**16 Sep 2024**

**FRANZ GAYL (GS-15) Physical Scientist (1301)**

**Major USMC (Ret.)**

**Department of Defense (DoD)**

**Headquarters U.S. Marine Corps (HQMC)**

**Plans Policies and Operations Department (PP&O)**

**WHISTLEBLOWER DISCLOSURE OF INSPECTOR GENERAL (IG) CRIMINAL MISCONDUCT**

**CONSTITUTIONAL INSIDER THREAT:** Multiple Federal Inspectors General ([**FIG**](https://oig.justice.gov/about/meet-ig)), protected by the Congressionally established self-regulating sui generis (**Article II**) “entity” called the Council of the Inspectors General on Integrity and Efficiency ([**CIGIE**](https://www.ignet.gov/)), collaborated to subvert legitimate investigation, in violation of [18 USC §1505](https://www.law.cornell.edu/uscode/text/18/1505) (Federal Criminal Investigation), into loss of **FRANZ GAYL’S** 1st Amendment protections associated with “prepublication approved” censorship occurring after **FRANZ J. GAYL** refused to immediately remove from ***LinkedIn***[[1]](#footnote-1) a provocative [U.S. Taiwan Military-Industrial-Congressional-Complex (MICC)](https://www.mca-marines.org/wp-content/uploads/January-2021-1.pdf) article[[2]](#footnote-2) “prepublication approved” by the Director, Marine Corps Intelligence Division BGen. [**MELVIN G. CARTER**](https://www.information.marines.mil/Leaders/Biography/Article/3345964/deputy-commandant-information/)USMC.

Within Headquarters U.S. Marine Corps (HQMC), **FRANZ GAYL’S** “prepublication approved” views were seen as “challenging” to U.S. Marine Corps Commandant (CMC) General **DAVID H. BERGER’S** new organizational “force design” initiative called **“Force Design 2030”**. [[3]](#footnote-3), [[4]](#footnote-4)

**CORE FACTS:** The policy of the U.S. Government (USG) is **transparency** achieved via the Freedom of Information Act (**FOIA**) & **accountability** achieved via (**Criminal & Administrative**) investigation of allegations of criminal **wrongdoing** and **administrative** misconduct:

* + Transparency and accountability in government **is** achieved by the programs & operations of the agencies
  + Federal Inspectors General (FIGs) are **responsible** for promoting the economy, efficiency, and effectiveness of the programs & operations conducted within their assigned agency
  + Congress **maintains** (**Article I**) authority to conduct oversight over (**Article II**) Executive Branch programs & operations
* The Council of the Inspectors General on Integrity and Efficiency (**CIGIE**), is a self-regulating sui generis (**Article II**) [“entity”](https://www.congress.gov/110/plaws/publ409/PLAW-110publ409.pdf) established by Congress (**Article I**), currently operating within the Executive (**Article II**) & Legislative (**Article I**) branches of government, addressing integrity, economy, and effectiveness issues that **transcend** the authority of government agency leadership; while also, ensuring that “investigation” of criminal & administrative allegations of wrongdoing leveled against members of the CIGIE are “contained” within the exclusive membership of the CIGIE to provide “protection” to the [new class of bureaucrats](https://en.wikipedia.org/wiki/Nomenklatura) given lifetime Congressional (**Article I**) political appointment

**REPRISAL:**[[5]](#footnote-5) Senior officials in the Department of Defense, Department of the Navy (DoN), and United States Marine Corps (USMC) actively subverted legitimate investigation, into the loss of **FRANZ GAYL’S** 1st Amendment protections associated with “prepublication approved” censorship & retaliatory removal of his eligibility for access to classified information, essential to continued employment as a (GS-15) 1301 Physical Scientist.

On 01 June 2021, the Deputy Commandant for Information (DCI) LtGen. [**LORETTA E. REYNOLDS**](https://cic.ndu.edu/NEWS/News-Announcements/Article/2935642/lieutenant-general-loretta-e-reynolds-usmc-ret/)USMC informed **FRANZ GAYL** (GS-15) Physical Scientist (1301)that his is access to classified material was suspended and her direct report subordinate BGen. [**Melvin G. Carter**](https://www.information.marines.mil/Leaders/Biography/Article/3345964/deputy-commandant-information/)Director, HQMC Intelligence Division ordered **FRANZ GAYL** to be removed from the Pentagon & subjected to a counterintelligence investigation.

