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**Civics 101**

**Episode 97: Inspectors General**

**Virginia Prescott:** [00:00:23] I'm Virginia Prescott and this is Civics 101. The podcast refresher course on the basics of American democracy. Today we're learning more about a fairly obscure government office that you asked us to look into.

**Sam: :** [00:00:35] Hi my name is from Sam from Hyattsville, Maryland. I read wondering what exactly is the function of the inspector general and how does it differ from the U.S. attorney general?

**Virginia Prescott:** [00:00:46] Elizabeth Hempowicz is with us. She is policy director for the Project on Government Oversight, also known as Pogo. OK Elizabeth, you think you can help us out with this?

**Elizabeth Hempowicz:** [00:00:55] Yes and I'm so excited to be here. Well let's do it.

**Virginia Prescott:** [00:00:58] What is an inspector general?

**Elizabeth Hempowicz:** [00:01:00] So inspectors general are an internal watchdog office that in theory is independent of the agency that it's overseeing and it reports both to the agency head and to Congress. They're kind of been charged with making sure that everything that the agency is doing is in line with the laws rules and regulations governing that agency.

**Virginia Prescott:** [00:01:21] So I know that there state there, you know, municipal, county inspectors general. We're going to focus on the federal government inspectors general. How many are there?

**Elizabeth Hempowicz:** [00:01:32] So right now I believe there are 72 total inspectors general offices. Now a lot of those are vacant. I don't have that exact number off the top of my head but when there's a vacancy it's usually filled by an acting inspector general. But there are problems with that. They're a little bit less independent. They haven't been congressionally confirmed. And so 72 is the short answer to that question. But it's a little bit more complicated.

**Virginia Prescott:** [00:01:58] Does each government department have an inspector general assigned to it, ideally?

**Elizabeth Hempowicz:** [00:02:03] For the most part there are some, so there's one inspector general for the Department of Defense and then there are smaller branch inspector general. So that's where I think that that number comes from, the 72 includes broader inspectors general looking overseeing a bigger agency and then some sub agencies have their own offices.

**Virginia Prescott:** [00:02:24] So to get to that listener question, when and why were they formed?

**Elizabeth Hempowicz:** [00:02:29] So the first inspector general goes back to military inspector general in George Washington's army, so the first inspector general was in 1778 and then for for a long time inspectors general were just military offices and they mostly focused on auditing and making sure that no money was being well spent, and spent on the things that it was meant to be spent on, and then IGs, inspectors general as we know them today, started really becoming more in on the civil side in 1978 when Congress passed the Inspectors General aAct. And that's kind of what we talk about in general conversation when we're talking about inspectors general, that includes the military inspectors general.

**Virginia Prescott:** [00:03:10] So how are they chosen?

**Elizabeth Hempowicz:** [00:03:12] So there are certain inspectors general that are chosen, these are like cabinet level agencies, those inspectors general are chosen and nominated by the President and confirmed by the Senate. There are some inspectors general that are chosen by by the agency heads and don't go through that Senate confirmation process.

**Virginia Prescott:** [00:03:29] OK so now that we're deep into our scholarship I think we can say IGs. How long do they serve?

**Elizabeth Hempowicz:** [00:03:36] So they don't serve in a set term. But they all serve at the pleasure of the president.

**Virginia Prescott:** [00:03:40] So you you said there you serve in a capacity as auditing, their kind of watchdogs over departments. Is this like, like internal affairs inside of a police department?

**Elizabeth Hempowicz:** [00:03:50] Yeah yeah I think that's a pretty good analogy.

**Virginia Prescott:** [00:03:52] Is there a central office of inspectors general that they all report to?

**Elizabeth Hempowicz:** [00:03:57] No. So there they do have this kind of dual reporting structure to the agency head and to Congress which makes sense if you think about it. What the inspectors general are supposed to be doing is making sure that the agency is running in the way that it should be and that includes you know their own own internal rules and regulations and then also that they're following the laws that Congress has passed to govern the agency. And so this dual reporting structure I think has come under criticism as you know kind of giving the IGs split loyalties. But the loyal, the you know the office of the inspector general really serves the Congress and serves the American people making sure that the tax dollars are being spent the way that they've been allocated to be spent and that there isn't all this rampant illegal activity going on in these agencies.

