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Office of the General Counsel

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ARTICLES

COMMENT

NOTES

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daughters in the note field

In OGC Adviser, Vol. 3, No. 3, April 1979, pp. —

From the Editors

Last year the editors of the *Adviser* asked GAO division directors to comment on their working relationships with the Office of the General Counsel. In this issue, General Counsel Milton J. Socolar summarizes the responses we received and gives his views on how OGC and the divisions can work together to achieve the best possible GAO product. We hope that Mr. Socolar's article is just the beginning of an interchange of ideas between GAO's legal and audit staffs, and we urge our readers to continue the dialogue by becoming writers for future issues of the *Adviser.*

On April 2, 1979, Harry R. Van Cleve began his service as Deputy General Counsel of the General Accounting Office. We welcome Mr. Van Cleve to OGC.

This is Suzanne Fishell's last issue as editor of the *Adviser.* Suzanne has contributed a great deal in her nearly two years as editor. We who remain thank Suzanne for all her help.

Finally, we thank Dorothy Kennarth for her assistance in preparing this issue of the *Adviser.*

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General Counsel – Milton J. Socolar

Editors–Bertram J. Berlin, Michael J. Boyle, Suzanne M. Fishell, and Charles F. Roney

ARTICLES

WORKING WITH OGC

Milton J. Socolar[1]

The *Adviser* editors requested GAO divisions to comment on the working relationships they have developed with the Office of the General Counsel. Most divisions responded, offering thoughtful observations and suggestions. The editors have asked me to summarize these responses and add my reactions.

The division responses show a consensus on several major points. Although they do raise some questions, I am pleased that the overall tenor of the comments is favorable. Let me start by highlighting several basic points that are reflected in a number of the responses.

DIVISIONS COMMENTS

Role Of OGC

The point made most frequently is that OGC is a resource for wide-ranging assistance in all aspects of GAO's work. Several specific comments illustrate this point well. Don Scantlebury, Director, Financial and General Management Studies Division, observed:

> "In recent years, we have been using the Office of the General Counsel (OGC) more frequently to help us integrate any legal matters we now come across during our audit and review work. As a result, I believe that our audits and reports have been broader in perspective, better documented, more convincing, and more responsive to the needs of the Congress. I see this trend continuing because we are approaching our work differently today than we did a few years ago. Today the skills of many people including lawyers are needed to properly assess the results of the work in the many areas assigned to the Financial and General Management Studies Division."

One of the Human Resources Division groups commented:

> "OGC should be more visible in our auditing work.
>
> "Has OGC ever suggested any audits it would like to see done? If not, why not? Surely the special [studies and] analysis group in its work with the Divisions in reviewing Federal and State laws and agency regulations becomes aware of potential problems. Why not suggest some for review? It may result in a new approach to auditing.
>
> "Since we are now operating under a team concept, why not make attorneys part of our teams? It would strengthen audit teams, enhance our image to those audited and those to whom we report, and enhance the knowledge of both attorneys and auditors if suitable attorneys were assigned to participate in on-going reviews. Attorneys should not just review what *has been* done but should be actively involved in determining what *should* be done as well as when and how. ***"

Harry Havens, Director, Program Analysis Division, also made this point:

> "I suggest * * * that the first step is for all of us (including lawyers) to start thinking of lawyers as analysts. If this premise is accepted, it follows easily that lawyers should be fully participating members of analytical teams rather than limiting their role to the review of completed products. As such, their analytically-based views should be sought—and respected—on a wide variety of subjects. While this would include the law, it should not be limited to it.
>
> "For this to work, however, it must be a two-way street. Just as other analysts must be prepared to respect the views of lawyers on issues going beyond the law, lawyers must be prepared to respect the views of other analysts on matters which *do* touch the law.

[1] General Counsel, GAO

"Mutual respect across disciplinary lines can be difficult to achieve, but it's worth the effort."[2]

Open Lines Of Communication

Many respondents commented on the desirability of involving lawyers at the earliest stage of audit jobs, as well as consulting with them in the overall planning process. They cited numerous examples of how early contact with OGC aided in shaping the direction and scope of an audit, thereby promoting more effective use of audit resources and avoiding blind alleys.

The divisions stressed the importance of close informal working relationships between the audit and legal staffs. For example, Field Operations Division notes that the attorney must be more than "an aloof adviser," and should develop a relationship with the auditors conducive to "a free flow of information and ideas." This comment continues:

> "The basic characteristics of an ideal working relationship between OGC and an audit staff are effective communications and timely responses producing desired results for the job. This may be a one-issue, short time frame effort or it may involve a complex job requiring a close and continuous working relationship where both attorney and auditor are immersed in the issues, problems, and conditions at the field work site. The more complex the legal issues, the more important it is for the attorney to be 'on-site' if the job is to be completed in a successful and timely manner. * * *"

Other comments point out that the benefits of early contact and close working relationships apply just as much when OGC has the "action." As Harry Havens notes, it is a two-way street. Audit advice can be useful and is often essential in our decision-writing work. The Claims Division notes that our decisions involving claims provide fertile ground for a close working relationship with that division.

[2] For additional comments by Mr. Havens, see H. Havens, "On Working With Lawyers," *The OGC Adviser*, Vol. 3, No. 1, October 1978.

Alas, The Review Process

The clear message is that we are making progress in the areas mentioned above. But now for the bad news—the comments unanimously express concern over our review procedures. The General Government Division comment makes this point succinctly:

> "While 'excellent,' 'responsive,' and 'exceptionally cooperative' were adjectives GGD auditors used consistently to describe General Counsel's legal assistance, 'archaic,' 'ossified,' and 'exasperatingly slow' were offered with equal consistency in reaction to OGC's review process. ***"

The perception is that OGC needs to streamline its internal processes, especially for audit report clearance reviews and formal memo-writing. The three main concerns are lack of timeliness, excessive layers of review, and "reversals" up the line of positions taken informally by staff attorneys. Few divisions missed the opportunity to point out that streamlining within OGC would be an appropriate complement to their own efforts to streamline under the team audit approach.

The divisions find our review process most onerous for final legal clearance of audit reports. In addition to a general feeling that our report reviews take too long and involve too many tiers of lawyers, several divisions complained that we occasionally dwell on editorial changes, policy matters, and other report aspects beyond legal sufficiency.

The same criticisms of delay, excessive review, and changing positions were leveled against our processes in responding to inquiries through formal memorandums.

