

July 31, 2019

John R. Crane
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202-372-5321

Honorable Chuck Grassley
135 Hart SOB
Washington, DC 20510

**SUBJECT: REQUEST FOR INVESTIGATION OF OSC OBSTRUCTION OF
FEDERAL INVESTIGATORY PROCESS AND INTEGRITY COMMITTEE
(IC)/ALLGATION REVIEW GROUP REFUSAL TO COMPLY WITH
STATUTORY DEMAND FOR FEDERAL INVESTIGATION**

Senator Grassley,

I request that you conduct an investigation into the actions of **Henry J. Kerner**, U.S. Special Counsel (**OSC**), that violate the federal Merit System and obstruct the federal investigatory process (administrative/criminal) in regard to OSC-12 Whistleblower Disclosure (**DI-18-4945**) that contains evidence of systemic wrongdoing occurring with the OSC. The actions of **Henry J. Kerner** need to be investigated in light of potential violation of 18 U.S.C. § 1505. My specific concerns are detailed in the attached letter of 29 July 2019. [See: enclosure (1).]

I am also requesting that you conduct an investigation into the actions of **Scott S. Dahl**, Chairperson, Integrity Committee (IC) and member of the Allegation Review Group (ARG), and **Deborah J. Jeffrey**, Vice-Chairperson of the IC, that violate the federal Merit System and obstruct the federal investigatory process by countermanding and refusing to comply with a statutory demand [5 USC § 1213(c)(1)] for federal investigation (administrative/criminal) into the disclosure of misconduct OSC-12 (**DI-15-2333**) involving federal Covered Persons as defined under the rules of the IC. The actions of **Scott S. Dahl** and **Deborah J. Jeffrey** need to be investigated in light of potential violation of 18 U.S.C. § 1505. My concerns are detailed in the attached letter of 29 July 2019. [See: enclosure (1).]

The disclosures in OSC-12 (**DI-15-2333**) state that Acting DoD Inspector General **Lynne M. Halbrooks**, and General Counsel, **Henry C. Shelley Jr.**, suppressed the criminal findings of a Department of Defense (DoD) Inspector General (IG) investigation that former Central Intelligence Agency (CIA) Director and DoD Secretary **Leon Panetta**

made unauthorized disclosures of highly classified information on the Osama bin Laden raid to Hollywood movie producers during pre-production of the film *Zero Dark Thirty*.

The referral of OSC-12 (**DI-15-2333**) under a substantial likelihood determination in accordance with 5 U.S.C. § 1213(c)(1) to the IC was to address issues identified outside the scope and findings of an earlier oversight review you conducted and to examine issues that you stated needed further review.

The OSC under the leadership of **Tristan Leavitt**, Acting Special Counsel, provided me a letter on October 11, 2017, in regard to the refusal of **Scott S. Dahl** and **Deborah J. Jeffrey** to investigate OSC-12 (**DI-15-2333**) that stated:

Unfortunately, the IC's decision not to investigate countermanded the Special Counsel's statutory determination that the allegations warranted investigation. As we have discussed with you, **this case highlights the challenges OSC faces in addressing allegations of misconduct by inspectors general and their high-level employees under the statutory framework of § 1213.** We believe Congress has expressed a clear intent for the IC to review allegations concerning such officials. . . Nevertheless, the IC's processes and procedures and those in 5 U.S.C. § 1213 are not consistent, and **without an investigation, OSC is obviously unable to reach a determination, as required by § 1213(e)(2),** regarding the reasonableness of any findings. [See: enclosure (2).]

