



United States Senate Committee on
FOREIGN RELATIONS

Excerpts from Joint Transcribed Interview

Steve A. Linick
State Department Inspector General

Conducted on Wednesday, June 3, 2020

House Committee on Foreign Affairs
House Committee on Oversight and Reform
Senate Committee on Foreign Relations, Minority

Mr. Linick testified that Undersecretary of State for Management Brian Bulatao “tried to bully” Mr. Linick on multiple occasions, including when Mr. Bulatao wanted to “sort of take control over a leak investigation” and when Mr. Bulatao and Acting Legal Adviser Marik String told Mr. Linick that the State Department Inspector General should not be investigating the Administration’s 2019 emergency declaration used to push through \$8 billion in arms sales to Saudi Arabia.

Page 26:

- Q. Did you also have meetings with Undersecretary for Management Brian Bulatao?
A. I did.
Q. And how would you characterize your relationship with Undersecretary Bulatao?
A. So I can’t recall the exact number of meetings. I would say a handful of times we met. I would say that sometimes the relationship was professional; at other times, he tried to bully me.

Pages 29-30:

- A. In connection with our work on the arms control, the emergency certification on the arms control, he told me that it wasn’t an appropriate review because it was a review of policy. And I told him that, under the Foreign Service Act of 1980, it was within the IG purview to review how policy is implemented. And I was trying to draw that distinction that, while we don’t engage in policymaking, we look at how policy is carried out as we are required to by law....
Q. And what was Undersecretary Bulatao's response when you provided him with that clarification?
A. He just continued to push back.
Q. Okay. Had he pushed back on any other investigations that you were involved in, or does his focus on the arms control issue stand out in your memory?
A. That’s the only thing that stands out in my memory.

Pages 63-64:

- Q. You said that Undersecretary Bulatao bullied you. Can you expound some more on that for us?
A. Sure. We had a number of disagreements about the way in which a leak investigation was going to be handled. And I would rephrase that, not that he bullied me, but that he attempted to bully me. He wanted to sort of take control over a leak investigation that was being conducted by the DOD IG. So that’s one example of that. The other has to do with the work we were doing on the arms control, in trying to have us not work on that matter, stating that it was a policy matter and it was not within our jurisdiction to look at it. So that was sort of the nature of that attempt to bully. Those are examples.
Q. Okay. Let’s deal with the—since we had already talked about the arms control one first, let’s go back to that one. What exactly did Undersecretary Bulatao

articulate to you as his concern? He just thought it was policy and not implementation?

- A. I can't tell you what his understanding was, but I can tell you that he strenuously objected to our doing work on a policy matter. I don't really understand—I can't tell you what was in his mind. I can only tell you that that's what he said. And in response to that, I cited the Foreign Service Act, which requires us to review implementation of policy, not to judge whether it's a good policy or a bad policy, which does not concern me one bit, but whether or not the policy is being carried out in accordance with the regs—the regulations and the law.

Pages 205-207:

- A. Well, he [Under Secretary Bulatao] said that the AECA [Arms Export Control Act] matter was—that we were undertaking a review of a policy matter and that we shouldn't be doing that. And I do recall that at the meeting was the Legal Adviser himself, Marik String. I remember the two of them, now that I think of it, were there. And we had a discussion about that issue and also the possibility there may be a privilege issue.
- Q. So Marik String was present in the meeting—
- A. Yes.
- Q. —where you discussed this with Undersecretary Bulatao.
- A. Yes.
- Q. And the Undersecretary indicated that he wanted you to stop your work on that topic. Is that right?
- A. Well, he didn't say stop our work. I don't want to misstate. He said that we shouldn't be doing the work because it was a policy matter not within the IG's jurisdiction.
- Q. Okay. And did Mr. String say anything on that topic?
- A. I think both of them were of the same mind.
- Q. So Mr. String said that he didn't think you should be looking into this, and Undersecretary Bulatao said he didn't think you should be looking into this. Is that correct?
- A. That's correct, yes. Yes.

Mr. Linick testified that he refused to give into pressure from Mr. Bulatao and Mr. String, stating that “we were fulfilling our obligation to review the implementation of the policy.”

Pages 208-209:

- Q. And so they told you they didn't think it was appropriate for you to look into this. Did you stop looking into the matter after that conversation?
- A. Of course not.
- Q. And why is that?
- A. Because we were fulfilling our obligation to review the implementation of the policy. We felt that our review fell squarely within the confines of the Inspector General Act. You know, we don't assess whether a policy is good or bad, but we

assess how a policy—whether it’s efficiently and effectively implemented and whether rules are followed. And we continued to do that.

