

March 6, 2009

U.S. Office of Special Counsel  
Disclosure Unit  
Attn: Edward F. Flood, Attorney  
1730 M Street N.W.  
Suite 218  
Washington, DC 20036-4505

Re: OSC File No. DI-08-1951 Comments

Edward F. Flood,

The purpose of this letter is to comment on the report from the Office of Internal Affairs and the response from the Director of the Bureau of Prisons, Harley G. Lappin.

In regards to the report of the investigation conducted by the Office of Internal Affairs it appears that very little information or evidence was uncovered in addition to that which was reported in my disclosure. The investigator clearly did not investigate the actions of the leadership of the Bureau of Prisons, specifically the Warden and Associate Warden of the FCI. There was no attempt to consider any wrong doing on the part of these government officials despite their direct oversight of the Employees Club and responsibility they possess in the management of the Property of the United States Government. While it was characterized that the individual club members were acting in "good faith", in actual fact, all were involved in criminal violations of Chapter 849, Florida Statutes. It is undeniable that "ignorance of the law is no defense", and similarly, following the ignorance of another, in this case, following the leaders, gives no justification.

According to the Department of Justice, and I quote "The mission of the Department of Justice is to enforce the law and defend the interests of the United States according to the law, to ensure public safety against threats foreign and domestic, to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior, and to ensure fair and impartial administration of justice for all Americans." I do not see evidence of "good faith" on the part of the Warden, Jorge L. Pastrana or the Associate Warden, Rob Wilson to preventing and controlling crime or in punishing unlawful behavior. Both of these government officials have taken no responsibility for allowing these activities despite receiving email and pictures of events and being aware that some employees felt the activities were questionable. There is clearly ignorance of Agency policy and federal law in their inability to live up to the mission of the Department of Justice and serve the public trust. In addition, the report states the a Memorandum will be issued from the Ethics Office to remind CEO's (Wardens) regarding how gambling constitutes violations of the Code of Federal Regulations. This response is so minimal that it is really no action at all on the part of the Agency to correct the issue especially when the Federal law was violated. There is no honor or integrity, nor transparency in the Agency's corrective action. This lack of accountability is the very reason that Government loses the public trust.

The Director of the Bureau of Prisons, Harley G. Lappin, included a response to the Special Counsel where it is admitted that there was a violation of the Bureau of Prisons regulations and Federal law. Considering the action and report issued by the Office of Internal Affairs, I wonder did Mr. Lappin read the report or consider the obvious widespread disregard for Federal Law on the part of CEO's of the Bureau of Prisons. It is my contention after many years of service that the Bureau of Prisons disregards the misconduct of CEO's and Executive level leadership just as this report demonstrates. However, individuals at the lowest level are investigated, intimidated, and demoralized under the guise of "efficiency of the service".

It should be an honor to serve the Bureau of Prisons and the United States Government. There should be pride and trust in the leadership that all employees see each day when they enter the facility, passing by the photos of The President, Attorney General, Director, Regional Director and the Warden in order to serve and protect society. However, I see photos of individuals that do not deserve to hang on the wall next to The President of the United States, and that are not held accountable to the mission of service of the government. The Leadership should be held accountable and required to respect the same regulations and laws as all employees.