

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
OFFICE OF GENERAL COUNSEL
WASHINGTON, DC 20511

September 27, 2019

Andrew P. Bakaj
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Washington, DC 20036

Dear Mr. Bakaj,

As I wrote in my September 24, 2019 letter, the Office of the Director of National Intelligence (“ODNI”) strongly supports the rights of whistleblowers. As the Acting Director of National Intelligence (“DNI”) made clear in his congressional testimony yesterday, we believe that your client has acted in good faith and followed the law in submitting the complaint to the Inspector General of the Intelligence Community (“ICIG”). We have also repeatedly stated—both in congressional testimony and our prior letters—that your client will be protected from retaliation for reporting concerns to the ICIG.

Consistent with our previous assurances, I want to memorialize here our understanding that your client’s disclosures to the ICIG are protected under 50 U.S.C. § 3234. Section 3234(b) makes clear that a disclosure to the ICIG is protected if an employee reasonably believes that a lawful disclosure evidences a violation of any federal law, rule, or regulation or, among other things, an abuse of authority. Based on the ICIG’s review of your client’s submission, we believe that your client’s disclosures to the ICIG are protected under this provision and other whistleblower protections. *See, e.g.*, 50 U.S.C. § 3341(j)(1)(B) (prohibiting retaliatory security clearance and access determinations); Inspector General Act of 1978, 5 U.S.C. app., § 7(c).

In your earlier letter, you requested direction and guidance as to how your client can provide information to the congressional intelligence committees. As you know, ODNI transmitted your client’s complete complaint to the congressional intelligence committees. To that end, and as you previously discussed with my Principal Deputy General Counsel, your client is formally authorized to speak with the congressional intelligence committees about the subjects addressed by the August 12, 2019 complaint. In doing so, you must ensure that the disclosure of any classified information is made only to cleared individuals and done in a secure facility. We stand ready to provide whatever assistance is needed to facilitate your client’s discussions with congress. Accordingly, we are already working with you to assess whether security clearances may be granted to one or more members of your legal team to support this engagement with the intelligence committees.

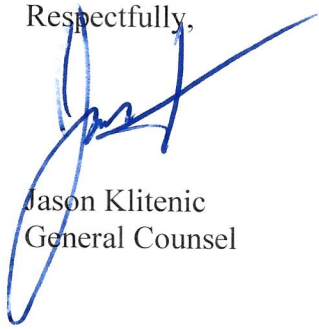
Finally, I want to reiterate that we strongly support the rights of whistleblowers, and we will strenuously object to any attempts to disclose your client’s identity. To that end, please know

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that we are coordinating with others to take protective measures designed to ensure your client's safety and security.

As always, please do not hesitate to contact us if there is any further assistance that we may provide.

Respectfully,



Jason Klitenic
General Counsel

cc: Senate Select Committee on Intelligence
House Permanent Select Committee on Intelligence