**Virginia Prescott:** [00:04:44] So they're probably spending a lot of time looking at spreadsheets, crunching numbers, watching how things are going.

**Elizabeth Hempowicz:** [00:04:49] Yes.

**Virginia Prescott:** [00:04:50] OK. Did they conduct routine investigations or do they have to be prompted, does someone have to say, you know I think there's something going on over at the Department of Agriculture you should look into.

**Elizabeth Hempowicz:** [00:04:59] Right, so there are a few different ways that I can can launch investigations. A large set of the investigations that they do are congressionally mandated. And that is through through legislation. So it will, you know there will be something typically at the end of end of a bill that's going through Congress that says the inspector general, prepare a report that will go to Congress on this subject. Those are less routine but also not like, you know, there's this big issue and so they're reacting to an issue. It's mostly involved in making sure that the law that's being passed that this is in, that the mandates in those laws are being carried out appropriately by the agency. Then there's investigations that are sparked by a congressional inquiry. And that's different than legislatively requested. And then there are investigations that they start because they got a whistleblower complaint or somebody internally from the agency came forward and said, you know I think there's something wrong in this program, I think this money is not being spent in the way that it was supposed to, or there's cutting corners. And then finally they have kind of their annual reports that they send up to that they send up to Congress and those are the most routine ones. You know it's like how many complaints did you receive. How is the agency doing on a whole, they have these different metrics that they, that they report up to Congress.

**Virginia Prescott:** [00:06:17] And by the way I don't suspect that the Department of Agriculture is especially corrupt, that's just my example today. How is an IG investigation different than a congressional committee investigation? You know, so the investigation into possible Russian meddling in the 2016 election for example, led by Special Counsel Robert Mueller.

**Elizabeth Hempowicz:** [00:06:36] Right. So I think the biggest difference is the scope of the investigation. So I really only have jurisdiction over their agency. They also don't, most of them don't have subpoena power which which means that they can only compel employers current employees of the agency to answer their questions and cooperate with an investigation. This has turned into a problem I think in more senior level investigations, where subjects of the investigations have reached the point where they can retire, or you know leave government service, and then they are kind of outside of the bounds of where an IG can touch them and can make them answer questions.

**Virginia Prescott:** [00:07:14] So Robert Mueller for example, he could convene a grand jury - that could not happen with an IG.

**Elizabeth Hempowicz:** [00:07:19] Right. And most congressional committees also have subpoena power and so the scope of the investigation and the tools that they have are different.

**Virginia Prescott:** [00:07:27] Are they, obviously it's not just one person conducting these kind of investigations, but are there offices actually inside of the agency that they're investigating?

**Elizabeth Hempowicz:** [00:07:37] Yeah for the most part which creates you know an interesting tension they're obviously there as the watchdogs, and they're, they're theoretically and ideally independent of the agency. But yes, mostly their offices are in the same building, on the same floors as the people that they're overseeing.

**Virginia Prescott:** [00:08:04] So they obviously put out reports about their investigations. They within the IG office are sure to say that you know, many people work for them, they issued more than 2200 reports in the most recent year, including more than 8,800 recommendations to reduce government waste, fraud, abuse and mismanagement. What actually happens to these reports? I mean is a fairly unknown office, maybe is there is there an investigation that you can think of that an IG did that actually resulted in legislation or policy changes?

**Elizabeth Hempowicz:** [00:08:37] You know, not off the top of my head but you raise, you asked an interesting question which is, you know what happens to these reports? They're full of these recommendations in which to, how to reduce waste, fraud, abuse, mismanagement in an agency but it really is then up to the agency to implement those recommendations. And up to Congress to kind of conduct the oversight over the agency and make sure that they either are implementing the recommendations or have a good reason why they aren't. I think that's one of the frustrations for, for inspectors general is that they don't have you know kind of this power to compel change. But what the you know they do have the power to put out you know compelling documents that say this is why this change is necessary. This is the money it'll save. You know I think there's, my favorite statistic is that for every one dollar spent in an IG office they on average find a savings of seventeen dollars, and that's taxpayer money. So that's that's good and exciting but that only really matters if the agency is implementing those changes.

