



GSA Administrator

5 March 2008

Mr. Kenneth W. Kaiser, Esq.
Federal Bureau of Investigation
Chair, Integrity Committee
President's Council on Integrity and Efficiency
935 Pennsylvania Avenue, NW
Room 3975
Washington, DC 20535-0001

Dear Mr. Kaiser,

I read with surprise your letter dated February 12, 2008. I am now writing to correct some obvious distortions so that you might be persuaded into action.

Your letter refers to the long-standing problems of misconduct within GSA's OIG as "an internal dispute with the GSA OIG" about an "un-reimbursable detail of an OIG employee". This simplification implies these problems can be easily rationalized and ignored by the PCIE's Integrity Committee. To arrive at such a conclusion you would, first, deliberately, have to ignore the many letters you have now received from me and other GSA employees over the past 16 months which document a variety of misconduct, misuse of funds, harassment of federal employees, improper contracting, deliberate leaking of Presidential documents to the Washington Post, falsification of records, false statements to Congress, questionable and excessive bonuses awarded, cronyism and an inability to meet statutory responsibilities. To characterize these allegations of mismanagement as "an internal dispute" is absurd.

The PCIE's Integrity Committee's cursory dismissal of the complaint filed by four whistleblowers, attorneys who, until quite recently, formed the core legal team assigned to the GSA OIG, seems irresponsible. The allegations of the four attorneys extend far beyond the "un-reimbursed detail" that you cite in your February 12, 2008 response. Without interviewing even one of these lawyers, without any follow-up within GSA to try to substantiate any of the allegations, and without inquiry into similar complaints that previously have been provided to you by others, the PCIE's Integrity Committee seems to have arrived at the astonishing conclusion that "there was not a substantial likelihood" that a "violation of law, rule, or regulation or gross mismanagement, gross waste of funds, or abuse of authority" occurred. The PCIE's Integrity Committee then, in a bizarre and labyrinthine move, referred the issue back to IG Miller, the subject of the allegations, for him to investigate himself further. The idea that the PCIE's Integrity Committee would recommend the GSA IG to investigate his own alleged wrong doing is as absurd as a self-licking ice cream cone.

I urge you to re-read the full collection of GSA correspondence to the PCIE's Integrity Committee on the issue of mismanagement and wrongdoing within the GSA OIG. For the past 16 months, I have chronicled gross mismanagement by the GSA IG, Brian Miller. Many of the specific areas of allegations of wrong doing by the IG are the same category of allegations made by the four whistleblowers, namely that he has made false statements, improperly awarded cash bonuses, and been largely unable to demonstrate even a basic ability to manage his resources wisely.

The final allegation by the four whistleblowers is a recurring issue involving excessive and improper intimidation by the GSA IG. Your recent letter seemed to have missed the entire point of the statements provided to you by the IG's

most senior legal team. The core issue states that the IG has used investigations, or the threat of investigations, to intimidate others. In particular, these four whistleblowers alleged that the IG has conducted a "premeditated pattern of retaliatory actions".

The whistleblowers' complaint of retaliatory actions is, ironically, best supported by the very actions of the IG, who appears to have filed a retaliatory complaint against the four attorneys soon after they sent their complaint to the PCIE's Integrity Committee, and, as stated in their letter to the PCIE's Integrity Committee, the IG also assigned lower performance ratings. These allegations, and counter allegations of wrong doing, by different elements within the OIG have now resulted in disrupted careers. Three of the four attorneys have requested immediate transfers to escape. One other attorney, still assigned to the OIG has recently asked me to intervene because he is certain that his career is being damaged and he is a target for similar treatment by the IG.

I must bring to your attention the most important point expressed by these whistleblowers: "

"Nor are we alone in our concern over IG Miller's leadership of OIG....a variety of managers relate to me concerns that have had about actions of IG Miller....Unfortunately there is a palpable fear of retribution by most of these; including those nearing retirement...I am confident much more will be borne out by a full investigation"

This fear of retribution and the improper use of OIG investigatory resources to intimidate other employees and private sector companies appears to have been endemic within the OIG and, for months, I have reported on this fact.