Divisions Suggestions

Here is a listing of the more representative suggestions made by the divisions:

On working relationships, assign an attorney, or at least designate a "contact" attorney, for each team audit.

On communications, have OGC participate more in training for the audit staffs. Further, allow lawyers

to become more familiar with the audit process by attending audit courses or perhaps by working on audit teams in an audit capacity.

On the OGC review process, omit some layers of review. When dealing with "thorny" legal issues which take time to resolve and have the potential for differences of opinions within OGC, give the auditors fair warning so they can plan accordingly.

On the clearance process for audit reports, process separately reports that do not require full scale review, have different OGC levels review reports concurrently, or do more advance reviews prior to final processing time.

Make it easier to locate a report in review by providing the auditors a "flow chart" explaining the various review stages or by developing a better "tracking" system.

GENERAL COUNSEL'S RESPONSE

In responding to the division comments, I'll start with the main perceived problem areas–the OGC review process in general and audit report clearance procedures in particular. Let me first explain how the review process works.

Mechanics Of Review Process

Requests for final review of a report come to my office (usually at the time that copies go to printing) on a Form 117 and are logged in. They are then assigned to one of the OGC groups. If the Form 117 indicates that a particular group worked on the audit–e.g., Special Studies and Analysis (SSA)–the report goes to that group. Otherwise, reports go to our General Government Matters (GGM) group.

The report is next assigned to a staff attorney within the applicable group. The attorney reads the entire report and checks the accuracy of any legal discussion and citations (statutes, agency regulations, etc.). If the attorney has any questions or suggested changes, he contacts the audit staff member named on the Form 117. If the report needs no changes, or if changes are agreed to, the attorney initials the Form 117.

The report is then processed through the group. While several additional lawyers may look at the report, their review is usually limited to a quick reaction, rather than a rechecking of citations, etc. The Associate General Counsel for the group normally signs the block of the Form 117 recommending that the report be issued. The completed Form 117 is logged out by my office and forwarded to the Deputy Comptroller General. A copy of the form showing our clearance and listing the agreed changes is returned to the division director.

Notwithstanding the various stages and review tiers in this progression, the time rule for our final report reviews is seven working days from start to finish. Statistics recently compiled demonstrate that we more often meet this deadline than not, and in four out of five cases we complete the review process in no more than ten days. Delays that do occur almost always involve active discussions with the auditors. We make every effort to meet high priority deadlines. Often, we are asked to "sign off" on reports within hours of their presentation for review. Again, the statistics show that we have been highly successful in this regard.

In tracking a report through the process,[3] Alice Clark or one of the other secretaries in my office (275-5207) can tell you whether a report is pending in OGC and the group to which it is assigned. The key contact persons in the two groups that process almost all audit reports are Mary Leonard in GGM (275-5544) and Pearl Brewer in SSA (275-3144).

Focus Of Review

Having discussed the mechanics, let me now offer some observations on the scope of our report reviews. Our reviews focus on legal sufficiency.[4] At the same time, attorneys are encouraged to discuss with the audit staff any "nonlegal" comments that occur to them in reading the report, so long as this

[3]While the "flow chart" outlined deals with reports prepared for the Comptroller General's signature, essentially the same process applies to director-signed reports. Our response goes to the director in that case. Under current procedures, the directors have an option on whether to submit their reports for legal review.

[4]For more on the scope of review, see Comment, "Reviewing Audit Reports," in this issue of *The OGC Adviser.*

does not delay the review and they make clear that these comments are only suggestions. Frequently, auditors accept our suggestions for "editorial" changes, clarifications, etc. When this occured, it had been our practice to list such "nonlegal" changes on the back of the Form 117 along with any legal changes. This apparently created the impression that we dwell excessively on nonlegal matters. Therefore, we are now listing only the legally significant changes and simply noting the other changes on our copy of the report draft.

On rare occasions, we may perceive nonlegal issues in a report that we consider sufficiently important to bring to the Comptroller General's attention if they are not resolved through discussion with the audit staff. When this occurs, we sign the Form 117 indicating "no legal objection" but send a note to the Comptroller explaining our views on the issue.

I have referred to "legal" versus "nonlegal" matters as if they can be neatly separated. Often this is not the case. In any event, even if the attorneys raise questions that clearly go beyond the report's legal sufficiency, I would urge the auditors to keep an open mind. Our ultimate purpose is the same as yours—to help produce the best possible GAO report that time permits.

Easing The Burden

One way to ease the burden of final clearance is advance legal review of a report. It is not surprising that most problem areas identified in the division responses concern report reviews. Without prior auditor-attorney contact, the attorney is more likely to be perceived as an "aloof" reviewer of the auditor's product who dwells excessively on minor matters. The attorney is also often frustrated since he has little opportunity for meaningful contribution at this late stage.

The solution is to place primary emphasis on working together during the audit process. The division responses recognize this. I am pleased to see that their thoughts on this aspect of our work parallel my own and focus upon those operating procedures that have produced favorable results—early contact, informality, close personal relationships, and mutual respect.

The benefits of seeking legal assistance early are clear. The type of assistance we can provide is flexible and we will tailor our assistance to your needs. Some matters can be resolved by phone. In other cases, a legal memo is a better approach, and, in still others, drafting portions of the report is a more effective response. The extent of our involvement can vary from a few hours or days of an attorney's time to ongoing, long-term assistance requiring active participation in meetings, visits to field sites, or the like.

Legal Advice During Aduits

Our internal review process as applied to legal advice during the audit process merits comment. As with any review system, a balance must be struck between the time consumed and the need for quality and consistency. This balancing applies on a case-by-case basis as well. "Thorny" issues will require more scrutiny and take longer to resolve than less complex issues. Also, informal positions taken by staff attorneys will sometimes be "reversed" up the line. Early contact and development of the issues can go a long way toward minimizing the impact of the review process.

In response to one comment, I do expect our attorneys to recognize those issues that are likely to be controversial and to so advise the audit staff. While occasional reversals within GAO may be painful, they are not nearly so traumatic as having to backtrack after a report is issued. In any event, we in OGC will explore possibilities for improving our review process.

Availability Of OGC Attorneys

In view of the broad range of our potential assistance, an overall perspective of the audit project at the outset is helpful. An attorney may identify legal issues that are not readily apparent to the audit staff. Some legal issues are weighty in the abstract, but of marginal importance to the particular audit. Little is accomplished by preparing a long, time-consuming legal treatise on a point that is ultimately worth only a footnote in the audit report.

