



Council of the
INSPECTORS GENERAL
on INTEGRITY and EFFICIENCY

December 30, 2020

The Honorable Brian Bulatao
Under Secretary for Management
U.S. Department of State

Dear Under Secretary Bulatao:

We write in response to your letter dated June 8, 2020, in which you referred allegations of misconduct regarding former Department of State (State) Inspector General (IG) Steve Linick. Your letter largely concerned, among other things, allegations related to IG Linick's decision in the fall of 2019 to have the Department of Defense (DoD) Office of Inspector General (OIG) conduct a leak investigation involving a draft State IG report, rather than having the matter handled by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) as you allege IG Linick had told State leadership he would do. Both you and Secretary Pompeo have stated publicly that IG Linick's actions in connection with this matter were a significant reason for the decision to seek his removal as State IG in May 2020. Consistent with our responsibilities under Section 11 of the Inspector General Act of 1978, we provided your letter to the CIGIE Integrity Committee (IC) for its review and handling. On December 30, we received the attached letter from the IC informing us that after carefully considering the allegations against Mr. Linick contained in your letter and additional information detailed below, the IC found that the evidence refuted all of the allegations of misconduct concerning his handling of the leak investigation. The IC also concluded that a formal investigation of your complaints regarding IG Linick's use of personal email or of his actions while on administrative leave was not warranted, given the record before it.

As described in the IC letter, based on its assessment of your letter, testimony before Congress on this subject by you and IG Linick, and statements provided to the IC by both Scott Dahl, the former IG of the Department of Labor (who was the Chair of the IC at the time of these events), and Glenn A. Fine, the former Principal Deputy IG of the Defense Department (whose office conducted the leak investigation), the IC determined that IG Linick took appropriate steps to ensure that the leak allegations were independently reviewed. The IC found that within days of publication of the September 2019 news article containing the alleged leak, IG Linick did in fact consult with IG Dahl, the then Chair of the IC about the leak investigation. While IG Dahl did not specifically recall discussing with IG Linick whether the IC could handle the investigation as opposed to the Labor Department IG office, IG Dahl did not believe the IC was the appropriate entity to handle the investigation because the IC's jurisdiction is limited under Section 11 of the Inspector General Act to specific allegations against specific individuals – namely IGs and their most senior officials (referred to by the IC as Covered Persons). In the State leak matter, there were no such specific allegations, and the universe of individuals aware of the leaked

information included both Covered and numerous non-Covered Persons, including employees at the State Department itself, who were outside the IC's purview.¹

Both IG Linick and IG Dahl recall IG Linick asking IG Dahl if the Labor Department IG office would be willing to conduct the investigation; as the IC letter notes, IG Linick's request was consistent with IG practice when a matter does not fall within the IC's jurisdiction. After considering the request, IG Dahl informed IG Linick that his office would not be able to handle the matter but recommended that he contact the Department of Veterans Affairs (VA) IG Michael Missal to request the VA IG conduct the investigation. As recounted in the IC letter, IG Linick followed IG Dahl's recommendation, but IG Missal informed IG Linick that his office was not able to conduct the investigation at that time. It was therefore only after both the IC Chair and the VA IG turned down his requests for investigative assistance that IG Linick contacted the DoD OIG, which is the largest federal IG office, to see if that office could handle the investigation.

The IC found no evidence that IG Linick's decision to make this request of the DoD OIG, following his unsuccessful requests to two other IG offices, was improper in any respect. The IC letter further reports that IG Linick informed both you and the State Department's Deputy Secretary at the time about his conversations with the IC Chair and the other IGs, and that you acknowledged in Congressional testimony learning from IG Linick in November or December 2019 that the DoD OIG office had agreed to handle the matter. Yet, as the IC notes, neither you nor State leadership complained to CIGIE or the IC about this matter until June 2020, weeks after IG Linick already had been removed from his IG position at Secretary Pompeo's request and only after bipartisan Congressional concern had been raised about the removal.