In July 2006, I met with ten different private companies which, together, represent the largest users of the GSA schedule. My goal was to find out what was working, what needed to be fixed, and how GSA could find ways to improve effectiveness and reduce costs to taxpayers. During this meeting, I was told that an arbitrary, and unfair IG, improperly intimidating contracting officers and other procurement officials, was one of GSA's greatest challenges. Preaward audits, originally designed to quickly and competently examine cost reasonableness, were taking years to perform. They claimed that simple negotiations were becoming bitter struggles. These companies warned me that if the situation was not improved, GSA could expect private companies might begin to voluntarily cancel these contracts, which would significantly reduce competition and drive up government costs.

These warnings were strikingly prescient. In October 2007, Sun Microsystems made an unusual decision to voluntarily cancel a large contract with GSA. According to the Sun CEO, Scott McNealy, this unusual decision was made due to "serious concerns regarding the objectivity of this particular inspector general". As you may recall, I wrote to you shortly after SUN cancelled this contract and expressed my fear that an abusive and arbitrary GSA IG was now driving away companies, which directly results in less competition and higher taxpayer costs. The PCIE's Integrity Committee ignored my warnings, took no actions, and shortly thereafter, two other large companies, EMC and Canon, took similar steps to voluntarily cancel their GSA contracts because of the frustration of dealing with an out of control IG.

While the PCIE's Integrity Committee may have been indifferent to mismanagement and excessive intimidation by the GSA IG, Senator Grassley began to focus on the GSA IG's mismanagement. He expressed particular concern that "the OIG became directly and actively involved in the Sun contract negotiations" and he "questions the wisdom of allowing auditors to sit at the table with the vendor's negotiating team". What makes Senator Grassley's comments so unusual is the fact that, up to that point, he had unquestioningly accepted whatever the GSA IG conjured up. But, with the body of evidence growing that clearly showed that the GSA IG routinely attempted to improperly pressure outcomes, Senator Grassley began to raise the right questions about improper conduct by the GSA IG.

And so, we come to the four attorneys, representing the senior legal team of the IG. All of them have filed for whistleblower status and have made precisely the same allegations, that the IG had overstepped his authorities,

operated above the law, and routinely sought to improperly intimidate and influence outcomes. What is striking is just how similar these allegations are to the very complaints raised and brought to your attention many months ago.

Your notion of some sort of petty "internal dispute" is particularly offensive to all of the people over the past several months that have demonstrated personal courage in bringing these allegations to your attention. These GSA employees were attempting to warn you of a growing problem. They had hoped that the PCIE's Integrity Committee might take some action to bring some level of oversight and management over an IG that had so clearly gone astray.

More than anyone else in government, I understand that to suggest that "oversight" be more accountable, effective, and legitimate immediately opens one up to all sorts of scurrilous charges. To be sure, it will take a bit of personal courage to admit that Brian Miller appears to have stepped beyond the limits of his office. But IG's are not saints and, as events have proven at GSA, the OIG also needs to be subject to some oversight and controls to prevent abuse. If nothing else, the unfolding situation at GSA has quite clearly showed that if unchecked, the IG can do great harm to an agency, drive up taxpayer costs, erode confidence in government and help push honest career employees out of government prematurely.

So far, the PCIE's Integrity Committee has taken the easy route, hoping that this problem will simply melt away. It will not, for indeed the costs to government are growing. Once again, I urge the PCIE's Integrity Committee: do what is right, not what is easy. Bring some oversight and accountability to the GSA OIG.

A handwritten signature in dark ink, appearing to read 'Lurita Doan', with a long horizontal flourish extending to the right.

Lurita Doan
Administrator

cc: Clay Johnson, III, Chair, PCIE