

# United States Senate

WASHINGTON, DC 20510

October 24, 2019

The Honorable Michael K. Atkinson  
Inspector General of the Intelligence Community  
1500 Tysons McLean Drive  
McLean, VA 22102

Dear Inspector General Atkinson:

On August 12, 2019, your office received a disclosure from a whistleblower in the Intelligence Community. In accordance with legal requirements, you performed a preliminary review and determined that the disclosure appeared credible and met the definition of an “urgent concern.”<sup>1</sup> According to public news reports, a second whistleblower who has shared related information with your office has also obtained legal counsel.<sup>2</sup>

As you know, reprisal against whistleblowers who make a lawful disclosure to your office or the Congressional Intelligence Committees is prohibited under the law.<sup>3</sup> However, since the first whistleblower complaint became public, the whistleblower has been the subject of repeated attacks from the President of the United States—including attempts to identify the whistleblower and questioning his or her motivations and loyalty to the nation.<sup>4</sup> The President even stated, in reference to individuals who spoke with the whistleblower, “You know what we used to do in the old days when we were smart with spies and treason, right? We used to handle it a little differently than we do now.”<sup>5</sup> We are deeply concerned by the impact these comments could have on individuals’ willingness to report wrongdoing through authorized channels.

Whistleblowers help hold the federal government accountable to the law and to the American people. Whistleblower processes and protections are especially important in the Intelligence Community, where they serve a dual purpose: encouraging reporting of fraud, waste, and abuse, while ensuring that classified information is not shared inappropriately. In other words, having a reliable, lawful whistleblower process for members of the Intelligence Community is critical for protecting our country’s national security.

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<sup>1</sup> Letter from Michael K. Atkinson, Inspector General of the Intelligence Community, to Joseph Maguire, Acting Director of National Intelligence (Aug. 26, 2019).

<sup>2</sup> *2nd whistleblower comes forward after speaking with IG: Attorney*, ABC News (Oct. 6, 2019) ([https://abcnews.go.com/Politics/2nd-whistleblower-forward-speaking-ig-attorney/story?id=66092396&cid=social\\_twitter\\_abcn](https://abcnews.go.com/Politics/2nd-whistleblower-forward-speaking-ig-attorney/story?id=66092396&cid=social_twitter_abcn)).

<sup>3</sup> 50 USC §3234.

<sup>4</sup> E.g. President Donald J. Trump, Twitter post (Sept. 20, 2019, 5:27 a.m.) (<https://twitter.com/realdonaldtrump/status/1175023772375683074>); President Donald J. Trump, Twitter post (Sept. 23, 2019, 8:29 a.m.) (<https://twitter.com/realDonaldTrump/status/1176156564274712576>); *Donald Trump: 'We're trying to find out' the identity of whistleblower who made Ukraine complaint*, USA Today (Sept. 30, 2019) (<https://www.usatoday.com/story/news/politics/2019/09/30/donald-trump-trying-find-out-who-ukraine-whistleblower/3822241002/>); President Donald J. Trump, Twitter Post (Oct. 14, 2019, 3:39 AM) (<https://twitter.com/realdonaldtrump/status/1183693718500659200>).

<sup>5</sup> *Trump Attacks Whistle-Blower's Sources and Alludes to Punishment for Spies*, New York Times (Sept. 26, 2019) (<https://www.nytimes.com/2019/09/26/us/politics/trump-whistle-blower-spy.html>).

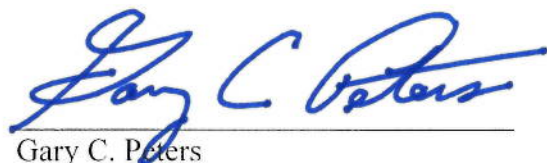
As the Inspector General of the Intelligence Community, you have been charged with investigating whistleblower claims, protecting whistleblowers' confidentiality, helping whistleblowers contact the appropriate congressional committees, and investigating allegations of retaliation.<sup>6</sup> We appreciate your diligent efforts to comply with the law.

To ensure that the brave men and women who have followed the law and reported wrongdoing to your office are being sufficiently protected from retaliation, we ask that you respond to the following no later than November 14, 2019:

1. Please explain the importance of confidentiality for whistleblowers, and what impact efforts to violate that confidentiality can have, particularly in the Intelligence Community.
2. What steps does your office take to protect the confidentiality of whistleblowers?
3. Whistleblowers who make lawful disclosures are entitled to protections from retaliation.
  - a. Please describe the steps that supervisors are expected to take to ensure that whistleblowers do not face retaliation.
  - b. Please explain what steps your Office has taken to help ensure that whistleblowers are protected from retaliation.
4. As stated above, the President has repeatedly disparaged a whistleblower in the Intelligence Community and reportedly attempted to find out his or her identity. What impact do you anticipate this will have on the following, as these relate to members of the Intelligence Community: (1) lawful disclosures made by whistleblowers; (2) willingness to identify and report potentially illegal and/or improper activity; (3) the perception that lawful disclosures will be shared with appropriate officials and investigated; and (4) the perception that whistleblowers who make lawful disclosures will be protected?

Thank you for your dedicated service, and your prompt attention to this matter.

Sincerely,



Gary C. Peters  
Ranking Member  
Senate Committee on Homeland Security  
and Governmental Affairs



Ron Wyden  
United States Senator

CC: Senator Ron Johnson, Chairman, Homeland Security and Governmental Affairs Committee

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<sup>6</sup> 50 U.S.C. § 3033; Presidential Policy Directive 19 (PPD-19) from President Barack Obama to the Vice President, et al., Protecting Whistleblowers with Access to Classified Information (Oct. 10, 2012).