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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

November 29, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Daniel R. Coats
Director
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Director Coats:

I just learned that Dan Meyer, the Executive Director of Intelligence Community Whistleblowing and Source Protection, was placed on administrative leave and escorted out of his offices pending a tribunal before your senior executives to consider his proposed termination.

For the agency to take such a drastic personnel action while there is no confirmed, permanent Inspector General in place irreparably undermines the independence of that office. It denies the President's nominee any opportunity to gather facts and make decisions about the personnel in his office after he is confirmed. Mr. Meyer's office reportedly contains evidence relating to open cases involving alleged misconduct by senior officials. Thus, please ensure that the contents of Mr. Meyer's office are independently secured by officials with no involvement in his proposed termination or any of the subject matters contained in his files. All records relating to his proposed termination and all the contents of his office should be immediately preserved in anticipation of Congressional oversight requests.

Obstructing a Congressional investigation is a crime.¹ Additionally, denying or interfering with the right of employees to furnish information to Congress is also against the

¹ 18 U.S.C. § 1505 (2012) ("Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress--Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both.").

law.² Federal officials who deny or interfere with those rights are not entitled to have their salaries paid by taxpayers' dollars.³

According to media reports citing the former Inspector General Chuck McCullough and his Deputy Robert Johnson, current senior leaders within the IC IG's office and others have taken actions to hamstring the Intelligence Community Whistleblowing program.⁴ It will be critical for Congress to determine whether this action is part of that alleged effort. The program is crucial to ensuring protections for whistleblowers in the Intelligence Community, safeguarding classified information, and preserving the national security. If Mr. Meyer is being targeted for retaliation for lawfully communicating with Congress and conducting an effective whistleblower protection program, that would be unacceptable.

Accordingly, please provide my staff no later than Friday, December 8, 2017:

1. All documents presented to Mr. Meyer prior to him being placed on administrative leave;
2. All records relating to the decision to take any personnel action against Mr. Meyer;
3. All other evidence to be reviewed by any tribunal reviewing the allegations against Mr. Meyer.

Thank you for your cooperation. If you have questions, please contact DeLisa Lay of my Committee staff at (202) 224-5225.

² 5 U.S.C. § 7211 (2012)

("The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.").

³ Consolidated Appropriations Act, 2017, Pub. L. No. 115-31, § 713, 131 Stat. 135, 379-80 (2017). ("No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who - (1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or (2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, stats, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).).

⁴ See Charles S. Clark, *Is the Intel Community's Whistleblower Outreach Being Shut Down?*, GOVERNMENT EXECUTIVE (Oct. 20, 2017), <http://www.govexec.com/management/2017/10/intel-communitys-whistleblower-outreach-being-shut-down/141946/>; Jenna McLaughlin, *A Turf War is Tearing Apart the Intel Community's Watchdog Office*, FOREIGN POLICY (Oct. 18, 2017, 11:13 AM), <http://foreignpolicy.com/2017/10/18/turf-war-intelligence-community-watchdog-falling-apart/>.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is fluid and cursive, with the first name "Chuck" and last name "Grassley" clearly legible.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary