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Kevin Johnson/NPF - 0:00:00

No job in government, I think, is more similar to what we do as journalists, other than that of the Inspector General. The 75 nonpartisan officials who serve as watchdogs against waste, fraud and abuse across the government often work in relative anonymity. Yet no one Inspector General has been swept into more controversial assignments since his appointment at the Justice Department 12 years ago than this guy Michael Horowitz. From a searing assessment of the ATF just months after he took the job, to scathing reviews of the FBI surveillance programs and failures, repeated failures at the Federal Bureau of Prisons, which continue to play out over recent days, including the suicide of Jeffrey Epstein, the murder of Whitey Bulger.

Kevin Johnson/NPF - 0:00:35

The Inspector General's job is to reconcile those events. And as you can imagine, he's not a very popular guy at the Justice Department. But his work and that of his colleagues should be must reads for all of us as we attempt to bring accountability to the institutions that that we cover. We're extremely fortunate to have Michael Horowitz here with us today to discuss the work and it's extraordinary value to to all of us. So I'll turn it over to Michael.

Michael Horowitz Inspector General DOJ - 0:01:30

Thank you, Kevin. Good to be here with all of you. And I'll just start by echoing Kevin's comments about the similarity between the work that we do and the work that you do. But they're obviously important differences and look forward to chatting about those as well. Just by way of background, I'll mention a few things love and then just love to hear your questions and thoughts and where you want to take the discussion. Couple things by way of background is reinforcing what was in the PowerPoint I GS came into being in 1978. It's a post Watergate reform, perhaps one of the most significant times in journalism's history, The Watergate events.

Michael Horowitz Inspector General DOJ - 0:02:09

This was a post Watergate reform at the time. In 1978, when the Inspector General Act was passed and signed into law by then President Carter, there were 12 Inspectors General, none at the Justice Department. By the way, the Justice Department opposed having an Inspector General at the Justice Department believing its own Internal Professional Responsibility Office could handle matters and that the FBIDEA and others could handle their own internal affairs matters through their Internal affairs agencies.

Michael Horowitz Inspector General DOJ - 0:02:35

Fast forward 10 years later, 1988, the 1st 12 I GS were very successful and Congress passed amended the IG Act to move that number up to 66 I GS and we've gotten now as high as 75 as Kevin mentioned. But

in 1988, that's when the DOJ Inspector General came to be. It actually was a fight at the time. The Attorney General at the time, Dick Thornburg, also opposed the creation of a DOJIG, much like Griffin Bell did under during the Carter administration. But there was a compromised reach and ultimately the department withdrew its objection. The compromise was that we would have authority to investigate all employees at the Justice Department for misconduct with one carve out one exception for lawyers at the Justice Department so that Corvette still exists today.

Michael Horowitz Inspector General DOJ - 0:03:37

Misconduct, professional misconduct by lawyers goes to the Department's office. Professional responsibility. We have fought that for 3536 years now. We've been close but unsuccessful to having that changed. Just a few weeks ago, Senators Durbin, Grassley and Lee put forward a bipartisan bill that is supported by a wide range of members in the Senate from the left and the right, Republicans, Democrats. It's an interesting group.

Michael Horowitz Inspector General DOJ - 0:04:26

If you look at the list, you will probably won't find another bill like that and we'll see where it goes. But that's something that exists from 1988. It was the compromise that was reached, which is we would have oversight over. Actually, let me amend that briefly. It was the Corvette in 1988. Not only was for lawyers at the Justice Department, it is also for the FBI and the DEA, the Drug Enforcement Administration.

Michael Horowitz Inspector General DOJ - 0:04:49

And that was the So we essentially had oversight at the time over what was then the Immigration and Naturalization Service which was at the Justice Department until the post 911 creation of DHS and the US Marshall service. That was the mostly what DOJIG my office did at the time. Fast forward to 2001 and the Richard Hanson and Aldridge AIM Ames spy scandals, 2 FBI agents who were arrested for espionage. And after the second one involving Hanson in 2001. Then Attorney General Ashcroft was so upset with the FBI and how it managed its internal affairs function and not having found this out earlier, decided to extend our jurisdiction to cover both FBI and DEA. And then Congress codified that a year later.

Michael Horowitz Inspector General DOJ - 0:05:48

So that's how we got to where we are today. 2001 Attorney General Ashcroft decision 2002 congressional enactment and again that's where we are today. Almost essentially every single attorneys general since 1988 has opposed expanding our jurisdiction to cover lawyer misconduct, professional misconduct at the Justice Department. So we investigate FBI agents for wrongdoing, but if they do that wrongdoing with the DOJ lawyer, the DOJ lawyers looked at by Professional Responsibility Office, we deal with the FBI. Our view is there's really no principled reason why you would have oversight of all these employees at the Justice Department except for lawyers by a statutorily independent OIG, while not having that kind of oversight for prosecutors who are overseen by an office that reports to the Attorney General and the Deputy Attorney General and is appointed by the AG and the Deputy AG.

Michael Horowitz Inspector General DOJ - 0:06:31

And when I say statutorily independent, let me just mention a few things that give you a sense of what that is. Is Kevin mentioned, I've been in the job 12 years. I don't have a term of years and IG all of the presidentially appointed Senate confirmed. I GS. I won't get into all the differences, but there's two groups of I GS. Some are agency appointed at the smaller agency, the cabinet level agencies are all presidentially nominated, Senate confirmed.

Michael Horowitz Inspector General DOJ - 0:07:17

So there's actually among the I, GS, there's a split. It's about 3737 or so, 3738 with the exact number. It's close to 5050. So I'm going to talk about the larger agencies. In my experience, we don't have a term of years. I can only be removed by the president.

Michael Horowitz Inspector General DOJ - 0:07:41

The attorney General has no personnel authority over me. My pay, my pay is set by statute. The attorney general, I don't get a bonus. I don't get any salary increases through the Attorney general. The attorney general has no personnel authority. I'm not rated, I'm not reviewed.

