

# United States Senate

WASHINGTON, DC 20510

October 2, 2019

The Honorable Michael K. Atkinson  
Inspector General of the Intelligence Community  
1500 Tysons McLean Drive  
McLean, VA 22102

Dear Inspector General Atkinson:

We appreciate the press release that you issued on September 30, 2019, regarding the Intelligence Community (IC) complainant and your transparency regarding related issues.<sup>1</sup> In light of the public disclosure of the complaint, the promptness with which you were able to provide a three-page press release addressing some of the concerns raised in our September 30, 2019 letter to you, and the unprecedented transparency from the White House in declassifying the complaint and Ukraine call transcript in order to make it public, we would like to take this opportunity to follow up on a letter we sent to you on May 6, 2019. In that letter, we asked whether your office has initiated an investigation into the alleged leaks of sensitive information from the IC regarding the investigation of President Trump's campaign.<sup>2</sup> Specifically, our letter referred to communications between then-FBI special agent Peter Strzok and then-FBI attorney Lisa Page that indicated the CIA, or another intelligence agency, were "leaking like mad" relating to the Russia investigation.<sup>3</sup>

As you are aware, there have been a number of leaks of highly sensitive information in the past two years, arguably perpetrated to advance political or personal interests to the apparent detriment to the national security and the integrity of federal administrative, law enforcement, and counterintelligence investigations. For example, reports have revealed sensitive information about the FBI's use of informants to meet with Trump advisors; a warrant to surveil Carter Page; and the United Kingdom signal intelligence agency briefing former CIA Director Brennan on alleged communications between Trump's campaign and Russian officials, among other leaks.<sup>4</sup>

In the most recent example, the IC complaint's material and material relating to President Trump's call with Ukraine were also leaked, and those leaks included classified information. For example, the complaint was filed on August 12, 2019 and was not made public by virtue of President Trump declassifying it until September 26, 2019, and the Ukraine call transcript was not declassified and made public until September 25, 2019. However, between those dates, news

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<sup>1</sup> News Release, *Office of the Inspector General of the Intelligence Community's Statement on Processing Whistleblower Complaints* (Sept. 30, 2019), <https://www.dni.gov/files/ICIG/Documents/News/ICIG%20News/2019/September%2030%20Statement%20on%20Processing%20of%20Whistleblower%20Complaints/ICIG%20Statement%20on%20Processing%20of%20Whistleblower%20Complaints.pdf>.

<sup>2</sup> Letter from Senators Ron Johnson, Charles E. Grassley, and Mike Lee, to Inspector General of the Intelligence Community Michael K. Atkinson (Sept. 30, 2019).

<sup>3</sup> "Think our sisters have begun leaking like mad. Scorned and worried and political, they're kicking in to overdrive." Text message from Peter Strzok to Lisa Page (Dec. 15, 2016). "I'm beginning to think the agency got info a lot earlier than we thought and hasn't shared it completely with us. Might explain all these weird/seemingly incorrect leads all these media folks have. Would also highlight agency as source of some of the leaks." FBI\_HJC\_03\_22\_18\_Req7\_000376, 377, Email from Peter Strzok (Apr. 13, 2017).

<sup>4</sup> Eli Lake, *Focus on the Leaking, Not Just the Spying*, Bloomberg Opinion (Apr. 11, 2019), <https://www.bloomberg.com/opinion/articles/2019-04-11/spying-did-occur-but-barr-should-also-focus-on-the-leaking>; see also Maj. Staff Report, S. Comm. Homeland Security and Gov't Affairs, *State Secrets: How an Avalanche of Media Leaks Is Harming National Security* (July 6, 2017), <https://www.hsgac.senate.gov/imo/media/doc/2017-07-06%20State%20Secrets%20report.pdf>.

reports used anonymous sources to report on information relating to the complaint and phone call that were classified at the time.<sup>5</sup> There was only a finite amount of individuals that had access to the complaint and phone call transcript. Reports also purportedly revealed private information about the identity of the whistleblower, contrary to the strong rebuke from his/her attorneys.<sup>6</sup>

In response to our May 6, 2019, letter, although you shared in our concern about the harms posed by leaks during the Russia investigation, you refused to confirm or deny the existence of an investigation. We would like to note that Attorney General Barr has stated the Department of Justice has “multiple criminal leak investigations underway” with respect to the Russia investigation.<sup>7</sup> We request that you show the same transparency that you and the White House have shown with respect to making the IC complaint’s allegations and supporting documentation public. Accordingly, we would like to reiterate our request that you provide full and complete answers to our May 6, 2019 letter no later than October 10, 2019, and answer the following additional questions:

1. Are you investigating the classified leaks relating to the IC complaint and Ukraine call? If not, why not?
2. How many people within your office had access to the complaint and call transcript before they were made public?