The IC also found no support for the allegation that the DoD OIG had a conflict of interest in handling the investigation, or that IG Linick had constrained the DoD OIG by asking it to conduct a "limited investigation." As the IC letter details, the IC found no evidence to support the claim that Principal Deputy IG Fine was a fact witness or potential party in this matter, or had a conflict of interest. Additionally, the IC letter explains that the DoD OIG investigation was "limited" only to the extent that its focus was solely on persons employed by the State IG office, and did not also seek to investigate whether non-OIG State Department individuals who had access to the leaked information may have been responsible for the leak. The IC additionally concluded that there were no improper limitations placed on the DoD OIG investigation, and that the investigation was handled by trained Defense Criminal Investigative Service (DCIS) investigators "who used their unconstrained professional judgment about the leads to pursue and the questions to ask." The IC found no basis to question the DCIS investigators' impartiality or objectivity in connection with their determination that there was no evidence that State IG officials were responsible for the leak.

¹ Based on its review of the allegations in this matter, the IC noted the potential gap in oversight when a matter involves generalized allegations against multiple individuals, at least some of whom fall outside the IC's authority. In Part II of its letter, the IC detailed how it proposed to address those issues.

Finally, the IC found no evidence to support the allegation that IG Linick intentionally withheld the DoD OIG report from State leadership, or that IG Linick acted inappropriately after being removed as IG by seeking a copy of the DoD OIG report or by returning to the State IG office. As described in the IC letter, the IC found that IG Linick received the DoD OIG report in March 2020, shortly before the COVID pandemic resulted in government offices shutting down and the shift to maximum telework. The IC found no support for the claim that IG Linick intentionally concealed the report from State leadership – a report that cleared him of the alleged leak. While the DoD OIG report also found that IG Linick used his personal email while traveling on official business so that he could perform work, the IC noted that the State Department itself did not prohibit this practice. The IC also found no evidence that IG Linick’s contact with State IG staff following his removal was inappropriate or an effort to exercise official authority, including his request for a courtesy copy of the DoD OIG report to help him prepare for his upcoming Congressional testimony. Further, the IC determined that IG Linick’s visit, with an official escort, to the State IG office following his removal was solely for the purpose of allowing him to retrieve his personal property and therefore not inappropriate.

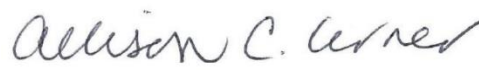
The IC’s determination that the allegations against IG Linick were unfounded demonstrate the critical importance of referring to the IC, consistent with the Inspector General Act, such complaints about an IG’s conduct before seeking to have an IG removed, rather than weeks afterward. We also note that the IC findings in this matter are consistent with IG Linick’s otherwise spotless record and outstanding service to the IG community and the public. After serving for 15 years as a career prosecutor in the Department of Justice, IG Linick was nominated first by President George W. Bush and then President Barack Obama to serve as the first IG of the Federal Housing Finance Agency. Confirmed by the Senate in 2010 by unanimous consent, by March 2013 his office had secured \$3.6 billion in restitution orders, \$2.8 billion in recoveries for taxpayers, and 86 convictions/pleas. In September 2013, IG Linick was confirmed by the Senate, again by unanimous consent, as the State IG. Under his leadership, he oversaw investigations of high-level officials of both parties, and his office identified over \$1.4 billion in potential savings for the agency and conducted investigations that yielded over \$100 million in recoveries for taxpayers. In our view, results like these were only possible because IG Linick and his staff conducted their duties with fairness, objectivity, and independence, principles that are at the core of successful oversight.

Please do not hesitate to contact us if you have any questions or would like to discuss this matter with us further.

Sincerely,



Michael Horowitz
Chair



Allison Lerner
Vice Chair

cc: Senator Ron Johnson, Chair
Senate Committee on Homeland Security and Governmental Affairs

Senator Gary Peters, Ranking Member
Senate Committee on Homeland Security and Governmental Affairs

Congresswoman Carolyn Maloney, Chairwoman
House Committee on Oversight and Reform

Congressman James Comer, Ranking Member
House Committee on Oversight and Reform

Senator James Risch, Chair
Senate Committee on Foreign Relations

Senator Bob Menendez, Ranking Member
Senate Committee on Foreign Relations

Congressman Eliot Engel, Chair
House Committee on Foreign Affairs

Congressman Michael McCaul, Ranking Member
House Committee on Foreign Affairs

Senator Chuck Grassley

Attachment