Michael Horowitz Inspector General DOJ - 0:08:00

It is there is only removal and there's only removal by the president. We have our own hiring authority. We have our own budget line and the budget that it was just released. There's a separate budget line for every Inspector General, which means we get our money funding and we manage our own funding. We don't get funding from the department. We manage our own funding.

Michael Horowitz Inspector General DOJ - 0:08:24

We have. I have my own general counsel. I take my legal advice from my general counsel, not from the department's lawyers. All of these processes are in place. I one other important one I'll just mention. I decide what to review or investigate.

Michael Horowitz Inspector General DOJ - 0:08:39

The attorney general can't tell me what to do. Obviously we take recommendations seriously from the Attorney General. It frankly doesn't frequently happen that we get recommendations. We like to joke. We send out every year to all the components of the Justice Department. They're about 3536 components at the Justice Department, by the way, Does anybody know the two biggest ones?

Michael Horowitz Inspector General DOJ - 0:08:59

And we want to guess what the two biggest components of the Justice Department are. One's obvious Nope, Nope, Nope. FBI is 1. Anybody want to guess what the other one is? The other one's actually the largest employer at the Justice Department. No prisons.

Michael Horowitz Inspector General DOJ - 0:09:24

Federal Bureau of Prisons is the largest employer at the Justice Department with almost 35 to 40,000 people roughly. FBI is right about it, that same number now. So we send out to all it's around 3536 Components, I think is the number of the department every year and say is there any work you'd like us to do, any recommendations you have for us. And as we like to joke, we get back from the FBI saying yes, you should look more at the DEA. We don't get, we don't get many requests in but obviously when we do, we take them seriously because we get so few and we when we get them, they're very serious matters. For example, on the FISA review that we did, that was a request that came in from the Attorney General for the Operation Fast and Furious.

Michael Horowitz Inspector General DOJ - 0:10:06

That was a request that came in from the Attorney General. So we take them seriously when we get them, but we decide what to investigate and what to review. I've about 535 people or so now in my shop, which is the 10th largest IG, the Defense Department Inspector General and the HHS Inspector General, the two largest by far. They have 1600 to 1800 people, but obviously they're looking at a trillion dollars plus sometimes in spending we. So we're about the 10th largest IG. We are, by comparison, our budget's about \$150 million.

Michael Horowitz Inspector General DOJ - 0:10:53

By comparison, the Justice Department's budgets north of \$32 billion, thirty \$3 billion. And there are about 110,000 employees at the Justice Department. By the way, those two entities, FBIBOP, make up 2/3 of the Justice Department. So if any of you cover the Justice Department, those two make up 2/3 of it both personnel wise and budget wise. So if you're if people ask you, you know what are you covering when you're covering Civil Rights Division, US Attorney's offices, all of those places, they are a very small part by comparison to the other two entities. A couple other things just to mention.

Michael Horowitz Inspector General DOJ - 0:11:34

Speak

We are we have several key principles that we abide by, all of us. We are statutorily independent, which means while I report to both Congress and the Attorney General, as I said, the Attorney general doesn't review me or rate me. I make independent decisions and I have to make independent decisions. The other is we're nonpartisan. We are scrupulously nonpartisan. If I go to the if I get a reach out from a member of Congress or their Staffs to talk about an issue, we will always reach out to the other side whether it's Republican called us.

Michael Horowitz Inspector General DOJ - 0:12:09

We'll go to a Democrat what Democrat call this, we'll go to Republican to make sure they each know our communications and and how we're operating what we're being asked. We do not want to be seen as partisan in any shape way shape or form. So those are two basic principles. The the two principles we abide by generally are we are all about transparency and we're all about accountability. And I like to quote Justice Brandeis in that regard, which was his famous comment that Sunlight is said to be the best of disinfectants, which as journalists, you probably want to be saying as well, right? We start from the proposition that everything we do should be public, except when the law says it can't be.

Michael Horowitz Inspector General DOJ - 0:13:04

That's essentially what we do when we talk with internally about putting out reports. That's what we're looking at. We're looking at first and foremost, as you might guess, classified information. Obviously, there's no exception for that. If it's classified, it's not being made public. There are other areas.

Michael Horowitz Inspector General DOJ - 0:13:31

There's law enforcement sensitive. There are other markings that leave more room for debate and discussion. But we're starting from that standpoint. The Privacy Act turns out to be probably the biggest issue where we work through things as to whether we're able to put something out publicly. And if we can't put everything out publicly, we will often either redact the information so you'll see things with black markings, or we will try and write around the issue. So if it's classified, we'll try and write around it so it can be public.

Michael Horowitz Inspector General DOJ - 0:14:00

If it's a name, for example, that needs to be redacted because the Privacy Act analysis wouldn't wouldn't cause us to make the name public. We will often give monograms or other things, person one person two things like that, so that we're not black marking everything and having people guess what's behind the black marking. But that's what we try and do. We try and be as transparent as we can. Everything, as I said that we can make public, we do. You can go to our website oig.justice.gov or if you go to the Main Justice website you can navigate to us through there and you can find our reports up there.

Michael Horowitz Inspector General DOJ - 0:14:36

You can also go, and I just want to mention this, to something called oversight.gov that is a website that when I was chair of the IG Council we created that hosts all I GS reports. So if you're covering anybody, I would strongly recommend you go to look at oversight.gov You can also sign up for the IG community's Twitter account. It is, it does, it doesn't tweet all day, It's, you know, commentary or anything like that. What happens is every time any IG posts a report, they post about to their website and to oversight.gov and a tweet is automatically generated that says today IG office blank issued report blank.