- Q. Even if the Undersecretary had directly asked you, “Mr. Linick, I want you to stop looking into this topic,” would you have stopped?
- A. Well, he didn’t. He didn’t say that. And I wouldn’t.
- Q. And you wouldn’t. Even if the Secretary of State called you and said, “Mr. Linick, I want you to stop looking into this topic,” would you have stopped?
- A. Never.
- Q. And that is because it is your role to be independent, right?
- A. Yes.

Mr. Linick testified that, based on several interactions with Undersecretary Bulatao, he felt Mr. Bulatao “was unfamiliar with the role of inspectors general,” including the need for Inspectors General to be independent from the agencies they oversee.

Pages 26-27:

- A. The other thing I would add to that is sometimes I felt he was unfamiliar with the role of inspectors general. I can elaborate a little bit on that.
- Q. If you don’t mind.
- A. At one point, I met with him in 2019. I’m not sure of the exact date, but he did ask me if I had plans to leave the Department at the end of the administration. I told him that IGs are nonpartisan and typically stay through the change of administration, and he seemed surprised.

Pages 121-122:

- Q. And can you just explain for the sake of the record why you believe that it would be inappropriate for a high-ranking official at a government agency to try and manage an inspector general’s investigation?
- A. Well, for the same reason that I thought it would be inappropriate for the Bureau of Diplomatic Security to be investigating us, in that there’s an independence issue. And we wanted another IG to peer-review us precisely to ensure that it was an independent review, as opposed to our overseer investigating us.
- Q. Okay.
- A. Or, excuse me, not the overseer. The auditee. Excuse me.
- Q. Yes, I’m sorry, the agency that you—
- A. Yes.
- Q. —were responsible for auditing.
- A. Yes. That’s what I meant, yes.

Page 209:

- Q. And you said that you had actually had a number of occasions to explain to at least Undersecretary Bulatao the importance of and the independent nature of inspectors general. Is that right?

- A. Yes.
- Q. Do you think that those explanations, as you gave them, sunk in? Did there ever come a time when you felt that Undersecretary Bulatao accepted that inspectors general are necessarily independent from the agencies that they're tasked with overseeing?
- A. I can't comment on whether it sunk in or not.
- Q. And everybody knew this about you, right? Even if it wasn't a contentious conversation every time where you had to say, "I'm independent, I'm independent," is it fair to say, sir, that throughout your career you've had a reputation as somebody who is fiercely independent?
- A. I have always tried to be fiercely independent, because I think that's critical to being an effective IG.

Mr. Linick told the Committees that Secretary Pompeo did not agree to be interviewed by State OIG in connection with the arms sales investigation. Mr. Linick testified that, after Secretary Pompeo submitted a written statement on the topic, Mr. Linick approached Department officials again about interviewing Secretary Pompeo but "didn't get a response one way or the other" to this request before he was fired.

Pages 221-223:

- Q. Mr. Linick, in connection with your review of the Saudi arms sales issue, did you seek an interview with Secretary Pompeo?
- A. Yes.
- Q. Can you tell us about your efforts to get that interview and how it went?
- A. Yes. We requested that our team be permitted to interview the Secretary in 2019, late 2019. I had told Undersecretary Bulatao and Deputy Secretary Biegun and the Legal Adviser about this request, and, in assessing my request, they asked for, sort of, the topic areas for the interview, just the broad-brush topics, which we provided. And then, ultimately, as he acknowledged in the press, he sent written responses to that question and, at that time, did not agree to the interview.
- Q. Did you have any kind of negotiation about whether and how he would sit for an interview?
- A. Initially, there was discussion about interviewing only with me, as opposed to the team, and—
- Q. Was that your idea?
- A. No. That was their idea.
- Q. Okay.
- A. Which I agreed to, as long as I had somebody from the team with me, because I felt that that would fulfill—you know, that that would be fulfilling the request to be interviewed. Ultimately, that didn't happen.
- Q. So you wanted one other person with you, just to be clear, as a witness, right?
- A. That's correct.
- Q. Okay. And did you tell the Secretary's office that you just wanted somebody there as a witness?

- A. I didn't tell the Secretary's office. It was in communications with the Legal Adviser. I remember a conversation with the Legal Adviser about that, about the request to have somebody with me. But I don't recall having that discussion with Bulatao or Biegun—in other words, actually having someone present with me as a witness.
- Q. Okay. When you say the Legal Adviser, just to be precise, do you mean someone in that office or the Acting—
- A. Marik. Marik String.
- Q. Okay. And what was his reaction to that?
- A. His reaction was he'd get back to me.
- Q. And did he ever get back to you?
- A. I did have discussions with him. I ultimately—I don't really recall exactly the nature of the conversations after my discussion with him but before I received the written responses from the Secretary.
- Q. If I've got this right, you asked for an interview, it looked like they would do an interview if it was just you and the Secretary, and then you asked for a witness, and then all of a sudden the interview didn't happen.
- A. That's correct.