Previously, based on my whistleblower disclosure to you, your staff conducted an oversight review that examined if Acting DoD IG **Lynne M. Halbrooks** "deliberately suppressed the report for two reasons: (1) to protect senior officials from disciplinary action or prosecution and (2) in the process, to further her candidacy for nomination to be the next DoD IG." The oversight review *Zero Dark Thirty Report* was made part of the Senate record when you made a floor statement December 4, 2014.¹

Your oversight review concluded that: 1.) Halbrooks made inaccurate and misleading statements in response to Senator Grassley's questions; 2.) Halbrooks' contacts with subjects of the ongoing investigation raise ethical issues; and 3.) the delayed publication of the report created a perception that Halbrooks compromised the OIG's independence.

On April 25, 2016, Chairman **Ron Johnson**, Homeland Security and Governmental Operations, requested the Comptroller General of the United States to evaluate the OSC.

¹See:

<https://www.grassley.senate.gov/news/news-releases/grassley-releases-report-inspector-generals-bungling-zero-dark-thirty>

<https://www.grassley.senate.gov/sites/default/files/judiciary/upload/Zero%20Dark%20Thirty%2C%2012-02-14%2C%20final%20report%2C%20Redacted.pdf>

Chairman Johnson noted that the “OSC exists to champion and protect federal whistleblowers. . .[and] the time is ripe for GAO to examine the work, processes and procedures of the OSC.” The scope of the oversight review included:

- 1.) the effectiveness and efficiency of the OSC case management processes and protocols;
- 2.) OSC’s success rate in protecting whistleblowers; and
- 3.) whether there are adequate safeguards in place for proper oversight of OSC to include:
 - a. the adequacy of the mechanisms in place to prevent conflict of interest of the Special Counsel or Deputy Special Counsel on the Council of the Inspectors General on Integrity and Efficiency, Integrity Committee;
 - b. the role that senior OSC leadership plays in determining which complaints are referred for investigation. [See: enclosure (2).]

The GAO conducted the requested review and issued a report in June 2018, entitled: *Office of Special Counsel, Actions Needed to Improve Processing of Prohibited Personnel Practice and Whistleblower Disclosure Cases*. The report highlighted serious deficiencies and contained seven recommendations to improve the OSC.²

Thank you in advance for your diligence and quick response for this request for an oversight investigation. I am available to meet with you and your staff to provide further information. In addition, I can also provide to you the names of other whistleblowers who have experienced the same patterns of misconduct.

Very Respectfully,

John R. Crane

John R. Crane

Enclosures:

- (1) Chairman Ron Johnson request to Honorable Gene Dodaro, Comptroller General of the United States, dated April 25, 2016
- (2) John R. Crane to Scott S. Dahl, Chair, Integrity Committee and Deborah J. Jeffrey, Vice-Chairperson, dated 29 July 2019

² See: <https://www.gao.gov/assets/700/692545.pdf>

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

CHRISTOPHER P. WILSON, CHIEF OF STAFF
LORRIE L. GIBSON, CHIEF OF STAFF

April 25, 2016

The Honorable Gene Dodaro
Comptroller General of the United States
441 G Street NW
Washington, DC 20548

Dear Mr. Dodaro:

The Office of Special Counsel (OSC) is the primary agency that safeguards the merit system by protecting federal employees and applicants from prohibited personnel practices, including whistleblower reprisal.¹ Since the OSC's creation in 1979, the Government Accountability Office (GAO) has periodically evaluated OSC's effectiveness in carrying out its statutory responsibilities and has identified areas for improvement. It appears GAO has not conducted a substantial programmatic review of OSC's functions for several years.²

In the 114th Congress, the Committee has examined the difficulties that federal employees have experienced after blowing the whistle on waste, fraud, and abuse in the government. The Committee has heard from whistleblowers in the Department of Homeland Security, the Department of Veterans Affairs, the Department of Defense, the Social Security Administration, and a number of other agencies. Often, after exposing misconduct, these whistleblowers may face removal from their job, suspension of pay, and retaliatory investigations.

