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## **NCLA Challenges IG Committee’s Structure and Illegal Interference with Inspector General Operations**

*Kristen Fredricks, Joseph V. Cuffari, Joseph E. Gangloff, and James M. Read v. Council of the Inspectors General on Integrity and Efficiency, Integrity Committee, Kevin H. Winters, Robert P. Storch, Gail S. Ennis, Kimberly A. Howell, Dale A. Christopher, Tom Monheim, Catherine S. Bruno, and Allison Lerner*

**Washington, DC (April 4, 2023)** – For three years, Joseph V. Cuffari, a Presidentially-appointed and Senate-confirmed Inspector General (IG) has been endlessly harassed and had his office’s resources drained by a series of baseless inquiries headed by the Council of the Inspectors General on Integrity and Efficiency’s (CIGIE) Integrity Committee (IC). IGs are designed by law to be independent, and the agencies they oversee are not permitted to interfere with their investigations. But the IC and its persecutory approach are unlawfully interfering with Plaintiffs’ legal responsibilities.

NCLA, a nonpartisan, nonprofit civil rights group, filed a [Complaint](#) today in *Fredricks, et al. v. Council of the Inspectors General on Integrity and Efficiency, et al.* in the U.S. District Court for the Eastern District of Virginia. NCLA represents IG Cuffari; Kristen Fredricks, Chief of Staff for IG Cuffari and Acting Deputy IG for External Affairs; James M. Read, Chief Counsel to IG Cuffari; and Joseph E. Gangloff, a former Deputy Director of the Office of Government Ethics. The vexatious CIGIE/IC investigations into the Plaintiffs have had a chilling effect on their work and actions. Plaintiffs have been forced to spend thousands in attorney fees to defend themselves against baseless charges surrounding their official actions. These investigations have also undermined or ignored the due process rights to which federal law entitles these individuals.

Mr. Cuffari became aware of troubling matters at his agency soon after his appointment. Having been involved in conducting, supervising, and evaluating investigations and integrity issues (in military and government service) for more than 36 years, he had never encountered this level of dysfunction and dishonesty by some senior leaders. IG Cuffari ultimately sought an outside, impartial investigator—the WilmerHale law firm. It prepared a [report](#) of its investigation, confirming many of IG Cuffari’s and others’ observations. In response, IG Cuffari has faced an unrelenting stream of meritless complaints to the IC. These retaliatory complaints—which now total more than *fifty*—initiated a series of vexatious investigations, follow-ups, and requests for supplementary information.

Even putting aside the lack of merit in any allegations, CIGIE’s unconstitutional structure concerns NCLA. CIGIE is an independent entity within the Executive Branch. CIGIE and its IC were created and are authorized by the Inspector General Reform Act of 2008. But the membership of CIGIE and its IC includes individuals who are not appointed by nor answerable to the President. The Integrity Committee’s lack of oversight and unconstitutional structure have enabled it to weaponize investigations to sidetrack an entire IG office indefinitely. Even assuming the IC can validly exercise such power, it has abused this power by peppering the IG with numerous demand letters making no allowance for privileged documents, including materials shared with Congress, materials from other offices, or other privileged materials. The IC has even created a “Super IG” that claims that power across the whole government, including the legislative branch. IC says its authority is to demand from an IG everything in his parent department. Because CIGIE’s structure and the Defendants’ exercise of quintessentially executive powers violate Constitutional strictures, this Court must proscribe their uncontrolled exercise of executive power.

**NCLA released the following statements:**

“Given that the Integrity Committee is not following its own rules, is violating due process, and is set up in Rube Goldberg mockery of separation of powers, we are asking the Court to prevent its continued interference with our clients’ pursuit of their statutory duties.”

— **John J. Vecchione, Senior Litigation Counsel, NCLA**

“The issue is simple. Individuals who have been neither nominated by the President nor confirmed by the Senate, and who are not politically accountable in any way, cannot be given power to obstruct the work of those who have been so nominated and so confirmed. Worse yet, such unaccountable bureaucrats may not hound political appointees out of office. The Court should recognize that CIGIE suffers from multiple constitutional infirmities and put a stop to its unlawful exercise of executive power.”

— **Greg Dolin, Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#).

**ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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