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”<sup>8</sup> Additionally, Senate Resolution 70 (116th Congress) authorizes the Committee to examine “the efficiency and economy of operations of all branches and functions of the Government with particular reference to ... the effectiveness of present national security methods, staffing, and processes[.]”<sup>9</sup>

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the

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<sup>5</sup> See, e.g., Ellen Nakashima, et al., *Whistleblower complaint about President Trump involves Ukraine, according to two people familiar with the matter*, Wash. Post (Sept. 19, 2019), [https://www.washingtonpost.com/national-security/whistleblower-complaint-about-president-trump-involves-ukraine-according-to-two-people-familiar-with-the-matter/2019/09/19/07e33f0a-daf6-11e9-bfb1-849887369476\\_story.html](https://www.washingtonpost.com/national-security/whistleblower-complaint-about-president-trump-involves-ukraine-according-to-two-people-familiar-with-the-matter/2019/09/19/07e33f0a-daf6-11e9-bfb1-849887369476_story.html); Matt Zapposky, et al., *Trump pressed Ukrainian leader to investigate Biden’s son, according to people familiar with the matter*, Wash. Post (Sept. 20, 2019), [https://www.washingtonpost.com/national-security/trump-pressed-ukrainian-leader-to-investigate-bidens-son-according-to-people-familiar-with-the-matter/2019/09/20/7fa39b20-dbd6-11e9-bfb1-849887369476\\_story.html](https://www.washingtonpost.com/national-security/trump-pressed-ukrainian-leader-to-investigate-bidens-son-according-to-people-familiar-with-the-matter/2019/09/20/7fa39b20-dbd6-11e9-bfb1-849887369476_story.html); Alan Cullison, et al., *Trump Repeatedly Pressed Ukraine President to Investigate Biden’s Son*, Wall Street Journal (Sept. 21, 2019), <https://www.wsj.com/articles/trump-defends-conversation-with-ukraine-leader-11568993176>; Josh Dawsey, *How Trump and Giuliani pressured Ukraine to investigate the president’s rivals*, (Sept. 20, 2019), [https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b\\_story.html](https://www.washingtonpost.com/politics/how-trump-and-giuliani-pressured-ukraine-to-investigate-the-presidents-rivals/2019/09/20/0955801c-dbb6-11e9-a688-303693fb4b0b_story.html). Notably, the call transcript was classified SECRET/ORCON/NOFORN and the IC complaint included a TOP SECRET appendix.

<sup>6</sup> Julian E. Barnes, et al., *White House Knew of Whistle-Blower’s Allegations Soon After Trump’s Call With Ukrainian Leader*, N.Y. Times (Sept. 26, 2019), <https://www.nytimes.com/2019/09/26/us/politics/who-is-whistleblower.html>.

<sup>7</sup> Jerry Dunleavy, *Barr says ‘multiple criminal leak investigations underway,’* Wash. Examiner (May 1, 2019), <https://www.washingtonexaminer.com/news/barr-says-multiple-criminal-leak-investigations-underway>.

<sup>8</sup> S. Rule XXV(k); see also S. Res. 445, 108<sup>th</sup> Cong. (2004).

<sup>9</sup> S. Res. 70, 116<sup>th</sup> Cong. § 12(e)(1)(E) (2019).


Office of Senate Security. Although the Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Should you have any questions, please contact Brian Downey and Scott Wittmann of Chairman Johnson's staff at (202) 224-4751 or Joshua Flynn-Brown of Chairman Grassley's staff at (202) 224-4515.

Sincerely,



Ron Johnson  
Chairman  
Committee on Homeland Security and  
Governmental Affairs



Charles E. Grassley  
Chairman  
Committee on Finance