

GAO

Report to the Chairman, Committee on
Governmental Affairs, U.S. Senate

July 1994

COMMITTEE ON
GOVERNMENTAL
AFFAIRS

Alleged Senate
Compromise of NASA
Complainant's Identity





United States
General Accounting Office
Washington, D.C. 20548

Office of Special Investigations

B-257750

July 1, 1994

The Honorable John Glenn
Chairman, Committee on Governmental Affairs
United States Senate

Dear Mr. Chairman:

This report responds to your April 21, 1994, request that we inquire into the alleged unauthorized disclosure of nonclassified Committee-sensitive information. Specifically, you asked us to determine if you or a member of your staff compromised the identity of Ms. Margaret Barnes after she reported to you what she perceived as suspected wrongdoing by her employer, the National Aeronautics and Space Administration (NASA), Office of Inspector General (OIG).

In summary, because Ms. Barnes refused to cooperate with our investigation, we were limited in developing facts relating to the allegation that you or a member of your personal staff or the Committee staff compromised her identity. This limitation, in addition to unresolved conflicting testimony obtained during our investigation, made it difficult for us to reach a definitive conclusion. However, our investigation found no credible evidence to support the allegation.

Background of the Allegation

Margaret Barnes, a GS-12 Computer Specialist with the NASA OIG, addressed a letter to you dated September 2, 1993. (See app. I.) In this letter, Ms. Barnes expressed concerns about what she perceived as improper management and morale factors within the NASA OIG. In the last paragraph of the letter, Ms. Barnes requested anonymity. The exact date of the letter's arrival in your personal office is unknown. Because the letter's subject matter involved an Office of Inspector General, the letter was forwarded to the Committee on Governmental Affairs, which has oversight responsibility for such matters.

According to Counsel Betty Ann Soiefer, the Committee staff person responsible for Inspectors General issues, Ms. Barnes' letter was placed in a stack of things to do because of more pressing Committee business. On January 4, 1994, after the congressional recess, Ms. Soiefer contacted Ms. Barnes regarding her letter. During this contact, Ms. Barnes informed Ms. Soiefer that on September 23, 1993, she had been called into the office of the NASA Inspector General, Bill D. Colvin, who confronted her about her letter to you. Ms. Barnes' supervisor, Diane Hordan, and the NASA

Assistant Inspector General for Investigations (AIGI) were also present at the meeting in Mr. Colvin's office.

According to Ms. Soiefer, during the January 4, 1994, contact, she requested Ms. Barnes' approval to refer a copy of the September 2, 1993, letter, along with a transmittal letter signed by you, to the President's Council on Integrity and Efficiency (PCIE) with copies of the transmittal letter being provided to the NASA Inspector General and Ms. Barnes. Ms. Soiefer stated that Ms. Barnes informed her that this arrangement was acceptable to her since the Inspector General was already aware of the letter. On January 5, 1994, Ms. Soiefer prepared a referral letter to PCIE for your signature. However, the letter was not forwarded for your signature because Dr. Leonard Weiss, Staff Director of the Committee, was concerned about providing Ms. Barnes' letter to PCIE since the NASA Inspector General served as its Vice Chairman.

The PCIE referral letter and Ms. Barnes' September 2, 1993, letter to you remained with Dr. Weiss without further action until mid-March 1994. On March 11, 1994, a reporter began making inquiries of your personal office staff and the Committee staff about an allegation that you or a member of either staff had provided a copy of Ms. Barnes' letter to the NASA Inspector General. You and members of both staffs denied the allegation.

On April 7, 1994, The Washington Post printed a story by a syndicated columnist that stated, ". . . [Ms.] Barnes says she believes [Senator Glenn's office] is responsible for leaking the letter to Colvin. Because [Senator] Glenn's office was the only one to receive a copy of the letter, she sees no other way it could have gotten back to Colvin."