The OSC exists to champion and protect federal whistleblowers. Because of the OSC's role in protecting federal whistleblowers, it is important that the agency operates efficiently and effectively. With the increase in whistleblower disclosures in recent years and the passage of the Whistleblower Protection Enhancement Act in 2012, the time is ripe for GAO to examine the processes and procedures of the OSC. Accordingly, I request that GAO evaluate the OSC's work, including by examining the following issues:

- The effectiveness and efficiency of OSC's case management processes and protocols. To complete this request, please evaluate:

¹ U.S. Office of Special Counsel, <https://osc.gov/Pages/about.aspx> (last visited Apr. 25, 2016).

² See, e.g., U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-07-318R, OFFICE OF SPECIAL COUNSEL NEEDS TO FOLLOW STRUCTURED LIFE CYCLE MANAGEMENT PRACTICES FOR ITS CASE TRACKING SYSTEM (2007) available at <http://www.gao.gov/products/GAO-07-318R>; see also U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-07-263R, U.S. OFFICE OF SPECIAL COUNSEL'S PROCEDURES FOR ASSIGNING INCOMING CASES TO AND WITHIN ORGANIZATIONAL UNITS (2007) available at <http://www.gao.gov/products/GAO-07-263R>.

- OSC's processes for reviewing and referring complaints of Prohibited Personnel Practices (PPP);
 - OSC's processes for reviewing and referring disclosure complaints;
 - The metrics that the OSC uses to determine whether to refer a complaint for investigation;
 - The metrics that the OSC uses to determine how to assign complaints to OSC employees; and
 - The metrics that the OSC uses to reopen an investigation or grant a request for reconsideration.
- OSC's success rate in protecting whistleblowers. To complete this request, please evaluate:
 - OSC's practices and procedures regarding stays of personnel actions;
 - How OSC ensures a consistent approach to the treatment of complaints across the agency;
 - The training of OSC's attorneys, investigators, and other staff specialists who review, refer, or investigate PPP or disclosures to OSC; and
 - OSC's policies and practices to ensure the confidentiality of whistleblowers who have requested confidentiality.
- Whether there are adequate safeguards in place for proper oversight of OSC. To complete this request, please evaluate:
 - How and to whom OSC employees report PPP or make disclosures;
 - The adequacy of the Memorandum of Understanding between OSC and the National Science Foundation Office of Inspector General;
 - The adequacy of the mechanisms in place to prevent a conflict of interest of the Special Counsel or Deputy Special Counsel on the Council of the Inspectors General on Integrity and Efficiency Integrity Committee; and
 - The role that senior OSC leadership plays in determining which complaints are referred for investigation.

If you have any questions about this request, please contact Kyle Brosnan of the Committee staff at (202) 224-4751. Thank you for your attention to this important matter.

Sincerely,

Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

29 July 2019

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202-372-5321

Inspector General Scott S. Dahl (DOL IG)
Chairperson, CIGIE Integrity Committee (IC)
1717 H Street NW
Suite 825
Washington, DC 20006

Inspector General Deborah J. Jeffrey (CNCS IG)
Vice-Chairperson, CIGIE Integrity Committee (IC)
1717 H Street NW
Suite 825
Washington, DC 20006

SUBJECT: REQUEST FOR ANY/ALL RECORDS RELATED TO INTEGRITY COMMITTEE (IC)/ALLEGATION REVIEW GROUP (ARG) REFUSAL TO COMPLY WITH U.S. SPECIAL COUNSEL STATUTORY DEMAND FOR FEDERAL INVESTIGATION (ADMINISTRATIVE/CRIMINAL) OF COVERED PERSONS [LYNNE M. HALBROOKS ACTING INSPECTOR GENERAL, DEPARTMENT OF DEFENSE (AIG DOD)/HENRY C. SHELLEY JR. GENERAL COUNSEL AIG DOD]

Chairperson **Scott S. Dahl** (DOL IG) and Vice-Chairperson **Deborah J. Jeffrey** (CNCS),

1. On 11 October 2017, I received a letter from the U.S. Special Counsel informing me that the Council of Inspectors General on Integrity and Efficiency (CIGIE)¹ Integrity Committee (IC)² Allegation Review Group (ARG) had “countermanded” and *refused* to comply with U.S. Special Counsel (OSC)³ statutory demand for federal investigation (administrative/criminal) into credible disclosure of misconduct (**OSC-12 DI-15-2333**) involving federal employees covered under the CIGIE Integrity Committee (IC); 5 USC § 1213(b)⁴. [See: enclosures (1), (2).]

¹ Council of Inspectors General on Integrity and Efficiency (CIGIE) mission: “to address integrity, economy, and effectiveness issues that transcend individual Government agencies and increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the Offices of Inspectors General (OIG).” See: <https://ignet.gov/sites/default/files/files/QAR%20Guide%20Investigations%20July%202017.pdf>

² Integrity Committee (IC) mission: “to receive, review, and refer for investigation allegations of wrongdoing made against an Inspectors [sic] General (IG), designated senior staff of an IG, and the Special Counsel and Deputy Special Counsel of the Office of Special Counsel, and to ensure the fair, consistent, timely, and impartial disposition of allegations that fall within the IC’s statutory mandate.” See: <https://www.ignet.gov/content/integrity-0>

³ U.S. Special Counsel (OSC): the U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency the safeguards the federal merit system and protects federal employees from prohibited personnel practices and reprisal for whistleblowing. See: <https://osc.gov/Pages/about.aspx>

⁴ U.S. Special Counsel receives credible report of federal employee wrongdoing (*violation of any law, rule, or regulation; or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific*

2. In light of the fact there is a statutory requirement [IG Act 1978, as amended, § 4(d)] for all federal Inspectors General (IGs) to notify the U.S. Attorney General when there are reasonable grounds to believe there has been a violation of Federal criminal law [i.e., U.S. Special Counsel 45-day substantial likelihood finding (DI-15-2333)]⁵; as well as, the existence of public interest, and to avoid the appearance of impropriety, I must review all documentation related to the Integrity Committee (IC)/Allegation Review Group (ARG) decision to not conduct legitimate administrative/criminal investigation into Covered Persons of the Council of Inspectors General on Integrity and Efficiency (CIGIE).

3. As you know, during that time, the CIGIE Integrity Committee (IC) Allegation Review Group (ARG)⁶ consisted of the following federal employees:

- Department of Justice (DOJ) Criminal Division Public Integrity Section (PIN) **AnnaLou Tirol**
- CIGIE Integrity Committee (IC) Chairperson **Scott S. Dahl** (DOL IG)
- U.S. Special Counsel **Carolyn N. Lerner**; (Acting) **Adam Miles/Tristan Leavitt**

With respect to the requirement to properly refer and conduct investigation (criminal), the Attorney General's designee to the Integrity Committee (IC) Allegation Review Group (ARG) **AnnaLou Tirol** determines if criminal investigation is required after receiving credible allegations of wrongdoing against federal employees subjected the authority of the CIGIE Integrity Committee.

In determining if investigation (administrative/criminal) is warranted the three members of the Integrity Committee (IC) Allegation Review Group (ARG) are charged with ensuring consistency in properly conducting the federal investigative process (administrative/criminal) while avoiding conflicts of interest and protecting the due process rights of all federal employees.

4. This request for release of records is made as per the Freedom of Information Act/Privacy Act, 5 U.S.C. § 552, and the Council of Inspectors General on Integrity and Efficiency (CIGIE) *Integrity Committee Policies and Procedures* 2018.^{7, 8, 9, 10}

danger to public health or safety) and within 45-days the U.S. Special Counsel determines if federal investigation (administrative/criminal) is required [5 USC § 1213(b)]. See: <https://www.law.cornell.edu/uscode/text/5/1213>

⁵ The Inspector Act of 1978 as amended (IG Act), 5 USC Appendix Inspector General Act of 1978 § 4(d): "In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law." See:

<https://www.govinfo.gov/content/pkg/USCODE-2017-title5/pdf/USCODE-2017-title5-app.pdf#page=11>

⁶ Council of the Inspectors General on Integrity and Efficiency (CIGIE), *Integrity Committee Policies and Procedures* 2018 w/administrative correction (1) dtd 13 April 2018. Section 3(F). [p. 2.] See: [https://ignet.gov/sites/default/files/files/Integrity Committee Policies and Procedures Revised Jan-2018 Final.pdf](https://ignet.gov/sites/default/files/files/Integrity%20Committee%20Policies%20and%20Procedures%20Revised%20Jan-2018%20Final.pdf)

⁷ **Disclosure of IC Records:** Council of the Inspectors General on Integrity and Efficiency (CIGIE), *Integrity Committee Policies and Procedures* 2018 w/administrative correction (1) dtd 13 April 2018. Section 13 B. [p.13], IC records will be maintained in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act⁷). The records may be disclosed only in response to the written request of, or with the prior consent of, the individual to whom the record pertains under the condition specifically set forth in the Privacy Act at 5 U.S.C. § 522a(b),

5. To assist with expeditious processing, I request that records: reviewed/produced/maintained/distributed by the following Responsible Management Officials (RMOs), and any other federal employee involved in the inter-agency decision-making process, be disclosed:

DEPARTMENT OF DEFENSE (DoD) OFFICE OF INSPECTOR GENERAL (OIG):

- **Lynne L. Halbrooks**, Acting Inspector General (AIG), Department of Defense (DoD) Office of Inspector General (OIG)
- **Lynne L. Halbrooks**, Principal Deputy Inspector General (PDIG), Department of Defense (DoD) Office of Inspector General (OIG)
- **Henry C. Shelley Jr.**, General Counsel (GC), Department of Defense (DoD) Office of Inspector General (OIG)
- **Michael S. Childs**, Chief of Staff (CoS), Department of Defense (DoD) Office of Inspector General (OIG)
- **Bud Rafferty**, Associate General Counsel, Department of Defense (DoD) Office of Inspector General (OIG)
- **William Kraus**, Senior Associate General Counsel, Department of Defense (DoD) Office of Inspector General (OIG)
- **Steven D. Wilson**, Assistant Inspector General (AIG) for Administration and Management, Department of Defense (DoD) Office of Inspector General

applicable regulations or as otherwise permitted or required by law. *See:*

[https://ignet.gov/sites/default/files/files/Integrity Committee Policies and Procedures Revised Jan-2018 Final.pdf](https://ignet.gov/sites/default/files/files/Integrity%20Committee%20Policies%20and%20Procedures%20Revised%20Jan-2018%20Final.pdf)

⁸ **Access by individuals to their own records.** Council of the Inspectors General on Integrity and Efficiency (CIGIE), *Integrity Committee Policies and Procedures 2018* w/administrative correction (1) dtd 13 April 2018. Section 13 B. [p.13], An individual may request access to records pertaining to himself or herself by means of the procedures prescribed by the Privacy Act and its implementing regulations. [p. 13.] *See:*

[https://ignet.gov/sites/default/files/files/Integrity Committee Policies and Procedures Revised Jan-2018 Final.pdf](https://ignet.gov/sites/default/files/files/Integrity%20Committee%20Policies%20and%20Procedures%20Revised%20Jan-2018%20Final.pdf)