On 28 June 2021, Whistleblower **Franz J. Gayl** properly disclosed senior official misconduct to DoD Assistant Inspector General for Administrative Investigations (AIG-AI) COL. [**MARGUERITE C. GARRISON**](https://www.dodig.mil/Biographies/Bio-Display/Article/1127954/marguerite-c-garrison/)USA (Ret.) involving: **Ronald S. Moultrie**, Under Secretary of Defense for Intelligence (USD-I); Gen. **David H. Berger** USMC; General Counsel (GC) MajGen **Daniel J. Lecce** USMC/MajGen **David J. Bligh** USMC; LtGen **Lori E. Reynolds** USMC Deputy Commandant for Information (DCI); BGen **Melvin G. Carter** USMC Director Marine Corps Intelligence (DIRINT) alleging collusion to violate **Franz J. Gayl’s** 1st Amendment rights & engaged in employment reprisal to hide criminal misconduct.

Assistant Inspector General (AIG) Garrison assigned **INVESTIGATION OF SENIOR OFFICIALS** (**ISO**) to:

* [**ANTHONY JONES**](https://www.dodig.mil/Components/Administrative-Investigations/Investigations-of-Senior-Officials/) Director Investigations of Senior Officials **(ISO) [20210728-072367-CASE-01]**
* Results of Senior Leader Investigation [20210728-072367-CASE-01]: **UNKNOWN**

On 28 June 2021, AIG-AI Garrison assigned **Franz J. Gayl’s WHISTLEBLOWER REPRISAL INVESTIGATIONS** (**WRI**) to:

* [**NILGUN TOLEK**](https://www.dodig.mil/Test/DoD-Whistleblower-Program/Whistleblower-Reprisal-Investigations/) Director & [**MICHAEL E. SHAKER**](https://www.dodig.mil/Components/Administrative-Investigations/Whistleblower-Reprisal-Investigations/) Deputy Director Whistleblower Reprisal Investigations (WRI) [20210728-072367-CASE-02]
* Results of Whistleblower Reprisal Investigations (WRI) [**20210728-072367-CASE-01**]: **UNKNOWN**

On 30 June 2021, **FRANZ GAYL** received a phone-call from the DOD-OIG Whistleblower Reprisal Investigations (WRI) Division informing him that under the Inspector General Act [[5a U.S. Code § 7(a)-Complaints by Employees](https://www.law.cornell.edu/uscode/text/5a/compiledact-95-452/section-7)] the DoD Assistant Inspector General for Administrative Investigations (AIG-AI) COL. [**MARGUERITE C. GARRISON**](https://www.dodig.mil/Biographies/Bio-Display/Article/1127954/marguerite-c-garrison/)USA (Ret.) did not have to “investigate” complaints or information from an employee of the Department of Defense (DoD) concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

**U.S. SPECIAL COUNSEL (OSC)**

On 06 July 2021, **FRANZ GAYL** submitted a disclosure of 1st Amendment Civil Rights violation (DI-21-000678) to U.S. Special Counsel (OSC) **HENRY J. KERNER** and Principal Deputy Special Counsel **ELLEN C. EPSTEIN**, protected members of the CIGIE, required by law [**5 U.S.C. § 1212(a)(3)**](https://www.law.cornell.edu/uscode/text/5/1212) to receive, review, and, where appropriate, forward to Attorney General **MERRICK B. GARLAND** or Secretary of Defense (SecDef) GEN. **LLOYD J. AUSTIN III** USA (Ret.) whistleblower disclosure of violations of laws, rules, or regulations:

* On the same day, Associate Special Counsel **ANNE E. WAGNER** (Former MSPB Judge) responded to (DI-21-000678) claiming that the U.S. Special Counsel (OSC): *“…does not review allegations if this nature, we have closed your disclosure…”*

