



September 21, 2023

President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

The Project On Government Oversight (POGO) is writing to renew our call for you to immediately remove Department of Homeland Security Inspector General Joseph V. Cuffari and Social Security Administration Inspector General Gail Ennis.<sup>1</sup> New information has come to light that makes this request more urgent.

Founded in 1981, POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.

Inspectors general must adhere to the “highest ethical principles.”<sup>2</sup> However, POGO’s extensive reporting has demonstrated that Inspectors General Cuffari and Ennis are both failing the essential duties of their mission. Their conduct undermines the integrity and effectiveness of the federal agencies they oversee and endangers the people served by these agencies — many of whom are among the most marginalized within our communities.

### **Failing in Their Missions**

New revelations expose how Inspectors General (IGs) Cuffari and Ennis are not meeting the high standards of professionalism and integrity required by their offices. POGO first flagged issues in the Department of Homeland Security (DHS) office of the inspector general (OIG) in April 2021, and has since brought to light numerous instances of Cuffari refusing to investigate high-priority issues relating to the January 6 attack on the Capitol, suppressing key OIG findings on serious issues concerning sexual misconduct and domestic violence by DHS employees, and stonewalling attempts at congressional oversight.<sup>3</sup> Two recent POGO

---

<sup>1</sup> Danielle Brian and Joanna Derman, “POGO Calls on Biden to Remove Inspectors General Cuffari, Ennis,” Project On Government Oversight, March 8, 2023, <https://www.pogo.org/letter/2023/03/pogo-calls-on-biden-to-remove-inspectors-general-cuffari-ennis>; Danielle Brian and Joanna Derman, “POGO Calls on President Biden to Remove DHS IG Cuffari,” Project On Government Oversight, April 8, 2022, <https://www.pogo.org/letter/2022/04/pogo-calls-on-president-biden-to-remove-dhs-ig-joseph-cuffari>.

<sup>2</sup> Council of the Inspectors General on Integrity and Efficiency, “Quality Standards for Federal Offices of Inspector General,” 7, <https://www.ignet.gov/sites/default/files/files/Silver%20Book%20Revision%20-%208-20-12r.pdf>.

<sup>3</sup> Nick Schwellenbach and Adam Zagorin, “Pulling Punches: Trump-Appointed Watchdog Suppressed White House-Related Probes,” Project On Government Oversight, April 20, 2021, <https://www.pogo.org/investigation/2021/04/pulling-punches-trump-appointed-watchdog-suppressed-white-house-related-probes>; Adam Zagorin and Nick Schwellenbach, “Protecting the Predators at DHS,” Project On Government Oversight, April 7, 2022, <https://www.pogo.org/investigation/2022/04/protecting-the-predators-at-dhs>; Nick Schwellenbach and Adam Zagorin, “Missing: More January 6 Texts Sought by Congress,” Project On

investigations into Cuffari's conduct raise additional cause for alarm, amplified by the fact that this office is the watchdog of the largest law enforcement agency in the country.

At a hearing in June 2023, Cuffari admitted to regularly deleting text messages from his government phone.<sup>4</sup> His defense — that he did not consider the texts federal records — is at odds with the views of experts in his office and may in fact be a violation of federal records law. In the wake of this shocking revelation, the National Archives and Records Administration (NARA) asked DHS to investigate the deleted text messages from Cuffari's government-issued phone.<sup>5</sup> POGO followed up that request with our own letter, urging NARA to ask the Department of Justice to initiate an enforcement action to recover the deleted text messages.<sup>6</sup> After receiving a letter back indicating that NARA would not take this action, POGO filed a lawsuit against NARA to bring in the Justice Department on this matter.<sup>7</sup>

Most recently, POGO learned that Cuffari's office agreed to pay \$1.17 million in taxpayer funds to settle whistleblower retaliation claims.<sup>8</sup> According to POGO's review of previous cases and other experts, the settlement is the largest known settlement involving an employee from a federal office of inspector general.

During her tenure as inspector general at the Social Security Administration (SSA), Gail Ennis has also fallen short.<sup>9</sup> As first reported in the *Washington Post* by Lisa Rein, the SSA OIG changed how one of its fraud programs functioned, which resulted in hefty fines being levied against some of those least able to pay, including elderly people, people struggling to make ends meet, and people with disabilities.<sup>10</sup> When OIG employees blew the whistle, they faced alleged and reportedly ongoing retaliation. While one whistleblower settled her case after ruinous legal fees, an administrative law judge with the Merit Systems Protection Board ruled that the other had been the victim of prima facie whistleblower retaliation by the OIG. (The SSA OIG has appealed this decision.)<sup>11</sup>

---

Government Oversight, July 28, 2022, <https://www.pogo.org/investigation/2022/07/missing-more-january-6-texts-sought-by-congress>; Nick Schwellenbach and Adam Zagorin, "DHS Watchdog Nixed Alert to Congress About Purged January 6 Texts, New Docs Show," Project On Government Oversight, August 11, 2022, <https://www.pogo.org/investigation/2022/08/dhs-watchdog-nixed-alert-to-congress-about-purged-january-6-texts-new-docs-show>.

