



FILE PHOTOS

Michael E. Shaheen Jr., left, of the Justice Department's Office of Professional Responsibility, is being investigated by Inspector General Michael R. Bromwich, right. The two have differed over where OPR should fit in the Justice hierarchy.

Justice Department Official Shaheen Resigned While Under Investigation

Outgoing OPR Chief Denounces Allegations Involving Travel Expenses

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The Justice Department's internal watchdog, Michael E. Shaheen Jr., and his office were under investigation for allegedly wasteful travel expenditures and "abuse of authority" when Shaheen announced his resignation last month, according to sources familiar with the inquiry.

Shaheen wrote a letter of resignation on Nov. 21, one day after a former secretary who has been his chief accuser expressed frustration at the seemingly slow pace of the investigation and warned in an intra-departmental e-mail message that she might "pursue other avenues" if it were at a dead-end.

The complaints include allegations that Shaheen repeatedly approved excessive travel expenditures and that he invoked his rank in a minor traffic

accident last January, displaying his Justice Department credentials to the driver of the other vehicle and demanding, "Do you know who I am?"

Shaheen denounced the accusations last week and said he was confident that the investigators, from Inspector General Michael R. Bromwich's office, would find them groundless. In a separate interview, Shaheen's top deputy, Richard M. Rogers, called the charges "gossipy garbage" and deplored the idea that their disclosure might taint Shaheen's departure.

As head of the Office of Professional Responsibility at Justice since its inception 22 years ago, Shaheen said he has "probably been under investigation for most of that time at the behest of some disgruntled person" unhappy with his reviews of alleged criminal or ethical

misconduct within the department.

"If I had to wait for a time when I wasn't under scrutiny, I would never be able to resign," Shaheen said. He said that he had not been aware of the Nov. 20 note from the chief complainant and that it had nothing to do with his decision to step down.

In the note, a copy of which was made available to The Washington Post, Lauren J. Spicer, who had been a secretary in OPR for several years, said the complaint had been pending since March. She brought the original complaint against Shaheen after she had been asked to leave her job by Shaheen and Rogers, and said that her career is "still in limbo."

Spicer's e-mail message was addressed to an attorney in the inspector general's office with copies to another lawyer there and to Associate Deputy Attorney General David Margolis, who has been monitoring the investigation.

The next day, Nov. 21, Shaheen composed a two-page letter to Attorney General Janet Reno saying "with deep regret" that he intended to resign as counsel for the Office of Professional Responsibility "and thus to conclude my career with the Department of Justice," effective Dec. 30.

Shaheen, 57, gave no reasons for his decision in the letter, which he delivered to Reno on Nov. 24. Shaheen said last week, however, that he had been thinking of resigning for more than a year and faced an "early out" deadline

of Dec. 30 in order to qualify for an annuity. Had he not exercised that option, he said he would have had to work another five years before qualifying again.

In his letter to Reno, Shaheen called his career at Justice "the most rewarding and memorable period" of his professional life, thanked Reno for her support in building up OPR's resources, praised his OPR colleagues, and wound up with what amounted to a ringing endorsement of Rogers as the best person to succeed him.

Now assigned to the Justice Department's Foreign Claims Settlement Commission, Spicer declined to comment when contacted by a reporter last week, but her charges were laid out in detail in a letter she wrote to Reno Aug. 11, a copy of which also was made available to The Post.

The travel abuse allegations revolve around what Spicer called "excessive and inappropriate" expenses that included \$100 dinners "for one attorney" and, sources say, expensive hotel rooms and car rentals of more than

\$100 a day.

Government employees on out-of-town assignments are supposed to travel at "per diem" rates that vary from city to city but, for instance, limit reimbursement for all meals and incidental expenses in a single day to \$42. However, a Justice Department spokeswoman said, workers can go "on subsistence" when prices are "inflated for a particular event"—for example, Mardi Gras in New Orleans—and spend up to three times the per diem rates. If the permissible per diem rate for a hotel room in New Orleans were \$120 a day, an attorney sent to a conference there during Mardi Gras could spend as much as \$360.

Spicer, who processed travel reimbursement requests for OPR attorneys, said in her letter that she raised questions "for a number of years . . . about what appeared to be extravagant expenses," but was "ignored or admonished." She quoted a co-worker as telling her "we do things differently" at OPR. Spicer indicated she could provide investigators with records of travel expenses, "approved by Counsel Shaheen without any question, that no one could consider to be anything but excessive and inappropriate."

Shaheen said Spicer "never came to me" or to Rogers "to indicate any problems or concerns with travel." He said he told her that "if there were any irregularities in my travel vouchers or in any others, she should bring them to my attention. She never did."

"I believe we're going to be absolutely and totally vindicated," Shaheen said.

Asked about Spicer's account of the Jan. 28 traffic accident, Shaheen strenuously denied showing his badge to anyone and said Spicer had changed her story, having first asserted that he showed it to the police. He said he called his office after the accident and had asked Spicer to call the police, but when three police cars went by and none stopped, he ended up exchanging insurance information with the other driver.

"It was a fender bender," Shaheen said. "The young man [driving the

other vehicle] said he was late for two appointments and asked if we could exchange information. His insurance company [later] acknowledged liability."

After discussing the traffic incident with OPR's ethics officer, Spicer was summoned to Shaheen's office, she said. During that Feb. 10 meeting, she said, Rogers told her she had "a big mouth," was "excess baggage" and

should leave the office.

Rogers disputed that account, saying that he told her "she was a good employee, but at this particular point, we could no longer stand to carry her because of the baggage she carried with her." He and Shaheen said she did excellent work, but was difficult to get along with, particularly after she had been told that personnel rules stood in the way of giving her a more prestigious title.

Spicer lodged her first formal complaint two weeks later, on Feb. 24, with the Justice Department's Equal Opportunity Office, alleging sexual harassment by an OPR attorney as well as other problems, but that complaint was eventually dismissed because the allegations were too old. She filed a separate complaint with Inspector General Bromwich's office March 5.

"She forum-shopped this," Shaheen said. "She finally got someone she knew would take up the cudgels."

Shaheen's "departure had nothing to do with this," Rogers said. He said Shaheen first talked to him about resigning in the fall of 1996. One factor in that decision, others in the department said, was the rivalry with Bromwich, who was recruited in 1993 to become inspector general with the understanding that his 400-member office would take over OPR.

That plan was abandoned in the face of congressional resistance and, as the American Lawyer pointed out in a recent article, the rivalry continued over who would investigate what, particularly in light of problems at the FBI where Bromwich contends Shaheen has been too lenient.

Shaheen said the job of rooting out misconduct, first assigned to him in the wake of the Watergate scandal, had become more and more "vexing and tiresome" and that his wife had been urging him to leave. "You're ticking off the entire world," he said of OPR's work.

Sources say the IG investigation did not appear to have advanced much until Spicer delivered her letter to Reno's office in August. These sources say numerous interviews have been conducted since then and the investigation is continuing, with questioning ranging beyond the alleged travel and credentials abuses.

Bromwich declined to respond to questions about the inquiry and would not even confirm its existence. However, he disclaimed interest in taking over OPR once Shaheen is gone.

"It's not on my list," Bromwich said. "I've had no discussions to date with the attorney general or the deputy attorney general [Eric Holder] about that issue, and I have no plans to do so."