Michael Horowitz Inspector General DOJ - 0:15:22

So you can see it say that's interesting, not interesting and you can click the link and go if you think it's interesting. The there is almost 30,000 reports on oversight.gov now given the given where we are. So it's a very valuable resource. If you want to look at DOJ specific go to our website. But you know that to us is the the one of the most important responsibilities we have, which is to let the public know what's going on at the Justice Department and to fill our mission, which is to assess the efficiency of department programs as well as obviously to investigate allegations of waste, fraud, abuse and

misconduct.

Michael Horowitz Inspector General DOJ - 0:15:58

That's what we're that's what we're doing regularly. My 500 personnel is comprised mostly of auditors and law enforcement agents. We also have evaluators and inspectors. One of the things we're doing now by the way are unannounced inspections of federal prisons and those are much smaller groups compared to the auditors and the agents. We also have a small group of lawyers and then obviously back office operations. So that that's comprises who we are and what we do.

Michael Horowitz Inspector General DOJ - 0:16:50

Couple other things to mention. Whistleblowers are critical to who we are, what we do, We take their complaints seriously, we take retaliation against them particularly seriously. But whistleblowers are very important part of what we do. Obviously I know very important part of what you all do. In addition, you know from our standpoint and just talk about some of the similarities, picking back up on what Kevin said at the outset, we are all about writing in detail. You might wonder as you go to our our website, why are you bothering to write 100 page reports?

Michael Horowitz Inspector General DOJ - 0:17:34

Nobody reads them, right? You're writing 500 words would be a lot right in the story, Kevin. Right, right. We're writing. Our Pfizer report was more than 500 pages and we don't get paid by the word. And there's the reason we do that is because we are much like judiciary.

Michael Horowitz Inspector General DOJ - 0:17:58

We're all about the public understanding what happened through our written products. I don't go out and do press conferences. I when I speak, I largely speak through congressional hearings. There are occasions where I'll do interviews with reporters. In fact, Pierre was just here. I did one with him that's six months ago on the Bureau of Prisons.

Michael Horowitz Inspector General DOJ - 0:18:27

Our oversight work generally and what reports we've done talk to Kevin on occasion about prison stuff. I'm I'm not looking to make headlines not going out there trying to have our name above the fold. The reports will either do that or not do that. You'll all decide where it goes. It's but it's very important for us, for the public to see all the facts so that they can make an assessment based on the facts. The truth in our view, still matters.

Michael Horowitz Inspector General DOJ - 0:19:02

There is truth. It's based on the facts. And if people have the facts, they can then debate. If it's a political issue, the political issue, if it's a policy issue, the policy issue. We don't get involved, by the way, in policy at all. We are not management.

Michael Horowitz Inspector General DOJ - 0:19:19

We don't do policy. We're there to independently assess how programs are operating and whether there was waste, fraud, abuse and misconduct. So it's very important for us to get a unbiased, very, I'll tell you flatly written report out there. I'll just by way of background, we did a 40th anniversary event. In fact, if you looked at the PowerPoint, there's embedded in there a 40th anniversary video which you might want to take a look at back in 2018. And we did a all day event at the Capitol and among the speakers we had was Bob Woodward who came in.

Michael Horowitz Inspector General DOJ - 0:19:56

We thought it appropriate to have Bob Woodward given that we were a post Watergate creation. And as many of you know, the Watergate book they wrote, All the President's Men was best seller, major movie, best picture nominee. Our report had just come out about the 2016 presidential election. The events involving Jim Comedy, his press conferences, FBI Director, his letter to Congress a week before the election, 2 weeks before the election, and all the events surrounding the FBI's handling of the run up

to the election. And the report was entitled, and I didn't write down the exact name. I'll do it by memory here.

Michael Horowitz Inspector General DOJ - 0:20:43

Something like the actions of the FBI and the Justice Department in advance of the 2016 presidential election. That was our title. Bob Woodward joked that he really liked how exciting we made our work and how, you know, the the the way we the adjectives. We used and said, you know, was rethinking how what we would have written back in the day if we were I GS the actions of the president of the United States and his Committee to Re Elect in advance of the 1972 presidential election. But that's what we do, right? We want to.

Michael Horowitz Inspector General DOJ - 0:21:21

We don't. We're not looking to get a headline in our title. We're looking to put out a report that describes what our title says it is. Our title is intended to allow the public to understand what we're writing about. We put an executive summary, so there isn't yet an executive summary there for people. But importantly, you know, you are a proxy for the public, as is obviously Congress.

Michael Horowitz Inspector General DOJ - 0:21:42

They're the representative of the public. And so it's very important for us to make sure that our reports are written in a way that's accessible to the public, which means the press, media, members of Congress, their Staffs, that's what we're trying to do, as well as obviously the Justice Department. But what we found, and I'm guessing what you have heard or seen in your own work, is programs are improved. Change happens. We write recommendations in our reports. You will see them in our reports to try and advise the department on how they can better their programs.

Michael Horowitz Inspector General DOJ - 0:22:27

But change happens, not when things are done quietly behind closed doors. My experience has been change happens when things are public, when there's a heat congressional hearing, when journalists cover our work, when people write about what needs to be reformed. And so you play a critical role in getting that information out there and ensuring your reporting is fair and unbiased. It's the same thing we're looking to do. I think one of the big differences between the work the journalists covering covering the department are doing and the work we're doing is related to the length of our report your our reports and and the journalists report writing or television pieces or other vehicles Internet other ways news is getting out now we have the luxury of time and I say luxury loosely.

Michael Horowitz Inspector General DOJ - 0:23:07

We don't really have the luxury of time but we don't have to get a story out that day. We're not there to scoop somebody else, right? We're the IG. We're the only IG looking at it. I'm not competing against ten other Igs to try and get the story out first and just to a large extent we live in a glass house. If we get something wrong, particularly in a scrutinized report, but really in any report, the first people to pick it apart will be the people we oversee, and that'll be followed by you all and members of Congress and others.