There are no arbitrary constraints on the extent of an attorney's participation. At the same time our resources are not unlimited, and we must be careful to allocate attorneys most effectively among numerous projects. Few jobs require the full time assignment of an attorney. For major

projects we prefer to designate a "contact attorney" to be available as needs arise over the course of an audit job.

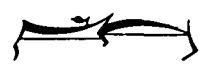
As the division comments suggest, we have been successful in developing strong positive working relationships during the audit process. Our attorneys genuinely enjoy working with auditors and are enthusiastic about being participants in the audit process. Working with auditors gives us the opportunity to develop and practice a variety of skills—legal research, analysis and writing—and also the chance to be true advisers and "allies" in the best sense of an attorney-client relationship.

Training

I agree with those comments that emphasize the importance of intra-agency training and orientations. We now actively participate in education for the audit staff on legislative history research and a general overview of OGC. We are receptive to further educational efforts to apprise the auditors of legal considerations. I think we could do more to work the lawyers into audit training and orientation programs and I will explore steps in this direction.

CONCLUSION

The Office of the General Counsel has expanded its assistance to the audit divisions in recent years. Our Special Studies and Analysis group was created for the primary purpose of working with the auditors, and our other groups have become more active in such work. Our philosophy is to move toward a meaningful partnership with the divisions. We look forward to further enhancing the extent and nature of our assistance in the future.



I have a high opinion of lawyers. With all their faults, they stack up well against those in every other occupation or profession. They are better to work with or play with or fight with or drink with, than most other varieties of mankind.

TWEED, Harrison, accepting the presidency of the association of the Bar of the City of New York, May 10, 1945.

DEALING WITH FRAUD AND ABUSE IN FEDERAL PROGRAMS

Raymond J. Wyrsch[1]

GAO Order 1130.1 has been expanded to cover not only possible violations of Federal criminal law,[2] but also other instances of fraud or abuse in Federal programs. The following article outlines the Order's procedures.

Traditionally, GAO has not had a formal system for coordinating with other Federal agencies to identify and pursue specific instances of fraud or abuse within agency programs and activities. Further, GAO used a decentralized system for handling possible violations of Federal criminal law; each division and regional office made referrals to the local offices of the Federal Bureau of Investigation. However, recent developments have forced Government agencies to place far greater emphasis on preventing and detecting fraud and abuse within their programs. In turn, GAO has had to change its approach in this area.

The Office of the General Counsel recently revised GAO's procedures for handling criminal law violations and other fraud or abuse in Federal programs. These procedures are set forth in GAO Order 1130.1, June 1, 1979 (Handling Information Indicating Violations of Federal Criminal Law and Potential Fraud or Abuse in Agency Programs and Operations). This article will briefly discuss the recent developments leading up to this revision, explain the general approach of the revised order, and outline the specific procedures to be followed.

RECENT DEVELOPMENTS

In 1978 there were many reports of fraud against various Government programs and activities, including Medicaid, welfare, grants, loans, and procurements. A Comptroller General report to the Congress focused on the weaknesses that exist within agencies for the prevention and detection of fraud.[3] The report identified several ways in which Government programs can be defrauded:

- False claims for benefits or services.
- False statements to induce contracts or secure goods or services.
- Bribery or corruption of public employees and officials.
- Claims for payments where goods or services are not delivered.
- Collusion involving contractors.

At about the same time, Congress enacted the Inspector General Act of 1978,[4] which establishes an Office of Inspector General within certain agencies. Inspectors general are responsible for, among other things, the prevention and detection of fraud and abuse in agency programs and activities. The Act provides that the activities of the inspector general offices should be coordinated with those of the Comptroller General.

GENERAL APPROACH

GAO Order 1130.1 was revised to provide for a more centralized referral system for criminal law violations, and for GAO coordination with agency inspector general offices and similar investigatory offices concerning specific instances of fraud or abuse within agency programs and activities.

First, the Fraud Task Force serves as the central office in GAO for coordinating, referring, and monitoring specific instances of possible criminal law violations and other apparent fraud or abuse.

Second, GAO will refer to the Criminal Division of the Justice Department any case that warrants referral for possible criminal law violations. The Criminal Division will decide whether the case should be controlled by the Criminal Division or by an appropriate U.S. Attorney, and whether the Federal Bureau of Investigation, an agency inspector general office, or other agency officials

[1] Attorney Adviser, Special Studies and Analysis, Office of the General Counsel, GAO.

[2] *See* R. Wyrsch, "Referral of Possible Criminal Violations," *The OGC Adviser,* Vol. 3, No. 1, October 1978. To the extent that the procedures in Order 1130.1 have been revised, portions of Mr. Wyrsch's previous note should be disregarded.

[3] *Federal Agencies Can, and Should Do More to Combat Fraud in Government Programs,* GGD-78-62, September 19, 1978.

[4] Pub. L. No. 95-452, 92 Stat. 1101.

should handle further development of the case. This approach reflects the present policy of the Justice Department that the attorney who will be responsible for its prosecution should direct a criminal investigation.

Third, GAO divisions, in consultation with the Fraud Task Force, will coordinate, to the extent practicable, with agency inspector general offices and other similar investigatory offices concerning specific instances of fraud or abuse within agency programs and operations. This procedure is not meant to adversely affect GAO's performance of its own statutory responsibilities. GAO's primary role in this area is to evaluate the management control systems in Federal agencies necessary for the prevention and detection of fraud and abuse. As specific cases are discovered during the performance of such a review, GAO should coordinate them with the agency inspector general office. Since these cases can normally be separated from GAO's overall management systems reviews, our work should not be adversely affected as a result of our coordinating efforts with the inspector general offices.

REFERRALS OF POSSIBLE CRIMINAL LAW VIOLATIONS

GAO Order 1130.1 requires each employee to report to the appropriate official within his division or office any information that gives him "reasonable cause to believe that a Federal criminal law has been violated." The division will refer the information to the Fraud Task Force for appropriate action and will take no further action unless instructed by the Fraud Task Force.