**Virginia Prescott:** [00:09:41] So that's a potential savings of 17 dollars for every one dollar spent. Well the public did get a view of an IG investigation recently, messages between two people who turned out to be lovers. Both of them working on the FBI probe into Hillary Clinton's e-mails last year. Their exchanges showed them not to be supporters of Donald Trump let's say, these were uncovered during the investigation that IG Michael Horowitz is leading now at the Justice Department. Did Michael Horowitz authorize these messages being made public?

**Elizabeth Hempowicz:** [00:10:19] I wanted to go back to an early earlier question you had on like how these investigations are prompted and this is a good example of one that was prompted by members of Congress asking IG Horowitz to look into the handling of the e-mail investigation by the FBI. So the FBI is within the Department of Justice inspectors general's jurisdiction, and the investigation is into how the FBI handled the the Clinton email investigation. And so this kind of is a really good example of a congressionally requested investigation that falls squarely within the jurisdiction. And so your question was whether or not it was the IGs decision to release those those text messages. So I believe that the inspector general Horowitz has indicated to the press that it wasn't his decision to release those those text messages to the press. He did tell officers that the Department of Justice that he didn't see any reason why those shouldn't be shared with members of Congress. And of course you know members of Congress have their own ability to share things with the press. But I believe he's been pretty public with that it wasn't his idea in making those available to the public.

**Virginia Prescott:** [00:11:38] So this is a case of an IG investigation turned over to Congress, and then turned over to the press, which suggests that there is some politics in here. I mean, how, are there any steps, or any parts of the way that the IG office is set up, to keep it out of politics?

**Elizabeth Hempowicz:** [00:11:59] Oh absolutely. I think you know because the inspectors general are in theory supposed to be independent of the agencies, and independent of you know those that they're overseeing. They're also in that same way supposed to be independent of politics. They have mandates and clearly defined jurisdiction. I think it's impossible to separate politics from from their work but not because they're doing their work in a partisan way but because than the way their work is interpreted and funneled into the public. And I will say What is unusual about the about the investigation into the FBI's handling of their Clinton email investigation is that that investigation isn't complete. And so, getting information like this in the middle of the investigation is kind of more of a rare occurrence and I think inspectors general offices try to make sure that they that they aren't having you know all this information out before they make their conclusions and recommendations.

**Virginia Prescott:** [00:13:02] Can an IG be fired from a case?

**Elizabeth Hempowicz:** [00:13:05] I'm not sure if they can be fired from... IGs can be fired from their position, I told you they serve at the pleasure of the president. But they can be required to be recused off an investigation if it's something that they have a personal conflict of interest with.

**Virginia Prescott:** [00:13:20] So I've read that since President Trump was elected, there has been an increase, as much as a 40 percent increase, in calls for IG investigations. This is according to Walter Shaub, he's a former ethics official. It also seems to me that the Trump administration you know, in the, in the candidate Trump's proclamation that he is going to drain the swamp exposed government waste you know get root out corruption has the Trump administration called for IG investigations that you know of?

**Elizabeth Hempowicz:** [00:13:50] Not that I know of. But what's interesting about that is that is that, there are so many vacancies remain in the offices of the Inspector General, and we Pogo have been pretty vocal about how that is you know those are positions that are very key to that mission that the president has said that he's very committed to, rooting out fraud, waste, and abuse inside the federal government. And so we've been urging him to make those appointments and have them go through a Senate confirmation process so that these office have leadership that that one has stronger congressional oversight. You know, after a Senate confirmation hearing there's there's increased oversight over the individual and increased oversight over the office. If the president is truly that committed to that mission then then this should be something that is a high priority for him. I also think you know the increased investigations is a really good thing, it means that these offices are working in the way that they should.