⁹ **Maintenance and Disposal of IC Records:** Council of the Inspectors General on Integrity and Efficiency (CIGIE), *Integrity Committee Policies and Procedures 2018* w/administrative correction (1) dtd 13 April 2018. Section 13 B. [p.13], All documents received or transmitted by the IC in fulfilling its responsibilities under the IG Act (including, but not limited to, written allegations against Covered Persons; IC correspondence; IC Investigation Working Papers; reports of investigation; reports of final actions taken with regard to proven allegations; and memoranda providing the final dispositions of allegations determined to be frivolous or outside the authority of the IC, or otherwise closed without further investigation) will be maintained as IC records and will be kept separately from other investigation) will be maintained as IC records and will be kept separately from other CIGIE records. The **CIGIE Chairperson** is the statutory custodian of all IC records pursuant to section 11(d)(13) of the IG Act. *See:* [https://ignet.gov/sites/default/files/files/Integrity Committee Policies and Procedures Revised Jan-2018 Final.pdf](https://ignet.gov/sites/default/files/files/Integrity%20Committee%20Policies%20and%20Procedures%20Revised%20Jan-2018%20Final.pdf)

¹⁰ **Criminal Investigative Files Not Included as IC Records.** Council of the Inspectors General on Integrity and Efficiency (CIGIE), *Integrity Committee Policies and Procedures 2018* w/administrative correction (1) dtd 13 April 2018. Section 13 B. [p.13]: The IC records will not include any criminal investigative files or work product **except** for (1) the receipt of allegation of criminal conduct; (2) referral of a matter to the IC arising from a criminal investigation; (3) referral of a matter back to the IC following consideration by Public Integrity Section (PIN) or another prosecutive authority; or (4) a summary report provided by PIN pursuant to section 6(C) of these Policies.] *See:* [https://ignet.gov/sites/default/files/files/Integrity Committee Policies and Procedures Revised Jan-2018 Final.pdf](https://ignet.gov/sites/default/files/files/Integrity%20Committee%20Policies%20and%20Procedures%20Revised%20Jan-2018%20Final.pdf)

- **Ralph A. Suris**, Assistant Inspector General (AIG) Office of Professional Responsibility (OPR), Department of Defense (DoD) Office of Inspector General (OIG)

OFFICE OF U.S. SPECIAL COUNSEL (OSC):

- **Henry J. Kerner**, U.S. Special Counsel, Office of Special Counsel (OSC)
- **Carolyn N. Lerner**, U.S. Special Counsel, Office of Special Counsel (OSC)
- **Mark Cohn**, Principal Deputy Special Counsel, Office of Special Counsel (OSC)
- **Ellen Chubin Epstein**, Principal Deputy Special Counsel, Office of Special Counsel (OSC)
- **Susan K. Ullman**, General Counsel, Office of Special Counsel (OSC)
- **Adam Miles**, Acting U.S. Special Counsel, Office of Special Counsel (OSC)/(June 2017 - September 2017)
- **Tristan L. Leavitt**, Acting U.S. Special Counsel, Office of Special Counsel (OSC)/(September 2017 - December 2017)
- **Louis Lopez**, Associate Special Counsel Investigation and Prosecution Division, Office of Special Counsel (OSC)
- **Anne M. Wagner**, Associate Special Counsel General Law Division, Office of Special Counsel (OSC)
- **Karen Gorman**, General Law Division, Retaliation and Disclosure Unit (RDU), Office of Special Counsel (OSC)
- **Catherine McMullen**, General Law Division, Chief Disclosure Unit (OSC-12), Office of Special Counsel (OSC)

COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY (CIGIE):

- **Dustin S. Brown (Deputy Director Management OPM)**, Acting Executive Chairperson, Council of the Inspectors General on Integrity and Efficiency (CIGIE)
- **Michael E. Horowitz (DOJ IG)**, Chairperson, Council of the Inspectors General on Integrity and Efficiency (CIGIE)
- **Allison C. Lerner (NSF IG)**, Vice-Chairperson, Council of the Inspectors General on Integrity and Efficiency (CIGIE)
- **Mark L. Greenblatt (DOC AIG Investigations)**, Acting Executive Director, Council of the Inspectors General on Integrity and Efficiency (CIGIE)
- **Atticus J. Reaser**, General Counsel, Council of the Inspectors General on Integrity and Efficiency (CIGIE)

