



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

March 17, 2020

Steve Linick
Inspector General, Department of State
1700 N Moore St, Suite 800
Arlington VA 22209

Dear Inspector General Linick,

In response to your request, the Defense Criminal Investigative Service (DCIS), the criminal investigative component of the Department of Defense Office of the Inspector General completed a limited fact-finding inquiry into the alleged unauthorized release of information to the media from a Department of State Office of Inspector General (DOS OIG) evaluation report titled "Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary." Information in the evaluation report was allegedly released to the press without authorization and formed the basis of the September 13, 2019, article in *The Daily Beast* entitled, "State IG Set to Recommend Discipline for Trump's Top Iran Hand."

This letter summarizes the results of our inquiry. In addition, attached is a memorandum describing our inquiry and our findings more fully.

Background

From February 2018 to August 2019, the DOS OIG conducted an evaluation of allegations of acts regarding political retaliation against career DOS employees. On August 30, 2019, the DOS OIG sent a draft report of the evaluation to DOS officials for comment. On September 13, 2019, *The Daily Beast* published an article entitled, "State IG Set to Recommend Discipline for Trump's Top Iran Hand." Information in the DOS OIG report formed part of the basis of this article. Neither DOS nor DOS OIG had authorized release of this information to the media.

DOS officials requested that the DOS OIG conduct an investigation into the origins of the alleged unauthorized release. You asked the DoD OIG to conduct a limited inquiry into whether any DOS OIG employee was the source of the unauthorized disclosure to ensure an independent examination of that issue.

The DoD OIG assigned this matter to DCIS to conduct this inquiry.

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Scope and Methodology of the Inquiry

Initially, DOS OIG identified 10 DOS OIG staff members who had access to or knowledge of the evaluation report.

From October 2019 to January 2020, DCIS performed an independent and limited inquiry of the actions of these ten staff members, which included examination of DOS OIG electronic communications, and interviews of DOS OIG employees. During the inquiry, DCIS identified an additional five DOS OIG employees who had access to or knowledge of the evaluation report. DCIS examined the email accounts of all 15 of these DOS OIG employees and interviewed 14 of them.

DCIS reviewed both @stateoig.gov and @state.gov email accounts of these 15 DOS OIG employees for the time period of February 1, 2018 through September 30, 2019. One of the 15 employees had departed DOS OIG prior to the drafting and discussion of recommendations in the report, and did not have access to the draft. DCIS therefore interviewed the remaining 14 employees.

DCIS Conclusions

DCIS found no evidence that any DOS OIG personnel emailed or discussed any details of the evaluation report with the authors of *The Daily Beast* article, or other members of the media, prior to *The Daily Beast* article on September 13, 2019.

Specifically, in DCIS interviews, all 14 employees said they did not release any information in the report to the media.

DCIS's review of emails also showed that no employee, except the communications director, communicated with *The Daily Beast* or any other reporter about the report.

With regard to the communications director, the emails disclosed that the DOS OIG communications director interfaces with the media as part of her duties. She denied providing information from the report to *The Daily Beast* or any media outlet prior to the release of the report, and the DCIS review of her email identified no evidence to the contrary. The communications director had a few limited email exchanges with the Daily Beast. Specifically, she had an email exchange with the author of *The Daily Beast* article between April 9 and 10, 2019. The author of the article requested a link to comments you made to the appropriations committee from the communications director. The communications director provided the link to the reporter. Between March 25 and 26, 2019, the communications director and another reporter of *The Daily Beast* also had an email exchange in which the reporter asked for information regarding the evaluation. The communications director responded by email to the reporter that the review was ongoing and that the DOS OIG would not release any information publically until the report was complete.

In sum, as described in the attached memorandum, DCIS found no information indicating that any DOS OIG employee provided information from the report to *The Daily Beast* prior to the publication of its article.

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A copy of our memorandum of findings is enclosed.

Should you have any questions, please contact [REDACTED]
[REDACTED].

Sincerely,



Glenn A. Fine
Principal Deputy Inspector General
Performing the Duties of the Inspector General

Attachments:
As stated

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MEMORANDUM OF FINDINGS

I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

On September 27, 2019, Inspector General (IG), Steve Linick, Department of State (DOS), Office of Inspector General (OIG), asked Principal Deputy Inspector General (PDIG), Glenn A. Fine, Performing the Duties of the Inspector General, Department of Defense (DoD), if the DoD OIG could conduct a limited inquiry on the alleged unauthorized release of information to the media from a DOS OIG evaluation report. The report in question was titled, “Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary.” The DOS OIG sought the DoD OIG’s assistance in examining the activities of DOS OIG employees involved in the production of the report to determine whether any DOS OIG employee was the source of the unauthorized disclosure of the report.