Michael Horowitz Inspector General DOJ - 0:23:56

But our credibility is grounded in the accuracy of our reporting. Probably sounds familiar to what people have talked to you about. But for us the long term institutional damage if we get things wrong is substantial and one of the things that I've been most proud of in the work we've done over 12 years and I say we liberally there. The work art my teams have done is in particular in all of our work, but particularly the highest profile work that has been fly spect a lot like our FISA report, like our election review report, like our Operation Fast and Furious report from 2012. No, people have taken issue and have their own view of what it means and their analysis and what should happen. But no one has come to us and said we got the facts wrong, that the basic facts, which is what we write.

Michael Horowitz Inspector General DOJ - 0:25:09

Speak

Then you'll see an analysis which is not fact based. It's our view of what the facts said. It's fact based, but it's not laying out the facts, it's our analysis of what we've written. People can take issue with that. I've long said everybody is. That's what public debates about.

Michael Horowitz Inspector General DOJ - 0:25:34

It's that analysis section. But we can't have a situation where for us, we've gotten wrong something that's in the facts section. So that's what we're trying to do. Just to give you a sense of how this job's gone for 12 years. And as Kevin said, investigated attorney general, deputy attorney general, FBI director, deputy FBI deputy director, DEA administrator, BOP personnel at all levels. I go on and on as well as you know the the particular circumstances of like the Jeffrey Epstein death, Whitey Bulger death, other kinds of issues like that.

Michael Horowitz Inspector General DOJ - 0:26:06

There are an enormous number of events that occur at the Justice Department that people want to know the answers to. You will be the first ones writing that history. But one of the things we're looking at when we're writing it like the FISA report, which is I think 600 pages, the Election Report, which is 500 pages, the Fast and Furious review, which is 400 pages, is, you know, making sure we have the history there for people to use. Going forward, we will lay out as much as we can learn. Our jurisdiction, by the way, is the Justice Department. I don't have jurisdiction over the executive office of President.

Michael Horowitz Inspector General DOJ - 0:27:00

I don't have Juris that which includes the Office of Management and Budget and all the various parts of the White House function. I don't have authority over other agencies. And so when you look at our reports, just keep that in mind. So one of the big differences between us is my access to information and the challenge you have of getting anything out of the Justice Department, if you're covering the Justice Department in particular. And Kevin could probably talk to you about that ad nauseam as long as you want to hear him out on that. We have access by statute to all information in the Justice Department's possession, all the components, everybody.

Michael Horowitz Inspector General DOJ - 0:27:39

If we ask for it, we get it. Whether it's classified, unclassified, whatever it is for third parties. I have documentary subpoena authority, so I can't. I don't subpoena government agencies, but I do have authority for non governmental agencies to subpoena documents from them. I can compel current DOJ employees to speak with me and if I need a a non DOJ employee who's in the federal government, I can go to another IG and work with them to get that. If the person leaves, I can't compel them.

Michael Horowitz Inspector General DOJ - 0:28:19

I don't have, I don't have testimonial subpoena authority. I have documentary subpoena authority And so I can't get third party witnesses. I can't compel them. They sometimes voluntarily speak with us, but I can't compel them. And what we often faces individuals at the Justice Department who are under investigation if they are senior and those are the cases we generally do just in the side. We do all criminal misconduct allegations.

Michael Horowitz Inspector General DOJ - 0:28:52

We handle those in any instance for non criminal misconduct. They are basically we use a triaging method because we couldn't do everything given our size. We're basically looking at serious misconduct and we assess seriousness by GS fifteens and above and anything that we believe the would the public would benefit from independent oversight even if they don't meet the first two categories right. So below GS15, not serious but nevertheless important to address. We will pick that up as well. That's sort of how we judge it.

Michael Horowitz Inspector General DOJ - 0:29:39

But we often have in administrative misconduct cases where we are investigating more senior people who tend to have sufficient time in to retire with their pensions. We invest during the course of the

investigation. They retire and refuse to speak with us. Sometimes we've actually had people retire the day they're supposed to come in to speak with us and they literally will retire and give no notice so that we can't do anything about it because if we know they're retiring, we will compel them, even if it's out of order when you would normally want to do an interview.

Michael Horowitz Inspector General DOJ - 0:30:01

And that has proven to be a challenge. We've gone to Congress and asked for testimonial, subpoena authority. The Defense Department, IG and the VAIG both have that. And in certain circumstances the HHSIG has that and we've sought it. We have not gotten it. But that is something that is proven to be very important and a big challenge for us.

Michael Horowitz Inspector General DOJ - 0:30:41

We did a report about how frequently this occurs with the FBI agents and if I recall correctly, it was about 10 plus percent resign or retire during the course of an investigation and in an effort to avoid being held accountable, we though, continue our work all the way through.

Michael Horowitz Inspector General DOJ - 0:30:47

And in that report, we made a recommendation that the FBI should continue adjudicating it even if the employee quits, so that there is a record if that person tries to come back to the federal government of what occurred and the adjudication. But that is something that we are challenged with. But it does put us in a different position from all of you because obviously you're working to try and develop sources from outside the department. I have the ability to compel people inside the department and the ability to get the records that I need to look at.

Kevin Johnson/NPF - 0:31:49

Question.

3 - 0:31:51

Hi Andy, with the UNE News you touched on the non partisan nature of the job. I think the journalist especially in DC think a lot about objectivity and obviously being non partisan in our work. That said, I think we can all agree that being completely objective is not completely possible. We all have our biases and opinions and things like that. I'm curious how you guys approach that, whether there are, you know, give guidance to you and your staff about being nonpartisan, if there are systems in place or just kind of how you guys think about that opportunity?

Michael Horowitz Inspector General DOJ - 0:32:25

Yeah, you know, we. So it's a great question. We inculcate as much as we can the value people who are federal employees are entitled to be active participants in their community there they should vote. I mean, one of the questions I got with the 2016 election report was did you ask people sort of their party affiliation? And you know, I said no, we don't want people working in the Justice Department or the FBI or others who are uninformed, uninvolved citizens. That's not what we're looking for, right? We want people who check their views at the door when they walk in the building, at least in the Justice Department and obviously FBI and others other agencies are very different from the Justice Department.