The Fraud Task Force will

- consult with the Office of the General Counsel to determine whether sufficient evidence exists to warrant a referral;
- promptly assign a case control number and refer the information to the Criminal Division of the Justice Department, if warranted, and notify the head of the administrative agency concerned;
- submit a copy of the referral letter summarizing the pertinent facts to the Comptroller General, with copies being sent to the director of the division concerned and the General Counsel; and
- periodically follow up on cases referred to the Criminal Division for the purpose of ascertaining their disposition.

The provisions of GAO Order 1130.1 concerning congressional requests have also been revised. Previously, if a referral was to be made in connection with a congressional request, GAO afforded the congressional requester the opportunity to make the referral himself. Now, the appropriate division official merely informs the requester in advance that the Fraud Task Force is making the referral.

COORDINATING WITH INSPECTOR GENERAL OFFICES

Upon detecting a specific case of apparent fraud or abuse (whether or not a possible violation of Federal criminal law is involved) within an agency program or activity, an employee should report the case to the appropriate official within his division. This official will ask the Fraud Task Force how to proceed and whether the division or the Fraud Task Force should handle the case.

The division or the Fraud Task Force, in consultation with the Office of the General Counsel if necessary, will coordinate the case with the agency inspector general office under procedures established between the Fraud Task Force and that office. These procedures generally shall provide for the following courses of action:

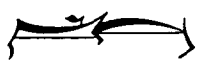
- In the event a specific case is already under active investigation by the agency inspector general office, GAO should normally defer pursuing the case and allow the investigation to run its course.
- If the case is not under investigation but either the inspector general office or GAO believes it should be investigated further due to potential criminal activity, the Fraud Task Force should refer the case to the Criminal Division of the Justice Department in accordance with the regular criminal referral procedures.
- Cases which are not sufficiently serious to warrant a referral on the basis of evidence presently available but raise a legitimate cause for concern (e.g., apparent irregularity in the expenditure of funds without any evidence of criminal wrongdoing by a particular indivi-

dual), may be informally discussed with the agency inspector general office or similar agency investigatory office.

The Fraud Task Force is responsible for monitoring the progress of cases referred to an inspector general office. To assist the Fraud Task Force in carrying out this responsibility, a division working on a case with an inspector general office should keep the Fraud Task Force fully informed on the status of the case.

CONCLUSION

The revision of GAO Order 1130.1 is intended to centralize and coordinate GAO's efforts in the prevention and detection of fraud in Government programs and activities. The key to the successful implementation of these new procedures is maximum coordination both internally between divisions and the Fraud Task Force and externally between these GAO organizations and the appropriate agency law enforcement organizations. The Office of the General Counsel is available to assist the GAO divisions and the Fraud Task Force with respect to fraud cases and possible criminal law violations being considered for referral to the Justice Department.



*There are * * * many forms of professional misconduct that do not amount to crimes.*

CARDOZO, Benjamin N., *People* ex rel. *Karlin* v. *Culkin*, 248 N.Y. 465, 470 (1928).

THE CIVIL SERVICE REFORM ACT OF 1978

Robert L. Rissler[1], Michael R. Volpe[2] and Charles F. Roney[3]

On October 13, 1978, President Carter signed into law a bill captioned simply "An Act to reform the civil service laws." The Civil Service Reform Act of 1978[4] is perhaps the most far-reaching reform of the civil service system since the enactment of the Pendleton Act[5] in 1883 following the assassination of President James Garfield by a disappointed office seeker. The various provisions of the Act will have an impact on most aspects of the civil service system. This article will highlight some of the more important features that are contained in the first 3 titles of the Act: civil service functions, performance appraisal, adverse actions, and staffing. Subsequent articles will deal with the new Senior Executive Service, the Merit Pay System, and the new provisions governing labor-management relations in the Federal Government.

CIVIL SERVICE FUNCTIONS

Prohibited Personnel Practices

Title I of the Act sets forth a listing of "prohibited personnel practices." The head of each agency is responsible for the prevention of prohibited personnel practices and for complying with and enforcing civil service laws, rules, and regulations. In addition, employees (except Presidential appointees) who commit a prohibited personnel practice are, for the first time, subject to disciplinary action by the Merit Systems Protection Board.

The Act defines the term "personnel action" in a rather broad fashion to include appointment, promotion, performance appraisal, disciplinary action, and any action which significantly changes the overall nature of an employee's responsibilities and duties. The law also precludes officials who have the authority to direct, recommend, or approve personnel actions from:

- Illegally discriminating;
- Soliciting or considering recommendations or statements other than those dealing with an employee's performance, ability, or suitability;
- Coercing political activity;
- Deceiving or willfully obstructing any person from competing for employment;
- Influencing any person to withdraw from competition for any position so as to injure or improve the prospects of another person;
- Giving unauthorized preference or advantage to any employee or applicant for employment;
- Violating the prohibition on nepotism;
- Taking reprisal against an employee or applicant who lawfully discloses certain information or who exercises a lawful appeal right;
- Discriminating for or against any employee or applicant on the basis of conduct which does not adversely affect the performance of the individual or others; or
- Violating any law, rule, or regulation implementing or affecting the merit system principles set forth in the Act.

Office Of Personnel Management

One of the key features of Title II of the Act is the separation of functions formerly performed by the Civil Service Commission. Under Reorganization Plan No. 2 of 1978 and the provisions of the Act, the Civil Service Commission (CSC) has been replaced by two separate entities, the Office of Personnel Management (OPM), and the Merit Systems Protection Board. This change meets the objections of many (including GAO) that there were inherent conflicts in the roles of the CSC as the President's chief personnel office as well as the protector of the merit system and the adjudicator of employee appeals.

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[2] Attorney-Adviser, Personnel Law Matters, Office of the General Counsel, GAO

[3] Attorney-Adviser, Personnel Law Matters, Office of the General Counsel, GAO

[4] Pub. L. No. 95-454, 92 Stat. 1111.

[5] Act of Jan. 16, 1883, ch. 27, 22 Stat. 403.

The Act provides that OPM will administer the personnel system, issue rules and regulations, and act as the President's agent for all civil service matters. The Office is headed by a Director appointed by the President, with the advice and consent of the Senate, to a 4-year term.

Under the Act, OPM may delegate personnel management authority to each Federal agency so long as OPM maintains an oversight program to ensure that the merit system principles are not violated. For example, OPM may delegate the competitive examination function (except for certain positions) to the agencies so as to provide greater flexibility and reduce delays in the appointment process.

