



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 15 2013

The Honorable Dr. John Fleming
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Fleming:

This responds to your letter to the Attorney General dated, May 17, 2013, regarding your concerns with allegations of improper conduct by Internal Revenue Service personnel, which are the subject of an ongoing federal criminal investigation. We are sending an identical response to the other Members who joined in your letter.

You urge the Department to seek a Special Counsel in this matter. The Special Counsel regulations, which were designed as a replacement for the former Independent Counsel Act, provide that, in the discretion of the Attorney General, a Special Counsel may be appointed when an investigation or prosecution by the Department of Justice would create a potential conflict of interest, or in other extraordinary circumstances such that the public interest would be served by such an appointment. See 28 C.F.R. § 600.1. After consideration of your question, we have concluded that there is not a basis for such an appointment in this matter. We assure you that the Department of Justice places a high priority on investigating and prosecuting criminal offenses involving misconduct by public officials, and the Attorney General will continue to fulfill his solemn duty to enforce the law. The investigation will be handled fairly, appropriately, and impartially by dedicated career professionals in the Department of Justice, and the Department will take all steps necessary to ensure public confidence in the fairness of the investigation.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Peter J. Kadzik".

Peter J. Kadzik
Principal Deputy Assistant Attorney General