<sup>4</sup> Nick Schwellenbach, "DHS Watchdog Regularly Purges Texts on Gov't Phone Despite Ongoing Investigation," Project On Government Oversight, June 6, 2023, <https://www.pogo.org/investigation/2023/06/dhs-watchdog-regularly-purges-texts-on-govt-phone-despite-ongoing-investigation>.

<sup>5</sup> Letter from Chief Records Officer for the US Government at the National Archives Laurence Brewer to Chief Information Officer of the Department of Homeland Security Eric Hysen requesting DHS investigate the deleted messages, June 15, 2023, <https://www.archives.gov/files/records-mgmt/resources/ud-2023-0052-dhs-open-letter.pdf>.

<sup>6</sup> Letter from Executive Director of the Project On Government Oversight Danielle Brian to Archivist of the United States Dr. Colleen Shogan requesting initiation of Department of Justice enforcement action, June 27, 2023, <https://www.pogo.org/letter/2023/06/request-for-initiation-of-department-of-justice-enforcement-action>.

<sup>7</sup> Project On Government Oversight, Inc. v. National Archives and Records Administration, No. 1:23-cv-02564 (D.D.C. September 1, 2023), [https://ecf.dcd.uscourts.gov/cgi-bin/DktRpt.pl?146853479215647-L\\_1\\_0-1](https://ecf.dcd.uscourts.gov/cgi-bin/DktRpt.pl?146853479215647-L_1_0-1).

<sup>8</sup> Nick Schwellenbach, "DHS Watchdog Settles Whistleblower Reprisal Case for \$1.17 Million," Project On Government Oversight, July 27, 2023, <https://www.pogo.org/investigation/2023/07/dhs-watchdog-settles-whistleblower-reprisal-case-for-1-17-million>.

<sup>9</sup> Faith Williams, "Trouble at the Social Security Administration Watchdog," Project On Government Oversight, July 31, 2023, <https://www.pogo.org/analysis/2023/07/trouble-at-the-social-security-administration-watchdog>.

<sup>10</sup> Lisa Rein, "How a Social Security program piled huge fines on the poor and disabled," *Washington Post*, May 20, 2022, <https://www.washingtonpost.com/politics/2022/05/20/social-security-fraud-penalties/>.

<sup>11</sup> Williams, "Trouble at the Social Security Administration Watchdog," [see note 9].

## Harming Federal Employees

In April 2022, POGO reported that Cuffari decided to quash a sexual harassment and misconduct survey of DHS employees, putting those same employees at grievous risk.<sup>12</sup> The survey demonstrated shockingly high levels of sexual misconduct within the agency, as well as a culture of fear of reprisal about reporting such misconduct. Cuffari also signed the order to remove information related to domestic violence within the ranks of DHS law enforcement from an OIG report. In fact, the OIG had found that 30 employees with “substantiated” violent abuse of their partners were allowed to keep their jobs and government-issued firearms, which raises concerns about the propriety of their conduct toward their colleagues and members of the public they encounter in their work.<sup>13</sup>

Beyond these flagrant safety issues, DHS OIG morale is suffering under Cuffari. In September 2022, DHS OIG staff sent a letter urging you to remove Cuffari.<sup>14</sup> In October 2022, an NPR investigation found that more than 30 lawyers had left the OIG’s Office of Counsel since Cuffari started leading the watchdog. They also found that employees feared retaliation if they raised concerns.<sup>15</sup> Federal survey results obtained by POGO confirm widespread fear of reprisal within the OIG’s Office of Counsel and other key units within the inspector general’s office, as well as a lack of confidence in senior leaders’ honesty and integrity.<sup>16</sup> We’ve also learned that under Cuffari’s tenure, the OIG is consistently a source of delay in reviewing complaints of abuse and misconduct — which is particularly problematic given that the office has the right of first refusal for complaints.