Michael Horowitz Inspector General DOJ - 0:33:05

I mean just just so you know, as you're for those who cover other agencies, they're very different missions, they're very different cultures and and you know they're far more, you know involved in various political issues. But at the Justice Department the culture has been and is certainly for us to be nonpartisan. All IGs will be the same in that regard. And so one of the what I try and do is I remind people you're free to join groups, you're free to. the Hatch Act provides limits. We remind them of the Hatch Act responsibilities.

Michael Horowitz Inspector General DOJ - 0:33:51

Speak

Obviously they can't run afoul of that, but you can do stuff even subject to the Hatch Act. And I remind people that, look, your people are going to read your reports, going to probably figure out your name in today's day and age and you just have to think about what that means. And and and I think we've been fortunate that people have under, you know, understand in today's environment what that may mean for our reports. I am for for almost there, for most of our reports, certainly for the highest profile reports and and certainly for when I'm testifying on some of their high profile, some not so high profile. I literally sit with the binders of material that people put together for me and I myself am making sure that what we're stating is fact based and not opinion. And we literally sit there and this is what I do when I get editing.

Michael Horowitz Inspector General DOJ - 0:34:48

I read every report that goes out. We do about 100 reports a year. By the way, I read every report that goes public. I am looking for hot words. I'm looking to do what Bob Woodward made fun of for good reason, right? We don't want that.

Michael Horowitz Inspector General DOJ - 0:35:06

We don't you. We're not adjective based. We try and take adjectives out. We are, you know, the old dragnet show, right? Just the facts. That's what we are.

Michael Horowitz Inspector General DOJ - 0:35:16

And so very if you write flat, I know you've got that challenge because you want, you don't want your readers reading. I saw red, you know, CJ and Ron, right. You need to have some energy in your writing. But the more you do that, the riskier it is into how you write. And so we're trying to be flat, We're trying to be monotone if we were reading it right. And that's one way to do it.

Michael Horowitz Inspector General DOJ - 0:35:43

And then the other is like I said to we have a highly layered review process. If you think going through your editors is painful, we have a highly reviewed, you know, process, multiple steps to make sure we've got the facts down exactly right and that we're totally getting it right. But I'm, I'm, I'm even doing that. I even have to do that sometimes.

4 - 0:36:09

Hi, I'm Michaela with Bloomberg. On the subject of flat words, would you consider a well meaning elderly man flat words?

Michael Horowitz Inspector General DOJ - 0:36:18

So I'm not going to answer that question, but you know it is. We look at every sentence to make sure that it's factual and it fairly portrays what happened. I can't speak to that. I've, I haven't listened to the testimony. I haven't listened to the transcript yet. I know it was released or the tape recording. But you know, I do think that we've this is the value of having an institutional sort of approach to writing.

Michael Horowitz Inspector General DOJ - 0:36:45

We have a very well informed institutional approach on how to avoid, you know, getting in, you know, having our work be used politically. You know, one way or the other we're very much trying to be, look, if someone quotes the facts, the facts are the facts, right? They can help somebody harm somebody. That's not our problem, right. But we don't want people taking it and leading ours and thinking up. They're spinning it.

Michael Horowitz Inspector General DOJ - 0:37:21

So we're trying to work very flat. That may be fair, may be unfair. I'll let others be the judge.

4 - 0:37:29

But what projections are there for you as as you're doing your job to make sure that people aren't interfering or influencing with the kinds of investigations that you guys are doing?

Michael Horowitz Inspector General DOJ - 0:37:38

Yeah. So it's a great question. Really the best protection we have is we have the pen and we're going to be writing the report at the end. I mean, there you all know this. There's an enormous power in what you do and what we do, right? It's, you know, there are plenty of movies been made about what happens to people. And Ray Donovan famously said Reagan's labor secretary after getting acquitted on federal charges.

Michael Horowitz Inspector General DOJ - 0:37:59

Where do I go to get my reputation back? Right, we've got to you, everybody, your business, my business. We have to be very scrupulous, very careful to make sure we're getting it right. But we have the pen. And so if people are trying to obstruct, we will investigate that and we'll write about it. And that's a further finding.

Michael Horowitz Inspector General DOJ - 0:38:23

I mean that and that and that in many respects is I'm sure you've all heard the cover up is worse than the crime. It is so much easier for us to make findings when someone does what would be a stupid thing to do and try and obstruct or cover up something right. It just it just, it's the obvious. I was a federal prosecutor for many years. There's no easier argument to make to a jury than why else would someone do that? Why would someone else?

Michael Horowitz Inspector General DOJ - 0:38:54

Why would someone obstruct or cover up a crime they didn't commit? Right. So there's a lot of risk. That doesn't mean people don't do it. Frankly, we we have plenty of those. But that's something that we're prepared to very aggressively pursue, much like retaliation against whistleblowers.

Michael Horowitz Inspector General DOJ - 0:39:08

We just can't have that right. It the whole foundation of what we do is witnesses being willing to come in and talk to us and not be fearful they're going to be threatened. They're going to be there's going to be efforts to intimidate them or or have them speak words that aren't true and put themselves in jeopardy. So that's something we do. And and just as we're talking about that, you know, one of the things we do to make sure our reports are fair and accurate is we actually, we make sure that for witnesses who cooperate with us, including subjects, we allow them to review the sections of the report that relate to them, the draft report, and to give us comments about them.