On 06 July 2021, **FRANZ GAYL** submitted an allegation of a prohibited personnel practice (**MA-21-0001777**) to U.S. Special Counsel (OSC) **HENRY J. KERNER** and Principal Deputy Special Counsel **ELLEN C. EPSTEIN**, protected members of the CIGIE, required by law to represent whistleblowers in cases of federal employment reprisal for disclosing fraud, waste, abuse, and corruption:

* On the same day, Associate Special Counsel Investigation & Prosecution Division (IPD) **LOUIS LOPEZ**, notified **FRANZ GAYL** that under [**5 U.S.C. § 2302**](https://www.law.cornell.edu/uscode/text/5/2302) ***Security Clearance Personnel Vetting Actions*** were not Congressionally identified as “[Personnel Actions](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=5-USC-1093570506-1646236279&term_occur=999&term_src=)”; therefore, the U.S. Special Counsel (OSC) was not obliged to investigate

On 23 August 2021, **FRANZ GAYL** received a letter from [**NILGUN TOLEK**](https://www.dodig.mil/Test/DoD-Whistleblower-Program/Whistleblower-Reprisal-Investigations/) Director & [**MICHAEL E. SHAKER**](https://www.dodig.mil/Components/Administrative-Investigations/Whistleblower-Reprisal-Investigations/) Deputy Director Whistleblower Reprisal Investigations (WRI) claiming that the federal whistleblower filed an allegation of security clearance reprisal under Presidential Policy Directive-19 (PPD-19); when in fact, the federal whistleblower submitted a complaint **[20210728-072367-CASE-01]** & [**20210728-072367-CASE-01**] concerning senior DoD official misconduct involved in violation of law, rules, or regulations under the Inspector General Act [[5a U.S. Code § 7(a)-Complaints by Employees](https://www.law.cornell.edu/uscode/text/5a/compiledact-95-452/section-7)]; which, DoD Assistant Inspector General for Administrative Investigations (AIG-AI) COL. [**MARGUERITE C. GARRISON**](https://www.dodig.mil/Biographies/Bio-Display/Article/1127954/marguerite-c-garrison/)USA (Ret.) claimed she had the ability to avoid legitimate investigation into senior DoD official criminal misconduct.

On 14 July 2021, **FRANZ GAYL** filed a whistleblower disclosure with DoD IG Chief of Staff (CoS) COL [STEVEN A. STEBBINS](https://www.dodig.mil/Biographies/Bio-Display/Article/1124947/steven-a-stebbins/) USAR (Ret)[[6]](#footnote-6) on serious criminal misconduct occurring within the DoD Office of Inspector General (DoD OIG). The DoD IG (CoS) Steven A. Stebbins elected to “not” conduct criminal investigative action via the Inspector General Act [[5a U.S. Code § 7(a)-Complaints by Employees](https://www.law.cornell.edu/uscode/text/5a/compiledact-95-452/section-7)] utilizing the “may” vice “shall” investigate imperative.

On 11 December 2021, **FRANZ GAYL** submitted a federal whistleblower disclosure on serious criminal misconduct occurring within the DoD Inspector General Office (DoD OIG) to “Acting” DoD IG [**SEAN W. ODONNELL**](https://www.dodig.mil/Biographies/Bio-Display/Article/2142123/)(EPA-IG); once again, DoD IG Chief of Staff (CoS) COL [**STEVEN A. STEBBINS**](https://www.dodig.mil/Biographies/Bio-Display/Article/1124947/steven-a-stebbins/) USAR (Ret) ensured that no criminal investigative action would be taken applying the “may” vice “shall” language in Inspector General Act [[5a U.S. Code § 7(a)-Complaints by Employees](https://www.law.cornell.edu/uscode/text/5a/compiledact-95-452/section-7)].

On 15 March 2022, **FRANZ GAYL** elected to take voluntary federal government retirement due to diagnoses of multiple sclerosis (MS) compounded by over 9-months of HQMC directed “unclassified” work from his private residence, haphazardly supervised by several low-ranking Marine Corps officials.