Testimony and Findings

In response to your request, we began our investigation on April 25, 1994, to determine how Ms. Barnes' letter addressed to your office might have come into the possession of the NASA Inspector General. Our investigation included taking sworn testimony from you and members of your personal staff and the Committee staff, including Dr. Weiss and Ms. Soiefer. The depositions failed to elicit any information as to how the NASA Inspector General may have obtained a copy of Ms. Barnes' September 2, 1993, letter.

We also obtained sworn testimony from several NASA OIG employees, including the NASA Inspector General. Mr. Colvin in his deposition stated,

“On or about September 23, 1993, Danny P. Danigan, Assistant Inspector General for Management, either gave me personally or left in my office a copy of Exhibit A.^[1] I am maintaining the original document that Mr. Danigan gave me in my files.^[2] Mr. Danigan informed me that he had received this document from Joseph P. Herman, Office of Inspector General (OIG) Center Director for Headquarters Center. Mr. Danigan informed me that Joseph Herman told him that the document was found on the virtual disk^[3] of a computer assigned to Mr. Herman’s office. I did not receive a copy of this document from Senator Glenn. I did not receive a copy of this document from anyone on Senator Glenn’s staff.”

Mr. Colvin later clarified that he had not received the copy from anyone on either Senator Glenn’s personal staff or the Committee’s staff.

Testimony provided by Messrs. Danigan and Herman is in agreement with Mr. Colvin’s account of how he obtained a copy of Ms. Barnes’ letter. In his testimony, Mr. Herman stated that he discovered the Barnes letter on the virtual disk of the NASA OIG IBM System 36 computer when he entered the system to convert a document that he had on a diskette. Mr. Herman explained that he copied the file of the Barnes letter, deleted it from the virtual disk, and gave Mr. Danigan a copy of the letter. Mr. Herman stated that he provided the copy to Mr. Danigan because Ms. Barnes was indirectly under Mr. Danigan’s supervision. Upon receipt of the letter, Mr. Danigan then provided a copy to Mr. Colvin.

Inspector General Colvin, in his deposition, further stated that the Barnes letter he had in his possession was an unsigned version obtained from the NASA OIG computer system. Additionally, the NASA AIGI who was present at the September 23, 1993, meeting between Ms. Barnes and Mr. Colvin, stated “I didn’t see sufficiently what he [Mr. Colvin] had in his hand to see a signature.” However, in her deposition, Ms. Barnes’ supervisor, Diane Hordan, who was also present, asserted that she had seen Margaret Barnes’ signature on the copy of the letter that Mr. Colvin had in his possession during the meeting.

We found that in addition to the original Barnes letter that was sent to you and the copy that the Inspector General stated was obtained from the NASA

¹Unsigned copy of September 2, 1993, letter from Margaret Barnes to Senator John Glenn. (See app. II.)

²On June 29, 1994, Inspector General Colvin provided GAO the original document as an attachment to his deposition. (See app. II.)

³NASA personnel use the “virtual disk”—the D drive of a single computer hard drive that has been configured to look like two hard drives, C and D—to move print files from a computer system and diskettes to personal computers for printing.

OIG computer system, Ms. Barnes made at least three other copies available to others shortly after the September 23, 1993, meeting. Of the five copies, three appear to have an original signature of Margaret Barnes; two are unsigned, one being the copy provided to us by Mr. Colvin. Examination of the five known copies of the Barnes letter reflects the use of three different computer print types. The copy that Mr. Colvin provided to us differs from that sent to you in its print type and pagination. (See app. I and II.) All copies of the Barnes letter that we have located are dated September 2, 1993. With the exception of the copy provided by Mr. Colvin and without talking to Ms. Barnes, we have no indication as to where the copies were created or printed.

At our request, a Technical Assistant Director with GAO's Accounting and Information Management Division reviewed the NASA OIG computer system to validate the possibility that the Barnes letter could have been retrieved from the OIG Headquarters Center system. According to the GAO official, such retrieval was plausible if at any time the Barnes letter had been placed onto the system. Our attempt to retrieve the letter from the system, to which Ms. Barnes and other NASA OIG employees had access, was unsuccessful because the computer backup tapes for the time period in question had been routinely erased and reused.