Merit Systems Protection Board

The Merit Systems Protection Board is composed of 3 members, of which only 2 may be adherents of the same political party. They are appointed by the President, with the advice and consent of the Senate, to 7-year nonrenewable terms. In addition, the President's choice for Chairman must be confirmed by the Senate. These members are further insulated from the political process by the fact that the President may remove them only for inefficiency, neglect of duty, or malfeasance in office.

The Board assumes the CSC's function of hearing and adjudicating employee appeals. The Board has the authority to examine witnesses, take depositions, administer oaths, and issue subpoenas. Perhaps the most notable difference between the former appeals system and the Board is the unprecedented enforcement authority of the Board. This authority includes disciplinary actions such as demotion, suspension, removal, debarment from Federal employment for up to 5 years, and fines of up to $1,000. In addition, when an employee is charged with failure to comply with a Board order, the Board may bar that employee (except a Presidential appointee confirmed by the Senate) from receiving payment for his services during any period the employee does not comply with the order.

The Board also has the authority and the duty to conduct studies of the personnel system and to report to the President and the Congress as to whether the merit system is free from prohibited personnel practices. The Board is also vested with broad authority to review the rules and regulations issued by OPM. The law provides that the Board may, on its own motion or on petition from any interested party or the Special Counsel, review any rule or regulation promulgated by OPM and determine whether, on its face or as implemented by an agency, the rule or regulation violates one of the prohibited personnel practices outlined above. The Board shall then require an agency to cease compliance with any invalid rule or regulation or correct any invalid implementation of such rule or regulation.

Relationship Between OPM And Merit Systems Protection Board

As outlined above, the Act maintains a degree of independence for the Board through the appointment of its members to fixed terms of office. In addition, its authority to submit its budget requests and legislative recommendations directly to Congress provides further insulation from improper outside influence. The Board's authority to review OPM rules and regulations must, however, be viewed against OPM's authority to intervene in certain Board proceedings and to seek review in the United States Court of Appeals of any Board decision which, in the opinion of OPM, is erroneous and will have a substantial impact on any law, rule, or regulation under the jurisdiction of OPM. Whether such review authority by OPM will have a "chilling effect" on the Board remains to be seen.

Special Counsel

Another new feature under the Act is the Office of the Special Counsel, which will act independently of the Merit Systems Protection Board. The Special Counsel is an attorney who is appointed by the President, with the advice and consent of the Senate, for a term of 5 years, and may only be removed from office for cause.

The Special Counsel has several roles, including the responsibility for investigating allegations of prohibited personnel practices, unlawful political activity (Hatch Act violations), or discrimination. Further, the Special Counsel is authorized to bring before the Board disciplinary charges against employees on the basis of investigations by the Special Counsel or any knowing and willful refusal or failure to comply with an order of the Board. The Special Counsel also may seek corrective

action through the Board for any pattern of prohibited personnel practices which is not otherwise appealable to the Board.

Whistleblower Protection

The Special Counsel plays a major role in the area of protection for whistleblowers. "Whistleblowing" is defined as disclosure of information which the employee reasonably believes evidences a violation of law, rule, or regulation, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. If the Special Counsel determines that there is "substantial likelihood" that the whistleblower's allegation is correct, he may require the agency head to investigate and submit a report to the Special Counsel, the President, and the Congress within 60 days. Any evidence of criminal violations may be referred to the Attorney General.

The Special Counsel also has the authority to request any Board member to stay any personnel action up to 15 days (with an extension up to 30 days) when it is reasonable to believe that the personnel action was taken or is to be taken as a result of a prohibited personnel practice. Reprisal for lawful "whistleblowing" constitutes a prohibited personnel practice. The Special Counsel may not disclose the identity of the "whistleblower" without that person's consent unless disclosure is necessary to carry out the functions of the Special Counsel.

PERFORMANCE APPRAISAL

The Act is expected to bring about significant changes in the manner in which an employee's performance is appraised, and in the utilization of performance appraisals in rewarding those employees who perform adequately, and taking action against those who do not. Whether these revisions will result in desired improvement in personnel management will depend upon how effectively they are implemented by OPM and the various departments and agencies to which they apply.

The General Accounting Office is not covered by these new performance appraisal provisions. However, the Comptroller General is required to review and evaluate selected performance appraisal systems in other agencies and report his findings to the Congress and OPM.

The old performance rating system, with its adjective ratings of "outstanding," "satisfactory," and "unsatisfactory," is replaced by a framework for new performance appraisal systems. Within this statutory framework, and the implementing OPM regulations, each department and agency to which the law applies must develop and operate its own appraisal system or systems in accordance with its particular needs. Essential to all such systems, however, is the identification of the "critical elements" of each position covered, the development of performance standards for each such element, the communication of these elements and standards to employees, and the periodic appraisal of employees under the standards.

Performance appraisals are to be used for recognizing and rewarding employees, for assisting them in improving their performance, and for reassigning, demoting or removing them if their performance continues to be unacceptable after an opportunity to demonstrate improvement. Failure to meet the performance standard for one critical element constitutes unacceptable performance and could lead to demotion or removal, regardless of how well other elements of the position are performed. Under the former system an employee could only be reassigned to another position as the result of an "unsatisfactory" performance rating. A separate adverse action was necessary to effect his demotion or removal.

When an employee's demotion or removal for unacceptable performance is proposed, he is entitled to 30 days advance oral and written notice, to representation by an attorney or other person of his choice, to an opportunity to answer, and to a written decision concurred in by an employee in a higher grade than the employee who proposed the action. Generally, an employee who has been removed or reduced in grade because of unacceptable performance is entitled to appeal the action to the Merit Systems Protection Board. If the employee is in a collective bargaining unit, and if appeal rights are provided in the grievance procedure established under the negotiated con-

tract, the employee may elect to follow that procedure instead of an appeal to the Board.

ADVERSE ACTIONS

The concepts and procedures pertaining to disciplinary actions against employees for reasons other than performance are also changed. The former definition of adverse actions included removals, suspensions for more than 30 days, furloughs without pay, and reductions in rank or pay. It did not include suspensions of 30 days or less. One practical effect of this definition was that, while a minimum of 30 days advance notice was required before an adverse action could be made effective, a suspension of 30 days or less could be effected upon very short notice—as little as 24 hours in some instances. Thus, where the indefinite suspension or removal of an employee was proposed, and it was deemed necessary to remove him from the worksite during the notice period, he could be given a 30 day suspension to run concurrently with the 30-day advance notice of removal or indefinite suspension.

