

United States Office of Special Counsel
Special Counsel for Whistle Blowers
1730 M Street, N.W.
Suite 300
Washington, D.C. 20036

11/17/93

Dear Sir or Madam,

I am not an attorney and so I am writing to you -- to ask for help in advocating my situation. I work for the Independent Counsel's Office (OIC) of Judge Arlin Adams.

Briefly and in the way of background, the Independent Counsel is a special prosecutor who is appointed to investigate corruption in the Executive Branch. The impetus for the Independent Counsel is generally by the request of Congress to the Attorney General. The Attorney General (if the request meets certain conditions) creates a three judge panel to appoint an Independent Counsel, and to define its scope.

Our Independent Counsel was appointed in March 1990 to investigate the affairs of Samuel Pierce and the Department of Housing and Urban Development (HUD) during the Reagan years. I joined the Independent Counsel as a Records Manager in November 1991. Prior to that time, there was no individual at the OIC with the technical expertise in records management. As a result, the OIC's documents were mislabeled, poorly organized, without indexes and with few safeguards to protect the integrity of the files.

I worked hard to create an organized records management system for the OIC's internal documents and to re-construct files that were either lost or misplaced. New labels were created that identified more clearly - the contents of internal files. Indexes were created and are routinely updated. The collection continues to grow and to date numbers about one and half million documents. The initial clean-up of this system took about 12 or 13 months. Since that time, in addition to maintenance and new files, I have taken on additional documents for management and have written proposal to improve the present system. I have performed record audits to insure the integrity of this system and have provided research and retrieval services for the attorneys, clerks and legal assistants in the OIC.

I was a neophyte to government service and was excited to be working for the Independent Counsel. My previous work experience was in the private sector (resume attached). I very much wanted to work in government service and even took a pay cut for the opportunity of working for the OIC. I believed then and still believe now, that people who violate the public trust should be held accountable.

Ironically, some of the very same allegations made against players in the HUD scandal (for which we are investigating) could be made

against our very own office. In fact, I made this point to the Judge, (Arlin Adams) a few weeks back and was informed yesterday - by the Judge that he had investigated my claims and that though he was troubled by the sloppy management of the office - he was satisfied that everything could be explained away. At this time, the Judge told me that he was being pressured by Congress to reduce his staff, and that after consulting with the Administrator and the Deputy Independent Counsel - he had determined that my responsibilities could be performed by Aspen personnel (Aspen is an outside contractor for the OIC). I was given sixty days notice of termination.

n.b. I apologize for writing over a page before coming to the allegation for which I need for your help. However, I do not know how much information you require.

I will try to provide you with a chronology and for the sake of clarity, will list the events I think -- most significant;

I met with the Judge on Monday - November 8, 1993. I did this because I felt a responsibility as a government employee to make the Judge aware of events which could hurt much of the good work of our office. I told him that I did not know if my allegations were necessarily illegal, but that they did not seem to pass the "smell" test.

I told him that about the following events;

The OIC did not use competitive bids for our service vendors... And that I knew of two specific contracts which were given to friends of OIC employees.

1) One was for Suburban Reporting, Inc. a transcription service we use for our Grand Jury Hearings. This contract is problematic for two reasons; a) Suburban Reporting is run by Marty and Karen Scheinberg who are personal friends of our administrator, Terri Duggan and b) frequently, we receive transcripts later than the times specified for delivery, but receive no discount from the vendor, and still pay the full amount even though the services contracted for were not met.

2) The second is for Pearl Tytell Handwriting Analysis. Pearl Tytell is a friend of Associate Independent Counsel, ~~██████~~ Pearl Tytell was used to analyze Deborah Gore Dean's handwriting exemplars. The problem here is that we have used the FBI for all other analysis for two reasons a) the FBI is recognized as the best in the world and b) the FBI is detailed to our office. This service need not be billed to the government since the FBI can provide this service

I told the Judge about two other events which I believed could exposed our office to potential criticism;

1) One was the misuse of government cars. We have leased cars for two and half years for use by agents and members of the OIC staff. The guidelines for their use is for official business only, but these cars are used during the day for un-official business and are also being used by agents for commuting from home to the office and back home again. The cars are also used on weekends by agents who do not have their own personal owned vehicle (POV). I do not know how serious a violation this is, but I explained to the Judge that the appearance is distressing - given our use at trial -- of accusing HUD officials of misusing the HUD motor pool cars.