Our ability to fully investigate this matter was hampered by conflicting testimony obtained during our investigation and Ms. Barnes' lack of cooperation. At the onset of our investigation, we contacted Ms. Barnes; and she advised us that we should speak with her personal attorney. In telephone conversations and in response to our May 3, 1994, written request, Ms. Barnes' attorney declined to make his client available for an interview or to respond to questions posed in our letter.

Investigative Methodology

We conducted our investigation between April 25, 1994, and June 29, 1994. We obtained sworn testimony from you, staff members of the Committee, your personal staff, the NASA Inspector General, NASA OIG employees, GAO personnel, and other individuals familiar with this investigation. We also interviewed, and obtained information from, other individuals. All persons providing sworn testimony were given the opportunity to read and make appropriate corrections prior to signing their depositions. Ms. Hordan declined to read or sign her deposition because she "was sworn to it when it was taken. . . ."

We also reviewed pertinent records, including appointment calendars, telephone logs, notes, and memorandums.

As agreed to by your office, we plan no further distribution of this report at this time. Unless you publicly announce the report's contents earlier, we will make the report available to others, on request, 30 days from the date of this letter.

If you have any questions concerning this matter, please contact me or Assistant Director Houston R. Fuller of my staff on 202-512-6722.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard C. Stiener". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Richard C. Stiener
Director

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Abbreviations

AIGI	Assistant Inspector General for Investigations
GAO	General Accounting Office
NASA	National Aeronautics and Space Administration
PCIE	President's Council on Integrity and Efficiency
OIG	Office of Inspector General
OSI	Office of Special Investigations

Barnes Letter as Arrived in Senator Glenn's Office

GAC

September 2, 1993

Senator John Glenn
Governmental Affairs Committee
SH-503 Hart Senate Office Bldg
Washington, DC 20510-3501

Dear Senator Glenn:

Earlier this month I read an article in the Washington Post referencing State IG's. I called and spoke with Betty Ann Soiefer about concerns I have at the Federal level where I work, National Aeronautics and Space Administration (NASA), Office of Inspector General (OIG), 300 E. Street, NW, Washington, DC. 20546, 202-358-2576. Betty Ann Soiefer did provide me with a name and telephone number of a person to contact and discuss my concerns. I called but the person was busy and gave the attitude they did not care to hear/discuss my concerns, that is the reason I am writing to you.

As a government worker I do take my job serious, probably more serious than I should. I adhere to the chain of command, but have had negative results. I understand and sympathize with upper management when they have to make the day to day decisions that will "help" the morale and productivity of the organization. Also, I believe when the IG and AIG's stay in one place longer than 4-5 years, the IG and AIG's decisions and judgements turn a deaf ear toward the organization and staff, (especially the staff, the very staff that works hard to make the IG popular on the Hill), unfortunately, the staff suffers because of predetermined decisions, only to be "rewarded" with out of control managers and needless stress in the office.

Recent problems and certain decisions have affected the office morale and me directly. I believe the IG does not care what happens in the office and relies too much on the incompetent decisions his managers are making, the IG is unapproachable, perhaps it is the busy "political" schedule or the lack of caring? The IG hires incompetent, cruel, power hungry, out of control micro-managers in DIG/AIG positions - the IG wrote a memo referencing no more micro-managing and the AIGM manages his divisions using this style - 1) forcing employees to log on a computer, send arrival/departure messages to the supervisor (only 3 employees throughout the OIG network are forced to do this, other employees are exempt), 2) forces employees to travel and submit vouchers his way, not as stated in the travel regulations, holding up vouchers for payment, 3) mandating employee hours, abusing NASA flexitour time; the IG/DIG/AIG's state we must always be "lily-white" and the IG takes \$20,000 worth of bonuses - 1) retains personnel unable to obtain a clearance, sends that person on a Standards Review at other Centers to view sensitive data in the OIG computers, 2) retains an individual that lied on a SF171 in the OIG Personnel Division, 3) discharges a new employee for omitting a statement

Appendix I
Barnes Letter as Arrived in Senator Glenn's
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on a SF171, instead of focusing on the offense and trying to help the employee, the IG/DIG/AIGM totally disregarded the recommendation of the immediate supervisor and the workload - inconsistent practices.

