March 8, 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 urge you to take immediate steps to remove Department of Homeland Security Inspector General Joseph V. Cuffari and Social Security Administration Inspector General Gail Ennis.

Allowing either inspector general (IG) to remain in their current position risks undermining the integrity and effectiveness of both their own offices and the federal agencies they oversee. Based on our extensive reporting, POGO first called on you to remove Department of Homeland Security (DHS) IG Cuffari in April 2022 after he actively and consistently endangered the human and civil rights of federal employees, demonstrating a chilling lack of independence from DHS law enforcement agencies. Since then, he has also failed to provide Congress with a timely notification, as required by statute, of access to records problems at the Secret Service in connection with a review of DHS’s preparation and response to January 6, 2021.1 He has also stonewalled congressional oversight — including bipartisan queries — into his decisions and actions by his leadership team that have kept troubling findings regarding DHS misconduct secret from department leaders, the public, and Congress. Social Security Administration (SSA) IG Ennis has similarly engaged in misconduct unbefitting of her office, and stands accused of whistleblower retaliation, mismanagement, and departing from longstanding practice to levy unprecedented and crushing fines on individuals who improperly received disability benefits, many of whom are vulnerable individuals and either elderly or disabled.2 Both IGs are currently under investigation by the Council of the Inspectors General on Integrity and Efficiency’s

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As 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, POGO is outraged that these IGs remain in their posts. The public deserves better.

DHS IG Cuffari’s actions are a dereliction of duty and a violation of the integrity and independence that is reasonably expected of inspectors general. A POGO investigation shows that beginning in late 2020, DHS IG Cuffari and his inner circle sought to remove findings from an unreleased DHS IG report that included the results of a survey in which upwards of 10,000 agency employees responded that they had experienced sexual harassment or sexual misconduct.\(^5\) In the same POGO investigation, we found that he directed employees to remove a finding from another IG report that DHS has confirmed that 30 of its law enforcement agents — mostly within Customs and Border Protection — have violently abused their domestic partners yet maintain their government firearms. After DHS Secretary Alejandro Mayorkas learned of the issues, he directed a 45-day review of the department’s misconduct processes. This review, which could have been initiated sooner had IG Cuffari done his job, serves to demonstrate why IGs are supposed to alert agency leadership of serious matters as soon as possible.\(^6\)

Other POGO investigations have revealed similarly disturbing misconduct by DHS IG Cuffari. For instance, we found that in 2020, DHS IG Cuffari rejected his own staff’s proposal to investigate the Secret Service’s use of force against peaceful protestors assembling in Lafayette Square in June 2020, as well as a staff-proposed review of the Secret Service’s adherence to its COVID-19 policies, which was based on data showing an alarming number of agents falling ill.\(^7\)

According to DHS IG Cuffari’s own account to Congress, there were no unresolved issues in the report after August 2021, yet he has continued to keep the report’s disturbing findings from DHS leadership, Congress, and the public to this day. POGO’s reporting in April 2022 prompted him to finally release the survey responses to DHS leadership and Congress, but not the report’s broader analysis of disciplinary and other DHS breakdowns related to workplace sexual misconduct and harassment.

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\(^4\) “The Washington Post: Social Security Whistleblowers Say They Were Sidelined For Exposing Fines,” [see note 2].


made the claims about mishandling of the intelligence.\(^8\) While these incidents alone are more than enough to remove DHS IG Cuffari from his post, he made matters even worse by failing to alert lawmakers about missing Secret Service and DHS leadership text messages related to the insurrection on January 6, 2021, in a timely manner despite apparent congressional interest.\(^9\) This failure runs contrary to the professional and statutory expectations of an inspector general, and cannot go unpunished.

DHS IG Cuffari’s actions are so damaging the credibility of his office that his own staff have anonymously called for his removal. According to a September 23, 2022, letter to president Biden from DHS OIG employees, “His actions embarrass the entire agency,” and “The missions of DHS and the OIG are too important to remain in the hands of IG Cuffari and his front office.”\(^10\) The letter was signed by “concerned DHS OIG employees representing every program office at every grade level” and noted that the individuals behind the letter could not identify themselves for fear of retaliation. This sentiment is also reflected in the results of a 2022 employee survey obtained by POGO through the Freedom of Information Act, which indicates that there is widespread fear of retaliation and a belief that senior leaders do not maintain high levels of honesty and integrity within key parts of the office.\(^11\)

We are encouraged to see that you recently fired James Brett Blanton, the now-former Architect of the Capitol. POGO agrees that the Architect of the Capitol inspector general report revealed highly concerning information regarding Blanton’s actions, including his alleged abuse of authority, misuse of government property, and other substantiated violations of standard protocol.\(^12\) We also note that Committee on House Administration Chairman Bryan Steil’s rationale for calling on you to fire Blanton hinged on his “refusal to be transparent and truthful [with Congress],” and we ask that the same standards for candor and truthfulness be applied to DHS IG Cuffari, who has not been forthcoming in his transmission of information to

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\(^9\) DHS also took action in response to the January 6 Committee complaints and breaking news regarding the missing Secret Service text messages. Secretary Mayorkas directed the Office of the Chief Information Officer and the Office of the General Counsel to conduct a 30-day review of the policies for electronic message retention, which again underscores the fact that federal agencies might respond once they are informed of an issue or after it receives heightened public scrutiny, and also why IGs should alert Congress when they encounter significant issues in their affiliated federal agencies.


lawmakers. Further demonstrating Cuffari’s lack of candor with lawmakers, he has resisted oversight by Congress regarding discrepancies in the scope of the DHS domestic violence report. This prompted Senators Dick Durbin (D-IL) and Chuck Grassley (R-IA) to respond in a letter, writing, “This description of the project’s approved scope does not appear consistent with that detailed in the draft report,” and again in a follow-up letter, which said, “Your response to our inquiry has not resolved the significant concerns that we expressed in our April 26 letter.”

