Notes on the enclosed document *OPR referral September 2022.pdf*

At the end of September management, on the advice of agency lawyers, referred me to FEMA’s Office of Professional Responsibility (OPR) for concerns which are outlined in the legal memo (*OPR referral September 2022.pdf*) in this folder. The agency’s critiques boil down to roughly three things:

1. Disclosing whistle-blowing information to the public.
2. Disclosing the information to the public instead of to management, OIG, or other internal channels.
3. The disclosure isn’t protected because it isn’t clear how FEMA is doing anything wrong.

If I didn’t know FEMA better, I would suggest that these concerns were pretextual. Regarding these concerns:

1) #1 is legal (<https://osc.gov/Documents/PPP/Policy%20Statements/Non-Disclosure%20Policies%2C%20Forms%2C%20or%20Agreements%2C%20February%201%2C%202018.pdf> p. 4). Anyone in FEMA who had completed their mandatory FY 2022 whistleblower law training (*DHS NO FEAR Act Training* slides 40, 44, 45, 48; annual *OSC Supervisory Whistleblower Training [Prohibited Personnel Practices]* slides 8 and 10) could tell them that. I don’t know what else to say.

2) I’m a little confused by this concern as well. But in case it is helpful, I’ve included a binder (*Notifications 2013-22.pdf*) of the disclosures of fraud, waste, censorship, violations of law or policy, other reportable wrongdoing, and lives lost because of DHS’s and FEMA’s refusal to correct these wrongs before they could do harm that I’ve made to DHS, FEMA, my management, other managers, DHS’s lawyers, FEMA’s lawyers, DHS OIG (through FEMA’s Office of Professional Responsibility [OPR]), GAO, Congress, and the Justice Department in the past nine years.[[1]](#footnote-1) That isn’t all of them by any means, but it’s the ones for which I have a neatly packaged email or other written document that I can include or excerpt in a pdf binder.

Note that this binder includes only the email body text of those disclosure letters. Most of the information which those letters disclosed is in their attachments, which are not duplicated in this binder. Those attachments either are attached to this letter (the one you’re reading now); are at <https://5usc2302.github.io/risk/5_U.S.C._2302_justification/20220627-0926/> or [cited articles] <https://github.com/5usc2302/risk/tree/main/docs/5_U.S.C._2302_justification/Cited_articles>; add zero information; or are one of a small number that I’m not comfortable sharing (in every case that I can remember right now, to avoid embarrassing others without necessity). Most of the binder consists of the body text of the emails which carried those attachments to the management, DHS, FEMA, GAO, Congressional, and U.S. attorney’s office primary and/or final recipients of those letters.

3) The problem with #3 is that other than one document (the March 2019 *SNRA FAQ* to Congressional staff), it appears that they didn’t look at any of the information in the letters which they reported me for disclosing… such as the document named **SUBSTANTIATION OF ASSERTIONS AND 5 USC 2302 JUSTIFICATION.PDF** which is attached to the top of every one of those letters. Or the *Detail (full).pdf* document which is also attached (either attached first, or attached inside a zipfile and referenced by the first attached) which summarizes the points most relevant to their concerns (e.g. *Detail (full).pdf* page 3).

DHS and DHS/FEMA each have sixty-eight copies of each of those documents. Each also has one hundred and twelve copies of the letter telling GAO, the Justice Department, and DHS’s and FEMA’s lawyers how my part of FEMA has been doing all these things and lying to them about it for many years (this letter is the first [bottom] email in every email chain that I’ve sent since October 2020). If fraud, perjury, censorship, false reporting, insubordination, sabotage, and manslaughter don’t count as reportable wrongdoing in FEMA, I don’t know what does.

However, in case more clarification could be helpful, I’ve attached the full version of the *Detail.pdf* document at the top (it’s attached to every version of the packet which I’ve sent, but for many of them inside a zipfile rather than attached at the top) of each letter. I’ve also lined through the specific parts of the *FAQ* which caused or which I think might cause confusion:

3a) The now-crossed-out parts on pp. 1-2 were specific to the FAQ’s original audience (Congress) and time (2019): addressed to the general audience that the larger-font annotation on page 1 says it is suitable for, it could or would sound like I [a civil servant] were asking recipients outside the Government to intervene in Executive Branch decisions, when that is not the case. [I’m not even asking Congress to intervene now, because there’s nothing to intervene about: the documentation that all this is about has been on the public internet for a year now, and the primary reason why it hasn’t gotten to you yet is because I’m the worst PR agent in the world (*Press letters 2021-22.pdf* or [same content] pp. 89-294 of *Notifications 2013-22.pdf*) (which is why I’m just sending it to you now directly).]

This misunderstanding is my fault. I didn’t realize what an external recipient years later would understand those parts as meaning, given the note that I put on page 1 that the whole document was relevant to them without further caveats (which I now also added -- the super tiny font boxes on pp. 1-2 [the font size isn’t to de-emphasize them but to make them fit]), but it is obvious in retrospect.

3b) The crossed-out parts on pp. 6-7 are important things that I unfortunately turned out to be wrong about, and it would be misleading if I didn’t clearly indicate that in the document.

--Andrew Janca 2022/12/18

1. Document notes: This binder is not a self-contained narrative record [it reads like a FOIA dump], but it provides the internal reporting context of the attachments to these letters. A few (grey or tan) pages from other documents are inserted where they seemed like essential context for those context letters. Most of the bulk (pp. 89-294) of *Notifications 2013-22.pdf* consists of the email bodies of the media letters referenced by *OPR referral September 2022.pdf*, as forwarded to their final recipients in DHS and/or FEMA management.

   I’ve also included a version of this document split into its two parts, *Management notifications 2013-22.pdf* (pp. 1-88) and *Press letters 2021-22.pdf* (pp. 89-294 of the parent document, renumbered 1-206), to reference the latter by itself. [↑](#footnote-ref-1)