Pages 246-247:

- Q. At the time that you were fired, going back briefly to your efforts to speak to Secretary Pompeo in regards to the Saudi arms sales matter, as of the day that you were fired, did you still feel that it was important for that investigation to actually speak to Secretary Pompeo, or was the written answer enough for you?
- A. So, in response to that question, we were assessing that point before I left in connection whether to report it in our semiannual report, and we decided that it wasn't ripe because we had—our work on it had been delayed. So I had a conversation with Marik String and [another State Department official] about the possibility of interviewing the Secretary after the COVID crisis abates, when we were able to have staff come in and do that.
- Q. And what was the outcome of that conversation?
- A. I didn't get a response one way or the other.
- Q. Did they give you any indications as to whether they were receptive to the idea?
- A. I didn't get a response one way or the other.

Mr. Linick testified that he undertook a review of the arms sales based on multiple Congressional requests and because his office determined that this review was within his office's jurisdiction under the Foreign Service Act.

Pages 29-31:

- A. One other thing I would say is that, in connection with our work on the arms control, the emergency certification on the arms control, he told me that it wasn't an appropriate review because it was a review of policy. And I told him that, under the Foreign Service Act of 1980, it was within the IG purview to review

how policy is implemented. And I was trying to draw that distinction that, while we don't engage in policymaking, we look at how policy is carried out as we are required to by law. And so, for example, when we—when the Department provides humanitarian assistance to groups in Syria, for example, while we don't question whether the policy is good or bad, we do look to see how that policy is being carried out and whether it's being carried out in an efficient, effective manner, and whether it's complying with rules and regulations.

Q. And what was Undersecretary Bulatao's response when you provided him with that clarification?

A. He just continued to push back.

...

Q. Okay. And we'll get to this in more detail later in the day, sir, but briefly, can you describe for the record how your office came to be involved in looking at what was an emergency declaration under the Arms Export Control Act in about this time of 2019, so spring, summer?

A. Yes. This was a congressional request, and I don't know—at this point in time, I can't name all the members, but it was—there was a request by House and Senate to review the circumstances of the emergency certification. And after that we endeavored to review whether or not that emergency certification, the circumstances around that complied with applicable law regulations in the Department.

Q. So this wasn't something that you decided to do on your own. This wasn't something where you had decided OIG independently disagrees with this policy. You were asked by, I believe, all of the Democratic members at least from the House Foreign Affairs Committee, to look into whether or not that policy was being properly implemented and whether it was lawful, and you believed that that would have been within your responsibilities under the IG Act. Do I have that right?

A. Yes, that is correct. We were not judging whether the policy was good or bad. We are nonpartisan. We just look at how policies are carried out and whether they comport with applicable regulations and law.

Page 204:

Q. And your former office has indicated that those criteria seem to have been met here and that you did undertake work in response to that letter from the Foreign Affairs Committee on this topic. Is that right?

A. Well, we obviously did undertake work, and we believed it was justified.

Mr. Linick testified that State Department officials received “some type of briefing” on OIG’s work regarding the arms sales matter before Mr. Linick was fired.

Pages 204-205:

Q. Had anyone at the State Department been briefed on preliminary findings, conclusions, recommendations in connection with that report?

- A. I think there was some type of briefing, but you'll have to go back to my office. I mentioned that before.

Mr. Linick confirmed that he was fired barely a week after the House Foreign Affairs Committee, which had asked State OIG to look into the arms sales issue, inquired about the status of the report.

Page 225:

- Q. And do you recall, sir, that on May 7 of 2020 the House Foreign Affairs Committee had reached out to the OIG just to inquire as to the status of your work on the Arms Export Control Act issue?
- A. Yes, I do.
- Q. Okay. And you were fired a week and a day after that. Is that correct?
- A. Yes.

Mr. Linick confirmed that State OIG was investigating “allegations relating to misuse of the government’s resources by the Secretary and his wife” and that “in late 2019,” State OIG “reached out to get documents from the Office of the Secretary as well as the Office of the Legal Adviser” about these allegations. Mr. Linick confirmed that he spoke with Undersecretary Bulatao and Deputy Secretary Biegun about these allegations and OIG staff spoke with State Department Executive Secretary Lisa Kenna.