PDIG Fine assigned the Defense Criminal Investigative Service (DCIS), the criminal investigative component of the DoD OIG, to complete this inquiry.

From February 2018 to August 2019, the DOS OIG had conducted an evaluation of allegations of acts regarding political retaliation against career DOS employees. On August 30, 2019, the DOS OIG sent a draft report of the evaluation to DOS officials for comment. On September 13, 2019, *The Daily Beast* published an article titled, “*State IG Set to Recommend Discipline for Trump’s Top Iran Hand.*” Information in the DOS OIG report formed part of the basis of this article. Neither DOS nor DOS OIG had authorized release of this information to the media.

DOS officials requested that the DOS OIG conduct an investigation into the origins of the alleged unauthorized release. IG Linick asked the DoD OIG to conduct a limited inquiry into whether any DOS OIG employee was the source of the unauthorized disclosure to ensure an independent examination of that issue.

Scope and Methodology of the Inquiry

IG Linick identified 10 DOS OIG staff members who had access to or knowledge of the evaluation report.

From October 2019 to January 2020, DCIS performed an independent and limited inquiry of the actions of these ten staff members, which included examination of DOS OIG electronic communications, and interviews of DOS OIG employees. During the inquiry, DCIS identified an additional five DOS OIG employees who had access to or knowledge of the evaluation report. DCIS examined the email accounts of all 15 of these DOS OIG employees and interviewed 14 of them.

DCIS reviewed both @stateoig.gov and @state.gov email accounts of these 15 DOS OIG employees for the time period of February 1, 2018 through September 30, 2019. One of the 15 employees had departed DOS OIG prior to the drafting and discussion of recommendations in the report, and did not have access to the draft. DCIS therefore interviewed the remaining 14 employees.

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DCIS Conclusions

DCIS found no evidence that any DOS OIG personnel emailed or discussed any details of the evaluation report with the authors of *The Daily Beast* article, or other members of the media, prior to *The Daily Beast* article on September 13, 2019.

Specifically, in DCIS interviews, all 14 employees said they did not release any information in the report to the media. Our review of emails also showed that no employee, except the communications director, communicated with *The Daily Beast* or any other reporter about the report.

The emails also disclosed that the DOS OIG communications director interfaces with the media, as part of her duties. She denied providing information from the report to *The Daily Beast* or any media outlet prior to the release of the report, and the DCIS review of her email identified no evidence to the contrary. The communications director had an email exchange with the author of *The Daily Beast* article between April 9 and 10, 2019. The author of the article requested a link to IG Linick's recent comments to the appropriations committee from the communications director. The communications director provided the link to the reporter. Between March 25 and 26, 2019, the communications director and another reporter of *The Daily Beast* also had an email exchange in which the reporter asked for information regarding the evaluation. The communications director responded by email to the reporter that the review was ongoing and that the DOS OIG would not release any information publically until the report was complete.

In sum, DCIS found no information indicating that any of the DOS OIG employees provided information from the report to *The Daily Beast* prior to the publication of its article.

II. ANALYSIS OF ALLEGATIONS

Email Review

The DOS OIG initially provided a list of 10 individuals who had reviewed the report prior to *The Daily Beast* article. DCIS reviewed the email accounts of those 10 individuals and identified five other DOS OIG employees who had access to or knowledge of the evaluation report.

[REDACTED], who was the primary author of the report, advised that DOS OIG had initiated the evaluation project in February 2018. The DOS OIG provided DCIS with the email account information for the following individuals for the time period February 1, 2018 to September 30, 2019 (this listing includes the original 10 staff identified by DOS OIG and the additional 5 employees identified by DCIS):

- Steve Linick, Inspector General
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The DCIS review of these employees' @stateoig.gov and @state.gov email accounts disclosed that IG Linick was the only DOS OIG employee that emailed drafts of the evaluation report in question outside of DOS OIG.

From March 2019 to September 2019, IG Linick sent 23 emails containing DOS work product from his DOS OIG email to his personal Gmail account. These emails included attachments containing talking points, discussion notes, policy documents, and draft audit and evaluation reports, including the drafts and other information related to the DOS OIG "Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary."

Of the 23 emails, IG Linick sent a password-protected, draft version of the evaluation report in question to his Gmail account eight times over six days in August 2019. On one occasion, he emailed a password-protected draft of the evaluation report from his Gmail email account to his government email account. IG Linick also sent, from his DOS OIG email account, a password-protected draft of the evaluation report to the official government email address of Department of Justice IG Michael Horowitz.

DCIS did not find any other instances where a draft of the report was emailed outside of the DOS OIG, other than it being provided to the DOS for comment on August 30, 2019.