Under the Act only suspensions of 14 days or less may be effected with less than 30 days advance notice, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed. Suspensions of more than 14 days, removals, reductions in grade, reductions in pay, and furloughs of less than 30 days all require a minimum of 30 days advance notice. In addition, the employee is entitled to at least 7 days to answer the charges. Agencies may provide for predecision hearings if they so desire. The Act does not include "reduction in rank" among the actions subject to these provisions. A "reduction in rank" is a reduction in the employee's relative standing in the organization. The employee no longer has a statutory right to contest such a reduction.

An employee against whom any of the above disciplinary actions—other than suspensions of 14 days or less—has been taken has a statutory right to appeal the action to the Merit Systems Protection Board. As above, if such actions are covered by a negotiated grievance procedure, the employee may elect to follow that procedure instead of an appeal to the Board. There is no statutory right to appeal a suspension of 14 days or less but presumably a right of appeal could be provided by agency regulation or by negotiated grievance procedures.

Appeals Procedures

One of the principal reasons for the creation of the Merit Systems Protection Board was to provide an independent tribunal to hear employees' and applicants' appeals. An appellant before the Board is entitled to a hearing for which a transcript will be kept, to have a representative present, and to a written decision.

In appeals before the Board the burden of proof is on the agency which took the appealed action. The agency must show that its decision is supported by a "preponderance of the evidence," except in cases based on unacceptable performance where the burden is reduced to "substantial evidence." Moreover, the agency's decision will be overturned if the appellant can show harmful procedural error, or that the decision was based on a prohibited personnel practice or was otherwise not in accordance with law. The Board has authority to subpoena witnesses and in some instances to award reasonable attorney fees to employees who win their appeals.

Except for appeals which also involve allegations of discrimination, decisions of the Board or its hearing officers are final administrative determinations, unless the Board reconsiders the matter at the request of one of the parties or on its own motion. An appellant, however, may obtain judicial review of an adverse final decision of the Board.

The Act prescribes special procedures for appealing "mixed" cases, which involve actions appealable to the Board, such as demotions or separations, and in which allegations of discrimination also have been raised. Under these procedures the Board will render a decision on both the discrimination issue and the adverse action. If the decision on discrimination is adverse to the employee, he may further appeal to the Equal Employment Opportunity Commission. If the Board and the Commission cannot agree, the matter may be referred for final administrative disposition to a special panel composed of one member of the Board, one member of the Commission, and a

chairman appointed by the President with the advice and consent of the Senate. At various stages of these proceedings the employee may elect to pursue relief in the courts in accordance with applicable provisions of law.

A few types of appeals formerly decided by the CSC do not fall within the jurisdiction of the Board. These include position classification appeals and those relating to retirement. Responsibility for these has been placed in OPM.

STAFFING

Veterans Preference and Benefits

The most important aspect of Title III of the Act is its effect on veterans preference and benefits. The Act represents a reduction in veterans benefits for nondisabled veterans, but benefits are either retained or new ones added for disabled veterans.

Perhaps the most controversial of the changes affecting veterans is the reduction in the class covered by the "veterans preference." This preference provides eligible veterans with additional points on examinations for competitive appointments, retention preference during reduction-in-force actions, and certain statutory protections if they are subjected to adverse actions. The Act has eliminated this preference for nondisabled veterans who retire at the rank of major or above. The effective date of this provision is October 1, 1980, and there is no "grandfather clause." Thus, nondisabled veterans who retire at the rank of major or above, even if they retire before October 1, 1980, will not be entitled to the "veterans preference" after that date.

Another reduction in veterans benefits under the Act is the limitation on the overall compensation receivable by a veteran who is appointed to a civil service position. This limitation amends the Dual Compensation Act and, like that Act, applies only to a retired officer of a regular component of a uniformed service. The Civil Service Reform Act provides that such a veteran may not receive a combination of military retired pay and civil service compensation at a rate which exceeds the rate of basic pay established for level V of the Executive Schedule (currently $47,500). The limitation will be accomplished by a reduction in the military retired pay, but that pay may not be reduced below certain specified levels during any particular pay period. The limitation applies only to veterans who *first* receive retired pay after January 11, 1979.

The final provision affecting veterans provides for noncompetitive appointments to veterans with a service-connected disability of 30 percent or more. The appointments will lead to conversion to career or career-conditional employment for these disabled veterans. Furthermore, such disabled veterans will be entitled to retention preference over other preference eligibles, so long as their performance has not been rated as "unacceptable."

SUMMARY

The changes brought about by the first 3 titles of the Civil Service Reform Act are complex and far reaching. Many questions are certain to arise as the provisions of the Act are applied to the Federal workforce. If you have any general questions concerning the Act, contact your Team Leader in Personnel.

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others.

LINCOLN, Abraham, Address before the Young Men's Lyceum of Springfield, Illinois, January 27, 1837.

REVIEWING AUDIT REPORTS

This comment is based upon material in the orientation manual for attorneys in the General Government Matters group of OGC.

Audit reports prepared by GAO's operating divisions are always reviewed by OGC for legal sufficiency prior to their issuance by the Comptroller General. Since they offer relatively little opportunity for legal input, there is a tendency among attorneys to assign them low priority. However, it must be kept in mind that these reports are the lifeblood of GAO and generally bring the Office its greatest exposure and headlines. Hence, it is essential that OGC give them close legal review.

TIME RESTRAINTS

Reports must be handled expeditiously. OGC has only seven work days to complete final review of a report. This period is measured from the date the report is time-stamped by Index-Files (and not when the attorney receives it) until it has gone through all review stages and has been logged out by the General Counsel's office. As a practical matter, this means the attorney will have only a couple of days in which to review the report.

LEGAL REVIEW OF REPORTS

OGC's responsibility in reviewing audit reports is restricted to their legal sufficiency. Our job is to advise the Comptroller General or the head of an operating division if a report contains *legal* deficiencies that should be revised before the report is issued.

Citations

Audit reports are not legal documents and need not be encumbered by numerous or lengthy citations. The short title of an act, along with a public law, statute at large, or United States Code citation, is generally sufficient. References to specific sections of an act need be given only when particularly relevant.

Statements Of Law

Reports frequently contain general discussions of law which the attorney must check for accuracy. The attorney should identify the specific section of law discussed in the report even though the report itself need not contain such citations. These notations are for the benefit of OGC reviewers.

