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August 31, 2014

The Honorable Darrell Issa  
Chairman  
U.S. House Committee on  
Oversight & Government Reform  
Washington, DC 20515  
*via fax (202) 225-3974*

The Honorable Elijah E. Cummings  
Ranking Member  
U.S. House Committee on  
Oversight & Government Reform  
Washington, DC 20515  
*via fax (202) 225-3178*

RE: Continued EPA Inaction in Response to May 7, 2014 Committee Hearing  
Involving EPA OIG Special Agent Elisabeth Heller Drake

Dear Chairman Issa and Ranking Member Cummings:

At your May 7, 2014 hearing, my client EPA OIG Special Agent Drake testified about EPA Office of Homeland Security (OHS) Intelligence Advisor Steve Williams assaulting her while she attempted to investigate OHS staff. In the nearly four months since the hearing, and more than 300 days since the initial incident, EPA has taken no meaningful action to correct or prevent a repeat of the situation, even in the face of additional reports from multiple other sources of belligerent and obstructive conduct by Mr. Williams. EPA Administrator Gina McCarthy and her staff continue to coddle Williams, though aware the Federal Protective Service found his conduct toward Agent Drake worthy of arrest.

Please require Ms. McCarthy to answer the following in writing or in person to you. If truthfully given, the answers to such questions will be damning and disappointing:

1. Did she/her staff receive a contractor's fact-finding report a week after the Committee's hearing that reported (from sources other than Agent Drake) additional confrontational, intimidating, and obstructive behavior on the part of Mr. Williams? Will she provide that full report from around May 14, 2014 to the Committee for its review?
2. Did Mr. Williams impede that May 2014 fact-finding inquiry by refusing to be interviewed for it and, if so, what disciplinary action was taken for that misconduct?
3. Is Administrator McCarthy aware of a report that Mr. Williams in December 2013 (some three months after the Navy Yard shooting) said in a meeting that he planned to "rain hell down on EPA"? If so, what steps did she take to determine what he meant and to protect staff from such a plan?

4. Since the May 7 hearing, has the EPA workplace violence coordinator notified EPA top management about complaints from employees (beyond Special Agent Drake) of threatening conduct by Mr. Williams?

5. Since the May 7 hearing, has EPA top management received a written recommendation from its workplace violence coordinator and/or Security Management Division that Williams be placed on administrative leave while an external party conducts a threat assessment of him? If so, why hasn't that been done?

6. Is it true that Ms. McCarthy has Mr. Williams serving as EPA's "Insider Threat Senior Official"? And if so, is it true he has used that position to block EPA Personnel Security Branch staff from attending an outside training on identifying internal threats?

7. Is it true that not one witness has been interviewed in the Department of Defense Office of Inspector General investigation (of the assault by Mr. Williams of Agent Drake) promised by EPA Deputy Director Bob Perciasepe at the May 7 Committee hearing?

8. After an OHS staff member raised concerns to OIG about Williams' volatility: (a) did an OHS manager tell her that "informing for OIG is not the EPA way" and (b) did an agency attorney later try to get the staff member to sign a statement that would have weakened the level of alarm expressed in her report to OIG? If so, how did the EPA Administrator respond to learning of what may have been efforts at witness tampering?

9. Is it true that Mr. Williams has never received any formal discipline while at EPA, at most being subjected to informal verbal advice to behave differently?

10. As we approach a year from the original assault, is it true that if Williams moves to another federal agency before EPA acts, EPA will lose any ability to discipline him?

11. Is it true that Administrator McCarthy never rescinded her October 2013 letter that directed EPA OIG (and so Special Agent Drake) to stand down from their investigation related to the staff in Steve Williams' office?

12. Is it true that the Memorandum of Understanding between OHS and OIG promised at the May 7 hearing never materialized, so that OHS is still allowed to hinder OIG investigations of OHS and other matters in which OHS takes an interest?

13. How many employees now have complained of disturbing behavior/comments by Williams? Five? More? How many will it take before Ms. McCarthy is willing to act?

We would not plead for Committee intervention if there were signs EPA had even a remote interest in resolving these issues of its own accord. As with the scandal involving faux spy John Beale, EPA remains unwilling to sever ties to those who would do the agency and its reputation great harm. Rather than focus wholly on solving our nation's environmental problems, top agency management spend time strategizing behind closed doors on how to protect Mr. Williams. The hearing testimony that Administrator McCarthy was "first and foremost concerned about the safety of our employees" has applied only to Williams.

Even Mr. Williams might benefit from an immediate and independent investigation of these incidents if, as he appears to believe, disclosure of the true facts would exonerate him. It helps no one to have serious accusations of this nature remain in eternal limbo. It should not take a tragedy to get EPA management focused on solving these problems rather than on how to keep the public from viewing their dirty laundry.

In contrast to the empty promises made at the hearing by EPA management, we continue to value the sincere concern expressed by members of your committee about what was done to Special Agent Drake. For example, she was comforted to hear Ranking Member Cummings say in response to her testimony that “one of the most alarming things that I’ve heard in being in Congress for 17 years is what you just described. Nobody should have to go through that, period, woman or man. And I’m so sorry that that happened.”

Please let us know how we can assist your Committee in ensuring high-ranking officials like Mr. Williams do not remain untouchable and that OIG investigations are no longer obstructed. Agent Drake and I appreciate your ongoing review of the deteriorating work environment. (I courtesy copy this letter to Deputy Chief of Staff John E. Reeder, who has been coordinating the agency’s strategy in response to the Steve William’s situation. Note that Deputy Director Perciasepe who testified at the May hearing left EPA in mid-August.)

Sincerely,



David R. Schleicher  
Attorney for Special Agent Drake

cc: Hon. Barbara Boxer, Chair, Senate Committee on Envir. & Public Works  
EPA Dep. Chief of Staff John Reeder, c/o Assoc. General Counsel Kevin S. Minoli  
Hon. David Vitter, Ranking Member, Senate Committee on Envir. & Public Works