Pages 42-43:

- A. We had an administrative review of allegations relating to misuse of government’s resources by the Secretary and his wife, but I can’t talk about the merits of that. As to that review, I never spoke with the Secretary directly about it. There was a point in time in late 2019 that my office reached out to get documents from the office of the Secretary as well as the Office of the Legal Adviser. And during that same period of time, I did speak with Undersecretary Bulatao, possibly Deputy Secretary Sullivan, but I am not sure, about the reasons—about the fact that we were making these document requests so they weren’t surprised.
- Q. And these were document requests that related to, as you said, allegations of improper use of Department resources by Secretary Pompeo and his wife. Did I get that right?
- A. Yes.

Pages 192-193:

- Q. Okay. And so there were documents requested from the Office of the Secretary at about the end of 2019 related to use of resources. I just want to make sure that I’ve got the—
- A. Yes. Yes. Yes.

- Q. Okay. Did anyone say anything to you about the fact that you had started asking these questions, anybody who worked on the Seventh Floor?
- A. No. I mean—no.
- Q. Who was aware, which individuals were aware, within the State Department—
- ...
- A. Yeah. I said I had talked to Brian Bulatao. I said maybe Deputy Secretary Sullivan, though I'm not sure. And I told Deputy Secretary Steve Biegun.
- Q. Okay.
- A. I know my staff reached out to Lisa Kenna, and they had conversations with "L." That's all I can tell you.
- Q. Okay. And just to make sure—I know it was a while ago that we touched on this—starting with Mr. Biegun, do you recall the rough outlines of your conversation with him about the fact that you were looking into the use of resources by the Secretary and Mrs. Pompeo?
- A. Yeah, I told him that we were requesting documents. I didn't want them to be surprised. And I told him the nature of the documents that we would be requesting.

Page 194:

- Q. How about Mr. Bulatao? Can you tell us when and how you made him aware of the fact that there was an inquiry into Secretary Pompeo and his wife regarding the use of resources?
- A. Yeah. Again, it was in that late 2019 frame, and I just don't recall exactly. I don't have a recollection of the specific date, but it would've been in late 2019.

Pages 217-220:

- Mr. Lieu: I have a few questions about your office's review of the allegations that Secretary Pompeo and his wife may have used resources inappropriately. You stated earlier this hour that you had told a number of people, including Undersecretary Bulatao, Deputy Secretary Biegun, and Pompeo's Executive Secretary, that you were conducting this review. Did you tell any of them not to tell Secretary Pompeo that your office was doing this review?
- Mr. Linick. No.
- Mr. Lieu. In fact, the reason you told them was exactly the opposite, right? You wanted to give them a heads-up so that when Secretary Pompeo got the request he wouldn't be surprised. Isn't that right?
- Mr. Linick. I wanted to make sure everybody was aware so that they wouldn't be surprised.
- Mr. Lieu. The document request was, for example, was not related to Undersecretary Bulatao, but it was related to Secretary Pompeo and his wife, correct?
- Mr. Linick. All I can say, it was related to the review of allegations relating to misuse of government resources by both of them.
- Mr. Lieu. But not misuse of resources by Undersecretary Bulatao, correct?

Mr. Linick. I'm just going to go with what I said at this point.

Mr. Lieu. Okay. So the reason you would have gone to Undersecretary Bulatao, who is one of Pompeo's best friends since they were classmates at West Point, were co-founders of Thayer Aerospace, worked together for 8 years, he then was appointed by Pompeo in the CIA as Chief of Operations, and the reason you would do that is because you expected Secretary Bulatao to convey to Mike Pompeo that your office was doing this review, right? That's the reason you would have gone to Undersecretary Bulatao. Isn't that right?

Mr. Linick. I wanted to make sure that everybody—that the folks who would be receiving those document requests knew what we were doing. And I didn't tell them not to tell anybody, including Secretary Pompeo, about them. There was no—from my point of view, I just wanted to make sure that folks on the Seventh Floor knew what we were doing before they just got a document request.

Mr. Lieu. And in—I mean, we're all adults here—just your general understanding of human nature, you would expect all these people, or at least one of them, to inform Mike Pompeo that they were going to get document requests related to the review of Pompeo and his wife allegedly not using resources appropriately, right?

Mr. Linick. I don't want to speculate on what to expect or not. I mean, I'm just telling you what I did. And—

Mr. Lieu. Right. But the whole point of what you did—

Mr. Linick. —I'll let you draw that conclusion.

Mr. Lieu. The whole point of what you did is to not surprise Mike Pompeo when he gets a document request. Isn't that right?