CIGIE INTEGRITY COMMITTEE (IC):

- **Catherine S. Bruno** (Deputy Director for Compliance, FBI), designated by Director, FBI, Member CIGIE Integrity Committee (IC)
- **Dale Christopher (Deputy Director Compliance, OGE)**, designated by Director, OGE, Member, CIGIE Integrity Committee (IC)
- **Scott S. Dahl**, Chairperson, CIGIE Integrity Committee (IC)
- **Deborah J. Jeffrey (CNCS IG)**, Vice-Chairperson, CIGIE Integrity Committee (IC)
- **Thomas J. Howard (AMTRAK IG)**, Member, CIGIE Integrity Committee (IC)
- **Mary Mitchelson (CPB IG)**, Member, CIGIE Integrity Committee (IC)

- **AnnaLou Tirol** [DOJ Criminal Division, Office of Public Integrity (PIN)], Legal Advisor, CIGIE Integrity Committee (IC)

CIGIE INTEGRITY COMMITTEE (IC) ALLEGATION REVIEW GROUP (ARG):¹¹

- **AnnaLou Tirol**, Department of Justice (DOJ), Criminal Division, Public Integrity Section (PIN)
- **Scott S. Dahl** (DOL IG), Chairperson, CIGIE Integrity Committee (IC)
- **Carolyn N. Lerner**, U.S. Special Counsel, Office of Special Counsel (OSC)
- **Tristan Levitt**, Acting U.S. Special Counsel
- **Adam Miles**, Acting U.S. Special Counsel

DEPARTMENT OF JUSTICE (DoJ):

- **AnnaLou Tirol**, DOJ Criminal Division, Office of Public Integrity (PIN); and Legal Advisor, CIGIE Integrity Committee (IC)

DEPARTMENT OF JUSTICE- FEDERAL BUREAU OF INVESTIGATION (FBI)

- **Catherine S. Bruno** (Director Office of Integrity and Compliance, Office of the Deputy Director FBI, Member CIGIE Integrity Committee (IC)

U.S. ATTORNEY OFFICE DISTRICT OF COLUMBIA (DC):

- **Jesse Liu**, United States Attorney for the District of Columbia
- **T. Patrick Martin**, Chief, Criminal Division
- **J.P. Cooney**, Criminal Division, Chief Fraud and Public Corruption Section
- **Ellen Chubin Epstein**, Assistant U.S. Attorney (AUSA) Criminal Section, Fraud and Public Corruption Section

GOVERNMENT ACCOUNTABILITY OFFICE (GAO):

- **Eugene L. Dodaro**, Comptroller General of the United States, Government Accountability Office (GAO)
- **Tom Armstrong**, General Counsel, Government Accountability Office (GAO)
- **Katherine Siggerud**, Chief Operating Officer, Government Accountability Office (GAO)
- **J. Christopher Mihm**, Managing Director, Strategic Issues, Government Accountability Office (GAO)
- **Yvonne D. Jones**, Director of Strategic Issues, Government Accountability Office (GAO)

DISTRICT of COLUMBIA COURT of APPEALS- BOARD OF PROFESIONAL RESPONSIBILITY:

- **Hamilton P. Fox III**, Disciplinary Counsel, District of Columbia Court of Appeals, Office of Disciplinary Counsel, Board on Professional Responsibility

¹¹ Council of the Inspectors General on Integrity and Efficiency (CIGIE) Integrity Committee (IC) Report to Congress, 07 January 2019 [p. 1]. See: https://www.ignet.gov/sites/default/files/files/2018_IC_Annual_Report.pdf

- **Becky Neal**, Deputy Disciplinary Counsel, District of Columbia Court of Appeals, Office of Disciplinary Counsel, Board on Professional Responsibility
- **Joseph N. Bowman**, Assistant Disciplinary Counsel, District of Columbia Court of Appeals, Office of Disciplinary Counsel, Board on Professional Responsibility

