



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 2, 2010

The Honorable Frank R. Wolf
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Wolf:

This follows up on your letter, dated January 26, 2010, to Inspector General (IG) Glenn Fine regarding your concerns about the Department's response to your allegations about improper partisan political considerations affecting the Department's decision last year to dismiss claims against some of the defendants in *United States v. New Black Panther Party for Self-Defense, et al.*, Case No. 2:09-cv-0065 (E.D. Pa.) (the NBPP case). While we understand that IG Fine has responded to your letter, we believe it is important for the Department to address your concerns about the Office of Professional Responsibility (OPR), the pending matters before the U.S. Commission on Civil Rights, and our responses to your previous inquiries.

As you know, OPR initiated an investigation into the conduct of Department attorneys in the summer of 2009. Since then, OPR has advised that it has reviewed voluminous documents, conducted numerous interviews and its comprehensive investigative efforts are continuing. Once that phase is completed, OPR will draft its report, which OPR expects will be extensive. If OPR's draft report includes findings of professional misconduct, then the affected Department attorney(s) will have an opportunity to comment on the draft before OPR completes its final report. Thereafter, the Department will follow established practices, which may vary depending on the nature of any OPR findings. We will supplement this response when that process is concluded.

We must respectfully take issue with your questioning of OPR's ability to conduct an "unbiased and independent review" of this matter. We believe that such a charge is groundless. On the contrary, the Department expects that is precisely what OPR will do with all of the energy, dedication, and professionalism that the Office has demonstrated for more than thirty years. It has a long history of investigating allegations that improper political considerations affected the Department's prosecution and litigation decisions. Moreover, OPR is staffed entirely by career Department of Justice employees, most of whom have, prior to joining OPR, distinguished themselves as Assistant United States Attorneys, trial lawyers in the Department's litigating divisions, and/or litigating partners in private law firms. They are particularly well suited by their experience and career status to conduct full and fair investigations into allegations such as those at issue here, and report their independent findings to appropriate decision-makers within the Department. Any suggestion to the contrary is patently false.

We also should note that the Department has responded at length to requests for documents and other information in connection with the on-going proceedings before the U.S. Commission on Civil Rights. Additionally, you will recall that we briefed you personally about the litigation decisions in the NBPP case. We assure you that we will continue to make our best efforts to address the issues arising in the Commission proceedings.

We hope that this information is helpful. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Weich', with a stylized flourish at the end.

Ronald Weich
Assistant Attorney General