Michael Horowitz Inspector General DOJ - 0:39:34

More often than not, they end up hurting themselves further when they do that because they then try and spin a story that just isn't true. But there are instances where we got it wrong and they'll come in and point at or we're or our report isn't as strong as we thought it was and we will then. Make changes to the report and from transparency standpoint we actually, you will see that in our reports. You'll see footnotes that say after viewing that draft of this report. So and so said this, we didn't change the report because we found this. So we will try and make that public and we certainly do if we've edited a report after that because we decide we get comments from the department, the department sees it as well.

Michael Horowitz Inspector General DOJ - 0:40:32

We want to make sure the public knows we're making the final decision and we're making it clear that we're rejecting when we reject it at sometimes out of fairness, sometimes it's not. They are making things up, sometimes they have a different view and out of fairness we'll put it in. But that's another mechanism by which we're making sure we've got accuracy before we put something out.

4 - 0:41:07

We were at Justice this morning talking to people about sort of much like I GS, that their work is independent and sort of apolitical, but that in this hyper political climate, it's getting politicized often by members of Congress and how they can and can't sort of defend themselves from that. And I'm

wondering for me, I've only been covering Washington for a few years, so I don't really know what time other than this like very political climate. And as someone who's been testifying in front of Congress for over a decade, if you feel like the work of IGS is also included in the sort of intense politicization that we're seeing and how you can and can't sort of defend yourself from those accusations if you get them.

Michael Horowitz Inspector General DOJ - 0:41:44

Yeah, it's a great, great question and it is, it's you know over the when I showed up it was pretty politicized and environment arguably it's getting more and more what we've talked about in the IG community, I've talked about this with IGS is it makes our work even more important because I think we are still along with the judiciary one of the only places the people will turn to and recognize fair independent fact based work. I mean that's what we're all about fact based work. And so the way we've avoided that and and it's particularly hard in this job at Justice because so much of what the department has done and over the years has been, you know, the subject of political debate. They tell people we can't shy away from looking at programs or events that have been politicized or highly partisan. We probably wouldn't. We'd write a bunch of boring reports, right. We wouldn't be doing some of the work that people wanted us to do, expected us to do.

Michael Horowitz Inspector General DOJ - 0:42:47

But we can do is again, you know, do that work in a way that is nonpartisan, that is simply fact based, all the time, fact based and nothing else. I will get requests, you know, to get involved in matters that are that are really partisan disputes. Both sides do will try and get us involved and I will decline to do that. There are events though like the FISA report where the 2016 election that people want to know what happened. And so we can't not do that kind of work because it's, you know, subject of political debate, but we can do it in a way that again, stays focused on facts, doesn't wade into the policy often. Say, you know, for example, the department doesn't have to have a compassionate release program for inmates, but if it has one, I'm going to review it and I'm going to tell them what they're doing wrong.

Michael Horowitz Inspector General DOJ - 0:43:38

Doesn't mean I'm endorsing it or not endorsing it. Same thing here, not endorsing or not endorse. I'm not endorsing FISA. I'm not endorsing FISA. I'm telling you how it's being run and how it needs to be improved if it's going to exist, right. And so we're very much trying to do that.

Michael Horowitz Inspector General DOJ - 0:44:03

And This is why we go through all the reviews we go through and try and take out any hot language or any language that people could misunderstand or misread for precisely the reason. Because as soon as people start seeing that, that's when we get in trouble.

5 - 0:44:26

Hi Diego from Bloomberg I covering an issue that was uncovered by an IG at a different agency. Not you, but talking about it with friends last night who I call civilians or not journalists or not following.

Michael Horowitz Inspector General DOJ - 0:44:46

Normal people.

5 - 0:44:46

Normal people? Exactly. The general sentiment was, oh man, government is so inefficient and and it's so bureaucratic. If you could talk a little bit about what you find when you look at the Justice Department, is it mostly inefficiency or you know fraud or abuse of power people that want to use their you know positions to get ahead and if this I think that microphone has low battery you're.

Michael Horowitz Inspector General DOJ - 0:45:22

Good now.

5 – 0:45:23

And it how this could connect to this other issue that I want to ask you about, which is I I work in Congress and cover Congress and FISA is a huge issue.

Michael Horowitz Inspector General DOJ – 0:45:33

There right now. Really. So if.

5 – 0:45:36

You could talk a little bit about the FISA report.

Michael Horowitz Inspector General DOJ – 0:45:39

Yeah. And what you found? Yeah, absolutely. So on the first question, it really depends at the Justice Department which part of the department you're talking about. I mean, I was a federal prosecutor in Southern just New York for 7 1/2 years before we came down to DC back in the 90s. And, you know, in in a place like that, it's really all about a a bunch of younger lawyers new to the profession, who've been in, you know, lawyers for a handful of years who are focused entirely on doing what's right and moving cases along. There's not a lot of bureaucracy in that operation and not a lot of misconduct or mismanagement when things go awry.

Michael Horowitz Inspector General DOJ – 0:46:17

And they did occasionally, but not a lot. It was usually a, you know, one of the lawyers who didn't quite understand rules, didn't abide by the rules, played fast and loose with the rules and got in trouble. Right. Wasn't, you know, generally people stealing, people being bureaucratic. It was, you know, people trying to get things done right. And then on the other hand, go to the Federal Bureau of Prisons, which the current director is the 8th director in my 12 years there, right?

Michael Horowitz Inspector General DOJ – 0:46:45

Turnover has been constant and we find problem after problem after problem, read the Epstein report, right. Some of that is bureaucratic inefficiency, ineffectiveness, mismanagement, just the, you know, and the Whitey Bulger report actually lays that out in detail, the way they handled Whitey Bulger with memos going back and forth and no one getting it right. And they cited the wrong thing. And they mean it's a classic bureaucratic mess. Along with other stuff. You look at Epstein, you've got failures, operational failures that are unintentional and intentional.