The attorney should also check the accuracy of regulations published in the Federal Register or in the Code of Federal Regulations. However, statements concerning informal agency regulations or guidelines need not be checked unless it appears from the report that they are contrary to statutory provisions.

Locating the proper citations can often be quite time-consuming.[1] The attorney can usually save time by working with the auditors who prepared the report to verify the accuracy of statements of law. If the auditors have relied on an agency's publication, a previous audit report, or other secondary material for their source of legal information, the statements of law must still be checked against the statutory provisions.

Special Emphasis

While the whole report must be reviewed carefully, attorneys should give special emphasis to the following areas.

(1) **Digest.** The digest section of the report is located at the beginning of the report and summarizes its contents. It is of great importance because it is usually the first, and often the only, section that is widely read. Thus, legal statements in the digest should be especially clear and accurate.

(2) **Recommendations, Conclusions, and Matters for Consideration by the Congress.** In reviewing these sections the attorney should determine whether

- they are consistent with the rest of the report,

[1] Auditors can assist attorneys in their timely review of reports by noting appropriate citations in the margin of the draft submitted for review, as requested in the General Counsel's memorandum to Heads of Divisions and Offices, dated March 6, 1975. Auditors can usually find these citations in the referenced copy of the report draft.

- any recommended legislative changes are really necessary,
- the recommended changes are consistent with other legislation and case law, and
- suggested amendatory language meets the purposes of the proposal and only those purposes.

(3) **Agency comments.** Formal written comments received from interested agencies are usually included as an appendix to the report. If these comments raise legal issues, the attorney should be sure they are accurately reflected (and, if necessary, rebutted) in the report.

REACHING AGREEMENT ON LEGAL POINTS

If the attorney wants to add, delete, or modify matters in the report, he should contact the appropriate member of the audit staff. The attorney and the auditor should try to agree on changes to eliminate legal objections to the report, so that the report as issued will be legally correct.

The three great American vices seem to be efficiency, punctuality and the desire for achievement and success. They are the things that make the Americans so unhappy and so nervous.

YUTANG, Lin, *The Importance of Living* (New York: Reynal & Hitchcock, 1937)

NOTES

FREDERICK'S CIVIL WAR CLAIM

Jessica Laverty[1]

Five score and 15 years ago our forefathers were engaged in a great civil war. More than 100 years later, matters arising out of the events of that war are still being submitted to the General Accounting Office for our resolution and comment. Recently, OGC was asked to comment on S. 706, 96th Congress, introduced by Senator Charles Mathias of Maryland, a bill to reimburse the city of Frederick, Maryland, for money paid by Frederick citizens to prevent Confederate troops from capturing Union military and hospital supplies.

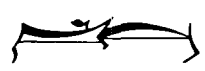
On July 9, 1864, Confederate soldiers under the command of Lieutenant General Jubal A. Early surrounded Frederick, threatening to destroy all property in the city if they were not given $200,000. According to S. 706, the city was given the further option of turning over Federal medical, commissary, ordnance, and quartermaster's supplies stored in Frederick. After day-long negotiations, city officials agreed to pay the Confederate soldiers $200,000. This money was borrowed from local banks on the express promise that the citizens of Frederick would be taxed in order to reimburse the banks. The bill states that the city's action not only preserved Union property, but, by delaying the Confederate forces during negotiations, gave additional time for Union forces to reinforce the defenses of Washington, D.C.

The city finally liquidated the debt in 1951, having imposed taxes and issued bonds over a period of time. If enacted, S. 706 would authorize the Secretary of the Treasury to pay Frederick the actual cost, including interest, of liquidating the debt, plus 4 percent interest from October 1951 until payment is made.

At this point, most readers probably are wondering why Frederick's claim is not barred by the statute of limitations since it is more than 100 years old. The answer is that the form in which the claim is presented is a private relief bill. When a claimant has no legal remedies, relief may be obtained through congressional enactment of a private relief bill. In such instances the statute of limitations does not bar the claimant's request.

Our Office has considered private relief bills many times in the past. As a general rule, GAO does not favor private relief legislation unless the claim presents equitable considerations of a compelling and unusual nature. The rationale for this policy is our reluctance to encourage preferential treatment of one claimant when others similarly situated might not receive relief.

Here, the Government is not liable for the debt incurred by the city of Frederick. Frederick had no legal obligation to protect Federal supplies. One may not become a creditor of the Government by voluntarily expending personal funds for the Government's benefit. Moreover, the equities of this case are not so unusual and compelling to merit special relief. Many cities were adversely affected by the Civil War. For example, General Early's troops subjected the city of Hagerstown, Maryland, to a similar assessment. Payment of Frederick's claim might prompt other cities to request congressional relief for injuries done long ago. Therefore, we advised the Senate that we did not recommend the enactment of private relief legislation on behalf of the city of Frederick, Maryland.



** * * very many men among us were bred up from their youth in the art of proving by words multiplied for the purpose that white is black, and black is white, according as they are paid.*

SWIFT, Jonathan, *"Guilliver's Travels,"* Pt. III, Chap. XXI

[1] Attorney-Adviser, Special Studies and Analysis, Office of the General Counsel, GAO

THE OFFICE OF CONGRESSIONAL RELATIONS—ITS ROLE AND RELATIONSHIPS

Martin J. Fitzgerald[1]

The Office of Congressional Relations (OCR) is the central coordination point within GAO for contacts with the Congress. OCR is organized within the Office of the Comptroller General under the direct supervision of the Deputy Comptroller General. Its function is to aid GAO in providing the Congress with prompt and useful assistance. GAO's effectiveness in serving the Congress depends on how well audit reports, legal opinions, testimony, bill comments, and other material are presented to congressional policymakers.

This article describes OCR's role, its working relationships, and its contributions in providing the Congress with the best possible product.

CONGRESSIONAL WORKLOAD

In recent years the Congress has recognized a change in the basic character of GAO, as reflected in the range and kind of work GAO performs for the Congress. GAO's workload has doubled within the past 10 years and the percentage of its work responding to specific requests from the Congress has increased more than threefold.

