

April 9, 2015

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington DC 20500

Dear Mr. President:

We, the undersigned organizations, are writing to urge you to remove the Department of Commerce's Inspector General, Todd Zinser. Through his actions both before his appointment as IG and since, Mr. Zinser has proven that he is not fit for the position.

IGs are supposed to root out fraud, waste, and abuse—a job they would not be able to do without whistleblowers. If there is anyone in government who should understand the importance of utilizing and protecting whistleblowers, it is an IG. This is why it is particularly worrisome that there have been multiple allegations and investigations of Mr. Zinser's own retaliation against whistleblowers. A 2013 report by the Office of Special Counsel found that Mr. Zinser had shielded two top deputies charged with threatening two employees with retaliation if they blew the whistle on mismanagement at the Commerce IG's office.

In April 2014, the House Committee on Science, Space, and Technology's Subcommittee on Oversight sent a bipartisan letter to the IG asking him to explain why he had not removed two senior managers who were found to have retaliated against whistleblowers in the Office of the Inspector General (OIG). Mr. Zinser defended those top aides for months before finally placing them on leave. The Committee has also raised questions about Mr. Zinser's personal record of whistleblower retaliation, the climate in his office, and the questionable hiring of some of his senior-level officials.

In remarks to the House last week, Committee Ranking Member Eddie Bernice Johnson (D-TX) presented additional findings against Mr. Zinser. Just last month, she noted, the Department of Commerce's Office of Civil Rights found that his office was guilty of retaliating against an employee who filed an Equal Employment Opportunity Commission (EEOC) complaint and that, to frustrate the investigation, he may have been monitoring the employee's email.

Additionally, she announced that Mr. Zinser has targeted individuals in his office that he believed were cooperating with the Committee's investigation or making protected disclosures to the Office of Special Counsel (OSC), trying to pressure them to leave their positions.

Committee Members from both sides of the aisle have echoed the Ranking Member's concerns. In their April 2014 letter, bipartisan Members of the

Oversight Subcommittee wrote that “the mistreatment and intimidation of potential whistleblowers is emblematic of a culture which has taken hold at the Commerce OIG.” The IG’s office “is supposed to be a safe-harbor for whistleblowers throughout the Department,” they added. “That whistleblowers in your own office have been treated in the manner documented by OSC strongly suggests you have not created a culture of respect, trust and safety that would empower whistleblowers to come forward.” Last July, House Science Committee Chair Lamar Smith and Ranking Member Johnson sent yet another letter to Mr. Zinser, raising serious concerns about this conduct and his fitness for the position.

It has become increasingly clear that the Senate never should have confirmed Mr. Zinser for the IG position. Prior to confirmation, he had personally retaliated against a whistleblower when he was Deputy Assistant IG for Investigations in the Department of Transportation’s Office of Inspector General—a fact he did not disclose when nominated for the IG position. In a newly uncovered 1996 report described by Ranking Member Johnson, OSC investigators concluded that Mr. Zinser’s actions towards this whistleblower were “draconian in nature” and “motivated by animus.”

Any whistleblower retaliation is troubling and should not be tolerated, but whistleblower retaliation from the office tasked with investigating that same type of retaliation is particularly egregious. As Ranking Member Johnson stated, the evidence of Mr. Zinser’s misconduct is “overwhelming.” Therefore, we ask you to show your commitment to the brave whistleblowers who come forward to help fix the problems plaguing our federal government and immediately remove Mr. Zinser from his post as IG of the Department of Commerce.

Sincerely,

Government Accountability Project
National Whistleblowers Center
Project On Government Oversight (POGO)