Mr. Linick. The whole point was not to surprise the Seventh Floor writ large, because they were going to get these document requests. So—

Mr. Lieu. And maybe I'm confused. The document request is not about Undersecretary Bulatao's inappropriate use of resources; it's about Mike Pompeo and his wife. Isn't that right?

Mr. Linick. Right.

Mr. Lieu. So the person you're trying to not surprise is Mike Pompeo, not Undersecretary Bulatao, right?

Mr. Linick. Again, it was the entire Seventh Floor.

Mr. Lieu. Okay. Thank you. The entire Seventh Floor. And where does Secretary Pompeo work?

Mr. Linick. Seventh Floor.

Mr. Linick contradicted Undersecretary Bulatao's statements in [a letter](#) to the Committees about a leak investigation—Mr. Linick stated that he “followed the procedure” and informed Mr. Bulatao and other Department officials of the steps he took, specifically rebutting Mr. Bulatao's statements that Mr. Linick failed to do so.

Pages 69-70:

- A. I had told Brian Bulatao about the fact that CIGIE was not the appropriate place to bring this matter; I was told that by CIGIE. And I told him that the DOD IG was going to be conducting the independent review. And he insisted that the CIGIE do the review. I told him that CIGIE only looks at particular individuals and that he was welcome to file a claim against me in particular, if he wished to do so, with the CIGIE. Apparently he had not done that. So I followed the procedure. This was a serious situation, and I wanted to make sure that if there was a leak in my office that we found it and took appropriate action, because this would impact the reputation of the office.
- Q. Do you recall when this conversation with Undersecretary Bulatao took place?
- A. Well, it would have been shortly after my meeting with the Secretary in September, because all of this was happening fairly quickly. I believe we invited the DOD IG to do the review in October. So it had to—again, I don't have an independent recollection of the exact date, but it had to occur in the fall. It had to occur in the fall of 2019.
- Q. Did you have any conversations with anyone else in Department leadership about this leak investigation?
- A. I did with Deputy Sullivan as well.
- Q. And when, approximately, did that conversation take place?
- A. It would have occurred at or around the same time. I don't have an independent recollection of that. Clearly, it occurred before he left that post.
- Q. Can you tell us about that conversation?
- A. I had the same conversation with him as I did with Undersecretary Bulatao. I told him that the CIGIE doesn't investigate offices, that I was advised by CIGIE to either do it internally or find another inspector general to do it, and that was the sum and substance of the conversation, and that it was my interest to have an independent review to determine whether anyone in our office leaked.

Pages 95-96:

- Mr. Jordan. Well, is that—so that seems to me to be—I mean, come on. If CIGIE can only investigate you or some of your top assistants, but they can't investigate a leak that supposedly came from your office, that seems to be, you know, a distinction that's not really that critical. If they're going—if they can investigate that, why can't they investigate just a general concern that a leak came from your office? And you're saying—you seemed to indicate earlier that somehow that was just not tolerated. That would be just totally wrong. But it seems to me a distinction without much of a difference.

- Mr. Linick. I'm not telling you what I'm saying. I'm telling you what CIGIE is saying. And if you go to the CIGIE website and their mission and their FAQs, it discusses that issue. So that's something that you should direct to CIGIE because I specifically asked CIGIE, can you—is this something that you can handle? And I was told no; they don't investigate offices. So, again, that's not something that I'm saying; that's what CIGIE is saying.
- Mr. Jordan. Okay. Okay. And then how did you decide on Mr. Fine?
- Mr. Linick. Well, I went to—as I said, I went to—I tried to go to big IGs. I started with the Labor IG. Then I went to VA, and then I went to DOD, largely because I knew they had a lot of resources and—and—that smaller IGs wouldn't have. I was just going down the line. I probably would have gone to HUD IG or HHS IG after that.

Mr. Linick testified about his consultations with State Department officials about the probe into the unauthorized disclosure to the press. Mr. Linick's testimony directly refutes numerous statements from Mr. Bulatao, including those made by Mr. Bulatao in a [June 1 letter](#) to the Committee on Foreign Affairs.