**SYSTEMIC FAILURE:** The Congressional (**Article I**) creation of a self-regulating new class of political bureaucrat, granted lifetime appointment, coupled with the creation of an unconstitutional self-regulating sui generous “entity” called the Council of the Inspectors General on Integrity and Efficiency (CIGIE) causing a complete loss of transparency & accountability over the programs & operations of the federal government.

**REMEDY:** Immediate Congressional Branch (**Article I**), Executive Branch (**Article II**), and Judicial Branch (**Article III**) intervention:

* (1) Congressional (**Article I**) authority for any U.S. citizen to collectively seek civil damages against individual members of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) for [deprivation of rights](https://www.law.cornell.edu/uscode/text/42/1983) taken against any U.S. Citizen exercising their 1st Amendment right to petition their government for redress of grievance (whistleblowing)
* (2) Congressional (**Article I**) modification of [5 U.S. Code § 2302(a)(2)(A)](https://www.law.cornell.edu/uscode/text/5/2302#a_2)- “personal action” to include as: 5 U.S. Code § 2302(a)(2)(A)(xiii)- Security Clearance Personnel Vetting Actions
* (3) Executive Branch (**Article II**) immediate removal from federal government service protected members of the sui generous self-regulating “entity” known as the Council of the Inspectors General on Integrity and Efficiency (**CIGIE**)
* (4) Executive Branch (**Article II**) directed criminal charging of members of the CIGIE retaliating against U.S. citizens for exercising the protected 1st Amendment right to petition their government for redress of grievances (Whistleblowing)
* (5) Judicial (**Article III**) Supreme Court strike down as unconstitutional Section 424-Establishment of the Council of the Inspectors General on Integrity and Efficiency contained within the [Inspector General Reform Act of 2008](https://www.congress.gov/110/plaws/publ409/PLAW-110publ409.pdf)

1. LinkedIn is a business & employment-focused social media platform that works through websites & mobile applications. It was launched on May 5, 2003 by Reid Hoffman/Eric Ly. Since December 2016, LinkedIn has been a wholly owned Microsoft subsidiary. [↑](#footnote-ref-1)
2. **Channeling Realism to Avert a War Over Taiwan**. See: <https://www.mca-marines.org/wp-content/uploads/January-2021-1.pdf> [↑](#footnote-ref-2)
3. On 23 March 2020, U.S. Marine Corps Commandant General **DAVID H. BERGER** USMC released a new HQMC organizational structural “force design” initiative called **“Force Design 2030”** to focus on strategically supporting U.S. Indo-Pacific Taiwan contingencies by changing existing force structure giving up: infantry, fire support, bridging, military police battalions, tanks, and large numbers of tilt-rotor/light-attack/heavy rotary-wing squadrons. See, <https://crsreports.congress.gov/product/pdf/R/R47614> [↑](#footnote-ref-3)
4. **How Two Dozen Retired Generals are Trying to Stop an Overhaul of the Marines.** Politico, Paul McLeary & Lee Hudson, 01 April 2022. See: [**https://www.politico.com/news/2022/04/01/corps-detat-how-two-dozen-retired-generals-are-trying-to-stop-an-overhaul-of-the-marines-00022446**](https://www.politico.com/news/2022/04/01/corps-detat-how-two-dozen-retired-generals-are-trying-to-stop-an-overhaul-of-the-marines-00022446)

   [↑](#footnote-ref-4)
5. Supreme Court (SCOTUS) defines **retaliation** as an intentional act in response to a protected action [See, Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005)]. Citing Jackson, the court in Gutierrez **underscored** the intentional nature of a retaliation complaint: *“Retaliation is, by definition, an intentional act. It is a form of “discrimination” because the complainant is being subjected to differential treatment.”* Gutierrez, 2005 WL 2346956, at \*5. The complained of matter need not be a complaint; it can be any lawful conduct that an individual engages in connected with a protected right. “The very concept of retaliation is that the retaliating party takes action against the party retaliated against after, and because of, some action of the latter.” Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958). [↑](#footnote-ref-5)
6. Department of Defense, Office of Inspector General- Legality of Service of Acting Inspector General Sean W.

   B-333853, June 28, 2022. See: <https://www.gao.gov/assets/730/721336.pdf> [↑](#footnote-ref-6)