

Statement of Paul Morrell
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Before the
Subcommittee on Investigations and Oversight
Committee on Science and Technology
U.S. House of Representatives

Mr. Chairman, in his March 14, 2007 letter to Clay Johnson, Chairman of the President's Executive Councils on Integrity and Efficiency, NASA Administrator Michael Griffin wrote:

I will schedule a meeting with the employees of the NASA Office of Inspector General to inform them that I have reviewed the [Report of Investigation regarding the allegations of misconduct on the part of NASA Inspector General Robert Cobb] and I have taken the actions that I believe are necessary to address the [Report of Investigation's] findings. Such a meeting will provide me an opportunity to listen to any concerns that may exist among the staff and to express my support for a strong and effective Office of Inspector General.

In a subsequent letter to Clay Johnson dated March 29, 2007 Administrator Griffin wrote:

In my meeting with IG Cobb and the OIG staff, I will make clear that I expect and support a strong OIG which continues to be dedicated to identifying fraud, waste, and abuse, and that I am committed to leading an Agency where full and frank discussions are not just tolerated but are expected, condoned, and encouraged in a climate without fear of retribution, and one in which the full panoply of protections exists for "whistleblowers."

The meeting between the administrator and the Office of Inspector General (OIG) staff took place on Tuesday, April 10.

On Monday, April 9, I contacted the Office of Public Affairs to inquire about using the NASA TV facilities available in the headquarters auditorium for the April 10 meeting, which included OIG staff at headquarters and the various NASA centers across the country. The meeting was on a sensitive subject and I wanted the OIG staff to feel free to participate in a full and open dialogue. Therefore, I asked Public Affairs to determine if the equipment used in the auditorium could limit the broadcast of the meeting solely to meeting participants.

Later that day I was informed that the auditorium equipment would not allow the meeting to be limited to participants and it was recommended that the headquarters video conferencing facility be used instead. Concerned that the size of the video conference

facility was not adequate to accommodate the number of OIG staff expected at the meeting, I went to the facility and spoke to its manager, Mr. Fred Berger. During my conversation with Mr. Berger, we discussed whether the technology in the auditorium could be used, whether the technology available in the video conference center could be used in the auditorium, and whether the video facility could accommodate the number of OIG staff expected to attend the meeting. I also told Mr. Berger during our conversation that the meeting should not be recorded. My reason for doing so was my belief that recording the meeting might discourage questions and discussion of OIG staff concerns, which was inconsistent with what I believed was the administrator's stated purpose for the meeting.

The next day, on April 10, shortly after I arrived at the meeting with the administrator, I noticed a display on a video monitor at the front of the room that indicated the meeting was, contrary to my instructions, being recorded. Later that day, I placed a call to Mr. Berger to inquire why the meeting had been recorded. Mr. Berger was unavailable and he returned my call the following morning as I was driving to the office. I asked Mr. Berger who recorded the meeting. He said he did. I asked him why he recorded it contrary to my direction. Mr. Berger said he forgot that I had asked that it not be recorded and that Mr. Fred Brown, from NASA TV under the Office of Public Affairs, had requested that the meeting be recorded, and that Mr. Berger had provided Mr. Brown with a copy of the recording. I told Mr. Berger that I thought it was highly inappropriate for someone in Public Affairs to request a recording of a meeting between the OIG staff and the administrator, especially when I told him the previous day that it should not be recorded. I asked Mr. Berger to retrieve the recording from Public Affairs.

I next spoke by phone with my secretary who informed me that Mr. Bob Jacobs, from the Office of Public Affairs, had delivered DVD copies of the meeting to my office. I was, needless to say, surprised to learn that not only had the meeting been recorded and provided to Public Affairs, but copies were being made.

When I arrived at the office, I immediately went to see Mr. Jacobs. I asked Mr. Jacobs if he had requested that the meeting be recorded. He said that he had. I told Mr. Jacobs that I believed it was highly inappropriate for him to have requested a recording of a closed meeting between the administrator and the OIG staff. I told Mr. Jacobs that he did not have the authority to request recordings of the administrator's non-public affairs related meetings. I requested that he provide me with any additional copies that he had in his possession, which he in turn did.

I then went to see Mr. Fred Berger, the manager of the video conferencing facility. When I arrived at Mr. Berger's office he was there with Mr. Fred Brown, of NASA TV. Mr. Berger gave me several more DVDs. I asked him if what I had in my possession represented all of the copies. He said yes.

I took the DVDs to the NASA General Counsel. I explained to Mr. Mike Wholley what had happened – that a non-public affairs related meeting had been recorded by Public Affairs without proper consent or authorization, despite the fact that I said it should not

be recorded. I asked Mr. Wholley what I should do with the DVDs. He said I should leave them with him. I left the General Counsel's Office believing they were in the appropriate hands.

I never directed that any DVD or recording be destroyed. It was my understanding that the original recording had been made at headquarters, and that all existing copies had been taken to the Office of the General Counsel. To the best of my recollection and belief, I was unaware that copies of the meeting had been made and destroyed at NASA centers until some time after the April 10 meeting had occurred.

It was and remains my strong belief that the Office of Public Affairs had no legitimate reason or authority to request, copy, or possess a recording of what was a non-public affairs related meeting between the administrator and the OIG staff. Furthermore, it was and remains my very strong belief that participants in a closed meeting have the right to expect that the contents of that meeting will remain secure and private even when they know the meeting is being recorded internally. It was my very strong concern that possession of this recording by Public Affairs compromised the foregoing.

The Subcommittee asked me to address my role in the administrator's response to the report of the President's Council on Integrity and Efficiency (PCIE). My role was as a facilitator – scheduling meetings, conveying information, and coordinating the preparation, editing, review, and approval of correspondence. I did not review the Report of Investigation and I did not make any recommendations to the administrator regarding his response to the Report of Investigation.

As you know, the administrator recommended several actions to the chairman of the PCIE and obtained his concurrence consistent with the Inspector General Act. Those recommendations included IG Cobb's attendance at Federal Executive Institute courses and the assistance of an executive coach to help enhance the IG Cobb's leadership and management skills. In addition, IG Cobb will meet with the deputy administrator on a bi-monthly basis to discuss the implementation of his individual leadership and management plan, and his work with the executive coach.

The deputy administrator's meetings with IG Cobb will be one way of monitoring his progress and his commitment to improving his management skills. In addition, there are a number of options available to the OIG staff to report any future allegations of inappropriate actions.

Thank you.