

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
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WASHINGTON, DC 20515-6143

Majority (202) 225-5051  
Minority (202) 225-5074

June 15, 2009

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

Dear Mr. Craig:

I am writing to express my concern that provisions of the Inspector General Act of 1978 (IG Act) may have been violated when Gerald Walpin was removed from his post as Inspector General at the Corporation for National and Community Service (CNCS). As you know, Mr. Walpin received notice of his dismissal by the President on June 10. The Inspector General Reform Act of 2008 (IG Reform Act), which President Obama co-sponsored last year as a Member of the Senate, amended the IG Act by requiring the President to give Congress 30 days notice before dismissing an IG.<sup>1</sup> The IG Reform Act also requires the President to provide Congress an explanation of why such action is necessary.<sup>2</sup>

The Committee's investigation into this matter revealed Mr. Walpin was pressured by White House staff to resign in an apparent attempt to circumvent the requirements of the IG Act as amended. Mr. Walpin was contacted by phone and presented with the choice to resign or be terminated.<sup>3</sup> Mr. Walpin asked for time to consider his options, and was afforded one hour.<sup>4</sup> Forty-five minutes later, he received another phone call asking for his decision.<sup>5</sup> Mr. Walpin declined to tender his

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<sup>1</sup> Inspector General Reform Act of 2008, P.L. 110-409, § 3(a) (enacted Oct. 14, 2008), amending the Inspector General Act of 1978, 5 U.S.C. § 3(b).

<sup>2</sup> *Id.*

<sup>3</sup> H. Oversight and Gov't Reform Comm. Minority Staff Interview with Gerald Walpin, June 11, 2009. [hereinafter Staff Interview June 11]

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

resignation.<sup>6</sup> The next day, Mr. Walpin was placed on administrative leave and informed he is not permitted to return to the Office of the Inspector General.<sup>7</sup>

Section 3 of the IG Reform Act requires the President to notify Congress in writing at least 30 days before removing or transferring an IG.<sup>8</sup> This provision strengthens the IG Act, which previously only required the President to notify Congress of the reasons for such action.<sup>9</sup> The IG Reform Act leaves that requirement intact.

In an effort to comply with these requirements, the White House sent a letter to House and Senate leadership on June 11 providing notice to Congress that Mr. Walpin will be removed as IG, effective 30 days from the letter's date. The letter provides an insufficiently vague explanation of the reasons for this action:

It is vital that I have the fullest confidence in the appointees serving as Inspectors General. That is no longer the case with regard to this Inspector General.

It is my conclusion that the immediate effective termination of Mr. Walpin and the vague explanation offered by the President as the reason for his decision are inadequate under the IG Act.

To ensure the independence and objectivity of IGs, Congress used the Inspector General Act to require the President appoint Inspectors General "without regard to political affiliation" and "solely on the basis of integrity and demonstrated ability."<sup>10</sup> Because of the President's failure to enunciate his rationale for removing Mr. Walpin in accordance with the IG Act, interested observers have been forced to search for an explanation in publicly-available material. Predictably, this has led to speculation that the removal of Mr. Walpin was politically motivated – a retaliation for activities within the scope of Mr. Walpin's work as Inspector General. There is also the appearance that Mr. Walpin's removal is intended to allow the Administration to exert greater influence over CNCS through personnel with ties to the White House.

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<sup>6</sup> *Id.*

<sup>7</sup> H. Oversight and Gov't Reform Comm. Minority Staff Interview with Gerald Walpin, June 12, 2009. [hereinafter Staff Interview June 12]

<sup>8</sup> P.L. 110-409 § 3.

<sup>9</sup> The Inspector General Act of 1978, as amended, provides: "An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress." 5 U.S.C. App. § 3.

<sup>10</sup> The Inspector General Act of 1978, as amended, provides: "There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations." 5 U.S.C. App. § 3.

In order to dispel allegations that the removal of Mr. Walpin was the product of any inappropriate political motivation, please provide responses to the following by June 26:

1. A full and complete explanation of the White House's reason for terminating Mr. Walpin;
2. A full and complete explanation of whom the White House consulted in order to evaluate the performance of Mr. Walpin;
3. Given the White House considered Mr. Walpin's conduct as CNCS IG so unprofessional as to warrant his removal, please provide a full and complete explanation of why the White House gave him the option of resigning; and,
4. A full and complete explanation of why the White House decided to effectuate Mr. Walpin's removal through an ultimatum delivered over the phone.

During the President's term in the Senate, Congress expended a remarkable amount of energy and effort to scrutinize the dismissal of nine United States Attorneys by President Bush. That investigation is entering its third year and required the White House's involvement as recently as March.<sup>11</sup> The investigation's purpose is to explore the possibility that the firings were improper because they were politically motivated. The removal of Mr. Walpin raises the same concerns. In order to clarify the role of the Department of Justice (DOJ) in what may have been a political action, please provide the following:

5. All e-mail and other communications between the White House Counsel's office and the DOJ's Criminal Division regarding Mr. Walpin;
6. All e-mail and other communications between the White House Counsel's office and the United States Attorney's Office for the Eastern District of California regarding Mr. Walpin;
7. All e-mail and other communications between the White House Counsel's office and any other DOJ official regarding Mr. Walpin;
8. A full and complete explanation of White House policy applicable to communication with DOJ regarding Inspectors General or any other politically appointed individuals; and,
9. If the White House had discussions with DOJ regarding Mr. Walpin, a full and complete explanation of whether these were conducted in a manner consistent with White House policies.

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<sup>11</sup> David Johnston, *Top Bush Aides to Testify in Attorney's Firings*, N.Y. TIMES (Mar. 4, 2009).

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Providing material responsive to the above requests will represent an affirmative step toward fulfilling the President's commitment to create "an unprecedented level of openness in Government."<sup>12</sup>

As Ranking Member of the House's main investigative Committee with direct responsibility for oversight of all Inspectors General, I look forward to working with the White House to ensure Inspectors General are allowed to conduct their important function in accordance with the protections of the IG Act as amended.

Sincerely,



Darrell Issa  
Ranking Member

cc: Chairman Edolphus Towns

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<sup>12</sup> Memorandum, "Transparency and Open Gov't," 74 FR 4685 (Jan. 21, 2009).