

Open Letter to Congress
From Eight Former Intelligence Community Agency Inspectors General
Regarding the Intelligence Community Inspector General’s
“Letter of Urgent Concern”

Recent media reports describe numerous public attacks on the process used by the Inspectors General in government agencies to accept, investigate, and report on concerns raised by employees and the imperative to protect the identity of a “whistleblower” and prevent retaliation for raising such concerns. The signatories on this statement feel compelled to express our strong support for the whistleblower process, particularly the “Letter of Urgent Concern” statutory process used by the Intelligence Community Inspector General (ICIG) in accordance with the Intelligence Community Whistleblower Protection Act (ICWPA). We articulate our support without political bias or intent in order to protect the critical role of the whistleblower in government oversight.

Whistleblowers are a vital component of oversight in addressing serious malfeasance both within the government and throughout the private sector. The ICWPA was enacted to remove political influence and possible retaliation from the reporting of wrongdoing. More importantly, it removes political appointees and office holders from the decision of whether to bring the matter to light. Instead, it assigns that function to an independent Inspector General. When the whistleblower files a complaint, it triggers a mandated series of steps to ensure that the voice of the whistleblower is heard while affording protections of the classified information involved.

We especially want the public to understand the critical importance of protecting whistleblower confidentiality when he or she bravely reports a “matter of urgent concern” to the appropriate IG. Not protecting whistleblower confidentiality would seriously inhibit future disclosures and cause serious harm to the role of oversight to ensure good government; would lead to greater illegitimate leaks of classified information that could compromise our national security; encourage unchecked misconduct, especially in classified environments; contradict the intent of constitutional checks and balances; and further erode the public’s trust in the institutions of government and the rule of law.

Inspectors General within the federal government do not often see complaints that require “Letters of Urgent Concern”; these are not done often, and are not done without serious forethought, validation, and

consideration. Per legal procedures, the ICIG investigated the current “urgent matter” which is the subject of national attention and determined that it was within the Intelligence Community’s area of responsibility. The ICIG further determined that it was of enough significance to invoke this statutorily-required reporting mechanism where the most egregious matters go to the appropriate oversight committees with members of both political parties. When an IG presents an “urgent matter” to their agency head for dissemination to the oversight committees, it is not for the agency head to determine the merit or appropriateness of reporting the matter; rather, it is to give the agency head the courtesy of knowing about the “urgent matter” prior to its disclosure to the committees as required by the statute.

Recent media reports also convey confusion relating to another important aspect of the process involving how the whistleblower came upon the information in the complaint. We commend the ICIG for his September 30, 2019 “Office of the Inspector General of the Intelligence Community News Release,” where he appropriately stated, that there is no requirement in the statute for a whistleblower to have first-hand knowledge about the urgent concern. However, in this case the whistleblower did claim to have first-hand knowledge and the ICIG investigation also independently corroborated the information in the complaint from other sources.

The signatories to this letter are not influenced or motivated by any specific knowledge or fact pattern surrounding the whistleblower’s complaint. Rather, as former Inspectors General from the Intelligence Community, we are motivated by our concern that appropriate laws are followed, allegations are thoroughly and independently investigated, and whistleblowers protected, regardless of the source, content or subject of the complaint. This is essential to the proper operation of our system of government which should never be compromised.

Signed:

Lanie D’Alessandro, former Inspector General, National Reconnaissance Office

Joel Brenner, former Inspector General, National Security Agency

Michael Bromwich, former Inspector General, Department of Justice

Clark Ervin, former Inspector General, Department of Homeland Security, and Department of State

Eric R. Feldman, former Inspector General, National Reconnaissance Office, former Deputy Inspector General for Audit, Central Intelligence Agency

Gordon Heddell, former Inspector General, Department of Defense

John Roth, former Inspector General, Department of Homeland Security

Eric Thorson, former Inspector General, Department of Treasury