



U. S. Department of Justice
Office of Professional Responsibility

Washington, D.C. 20530

FEB 25 1997

Larry D. Thompson, Esq.
Independent Counsel
444 N. Capitol Street, N.W.
Suite 519
Washington, D.C. 20001

Dear Mr. Thompson:

We recently received the enclosed letter from [REDACTED] a former employee of the Office of Independent Counsel, alleging misconduct by former Independent Counsel [REDACTED] and members of his staff. Mr. [REDACTED] stated in his letter that he was hired by the Independent Counsel in November 1991 to manage documents and was fired in November 1993 because of his "whistle-blowing." He asked that the Office of Professional Responsibility investigate a number of allegations, including the following:

The Office of Independent Counsel (OIC) awarded contracts to firms without soliciting competing bids.

Former Associate Independent Counsel [REDACTED] awarded a lucrative contract to a friend of hers. b7C

FBI personnel used government vehicles for personal purposes.

An FBI agent took an unnecessary trip to Puerto Rico that was paid for by the OIC.

The OIC awarded contracts to the former law firm of a Deputy Independent Counsel.

A prosecutor on the staff set up a yogurt distribution company using OIC resources and official time.

Independent Counsel [REDACTED] and others edited FBI interview reports, in some cases without having been present for the interviews. b7C

A Deputy Independent Counsel purposely suppressed evidence and violated discovery rules.

b7C An OIC prosecutor caused the creation of a chronological chart of sexual activity by [redacted] a target of the OIC's investigation; the chart had no relevance to the charges at issue.

As you know, the Attorney General has jurisdiction under 28 U.S.C. § 596 to remove an Independent Counsel from office for "good cause, physical or mental disability . . . or any other condition that substantially impairs the performance of such independent counsel's duties." The legislative history of this provision makes it clear that this removal power is to be used only in situations involving very serious misconduct.

b7C In the present situation, the allegations by Mr. [redacted] do not rise to the level that would call for action by the Attorney General. And, in any event, [redacted] is no longer in office, so the removal power cannot apply to him. Consequently, we are referring these allegations to you for investigation and appropriate action. Of course, if your investigation should determine that any criminal prosecutions were tainted by misconduct, we expect that you will take appropriate steps to inform the affected courts.

If you have any questions about this matter, please contact me on 514-3365.

Sincerely,



Michael E. Shaheen Jr.
Counsel

Enclosure