Michael Horowitz Inspector General DOJ – 0:47:28

So it really depends on the agency and the program and what you're talking about. I I don't think at the Justice Department at least you can sort of give a general sort of you know generalization or stereotype on what it is. The the department tends to be less on the bureaucratic side in the certainly in the law enforcement side you know it's much more operational it's things are happening fast decisions are being made and you know turning to the I'll turn to the Pfizer report is a good example of that where we found serious misconduct but we didn't find intentional efforts to intentionally Dr.

Michael Horowitz Inspector General DOJ – 0:47:54

evidence right. It was 1 exception, which was an FBI lawyer who altered a e-mail. But otherwise it was serious misconduct, serious failings, failings to follow the rules, failings to do their jobs, basic stuff. What we did that in that report, anyone at the FBI doing their jobs would have figured out. We didn't magically find something. We simply marched to the records, the documents, and laid it out.

Michael Horowitz Inspector General DOJ – 0:48:54

It was all sitting there. And the problem was people didn't do their jobs. Generally speaking there were some things that went well beyond that. So what happened in that report or what happened in that matter is the FBI ended up getting 4A FISA and three subsequent renewals for a FISA on an individual named Carter Page. Carter Page and and this occurred in advance of the 2016 presidential election. This occurred in the the Fisas themselves were in the fall the the issues start to rise that that we looked

at started beginning in late July going forward when the FBI opened what they termed called the crossfire hurricane investigation.

Michael Horowitz Inspector General DOJ - 0:49:29

What happened along the way is they got a dossier from an individual who it turned out had been hired by an entity, actually former Wall Street Journal reporters, that were had been hired by the Hillary Clinton campaign or Democratic Party, and to write up a dossier on candidate Trump.

Michael Horowitz Inspector General DOJ - 0:49:47

They provided that to the FBI and the FBI began to act on it. Among the uses of that dossier was to go forward with the Carter the first Carter Page FISA request that they ultimately got. And it it was a critical part of their ability to get the FISA, which is what we found. We laid that all out. It turned out that the FBI with some due diligence would have seen, would have figured out what we learned where the flaws in that dossier. In fact we learned of the flaws because the records of the FBI itself showed the flaws that we found, for example, in January.

Michael Horowitz Inspector General DOJ - 0:51:00

So this is after the first FISA. There were issues beforehand. But I'll go to the an example of an easy one, you know, issue in January of 20, 17. So now we're in 2017. The first one was in 2016. The renewals continued into 2017 after candidate Trump became President Trump.

Michael Horowitz Inspector General DOJ - 0:51:27

The in in January and again in subsequent months, a FBI confidential human source, who by the way subsequent was indicted by John Durham and acquitted, came to the FBI and when they asked him about the dossier said that isn't what happened, that isn't what I said. He was purportedly one of the sources of information in there for key information. He said that isn't what happened. The FBI rather than then saying, wait a minute, OK, now we got a problem. We relied on this dossier for our first FISA instead put into the court that that informant had corroborated the dossier. OK, similar there.

Michael Horowitz Inspector General DOJ - 0:52:22

There are things similar to that along with without. It's a 600 page report. I'd be here forever if I started going into that. But there are things like that. And so there there are, there are other issues we were surprised to find in both the Clinton e- mail matter and in the cross for hurricane candidate Trump matter who had authority at the FBI to take some of these actions which were pretty low. You did not have to go very high up in the Bureau to get approval to do some to to take some actions involving major candidates for president and things like that.

Michael Horowitz Inspector General DOJ - 0:52:52

So what we found were there were a series of very significant errors in the FISA applications that they put in. For the first one there were and then even more as each subsequent renewal happened and at the court had not been provided all information that they should have been. This goes to our role. We did not make a a determination at all of whether the Pfizer's were properly granted or improperly granted. That's not our role. And by the way, as an aside, very important, and I would say this to his journalist as well.

Michael Horowitz Inspector General DOJ - 0:53:35

Keep in mind what your role is and what it isn't. You know, one of the things where people have gone wrong, and I'm just saying I'm not a, I'm not a New England Patriots fan, but I'll quote Bill Belichick, you know, do your job. Don't do someone else's job, right? That's one of the places people have gone astray. I found at the Justice Department, particularly in these kind of reviews, people are trying to do somebody else's job, right? They and they weren't doing their own job very well.

Michael Horowitz Inspector General DOJ - 0:54:10

Our job is to put the report out there. It was then the judge. It was then the attorney general's job and

the FISA court's job to decide what that meant. It was not my job. It was not my responsibility, wasn't my statutory authority. I was not there to second guess judges.

Michael Horowitz Inspector General DOJ - 0:54:30

I'm not there to second guess prosecutorial decisions. In the in the 2016 election report, we made it very clear we weren't doing that review this to second guess whether Hillary Clinton should or should not have been prosecuted. That's not why we did it. We did it to lay out all the facts and information for folks. So we wrote the report, issued it. The Attorney General said it was his conclusion that the in part because of those interviews, I mentioned that the Justice Department did not have authority to get the 3rd and 4th Pfizer the second and third renewal.

Michael Horowitz Inspector General DOJ - 0:54:55

The court concluded the same, and there's been litigation over that Carter Page has sued. There's been all sorts of things since then.

Kevin Johnson/NPF - 0:55:22

Thank you. Quasi from late of fact. My question is how do you manage the relationship between administrations because you mentioned any other presidents can remove the IG and the next one is other instances of cross agency IG collaboration because agencies touch on each other.

Michael Horowitz Inspector General DOJ - 0:55:44

Great questions. So in the first as the first issue, this is the I I was a nominee during the Obama administration. Obviously there's been, I've been in three administrations now as the tradition has been that incoming presidents do not do not ask for IGS to resign. There have been IG firings. President Trump fired 2 IGS. President Obama fired in IG. And in all three instances, there were lots of concerns about the appropriateness of that and whether it was done for good reasons or not, good reasons and bipartisan concerns, by the way, in all three instances.

