

June 17, 2009

Mr. Gregory B. Craig
Counsel to the President
The White House
Washington, DC 20500

Ms. Nicola O. Goren
Acting Chief Executive Officer
Corporation for National and Community Service
1201 New York Avenue, NW
Washington, DC 20525

Dear Mr. Craig and Ms. Goren,

We are writing to inquire into the recent decision to remove the Inspector General (IG) of the Corporation for National and Community Service (CNCS), Gerald Walpin. As you may know, a number of news reports have noted that the IG's removal coincides with the issuance of reports that were critical of CNCS grantees, including St. HOPE Academy and its then-head Kevin Johnson, now the Mayor of Sacramento, California. We are particularly concerned in this instance because of the Corporation's recent expansion of responsibilities under the Serve America Act, which created an even greater need to maintain public trust in the Corporation in meeting its now expanded responsibilities.

On June 11th, the President sent a letter stating an intention to terminate the Corporation's IG because of a loss of confidence. CNCS also placed the IG on administrative leave, precluded him from returning to the building and named an acting inspector general on that date. Subsequently on June 16th, the Special Counsel to the President provided additional information on the President's decision, citing a number of more specific reasons.

We are concerned that the actions taken on June 11 do not comply with the requirements of the Inspector General Reform Act of 2008 (Pub. L. 110-409), legislation that President Obama co-sponsored while a Member of the Senate. To address our concerns, we ask that the White House counsel's office respond to the following inquiries:

1. Please explain whether, in your view, the statement in the June 11th letter that the IG no longer has the President's confidence complied with the requirements of the Inspector General Act (see 5 U.S.C. Appx. §3), as modified by Pub. L. 110-409, for notification of the specific reasons for termination or transfer of an IG.

2. Please explain whether the subsequent explanation from the Special Counsel on June 16 is intended to meet the requirements of 5 U.S.C. Appx. §3 and whether Mr. Walpin will be terminated 30 days from the first or second letter.
3. Please explain whether, in your view, the personnel actions taken by CNCS with regard to the IG on June 11th, the same day notice of termination was provided to Congress, comply with the 30-day prior notice requirement for removal of an IG.
4. Please explain the circumstances under which White House personnel strongly requested that the IG resign, as has been alleged in press reports, and whether, in your view, such action was appropriate in light of the requirements of 5 U.S.C. Appx. §3, as modified by Pub. L. 110-409.

Also, we request the production of all relevant documents relating to the decision to terminate the IG, including any legal analyses of the requirements of the IG Act by CNCS, Department of Justice (DOJ), the White House or other officials, to support said decision. To the extent the decision to remove the IG related to the alleged misconduct discussed in the Special Counsel's June 16th letter, please provide documentation of all alleged misconduct and a list of those consulted in reaching that conclusion and when they were consulted.

In addition, to the best of our knowledge, CNCS has yet to respond to the issues raised in the IG's Special Report under Section 5(d) of the Inspector General Act regarding public grants to St. HOPE Academy and their use by Mayor Johnson. Section 5(d) requires that "a report by the head of the establishment containing any comments such head deems appropriate" accompany the IG's report in its transmittal to Congress. In a later dated May 12th, received May 14th, CNCS indicated that:

We are constrained from commenting substantively on the Inspector General's Special Report because we have been advised that the Acting United States Attorney for the Eastern District of California has formally communicated concerns about the Inspector General's conduct in this matter to the Chair of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency. Upon the completion of the Integrity Committee's consideration of this matter, we will promptly provide our comments on the Special Report.

The Congressional Research Service has reviewed the materials submitted by the Corporation and by the Inspector General and issued the enclosed legal opinion finding that, during a pending investigation of the Integrity Committee, the Corporation is not excused from fulfilling its obligations under Section 5(d). Also, we have been informed that the Integrity Committee has now dropped its investigation, so that issue appears moot.

We, therefore, now ask the Corporation to respond to the merits of the issues raised in the IG's Special Report. Although CNCS could decline to respond, we think that would be inappropriate due to the allegations of misuse of public funds and concerns raised in the media regarding the appearance of impropriety in this matter. Along with the response, we ask that the Corporation please provide any documents supporting the underlying settlement in the St. HOPE Academy matter, including any legal analyses.

While the White House and CNCS may be entitled to assert a privilege against disclosure of some of the documents and information that we have requested, we think it would be in the public interest for you to strongly consider waiving that privilege to help dispel public concerns regarding this matter. We also believe doing so is appropriate in light of this administration's repeated commitments to transparency and accountability in government.

Please provide your response to our offices no later than close of business on Wednesday, June 24th, 2009. If you have any questions, please have your staff contact Amy Shank, Oversight Investigations Director for Senator Enzi, at Amy_Shank@help.senate.gov, or Bryan Hickman, Counsel to Senator Hatch, at Bryan_Hickman@hatch.senate.gov.

Thank you for attention to this important matter.

Sincerely,

Michael B. Enzi
Ranking Member

Orrin G. Hatch
Senator

cc: Chairman Edward M. Kennedy

Enclosure (CRS Opinion)