Interviews of DOS OIG Staff

DCIS conducted voluntary witness interviews of DOS OIG staff who had access to the report prior to *The Daily Beast* article. DCIS began its inquiry with the interview of [REDACTED]. [REDACTED] compared the reporting in the article to the evaluation report and noted the only information in the article that was not previously known outside of DOS OIG was the recommendation for disciplinary action against DOS Director of Policy and Planning Brian Hook for misconduct.

[REDACTED] told us that one DOS OIG employee, [REDACTED], had departed DOS OIG on February 2, 2019. [REDACTED] told us that the drafting and discussion of recommendations in the report occurred after [REDACTED] departed the DOS OIG. DCIS's email review determined that no copies of the draft report were sent to any of her accounts; therefore, DCIS did not interview [REDACTED].

██████████ and the other 13 members of the DOS OIG staff that DCIS interviewed denied disclosing to the media any information contained in the evaluation report.

DCIS also asked the DOS OIG staff about their use of personal email for business purposes. Only IG Linick, ██████████, and ██████████ stated that they occasionally send work related emails and attachments to their personal email addresses. ██████████ advised he is not allowed to take his government computer to certain overseas locations, and his duties require frequent overseas travel and he therefore occasionally uses his personal email to conduct official business. ██████████ stated that she sent OIG emails to her personal account because the DOS OIG information technology systems are not conducive to operating outside the office.

DCIS did not find that either ██████████ or ██████████ emailed the evaluation report to their personal email addresses.

Interview of DOS IG Linick

IG Linick told us that he did not provide the report or any information about the report to the media. He acknowledged sending the report to his personal email account and to another federal IG. IG Linick told us that he had sent the password-protected report to his personal email account because access to DOS OIG servers is often unreliable when he travels. IG Linick stated that although discouraged, DOS policy allows for limited use of personal email in special circumstances such as travel.¹

IG Linick reviewed the dates during which he emailed the report between his DOS OIG account and his personal Gmail account, and he provided DCIS his work calendar for August 2019. DCIS's review of IG Linick's work calendar indicated that he travelled from 1 – 9 August 2019 and 16 – 23 August 2019.

DCIS compared IG Linick's travel with the dates he emailed the report to or from his Gmail account. IG Linick emailed the report *to* his Gmail account on four days when his calendar showed he was out of the office on travel. IG Linick also emailed the report to his Gmail account on August 17 and August 24, both Saturdays. IG Linick emailed the report *from* his Gmail account to his DOS OIG account on Sunday August 11. IG Linick reported that on the weekend dates of August 11, 17, and 24 he was also traveling. DCIS determined that IG Linick emailed the report to his Gmail account when he was on scheduled travel or on weekends when he was also travelling.

IG Linick stated that he worked on the report, monitored the progress of his team during these August dates, drafted comments and edits, provided verbal feedback, and collaborated with team members while traveling.

¹ The DOS policy "5 FAM 443.4 Personal Email Accounts" states (in part): Personal email accounts are only to be used to conduct official business in very limited circumstances; examples include but are not limited to: (1) Temporary system outages; or (2) Times when access to Department systems is limited or restricted. DOS OIG also has email policy that is documented via an Information Systems Rules of Behavior. This document states in part: "Use OIG provided equipment and systems/applications at all times, including OIG email, to conduct official OIG business. The use of corporate or personal equipment, systems/applications, to include to email, or other file storage sites to store, process, or transmit OIG or Department data is prohibited."

IG Linick also stated that he consulted with two colleagues who had previously worked on similar political reprisals inquiries. IG Linick said he sent a password-protected draft copy of the evaluation report to IG Horowitz from his DOS OIG email account, and spoke about the evaluation report with Glenn Fine, Principle Deputy Inspector General Performing the Duties of the Inspector General, Department of Defense OIG.

Additionally, DCIS reviewed IG Linick's personal Gmail account sent and trash folders and found no instances where the evaluation report was emailed from his personal Gmail account to anyone other than his own DOS OIG email address. IG Linick stated that he has sole access to his Gmail account and personal computer and updates his antivirus software on his personal computer on a routine basis.

III. OVERALL CONCLUSIONS

DCIS's review did not identify any evidence to indicate that a DOS OIG employee who had access to the report emailed or discussed the report with the media before *The Daily Beast* published its article on September 13, 2019.

DCIS determined that IG Linick emailed password-protected drafts of the report to his personal email address when he was scheduled to be away from his office and to another federal IG. According to DOS policy made available to DCIS, the DOS allows employees to use personal email accounts for official business in limited circumstances, provided the emails are also maintained in the DOS system of record. We determined that all emails identified by DCIS relevant to this limited inquiry were maintained in the DOS system of record. A review of IG Linick's Gmail account also showed no further dissemination of the report.