way.’”

Richard Renner with the National Whistleblowers Legal Defense and Education Fund cited numerous court rulings to highlight the fact that government employees have a right to express their concerns to Congress without fear of retaliation. He also pointed out that government efforts to impose “chain of command” restrictions on whistleblowing are unlawful.

“The whole point of having whistleblower protection is to encourage employees to raise their concerns to the channels that could do something about the violation at issue,” Renner [explained](#). “If Fast and Furious will teach us anything, it should be that encouraging employees to raise their concerns early and often will help stop miscarriages of justice from growing into national scandals.”

ATF agents cited in news reports also expressed fears about Jones’ threats, calling the video “Orwellian” and saying that the warnings were aimed at preventing more whistleblowers from coming forward. “The message was unmistakable. Keep your head down and the only way you can report wrongdoing is by going to your chain of command. It was chilling, Orwellian and intimidating,” an agent told the *Washington Guardian* on condition of anonymity. “What are you supposed to do if your chain of command is the one you think is involved in the wrongdoing? That was why OSC and IGs were created.”

Of course, ATF spokesmen promptly tried to claim the video was somehow taken out of context. One senior official even suggested implausibly that Jones’ comments were actually aimed at addressing the concerns of agents themselves, though it was not clear how threatening them with “consequences” for publicly exposing misconduct would put their minds at ease.



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“[Jones] regularly invites feedback and many employees’ concerns have been about a lack of accountability for those who don’t abide by agency rules,” [claimed](#) the agency’s acting chief of legislative affairs. Other spokespeople cited in media reports said the ATF would work with the embattled Justice Department to address lawmakers’ concerns.

Despite the agency’s half-baked attempt at “damage control,” activists [say](#) the ATF response is actually raising new concerns. And as the swirling scandals surrounding the Justice Department and the Obama administration continue to build, more fallout is expected.

Jones replaced the previous ATF acting director Kenneth Melson, who stepped down last year amid a nationwide outcry over Fast and Furious. At one point, Congress even [threatened the former chief with contempt charges](#) for stonewalling the congressional investigation and defying lawful subpoenas.

Pressure is also growing on disgraced Attorney General Holder, who oversees ATF, to resign or be fired — with well over 100 U.S. lawmakers adding their voices to the effort. Among other controversies, the extreme anti-gun zealot was [caught on camera proposing a government campaign to “brainwash”](#) the youth against the right to bear arms.

Holder was also exposed [providing false statements under oath](#) and continues to deny access to crucial documents sought in the Fast and Furious investigation, leading Congress to hold him in contempt last month. Lawmakers say his now-tainted Justice Department is stonewalling a separate probe into [drug-money laundering by the DEA](#) as well.

Photos of Rep. Darrell Issa (R-Calif.)(L) and Sen. Charles Grassley (R-Iowa)(R): AP Images

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