Similarly, dozens of auditors, investigators, and other staff in Ennis’s office have quit or retired during her tenure, many indicating frustration with the office’s leadership.<sup>17</sup> During the pandemic, Ennis monitored investigators’ computers and proposed disciplining or terminating several agents for being away from their desks, even though that’s typical during an investigation.<sup>18</sup> This tactic fueled a no-confidence vote from the Federal Law Enforcement

---

<sup>12</sup> Adam Zagorin and Nick Schwellenbach, “Protecting the Predators at DHS,” Project On Government Oversight, April 7, 2022, <https://www.pogo.org/investigation/2022/04/protecting-the-predators-at-dhs>.

<sup>13</sup> “Help Wanted: Law Enforcement Staffing Challenges at the Border,” Hearing before the House Committee on Oversight and Accountability, Subcommittee on National Security, the Border, and Foreign Affairs, 118th Cong. (June 6, 2023) (testimony of Sarah Turberville, director, The Constitution Project at the Project On Government Oversight, and Katherine Hawkins, senior legal analyst at the Project On Government Oversight), <https://www.pogo.org/testimony/2023/06/flawed-oversight-the-inspector-generals-office-and-the-need-for-reform-in-dhs>.

<sup>14</sup> Nick Schwellenbach, “DHS Watchdog Staff Call on Biden to Fire Inspector General Cuffari,” Project On Government Oversight, September 23, 2022, <https://www.pogo.org/investigation/2022/09/dhs-watchdog-staff-call-on-biden-to-fire-inspector-general-cuffari>.

<sup>15</sup> Claudia Grisales, “DHS watchdog appointed by Trump has fueled an exodus of agency lawyers, sources say,” NPR, October 12, 2022, <https://www.npr.org/2022/10/12/1127014951/dhs-inspector-general-cuffari-trump-jan-6>.

<sup>16</sup> Nick Schwellenbach, “Whistleblower Reprisal Feared in Key Parts of DHS Watchdog,” Project On Government Oversight, March 8, 2023, <https://www.pogo.org/analysis/2023/03/whistleblower-reprisal-feared-in-key-parts-of-dhs-watchdog>.

<sup>17</sup> Rein, “How a Social Security program piled huge fines on the poor and disabled,” [see note 10].

<sup>18</sup> Lisa Rein, “Senate investigators to probe tumult in Social Security watchdog division,” *Washington Post*, December 29, 2022, <https://www.washingtonpost.com/politics/2022/12/29/senate-probe-social-security/>.

Officers Association.<sup>19</sup> In 2022, employees ranked the SSA OIG 431 out of 432 subcomponents of the federal government, assigning particularly low scores in categories related to effective leadership.<sup>20</sup>

## Endangering the Public

Failed oversight at DHS has critical consequences for migrants, border communities, and all people impacted by the agency's sprawling mission. Cuffari's office has a record of misreporting and under-reporting deaths in custody and use of force by officers with Customs and Border Protection (CBP).

Beginning in December 2018, three children died in Border Patrol custody during a six-month period.<sup>21</sup> The summaries of the inquiries into these deaths skirted blame, and when Congress instructed both the DHS OIG and CBP to more thoroughly report and investigate all deaths in custody, the OIG once again took the easy way out.<sup>22</sup> While the review conducted by CBP's Office of Professional Responsibility included 55 deaths, the OIG reviewed only five, and ultimately included no recommendations.<sup>23</sup>

IG Cuffari's office also declined to review the shocking conduct of Border Patrol officers on horseback toward Haitian migrants in Del Rio, Texas, in the fall of 2021.<sup>24</sup> Given DHS's broad mandate and extraordinary law enforcement powers, it's essential it has a functioning and effective office of the inspector general. House Homeland Security Committee Ranking Member Bennie Thompson (D-MS) and Oversight, Investigations, and Accountability Subcommittee Ranking Member Glenn Ivey (D-MD) echoed our concerns in a recent letter urging the House Homeland Security Committee to hold a hearing on the leadership and performance of the DHS OIG.<sup>25</sup>

At the SSA OIG, systemic issues at the agency have been front page news under Ennis's leadership. These problems include difficulties restoring basic customer service in the wake of the pandemic, massive backlogs in processing disability benefit claims, and issues with claim

---

<sup>19</sup> Eric Katz, "After Having Their Computers Monitored, Employees Blast SSA Watchdog," *Government Executive*, October 13, 2021, <https://www.govexec.com/workforce/2021/10/after-having-their-computers-monitored-employees-blast-ssa-watchdog/186091/>.

<sup>20</sup> Partnership for Public Service, "Best Places to Work in the Federal Government," 2022, <https://bestplacetowork.org/rankings/detail/?c=SZ05>.

<sup>21</sup> Nicole Acevedo, "Why are migrant children dying in U.S. custody?" NBC News, May 29, 2019, <https://www.nbcnews.com/news/latino/why-are-migrant-children-dying-u-s-custody-n1010316>.

