Written by **Joe Wolverton, II, J.D.** on July 25, 2015

Obama Blocks Investigator's Access to Files Related to DOJ Scandals

President Obama has ordered that if the official tasked with investigating corruption in the Department of Justice wants access to sensitive files, he'll have to get permission from — the Department of Justice.

That directive was part of a 58-page ruling delivered by the Justice Department's Office of Legal Counsel and it makes it very hard for the inspector general to get access to wiretaps, grand jury, and credit information necessary to expose fraud and other misdeeds perpetrated by the Justice Department.

"Without such access, our office's ability to conduct its work will be significantly impaired, and it will be more difficult for us to detect and deter waste, fraud, and abuse, and to protect taxpayer dollars," Inspector General Michael Horowitz said in a statement published by the *Washington Post*.

"Congress meant what it said when it authorized Inspectors General to independently access 'all' documents necessary to conduct effective oversight," he added.

A bipartisan group of congressmen agree.

In a statement published on his website on July 23, Senator Chuck Grassley (R-Iowa) joined three of his colleagues in condemning the Obama administration's attempt to block the inspector general investigation:

> The Inspector General Act of 1978 directs that Inspectors General have a right to access all records, documents and other materials. If the Inspector General deems a document necessary to do his job, then the agency should turn it over immediately. The clear command of that law is being ignored far too often by agencies across the executive branch. By this opinion's tortured logic, "all records" does not mean "all records," and Congress's recent attempt to underscore our original intent with an appropriations restriction is nothing but a nullity. The prospect of the Obama administration using this opinion to stonewall oversight, avoid accountability, and undermine the independence of inspectors general is alarming.

Congressman Bob Goodlatte, chairman of the House Judiciary Committee, stated,

> Today's Office of Legal Counsel opinion contains the same kind of outcome-oriented lawyering that produced the Department of Justice's infamous recess appointments memorandum, which was unanimously rejected by the Supreme Court in 2014. The law is clear that the Office of the Inspector General should have unfettered access to materials for its investigations, but political lawyers at the Department of Justice have engaged in legal gymnastics to shield key information from government watchdogs.

What would the Justice Department have to hide?

The Justice Department is stiff-arming the inspector general's requests for records relating to several DOJ scandals, including: (1) whether the Department had violated the civil liberties and civil rights of individuals detained in national security investigations following 9/11, (2) Operation Fast and Furious, (3) the FBI's use of National Security and Exigent letters, (4) the DEA's (Drug Enforcement Administration's) sex parties scandal, (5) the DEA's use of confidential sources, and (6) the DEA's use of administrative subpoenas to obtain bulk data collections.

Last February, Horowitz told a congressional committee that "the FBI has failed to turn over key records in several whistleblower cases," the *Post* reports.

That's not surprising.

Despite campaign promises to "strengthen whistleblower laws to protect federal workers who expose waste, fraud, and abuse of authority in government, President Obama has single-handedly prosecuted (and persecuted) more whistleblowers than any of his predecessors.

With the formal filing of the charges against NSA leaker Edward Snowden, this president has charged eight whistleblowers under the Espionage Act.

One of the targets of the president's prosecution and persecution of those he promised to protect was trying to expose the details of the Department of Justice's "Operation Fast and Furious" gun running program. As reported by *The New American* in October 2013:

> The Obama administration, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in particular, are under fire from across the political spectrum again after they were publicly exposed trying to censor a key whistleblower in the Fast and Furious federal gun-running scandal by preventing him from publishing a book about it.
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> Claiming that publication of ATF Special Agent John Dodson's manuscript would harm agency morale, official documents show that the out-of-control bureaucracy sought to violate the First Amendment in an apparent effort to avoid further scrutiny of its lawless activities. However, that attempt failed miserably, and the scandal is back in the headlines with a vengeance.
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> The Fast and Furious revelations showed, among other deadly serious scandals, that the ATF, disgraced Attorney General Eric Holder's Justice Department, and other top officials conspired to send thousands of high-powered weapons to Mexican drug cartels at U.S. taxpayer expense. Many of those guns were used to murder Mexican citizens and even U.S. law-enforcement officers. It was later learned from official documents that the supposed "drug lords" allegedly being "investigated" were already on the FBI payroll, and that the administration was plotting to use the Fast and Furious violence to advance its unconstitutional assault on the Second Amendment.

As for the FBI, that agency has been on a tear through the Fourth Amendment for years.

Just days ago, FBI Director James Comey told the members of the Senate Judiciary Committee that in order to stay a step ahead of the bad guys, the g-men should have access to any available technology to decode encrypted data. And that the government should be the arbiter of when decryption is necessary or not.

Last year, the Obama Justice Department asked that a committee be empaneled to amend Rule 41 of the Federal Rules of Criminal Procedure (FRCP).

In plain terms, Rule 41 mandates that judges may issue search warrants only within the districts where they have jurisdiction. The FBI wants this restriction removed.

Specifically, the FBI wants a judge to be able to issue an electronic surveillance warrant authorizing the feds to search the contents of a computer, regardless of where that computer is physically located.

In an article from April 2013, the *Washington Post's* Ellen Nakashima wrote, "Driven by FBI concerns that it is unable to tap the Internet communications of terrorists and other criminals, the task force's proposal would penalize companies that failed to heed wiretap orders — court authorizations for the government to intercept suspects' communications."

In that proposal, the FBI would give Internet companies a chance to develop their own plan to place the wiretaps on clients' online activity. There are limits to this "freedom," however.

If the company's solution fails to meet federal muster, the FBI would mandate the enforcement of its own surveillance standards and practices.

Finally, at a hearing of the Senate Judiciary Committee on June 19, 2013, former FBI Director Robert Mueller testified that his agency had used drones to monitor American citizens within the United States.

In light of all these scandals, it's no wonder the president wants to take extraordinary steps to stop the inspector general from getting eyes on sensitive, likely inculpating evidence of the Justice Department's darkest deeds.

Photo of President Obama: AP Images