PROVIDING CONGRESSIONAL ASSISTANCE

GAO's assistance to the Congress takes many forms. Handling the top priority congressional request for a review or audit is the most widely known, but assistance also includes:

- Providing testimony.
- Providing formal and informal comments on bills.
- Assigning GAO people to work with committees and subcommittees.
- Assisting congressional staffs in analyzing agency budget requests, developing pertinent questions to be used at hearings, and guiding Members on ways to pursue a question or problem.
- Coordinating GAO's self-initiated plans with interested committees to take their particular needs into account whenever possible.
- Tracking legislation.
- Providing committees and Members with advisory legal opinions on request.
- Proposing legislation for congressional action.

OCR provides direct assistance, advice, and coordination to the Office of the Comptroller General and to GAO offices and divisions in handling congressional assistance activities.

OCR's ORGANIZATION AND ROLES

OCR has five legislative advisers, including its Director. These representatives maintain continuous contact with Members of Congress and committee staffs to:

- Advise GAO officials of significant congressional developments.
- Coordinate the work of the GAO in meeting and anticipating the needs of the committees and individual Members of Congress.
- Advise congressional committees concerning information developed by our operating divisions.
- Ascertain the interests of committees so that they will be considered in planning our audit program.
- Provide personal attention to the inquiries and requests of individual Members and committees.
- Arrange for testimony to be given before congressional committees, and for assigning GAO staff to congressional committees.

COMMITTEE RELATIONSHIPS

Each adviser is assigned liaison responsibility with various committees of the House and Senate. Liaison with individual Members is handled by the adviser whose committee responsibility most closely aligns with the Member's subject-matter interest.

GAO maintains continuity and accountability with committee and member staff by dealing through the single OCR adviser, thus establishing a working relationship. Because of this ongoing relationship,

[1] Director, Office of Congressional Relations, GAO

OCR can often provide specific information to GAO officials about the operating procedures or particular interests of various committees and staff. This enhances GAO's ability to provide the most effective presentation of our job plans or audit results and recommendations to the Congress.

SERVICES TO THE COMPTROLLER GENERAL

OCR provides the Comptroller General with briefings and advice on congressional inquiries and offers opinions and perspectives on the motivation and sensitivity of the requester. Similarly OCR conveys the Comptroller General's position and opinions to the Congress and to division staff working on congressional inquiries.

OCR provides GAO staff with knowledge of other division work, previous jobs, past hearings, other congressional interest or action, and the Comptroller General's philosophy and personal interests.

ASKING THE RIGHT QUESTIONS

OCR participation at congressional briefings and meetings can help GAO staff ask the right questions such as:

- Can we be flexible enough to discuss the request with other interested parties, keeping all apprised of our work and progress?
- How broadly and under what conditions can we disseminate the results of our work?
- What does the requester know about the area and who else has he contacted?
- Should we use the requester's name?

KEEPING GAO OUT OF THE MIDDLE

When congressional jurisdiction is called into question, OCR's knowledge of committee authority can help GAO avoid a jurisdictional quarrel. Congressional jurisdiction is important, particularly when requesters ask for something over which they do not have authority. GAO should resist undertaking work based on a committee request when that committee does not have jurisdiction over the subject. OCR can normally help define the "gray areas" of committee jurisdiction.

Often, an individual Member may request something over which his committee has jurisdiction. In such instances, GAO needs to communicate with the committee to be sure of its interest and to advise it of our work in its area. OCR can help prevent GAO from being used by a Member for personal reasons during committee deliberations.

CONGRESSIONAL INPUT INTO WORK PLANNING

GAO's policy for job planning encourages briefing appropriate committee staff. The Comptroller General has stressed the need to communicate with congressional committees and Members who have special interests in the committees' areas of responsibility. He has further stated that lead divisions, in arriving at their determinations of the proposed main thrusts and priorities, should discuss plans with appropriate committees to incorporate their needs and interests.

The object of obtaining congressional input is to help divisions sort out priorities and satisfy themselves that program plans will address the questions and concerns most in the minds of our primary audience, and to help set deadlines to assure maximum utility to the requester.

This policy allows committee staff the opportunity to indicate the degree of committee interest in specific areas of our work, advise us on the work which they believe should be given priority attention for the committee's use, and identify other areas in which the committee may have a particular interest.

OCR attendance at congressional meetings also provides an opportunity to better inform GAO officials of significant developments in the Congress. Congressional contact memos also serve this purpose when OCR cannot be present at such meetings.

OGC AND OCR—A UNIQUE PARTNERSHIP

The Office of the General Counsel has a close relationship with OCR because of the many congressional requests for legal advice, often of an "informal" nature. A congressional staff member frequently wants to discuss a subject before deciding whether to pursue the topic. Informal discussions with the Office of the General Counsel have been quite helpful to congressional staff on such issues as sale and/or exchange of real property, possible lobbying activities with appropriated funds, and questions of impounded funds and potential conflicts of interest. Close coordi-

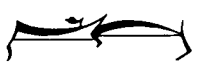
nation between OCR and the Office of the General Counsel has been effective in insuring that the requester does not misuse informal advice.

GAO's LEGISLATIVE PROGRAM

Beyond providing congressional staff with formal and informal legal advice, the Office of the General Counsel is responsible for GAO's legislative program. Current legislative initiatives, such as the GAO "Omnibus Bill" (a bill to provide the Comptroller General with subpoena power and access to unvouchered expenditures and a new procedure for the appointment of the Comptroller General and Deputy Comptroller General) and the GAO "personnel bill" (a bill to remove GAO from many of the strictures of the civil service system), are handled by the Office of the General Counsel with OCR's aid on strategy and timing questions. OCR's involvement and coordination of the Comptroller General and the General Counsel with the appropriate congressional committees and Members helps our legislative programs move through the legislative process.

CONCLUSION

Over the last few years, the size of the congressional staff, the amount of GAO work directly devoted to specific congressional needs, and the frequency and variety of contact between GAO and the offices of committees and Members have all increased markedly. OCR's responsibilities for observing, guiding, and participating in this activity have required not only constant attention by the OCR staff but also reliance on the staff of other divisions and offices to accept increased responsibility for carrying out GAO policies on congressional relations. Consequently, a true "partnership" has developed between OCR and the staffs in many divisions and offices; the future will probably witness the furtherance of this sharing of responsibility.



Congressmen? In Washington they hitch horses to them.

SULLIVAN, Timothy D (Big Tim), of New York City, announcing his decision to retire from the House of Representatives and return to the New York State Senate.

Help Us Help You

Have any suggestions for changes, improvements, or topics you would like to see in future *Advisers?* Send them to:

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Honoré Daumier

Hall of Justice