2) The other problem involved one FBI agent's travel to San Juan for 3 days. This agent had no interviews (302's) scheduled, but wanted to accompany another agent, Jocelyn Heaney and a OIC special consultant, John Murphy to Puerto Rico. Bob Meyers, the Associate Independent Counsel for this team also wanted to take the trip, but could not locate any witnesses and cancelled his trip at the last minute. The SA took the trip anyway.

I also told Judge Adams that I did not understand why we used outside counsel for legal research since we had four law clerks in our office from the best schools in Washington. Specifically, I asked if it was good idea to use Shea & Gardner - the former law firm of our Deputy Independent Counsel, Bruce Swartz as an outside consultant. In addition, our office had used Mayer, Brown & Platt - the law firm for two of our former Associate Independent Counsels.

I told the Judge that I liked working at the Independent Counsel and was proud of some of the work that we had done, but that I was concerned by what I viewed as mismanagement and careless behavior, and that lately - I viewed Terri Duggan's manner towards me as hostile. Our meeting lasted for about 35 to 40 minutes.

Two hours later I was called into the Judges office and was questioned by Bruce Swartz about my conversation with Judge Adams. Bruce was visibly angry and explained that he was outraged about my mention of the Shea & Gardner contract and my implication that he violated the law, he told me he was not going to discuss it, period. I told Bruce that I never characterized any of my concerns to the Judge as illegal, but merely as concerns.

Bruce than asked me how I came across the information on the FBI agent's trip to Puerto Rico. He told me that he would have to pass this along to internal affairs at the FBI and that people lives would be effected. I told Bruce that I did not think the agent was a bad person, but that I thought the management of the office is and has been so lax - that good people were doing stupid and careless things like taking a trip to Puerto Rico or misusing phones, supplies, and equipment for personal business. I even reminded Bruce that the Administrator's secretary was caught on two

occasions doing billing memoranda for a doctors office and charging the OIC not just regular time, but comp time to do it. This same secretary was caught using the office phone line for selling deck suites for a trip on a cruse line.

Bruce continued to ask me if I was prepared to talk to Internal Affairs and "ruin an agents career". I told Bruce that I did not want to "ruin" anyone's career, but that I would stand up for what I believed in. I told Bruce that I thought the agent was careless, but that I did not think the OIC was without blame. This meeting ended with no resolution, except that the Judge was going to investigate my concerns, and promised to meet back with me the following week.

On Tuesday, November 16, 1993 the Judge came into my office and explained that he had followed up on my concerns and that he was satisfied that they could be explained away. He then told me that he needed to make cuts in the staffing of the office and that I "had sixty days notice from yesterday". The Judge explained, that Bruce and Terri were responsible for the day to day running of the office, and that they had recommended that my position be consolidated with that of the OIC's outside vendor.

I told the Judge that I too - supported the idea of making the office smaller and more efficient, but that my work load with the internal documents had not diminished and that terminating my position is a decision not made out of need or good government, but as retribution for my speaking out about the "mismanagement" in the OIC.

Judge Arlin Adams told me that this decision was not an arbitrary or discriminatory one because he had given notice to two attorneys and two agents this same day. He also told me "do not worry about receiving an excellent recommendation from this office" ... "that he would write one personally and that I could even give prospective employers his Philadelphia number for phone calls". I asked if this meant that Bruce and Terri would not be available for similar recommendations. The Judge re-iterated that he would be happy to handle any recommendations that I needed.

I don't know what other information to include in this letter, except to re-iterate that I feel my termination is based on retribution. I thank you in advance for considering my request. I need your help.

Sincerely,

[Redacted signature]

[Redacted SSN]

SSN

/enclosure