INTERNAL REVENUE SERVICE (IRS):

- **Charles P. Rettig**, Commissioner, U.S. Internal Revenue Service (IRS)
- **Michael J. Desmond**, Chief Counsel, U.S. Internal Revenue Service (IRS)
- **Don Fort**, Chief, Criminal Investigations, U.S. Internal Revenue Service (IRS)

GOVERNMENT ACCOUNTABILITY PROJECT (GAP)/501(c)(3):

- **Louis Clark**, Executive Director and Chief Executive Officer (CEO)
- **Tom Devine**, Legal Director, Government Accountability Project (GAP)
- **Michael Termini**, Chief of Staff (CoS)
- **Karen Grey**, Legal Counsel
- **Richard Salzman**, Chair, Board of Directors
- **Adam Miles**, Legislative Representative
- **Mark Cohn**, Executive Director and Chief Executive Officer (CEO)

6. On 9 July 2018, I provided U.S. Special Counsel **Henry J. Kerner** a disclosure informing him of serious criminal wrongdoing occurring with the Office of the U.S. Special Counsel related to obstruction of the federal investigatory process (administrative/criminal); 18 U.S.C. § 1505. On 20 July 2018, I filed an electronic OSC-12 Disclosure of Wrongdoing (**DI-18-4945**) with U.S. Special Counsel **Henry J. Kerner** again informing him of serious criminal wrongdoing occurring within the Office of the U.S. Special Counsel (**DI-18-4945**) related to obstruction of the federal investigatory process (administrative/criminal); 18 U.S.C. § 1505. [See: enclosures (3), (4).]

7. On 07 December 2018, I sent a follow-up demand to U.S. Special Counsel **Henry J. Kerner** reminding him of his statutory responsibility to safeguard the federal merit system and protect the due process rights of federal whistleblowers and render a 45-Day Substantial Likelihood Finding on (**DI-18-4945**)¹² something the U.S. Special Counsel **Henry J. Kerner** chose to ignore either out of gross mismanagement or abuse of authority. [See: enclosure (5).]

8. On 11 June 2019, I sent the U.S. Special Counsel **Henry J. Kerner** a second follow-up demand for statutory compliance and rendering of a 45-Day Substantial Likelihood Finding on (**DI-18-4945**). I informed **Henry Kerner** that there was an OSC proceeding and, that he was fully aware of the fact that his inability/reluctance to perform his statutory duties materially degraded the quality of the evidentiary base (witness statements and documentation) and served as an obstructive action to thwart the federal investigatory process (administrative/criminal); 18 USC § 1505. [See: enclosure (6).]

¹² U.S. Special Counsel (OSC): the U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency that safeguards the federal merit system and protects federal employees from prohibited personnel practices and reprisal for whistleblowing. See: <https://osc.gov/Pages/about.aspx>

9. Thank you in advance for your diligence and quick response to this request for records to both understand and demand proper performance of duty and effective execution of the federal investigative process (administrative/criminal).

Very Respectfully,

John R. Crane

John R. Crane

Enclosures:

- (1) U.S. Special Counsel OSC-12 45-Day Substantial Likelihood Finding (**DI-15-2333**) Notification, dated 19 May 2017
- (2) U.S. Special Counsel Notification of CIGIE Integrity Committee (IC) Refusal to Conduct Federal Investigatory Process, dated 11 October 2017
- (3) John R. Crane to U.S. Special Counsel Wrongdoing Notification Submission dated 09 July 2018
- (4) U.S. Special Counsel OSC-12 Disclosure of Wrongdoing (**DI-18-4945**), dated 20 July 2018
- (5) John R. Crane to U.S. Special Counsel Notification and Demand for Statutory Action (**DI-18-4945**), dated 07 December 2018
- (6) John R. Crane to U.S. Special Counsel Notification and Demand Follow-Up for Statutory Action (**DI-18-4945**), dated 11 June 2019

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