Pages 114-120:

- Q. So this is the June 1, 2020, letter from Undersecretary Bulatao to Chairman Engel of the Foreign Affairs Committee.... I'd like to direct your attention, if I could, to the second page of that letter, the second full paragraph, beginning with, "Specifically, it is my understanding".... I'd like to go point by point through the things that Undersecretary Bulatao raises in this paragraph and just ask you for your comments on them. So the first point he raises is, "It is my understanding that last fall, the former Deputy Secretary"—that would be Deputy Secretary Sullivan. Is that right?
- A. Yes.
- Q. —"asked Mr. Linick to refer for review the unauthorized disclosure of a draft inspector general report, which media attributed to 'two government sources involved in carrying out the investigation.'" Is it true, sir, that last fall the former Deputy Secretary asked you to refer that unauthorized disclosure for review? Just taking that portion of the sentence.
- A. Yeah. I mean, all I can tell you is we had a conversation about it. I don't remember his words or anything like that. We had a conversation about the report and the CIGIE—
- Q. Okay.
- A. —as I described earlier.
- Q. So you don't recall him specifically asking you to make a specific type of referral. Is that right?
- A. I don't recall his words. I did tell him—I explained to him why the CIGIE was not the entity that was going to review this for the reasons that I described earlier and that we had ultimately landed on the DOD IG.

- Q. Okay. So, then, to just walk through the relevant portions of Mr. Bulatao's sentence there, he says that the Deputy Secretary asked you to refer this matter for review—and then, if you go to the other side of the dash—to the Council of Inspectors General on Integrity and Efficiency, CIGIE. Is it your testimony that the Deputy Secretary formally asked you to refer this specifically to CIGIE?
- A. I don't recall—again, I just don't recall his words. My understanding is that he wasn't actually saying, you should refer it to CIGIE. I remember we had a discussion about CIGIE. And I remember specifically saying, you know, if CIGIE is a place where this should land, then you'd have to make a referral about me—
- Q. Uh-huh.
- A. —in particular. I do remember saying that. And that didn't happen.
- Q. Sir, in the next sentence, where the Undersecretary says, "It is my understanding that Mr. Linick agreed to that request," he seems to be saying that you specifically agreed with Deputy Secretary Sullivan to refer this matter to the CIGIE. Did you make such an agreement with the Deputy Secretary?
- A. No, I didn't. Because I had talked to the CIGIE about this, I mean, I asked them about this, and they said that they would not review allegations dealing with an office.
- Q. Okay. And you explained that to Deputy Secretary Sullivan, I believe you said?
- A. Yeah.
- Q. And do you recall when you explained that to him?
- A. I don't recall.
- Q. Do you believe it was near in time to the publication of the Daily Beast article on September 13, 2019?
- A. Well, it had to be in the timeframe, in the fall timeframe, you know, when the DOD IG was in play because—
- Q. Uh-huh
- A. —we talked about the DOD IG, and all of that occurred in a very short period of time.
- Q. Okay. So you talked to the DOD IG, as you say, near in time to that September story. And that was after CIGIE told you that—
- A. Yes.
- Q. —under its own regulations, they couldn't do it unless it was about a specific person. Is that right?
- A. Yes. Yes. Because I had already gone to the VA and Labor.
- Q. And they are the ones who told you, you need to see, you know, where else there's capacity, which is how you ended up at DOD IG, right?
- A. Well, they didn't say, you need to see—they just said they couldn't, that for a variety of reasons it wasn't practical for them to do it.
- Q. Okay. And at the time that you landed on the fact that it would be the DOD IG that looked into this matter, did you communicate that fact to the State Department?
- A. Yes.
- Q. And do you recall roughly when you communicated that fact to the State Department?

- A. I don't.
- Q. Would it have been near in time to settling on the fact that it would be the DOD IG?
- A. Yes.
- Q. Okay. So Mr. Bulatao's sentence—I'm continuing in this letter—says, "Further, it is my understanding that Mr. Linick agreed to that request, but the Department learned months later that, instead of referring the matter to CIGIE, Mr. Linick had asked another agency's inspector general to review the issue." Would it have been months after that September article that the Department became aware that it would be the DOD IG looking into this?
- A. No. It was at or around the time that I asked the DOD IG to do it.
- Q. So Mr. Bulatao's statement that the Department only learned about this months later is not true?
- A. As I said, I let them know at or around the time when I selected the DOD IG.
- Q. Okay. Mr. Bulatao goes on to say that Mr. Linick, quote, "failed to inform the Department that he had hand-picked a different entity to investigate potential misconduct by his own office." Are the statements in that sentence true, sir?
- A. No. I did notify the Department that we selected DOD IG, only after being turned down by Labor and the VA.
- Q. And did anyone in the Department raise any concerns or protest in any way after you told them that it would be the DOD IG that would be doing this work?
- A. Yes. I mean, Brian Bulatao and I—he did not want the DOD IG to do it; he wanted CIGIE to do it. And I kept trying to explain to him that that wasn't going to work because of what CIGIE told me. So he continued to, sort of, raise that issue.
- Q. And, to be clear, did you explain to him that it's not that you didn't want CIGIE to do it but that, rather, under CIGIE's own regulations, that it wouldn't be possible?
- A. I thought I had communicated that.
- Q. And I believe you also said that you informed Mr. Bulatao that if he had questions about this process or about you in particular that he, himself, could independently contact CIGIE. Is that right?
- A. Yes. And the other thing was, there was a point in time where he actually wanted to get a better understanding of what the DOD IG was going to do in this investigation, and I actually talked to Glenn Fine and said that he may be calling you. But I did discuss with Undersecretary Bulatao—I told him that it wouldn't be appropriate for him to manage the DOD IG investigation.