Michael Horowitz Inspector General DOJ - 0:56:15

But but ultimately it's the president's authority to make that decision. My what I've told our folks all along and what I've told other I Jesus, again, we do our job. We can't sort of put our finger up in the air and figure out who's going to benefit, who's going to be harmed. That's the surest way to lose your job, for and for good reason at that point. So it's really all about writing our reports. The chips will fall where they fall if you put out what's true and it's supported in your report, which is why we write long reports so that all the facts are there and people hopefully are not in a position to dispute.

Michael Horowitz Inspector General DOJ - 0:57:03

We don't write conclusory reports, you know, that's that's why we're trying to do that. As to the second the we do right, we do do cross cutting work. In fact, I'm also as a side gig, the chair of the pandemic Response Accountability Committee, which Congress over created to oversee the \$5 trillion in federal spending. And if you want to look at that, there's we've created a website, pandemicoversight.gov as a map of the United States. Lots of information there about the pandemic and pandemic spending, \$5 trillion worth.

Michael Horowitz Inspector General DOJ - 0:57:47

That's a committee comprised OF20I GS. And if you go to that website you'll see a lot of the cross cutting work that we've done and a lot of collaborative work that we've done. I've done some as DOJIG Congress sometimes mandates it, sometimes we do it on our own. One of the higher profile reports I did was back in 2013 after the Boston Marathon bombing. And so we 4I GS joined together DOJIGDHSIGCIAIG and the Intelligence Community IG to do a report on the federal government's, the intelligence community's handling of information about the Tsarnaev's and how and how information was shared, whether there were any failings, which there were and how that information sharing should be improved.

Michael Horowitz Inspector General DOJ - 0:58:15

So we do. It's one of the missions of the IG community umbrella organization called SIGI, the Council of Inspectors General on integrity and efficiency. One of the reasons it was created was to do that cross cutting work. Frankly, it's proven to be a challenge. We are doing far more of it, but it's very hard sometimes to get IGs to do that, first of all, because there's so much work going on in their own agencies, but also because the work that each agency does and the way they do it is very different. So we will, you know, sometimes do our own reports, not necessarily together, but each individually if there's cross cutting issues.

3 - 0:59:31

I'm Jacob. I'm a freelancer, so I work with lots of different news organizations. As journalists, we're always looking for the next scoop, right? For the next story is I'd love to learn a little bit more, particularly when it's not, you know, Jeffrey Epstein dies under suspicious circumstances. Where are you figuring out the types of inquiries you're going to investigate as a predominantly whistleblowers, news media like us, other avenues? How do you find out what you're going to look into?

Michael Horowitz Inspector General DOJ - 0:59:52

Yeah, sort of all of the above. So one of the things we do each year by the way is by statute we're required to when we do each year, it's one of the more important reports we do the top management and performance challenges report that we issue each year. Every IG does it for their individual agency. And one of the things we do each year is we put together work plans and we use the top management challenges report as the basis for that. So we go through and think about what are the top challenges facing the department. That helps us think about not only what's happened in the past and what work we've done before, but what's coming up, what are the big issues going forward. And you know then we develop work plans and we start thinking about what from all of our knowledge, what are some of the places that that stakeholders.

Michael Horowitz Inspector General DOJ - 1:00:33

It's pretty wide at the Justice Department where stakeholders are what are they what what what can we see around the corner some some things we don't have to look around the corner. You know FISA, Federal Bureau of Prisons. I mean there's certain things that are clearly on people's radar. The question is what's around the corner is a big issue and that's some or issues that have not been covered yet. We've we've not addressed but are but are nonetheless obviously need some coverage and we spend a lot of time thinking about that. We have a a pretty limited amount of resources to do proactive reviews that we want to do as opposed to what is obvious, you know in your what you're talking about as opposed to what clearly needs to be done.

Michael Horowitz Inspector General DOJ - 1:01:18

But we're we're thinking about that. You know we did the my latest hearing was on the Bo PS handling of deaths and its institutions deaths in custody report had a Senate Judiciary Committee hearing two weeks ago on that. Now the other thing is we're we're writing a year and a right we're thinking a year and a what's going to be important in 2025. But that was a very important report and something that we felt was had not been covered something that needed to be covered and so we wrote a particularly important report I think on that those issues and that's what we're trying to think through. There's there's plenty for us to choose from. The other thing we're careful about is we don't really look to write about cutting edge issues right away.

Michael Horowitz Inspector General DOJ - 1:02:16

Because remember, we're auditing or reviewing what the department's done and so the department will have had to do something or not do something in that space. If they haven't done anything in that space, it's going to be a relatively short report. Doesn't mean we shouldn't do it. But what we really want to do is we're working right now on a ransomware report and how the department's handling that and you know it. It's not about what we think they should be doing, it's what they're doing. Are they successful or not?

Michael Horowitz Inspector General DOJ - 1:02:52

Are there air gaps from what we understand those sorts of things. But you know that that's one of the challenges for us is we're not, you know, like like with if there's a new FISA statute, for example, in this debate or seven O 2, the FISA 702 provision is changed, we're likely to get in there a provision that says we want the DOJIG to look at these issues.

Michael Horowitz Inspector General DOJ - 1:02:58

What we tell Congress generally in those situations is you need to wait at least a year because justice takes time. These cases don't happen overnight. They need to develop evidence and they need to go to court. The court needs to approve it, needs to start collecting evidence. I mean, we need, we need time to see how those get implemented before we're going to come in behind it and do a review. So that's what we're trying to do.

Kevin Johnson/NPF - 1:03:44

OK, I I promised the IG it would be an hour and we're a little bit over. But I I do want to thank him so much for for helping us here today because I think as he's so eloquently discussed, I GS possess incredible history of the departments that you cover and you can learn so much by diving into these reports, even 120 page reports. And I have to say the footnotes are sometimes the most interesting parts. So I commend the the work that all of them are doing and and I thank the IG so much for visiting with us today so.

Michael Horowitz Inspector General DOJ - 1:04:28

Thanks.