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Receipt Requested

TO: RAYMOND W KELLY at HQ-1\_PO

CC: SAMUEL H BANKS at HQ-1\_PO, BONNI G TISCHLER at HQ-3\_PO, RICHARD J HOGLUND at HQ-3\_PO,

ALLAN J DOODY at HQ-3\_PO, JOSEPH R WEBBER at SAC-ELPASO-1,

RAFAEL G LOPEZ at SAC-MIAMI-1\_PO, FRANK J FIGUEROA at OT-PUERTO\_RICO-1\_PO,

EDWARD MEDEROS at SAC-MIAMI-1\_PO

Subject: policy concerns

----- Message Contents -----

Dear Commissioner Kelly,

I want to congratulate you on your confirmation as Commissioner of Customs. I wish you a fulfilling and meaningful appointment.

The purpose of this message is to express my concern regarding an issue of fairness on the part of OI management vis a vis assignments and career development. Perhaps it is more of a conceptual issue as to the nature of fair leadership as opposed to a system that has continually perpetuated a policy of cronyism within the Office of Investigations. I have selected this medium to communicate with you because I feel that a non-direct channel would filter out entirely or water down the information to a point of uselessness.

On September 2, 1998, an E-mail message advised the field of certain selections which included some lateral transfers and promotions at the GS-15 level. The two key positions were those of SAC El Paso and SAC Boston, both of which were filled by white males. The remarkable, if not incomprehensible, appointment was that of SAC El Paso, a very important border post, being filled by someone who is considered to be very unfriendly to Mexican Americans. Some cosmetic attempt was made to create a perception of fairness with some of the other positions, however, these are very transparent. What I am concerned about is the larger issue of whether there has been an apparent change in policy or practice.

Historically, the Office of Investigations has been controlled by a certain group which is perpetuated by cronyism, favoritism, nepotism and the exclusion of minorities. The result of this corrupt system of promotions and selections often enough is the appointment of an individual, not based on experience, training and competence, but on favoritism and membership in exclusive circles. This reflects the lack of professionalism, integrity and dedication to the mission of the Office of Investigations, and the testing of sycophancy and self interest/promotion.

The absence of a comprehensive and effective career development program in the Office of Investigations creates a situation whereby the slightest policy modification causes a major impact on any effort to maintain the appearance of fairness in the promotional process. Until recently, there has been the perception of fairness in the practice of advertising all lateral transfers, particularly SAC positions, although no one doubts that some of the transfers or promotions involved "pre-selection."

In the two SAC positions mentioned above, there seems to have been change in the process, inasmuch as I cannot find any announcement of the vacancies, and there appears to be no applicant selection pool. I submit to you that this practice is in place to promote and protect cronies. This last round of selections tells me that there probably were better qualified, dedicated and deserving potential applicants than those generally selected. If, indeed, there has been a change in promotional policy/practice, I humbly encourage you to either formalize it in

writing or eliminate the corrupt aspects.

I am sure that you will be bombarded with counter arguments to my observations made in this message, but I beg you please consider the bottom line. There are four SAC positions in the southwest border, all of which have a huge Mexican American population, and none of which have a Mexican American SAC. The vast majority of the undercover work and development of actionable information is done by Mexican American agents. Most Mexican American agents in OI are assigned to the southwest border offices. Are we not qualified to lead? Or, are we not part of the controlling faction in OI? Are we only good enough to be subordinates and not leaders?

The appointment of Ms Tichler to the position of Assistant Commissioner initially gave me hope that she would live up to her stated commitment to fairness and equal opportunity. I was saddened to see that in reality she seems to have been forced by the system in place to abandon her commitment. Mr. Roglund, on the other hand, has been the consummate product of cronyism and now uses his office and position to promote this unprofessional and unfair philosophy.

I am deeply concerned that we are facing a moral bankruptcy of leadership in the Office of Investigations. Persons in power seem truly to believe that their authority and leadership derive strictly from the position they occupy, rather than from the integrity, knowledge, experience and dedication that you find within the heart and mind of the individual, and not in any position description. Leadership must be kept strong by strong people not weakened by cronyistic appointments and incompetence.

We can find part of the solution to these problems in the results of the practices in the Office of Field Operations throughout the southwest border. They appear to be less susceptible to these unfair practices in their selections of managers from all backgrounds. The selections are made with qualifications for the job and fairness, rather than on a basis of what friend goes where and in exchange for what favor or loyalty.

You are in a great position to assess the situation and take the necessary, if painful, corrective measures for the sake of the future of the Office of Investigations, the Customs Service and the national interest.

I wish you the best in a position that seems to be overwhelmed with issues.

Sincerely yours,

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