Mr. Linick stated that he had concerns with providing to the State Department an OIG investigation report that related to a report on political retaliation by Department officials, because “I could imagine the Department using the information in the report against” OIG employees.

Pages 72-73:

Q. Did anyone else in Department leadership ask for similar updates or conclusions—

A. Yes.

Q. —from that [leak investigation] report?

A. So I do recall one instance. And this occurred before, sort of, March 17 or March 16, when everything started shutting down at the State Department. This was pre-COVID. I learned from the DOD IG that they hadn’t found that there had been a leak to the press in our office. And shortly after that, I met with Brian Bulatao and Deputy Secretary Biegun, and I told them about those results verbally.

Undersecretary Bulatao asked for the internal investigation of that report, and I told him that it wouldn’t be my practice just to hand over an internal investigation of OIG personnel who are being investigated for violating OIG rules. However, I did tell him, because I wanted to be transparent, that I would share some version of the report with the Deputy when it was finalized, but I wanted an opportunity as to how to assess that. And I told him that I had several concerns. One, these were DOD IG records. Two, it involved an investigation of individuals involved in investigating the Department for political retaliation, and I could imagine the Department using information in the report against them, and wanted to make sure their confidentiality was protected.

Page 125-127:

Q. And you’ve also said that, given the nature of your office’s work and the fact that the names of many of your employees are in that DOD IG product, you would’ve had hesitation about providing that document to Undersecretary Bulatao even if you had had it at the time. Is that correct?

A. Yes.

Q. Okay. Can you say more about that, please? Why would you have been hesitant to provide that document to the Undersecretary?

A. Well, the document contained the names of individuals, and I was concerned that not only would it, you know, contain the names of the individuals but their interviews and what they said. These were individuals who were involved in the investigation of the political retaliation matter in the Office of the Secretary. And I was concerned—or I could imagine the Department using information in that report against them.

...

- Q. So, if I have your testimony correct, it is that your staff had just finished looking into allegations that folks on the Seventh Floor of the State Department had inappropriately retaliated against career officials. Is that part correct?
- A. Well, we issued that report, I believe, in November of 2019. So it would've been shortly—you know, it would've been shortly after we issued that report.
- Q. Right. And that the DOD IG document contained the names of all of the people who had looked into whether or not the folks on the Seventh Floor engaged in improper retaliation. Is that correct?
- A. Yes.
- Q. And you were concerned that if you gave those names to the Seventh Floor that they might in turn retaliate against the people who had been looking into that matter. Is that correct?
- A. Correct.

Mr. Linick testified that the person put in charge of the Office of Inspector General after his firing—Ambassador Stephen Akard, who is also the Director of the Office of Foreign Missions—has the discretion to decide whether an IG review goes forward and whether the IG issues a report. Mr. Linick also warned that filling the role of Inspector General with an individual who continued to maintain a position within the State Department could compromise the independence of the Inspector General and stated that whistleblowers “might feel afraid to report” to such an official, potentially deterring them from reporting wrongdoing.

Pages 139-141:

- Mr. Lieu. Let's say you had completed the review of Secretary Pompeo and his wife and you had found some inappropriate conduct. Could Secretary Pompeo order you not to publish the report, or do you have an independent statutory authority to be able to publish whatever it is you want?
- Mr. Linick. They cannot order me to do that. In the IG Act, we control what our work is focused on and how we publish our work.
- Mr. Lieu. And that would also go to the Saudi arms sale review as well. Secretary Pompeo would not be able to suppress your ability to publish that report if you had been able to complete it, correct?
- Mr. Linick. No. But there could be issues—and I'm not suggesting—just generically, sometimes the Department—first of all, if it's classified, we obviously have to pay attention to that. And there may be privilege issues, as well, in some cases. So those are some limitations that—
- Mr. Lieu. I see. But you would have authority to publish the report without the classified information and without the privileges—
- Mr. Linick. Right, right, right. Exactly.
- Mr. Lieu. Okay. And one way to stop you from doing any of that would be to fire you, correct?
- Mr. Linick. Well, that's—again, I don't know why I have been removed, and there's been no valid reason presented to me for that removal.
- Mr. Lieu. Okay. Thank you. I yield back.