<sup>22</sup> Turberville, *Help Wanted: Law Enforcement Staffing Challenges at the Border* [see note 13].

<sup>23</sup> Department of Homeland Security Office of Professional Responsibility, *CBP-Related Deaths, Fiscal Year 2021* (February 6, 2023), <https://www.cbp.gov/sites/default/files/assets/documents/2023-Feb/2021-opr-cbp-related-deaths-report.pdf><https://www.cbp.gov/document/report/fiscal-year-2021-office-professional-responsibility-cbp-related-deaths-report>; Department of Homeland Security Office of Inspector General, *ICE and CBP Deaths in Custody During FY 2021*, OIG-23-12 (February 1, 2023), [www.oig.dhs.gov/sites/default/files/assets/2023-02/OIG-23-12-Feb23.pdf](http://www.oig.dhs.gov/sites/default/files/assets/2023-02/OIG-23-12-Feb23.pdf).

<sup>24</sup> Lisa Rein, Carol D. Leonnig, and Maria Sacchetti, "Homeland Security watchdog previously accused of misleading investigators, report says," *Washington Post*, August 3, 2022, <https://www.washingtonpost.com/politics/2022/08/03/homeland-security-joseph-cuffari-watchdog-report/>.

<sup>25</sup> Letter from Ranking Member Bennie G. Thompson, House Committee on Homeland Security, Ranking Member Glenn F. Ivey, Subcommittee on Oversight, Investigations, and Accountability, to Chairman Mark Green, House Committee on Homeland Security about the leadership and performance of Cuffari, August 9, 2023, [https://democrats-homeland.house.gov/imo/media/doc/letter\\_to\\_green\\_requesting\\_dhs\\_oig\\_hearing.pdf](https://democrats-homeland.house.gov/imo/media/doc/letter_to_green_requesting_dhs_oig_hearing.pdf).

denials.<sup>26</sup> But also under Ennis's tenure, the pace of audits and reports issued by the office has dramatically slowed.<sup>27</sup> While the number of audits does not necessarily correlate to the overall quality of oversight, staff departures may be impacting the office's ability to function. Indeed, a July 2023 letter issued by Senator Ron Wyden (D-OR), chairman of the Senate Finance Committee, expressed concerns about Ennis's performance in light of the OIG's critical role in overseeing the SSA's programs and operations.<sup>28</sup>

## Conclusion

POGO has worked for decades to fund and improve the inspector general system so those watchdogs are able to fulfill their critical mission of detecting and deterring waste, fraud, and abuse across the federal government. We strongly believe that the oversight system as conceived in the Inspector General Act of 1978 only works in the best interests of the people if inspectors general themselves are held to the highest standards of accountability. Anything short of that jeopardizes the effectiveness of all inspectors general and the health of their affiliated federal agencies or designated federal entities. Inspectors General Cuffari and Ennis represent a pattern of harm, disfunction, and broken trust.

The American public deserves a strong and robust federal government, free from abuse of power, misconduct, and malfeasance. Achieving this goal means supporting and improving the inspector general system — which POGO has done for decades — and removing bad watchdogs who are unable or unwilling to perform their duties.

Mr. President, your lack of action is causing harm to the federal employees who work in these inspectors general offices and the agencies they oversee, as well as members of the public served by those agencies. I urge you to quickly remove DHS IG Cuffari and SSA IG Ennis.

Sincerely,



Danielle Brian  
Executive Director

---

<sup>26</sup> Lisa Rein, "Pandemic struggles still afflict Social Security, a last lifeline for many," *Washington Post*, October 7, 2022, <https://www.washingtonpost.com/politics/2022/10/07/social-security-pandemic-failures/>; Lisa Rein, "Social Security offices critical to disability benefits hit breaking point," *Washington Post*, December 5, 2022, <https://www.washingtonpost.com/politics/2022/12/05/social-security-disability-benefit-offices-backlog-breaking-point/>; Lisa Rein, "Judges rebuke Social Security for errors as disability denials stack up," *Washington Post*, May 25, 2023, <https://www.washingtonpost.com/politics/2023/05/25/social-security-disability-denials-court-remands/>.

<sup>27</sup> Rein, "How a Social Security program piled huge fines on the poor and disabled," [see note 10].

<sup>28</sup> Letter from Senator Ron Wyden to Social Security Administration Inspector General Gail Ennis expressing concerns about performance, July 17, 2023, [www.finance.senate.gov/imo/media/doc/071723\\_wyden\\_letter\\_to\\_ssa\\_inspector\\_general.pdf](http://www.finance.senate.gov/imo/media/doc/071723_wyden_letter_to_ssa_inspector_general.pdf).