

December 9, 2005

Josh Silver
Executive Director
Free Press
1801 18th Street, NW
Suite 9
Washington, DC 20009

Dear Mr. Silver:

The Office of Inspector General has received your request for release of “all reports, documents and evidence given by the Inspector General to CPB Board of Directors or members of Congress.” The request indicates that the public’s right to know transcends what you describe as the politically convenient “confidentiality agreements” CPB’s president claims prevents the release of these documents.

Our office conducts its audits, reviews, and investigations in full accordance with the provisions of the Inspector General Act and applicable professional standards. We conducted this review to gather evidence of specifically what had occurred with respect to the areas where there were allegations and to report fully the information obtained in this process to the CPB Board of Directors, Congress, the press and the public at large. In the course of this review we gathered evidence of possible wrongdoing on the part of CPB’s former Chairman as well as other CPB executives. This evidence was provided to the CPB Board for appropriate adjudication. In reporting on these matters, it is our responsibility to fully and fairly report on the results of our efforts. At the same time, the Inspector General Act requires us to safeguard the identities of any confidential sources of information and protect privileged and confidential information from disclosure unless the Office determines that such disclosures are required by law or unavoidable during the course of an investigation.

Nevertheless, because of several Congressional and press requests for release of our investigative report or associated e-mail correspondence contained therein, I decided to carefully re-examine our original decision not to release that material. Our overall conclusions on issues examined during our review were fully reported in our public report. In preparing this report, we relied on interviews and other documentation which showed the pattern of behavior by the former Chairman and other CPB executives. In order to reach conclusions regarding corrective actions needed, Board members reviewed underlying documentation to provide them with a full understanding of the nature and extent of actions taken by various officials. This enabled the Board to agree to initiate appropriate corrective actions.

Your request appears to be based on the false premise that we and the Board possess “extensive evidence of potentially inappropriate communications between CPB and White House officials” showing White House interference in CPB programming and

hiring decisions beyond what was covered in the public report. In fact, we have no evidence of impropriety relating to the issues covered by the report beyond what was included in it. Additionally, since there has been speculation concerning the former Chairman's correspondence with Karl Rove and other White House personnel, I will state that this correspondence contained no indications that either Mr. Rove or any other White House personnel made any attempt to influence programming decisions or the hiring of the President/CEO.

I know that requests for release of the documents are based on a genuine concern for the welfare of public broadcasting. The OIG report was prepared to advise Congressional staff and the public regarding the improprieties identified during our review of the allegations. It is because of my concern that individual's privacy rights could be violated and CPB business interests compromised, I am resisting requests to release this information. We are not bound by any CPB confidentiality agreement, but rather our professional responsibilities to protect individual privacy rights and CPB business interests.

I am pleased by the positive response that the CPB Chairman, Board and President have initially given to our report. My office plans to actively monitor the Board's progress in bringing greater transparency to CPB governance and improvements in contract management, internal communications, and compensation policies. In this regard, we will be working with CPB Board and management in reviewing the specific corrective actions taken and providing advice and assistance during their implementation of corrective actions. In addition, we will be periodically reporting to Congressional staff on the progress being made by CPB.

Thank you for your interest in these matters.

Sincerely,

Kenneth A. Konz
Inspector General

Cc: Jeffrey Chester, Executive Director, Center for Digital Democracy
Chellie Pingree, President, Common Cause