Cuffari’s failure to be fully forthright with Congress is in direct violation of his duties as an inspector general. Allowing DHS IG Cuffari to remain in his post contributes to a culture of systemic impunity and misconduct at DHS, and threatens to undermine the integrity of the entire IG system by tacitly approving of this kind of job performance.

SSA IG Gail Ennis is similarly failing in core responsibilities of her role as inspector general. She reportedly retaliated against whistleblowers who came forward to voice their concerns about department policies. One of the whistleblowers’ claims against Ennis was substantiated by a judge at the Merit Systems Protection Board (MSBP) and the other settled with Ennis’ office, after which she was returned to work. Whistleblower retaliation is a particularly grievous offense, as the SSA Office of the Inspector General is one of the primary entities tasked with strengthening whistleblower protections at the department. In fact, the SSA IG’s own website states, “whistleblowers perform an important service for the public and the Social Security Administration (SSA) when they report suspected wrongdoing. All SSA employees, contractors, subcontractors, grantees, subgrantees, and personal services contractors are protected from retaliation for making a protected disclosure.” These investigations paint an alarming picture of mismanagement and an inability on the part of SSA IG Ennis to fulfill the critical duties of her mission.

On top of this substantiated whistleblower retaliation, she also engaged in significant programmatic mismanagement. According to extensive reporting, the IG office’s anti-fraud program has imposed disproportionately large civil penalties on vulnerable individuals, including the elderly and disabled. These unprecedented fines reached up to hundreds of thousands of dollars each, which is more than many recipients of improperly distributed disability benefits could reasonably expect to pay in their lifetimes. Unlike how the program used to operate,

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17 Rein, “Watchdog opens probe into huge Social Security fines to poor, disabled,” [see note 3].
these fines were imposed without consideration of age, financial condition, or other criteria that are supposed to factor into a final determination to ensure that the punishment fits the crime. Senior member of the House Oversight and Reform Committee Representative Gerry Connolly (D-VA) referred to the penalties as a “cheap, easy way of getting enforcement up.” IG Ennis’s extensive mismanagement is reflected in the SSA IG’s drop in audits finished compared to predecessors and the office’s plummet to the very bottom of federal employee engagement scores that coincides with her time as inspector general. The scores show a particularly dismal regard by SSA OIG survey respondents for the watchdog office’s senior leadership and its overall performance.

Removing DHS IG Cuffari and SSA IG Ennis are necessary actions that you must take if you are to meet your administration’s stated policy priorities. You recognized the key role that inspectors general play in holding accountable perpetrators of corruption, misconduct, and fraud across the federal government in not only your administration’s Fifth U.S. Open Government National Action Plan but also in the State of the Union on February 7, 2023. In your address, you stated that “Last year, I told you the watchdogs are back. Since then, we’ve recovered billions of taxpayer dollars.” Part of protecting the integrity of the inspectors general system should be to ensure that individual inspectors general who fail at the duties of their office are held accountable for their actions. In the cases of DHS IG Cuffari and SSA IG Ennis, this means removing them from their posts.

POGO has worked for decades to fund and improve the inspector general system so that 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 American 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.

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19 Rein, “Watchdog opens probe into huge Social Security fines to poor, disabled,” [see note 3].
20 Rein, “How a Social Security program piled huge fines on the poor and disabled,” [see note 15]; POGO published a report in 2018 on IGs that included a number of proposed recommendations, one of which was to reform IGs’ semi-annual reporting (SAR) requirements. This is because SARs can serve as bad incentives to focus on data collection instead of on bigger picture issues that more directly address waste, fraud, and abuse. While there has been some improvement in SARs requirements in recent years, there is still much to be done.
21 According to the Partnership for Public Service, the SSA OIG is ranked dead last — 432 out of 432 — when it comes to the best places in the federal government to work. Additionally, GovExec reported that the Office of Federal Law Enforcement Officers Association (FLEOA) conducted a survey of its members, and 98% of those who responded voted that they have no confidence in Ennis. Furthermore, Ennis’s first three years indicated a 53% drop in the IG’s annual average output of audit reports as compared to her predecessor’s last nine years. Finally, FLEOA found that under her tenure, “significant number of special agent FTEs [full-time equivalents], the ones tasked with reducing the fraud, waste and abuse have been lost and replaced by attorneys, many of who have ties to you [Ennis] and your [Ennis’s] Deputy IG.”
23 Biden, State of the Union [see note 22].
The American people deserve a strong and robust federal government that is free of abuse of power, grievous misconduct, and demonstrated malfeasance. Achieving this goal requires an inspector general system that not only uplifts examples of efficient and effective IGs but also removes bad watchdogs who are unable to perform their mission. As such, we urge you to swiftly remove DHS IG Cuffari and SSA IG Ennis.

Sincerely,

Danielle Brian
Executive Director
Project On Government Oversight

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