Also, the IG/DIG/AIG's do not support or practice TQM; the printed Vision Statement (enclosed) on page 6 and 7, Goal 3 and 4, does not reflect the current policy the IG/DIG/AIG's use to manage within NASA OIG; the IG relies on the AIGM to rewrite policy (IGM), after the rewrite the AIGM is conveniently on all the decision making panels; the IG/DIG/AIG's hire/promoting practices reflect few minority and females in upper management within the OIG Centers and HQ - the current AIGM staff reflects three female HQ directors, all under the "thumb" of the AIGM and together, with the IG/DIG/AIG's, coerce and force the female directors to go against their principals to implement outrageous policies resulting in lack of respect for their judgement by their staff; the IG/DIG/AIG's management reflects females in the work force being treated as second class citizens, "we hear you but we will not credit you or use your opinion in upper management decisions"; the IG/DIG/AIG's policy on promoting females within NASA OIG does not always follow OPM regulations which violate and concern the merit system principle - the promotions are predetermined by the AIGM BEFORE the panel meets, asinine excuses are used by the AIGM for not promoting and cannot be cited or found in any OPM regulation; the IG/DIG/AIG's hiring of personnel in the wrong divisions at HQ has forced a top heavy work force, with up to as many as 3 employees needing daily assignments and "busy work", where other departments could have used the permanent personnel; and perhaps other items.

I know of three discrimination suits filed this year within the NASA OIG due to prohibited personnel practices followed by the Center Director under the direction of the AIGM. OIG Personnel Division and Personnel Director is a detriment within our organization and should be dismantled.

A NASA OIG survey was done earlier in the year to order new PC's and PC software to bring the department into the 21st century. The Center Directors voted for the packages and were led to believe the new devices would not have to be cabled to the current system. When the goodies start arriving (end of September, October), the Technical Services Division (TSD) will go out into the OIG field network and sell policy (which reflects in the performance appraisal, under "getting along") an upper management policy that upper management cannot and could not sell to the Centers - an outdated IBM S/36 mini-computer - causing more disruption, frustration, and animosity towards TSD and the organization.

When the IG/DIG/AIG's are too involved or do not listen to all the facts before making decent organizational decisions, what should, if anything, a worker do, to improve the office morale, right the wrongs? Jobs are scarce and I am very thankful I have

Appendix I
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one. I enjoy my job and I like working for NASA but I can not believe or understand it is NASA or the IG's policy to operate and manage the office in an 18th Century environment.

Recently I talked with the Office of Special Counsel and the office will be sending out forms to me. The office stated they were not sure if this type of office mismanagement was their jurisdiction.

If you need more information please do not hesitate to write me, or call me at . Thank you for taking the time to read my letter. I prefer to remain anonymous until a later date or the appropriate time.

Cordially yours,

M. Barnes

Margaret Barnes
Computer Specialist, Eastern Region
Technical Division Services Field Office

Enclosure

NOTE: We deleted the personal address and telephone number from the letter to protect Ms. Barnes' privacy.

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Margaret Barnes
Computer Specialist, Eastern Region
Technical Division Services Field Office

Enclosure

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Major Contributors to This Report

Office of Special
Investigations,
Washington, D.C.

Houston R. Fuller, Assistant Director
Thomas L. Sipes, Senior Investigator
Cecelia J. Porter, Senior Investigator
Shelia A. James, Senior Evaluator
M. Jane Hunt, Special Assistant for Investigative Plans and Reports

Office of the General
Counsel, Washington,
D.C.

Glenn G. Wolcott, Assistant General Counsel
Leslie J. Krasner, Attorney Adviser

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