

**Subject:** Re: Complaint about DOJ OIG  
**From:** Walt Tuvell <Walt.Tuvell@gmail.com>  
**Date:** 8/30/19, 10:29 AM  
**To:** Integrity-Complaint <Integrity-Complaint@cigie.gov>

To CIGIE-IC —

I write to raise the following three items:

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**Second:** Please assure me that Michael Horowitz has been recused/disqualified from any involvement in this matter (because he has been accused of wrongdoing, and for that reason the appearance of bias is palpable).

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Thank you.

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**Appendix A: Definitions**

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In the email I sent you yesterday (included below), I alluded to so-called "**deliberate ignorance**"/"**willful blindness**" by mentioning "**constructive knowledge**." Perhaps I should be more explicit, by mentioning the closely related "**ostrich instruction**" (see [https://en.wikipedia.org/wiki/Ostrich\\_instruction](https://en.wikipedia.org/wiki/Ostrich_instruction) and <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=6659&context=jclc>). To quote Judge Richard Posner (U.S. v. Giovanetti, 919 F.2d 1223, 7th Cir. 1990):

"The ostrich instruction is designed for cases in which there is evidence that the defendant, knowing or strongly suspecting that he is involved in shady dealings, takes steps to make sure that he does not acquire full or exact knowledge of the nature and extent of those dealings. A deliberate effort to avoid guilty knowledge is all the guilty knowledge the law requires."

In my (strong) opinion, the various "persons" ("covered" or not) involved in this matter (from IG Horowitz, through the heads of various organizations such as FBI/PIN/EOUSA/OPR/PIN/etc., and all lower-level designees/agents/representatives) are doing everything in their (abuse-of-)power/authority to "distance"/"ostrich" ("willfully blind") themselves from involvement/responsibility/liability/culpability in this matter (in particular, creating **long/tenuous chains-of-command, trying to hide** behind known/hoped-for false/blind/unwarranted dismissals of my complaints by low-level incompetents). We've certainly seen that in the case of Lelling and EOUSA, whose dismissals of my complaints are even anonymous, because the authors (Lelling and James Crowell, head of EOUSA) don't want to be associated with them. Others (FBI/PIN/OPR) don't even take the effort to respond in any way (**not even acknowledging receipt**), and just offer total silence (I address such inaction/"omission-to-act" on my website and in some of my letters). This "ostriching" is particularly prominent in **everyone's abject refusal to even attempt to address my many-times repeated plea ("Prove me wrong, if I'm wrong")** in the "Conclusion" section of many of my letters. In short: "constructive knowledge" and "ostrich instruction" certainly appear to apply over-and-over again, to everyone involved

(except for CIGIE, at least to date).

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PS: Going into this whole process, I had no preconceived notions of the players (organizations and people) involved, other than hoping to find honest brokers. In particular, I certainly have no "political agenda" (or any other ulterior motive), against Horowitz or anyone else. I would be very happy to be proven incorrect about my accusations against The Watchdogs. But from what I've seen to date, I'm extremely suspicious. (And, this justified-"paranoia" prompts me to ask for Return Receipts to my emails.)

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