...

- Q. If I could just ask one quick followup on that, Mr. Linick. If work had been ongoing and you were fired, it would be in the discretion of the person put in charge of that office and the Acting Inspector General as to whether that work would continue or whether it would be published, right? It may not be the Secretary who says, don't publish it, but the new boss of the IG Office will have the ability to control, in some form or fashion, whether work goes forward and whether it's published. Is that right?
- A. Yes. The Acting IG or the IG always has that authority.

Pages 209-210:

- Q. So, as the Inspector General at the State Department, your only job was to be the Inspector General at the State Department. Is that right? You didn't have another role employed by the Department itself. Is that correct?
- A. That's correct.

Pages 212-215:

- Q. And I think you've testified you had no idea until you got that call on that Friday night that you were being replaced. Is that right?
- A. That's correct.
- Q. Okay. Do you have any concerns, as a general matter, about an acting inspector general also retaining a policy job at the agency and having a direct report to the agency head?
- A. I don't want to comment on the specifics of this particular situation in my role, but I will say—
- Q. Just answer it as a general question.
- A. Yeah. I will say that the Inspector General Act requires IGs to be independent from both the agency and Congress. And independence is critical to the IG's obligation to not only be impartial but also free of conflicts of interest, both in fact and appearance. And the State OIG, before I got there, was criticized by the GAO and other entities for employing individuals as acting IGs who may have jobs in the State Department. And since I've been there—and there were other criticisms by the GAO as well. And since I've been at the office for the last 7 years, we worked hard during my tenure to make sure that, you know, the office addressed those independence issues.
- Q. Do you worry that people would be less willing to provide information to your office, whistleblowers and the like, if they knew that the head of your office also reported to the agency head as a member of the Department and not just a member of OIG?
- A. Uh-huh. I mean, I think that's a reasonable conclusion, that individuals might feel afraid to report. As it is, it's difficult for whistleblowers to come forward and to feel comfortable that the Department is not going to retaliate against them.
- Q. So you mention retaliation. What opportunities might—I mean, you guys receive a lot of sensitive information as a part of that work. When you say “retaliation,”

what are the risks that an inspector general might be subject to in terms of retaliation? What might they do?

A. Well, I can speak—there’s always a concern by whistleblowers that the agency is going to retaliate against them for blowing the whistle. And there are obviously prohibitions against retaliation, which the IG investigates, as well as Office of Special Counsel.

Q. And it’s important to maintain anonymity in order to minimize the chances of retaliation, right?

A. Well, it’s important that the IG protect the identity of the individuals if they wish that to be the case, you know, to make sure that people feel comfortable coming forward to the IG. So we make great efforts to ensure that we preserve their confidentiality. And, in fact, under the Inspector General Act, we’re required to preserve the confidentiality of complainants, with limited exceptions.

Q. And is one of the ways that, in your experience as an inspector general, one is able to make whistleblowers and other people comfortable that their identity will be protected that they know that, when they’re talking to the Office of the Inspector General, they’re talking only to the Office of the Inspector General and not to the Department itself? Is that part of what provides them comfort, in your experience?

A. Yes. Yes, that would be important for them to understand, that what is disclosed to OIG stays in OIG.

Mr. Linick testified that, after becoming Acting Inspector General, Ambassador Akard told OIG staff that he had been approached about taking the acting IG job in April 2020, several weeks before Mr. Linick was fired.

Page 211:

Q. Do you have knowledge from any source about when Ambassador Akard was first approached about potentially becoming the Acting Inspector General?

A. Somebody told me that he learned in April, that he told staff that he learned in April.

Q. So he told staff at OIG? Is that right?

A. That’s correct.

Q. And just for the record, sir, when were you fired?

A. May 15.

Mr. Linick testified that others in the community of Inspectors General have told him “that they’re fearful” in light of his firing.

Pages 52-53:

Q. Mr. Linick, could you please just elaborate briefly on anecdotally having people express fear to you regarding that chilling effect?

A. You know, I’ve just had people reach out. And that’s what I mean by “anecdotally.”

- Q. And what have they said?
- A. They have said that they're fearful.
- Q. And are these people in the same rough line of work? Are these private citizens? Can you give us, obviously respecting people's confidentiality, broad strokes of who it is that you think might be fearful in the wake of your firing?
- A. I mean, the folks who have reached out to me are folks in the IG community.
- Q. The folks in the inspector general community are, themselves, fearful for their jobs?
- A. No, I'm not going to say all of them. I'm just saying, anecdotally, people have expressed fear. But that's as much as I can tell you.

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