



November 6, 2019

The Honorable Devin Nunes  
Ranking Member, House Permanent Select Committee on Intelligence  
United States House of Representatives  
Washington, DC 20515

**RE: Intelligence Community Whistleblower Written Testimony**

Dear Ranking Member Nunes:

On November 2, 2019, Mark Zaid, communicated directly to you, as the Ranking Member of the House Permanent Select Committee on Intelligence (“HPSCI” or “Committee”), our offer to have our Intelligence Community Whistleblower client respond in writing, under oath, and under penalty of perjury to Republican questions. Mr. Zaid communicated that our client will respond to

. . . any written questions you have to the whistleblower. So long as the questions do not seek identifying information, regarding which we will not provide, or are otherwise inappropriate, I will ensure you receive timely answers.

Mr. Zaid ensured members of the Committee’s Minority senior staff were formally and timely notified of that offer as well.

Of course, as you know, we had already offered to the full Committee this same opportunity by letter dated October 8, 2019, a copy of which is included as an enclosure. Our recent invitation, however, was specifically to ensure the Minority was not in any way shut out of the process. As Mr. Zaid wrote to you, “Being a whistleblower is not a partisan job nor is impeachment an objective. That is not our role.”

We have, unfortunately, seen reporting that some of your colleagues “saw this as a ploy to put up a bipartisan front on the Sunday television shows without any expectation to follow through”. Additionally, it was reported that “it’s not a sincere attempt by the whistleblower to answer questions but rather a political stunt.”<sup>1</sup> You and Mr. Zaid have worked closely together on numerous matters, particularly when he was protecting the Benghazi whistleblowers, especially from perceived attacks from Democrats. You were their strongest and most devoted ally. Based on both your many professional, as well as personal, interactions, we cannot fathom you agree with the

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<sup>1</sup> Madison Dibble, *‘Sunday narrative ambush’: Republicans say whistleblower’s offer to answer GOP questions isn’t sincere*, WASHINGTON EXAMINER (Nov. 3, 2019) <https://www.washingtonexaminer.com/news/sunday-narrative-ambush-republicans-say-whistleblowers-offer-to-answer-gop-questions-isnt-sincere>.



assessment of your colleagues. We write today to assure you that were the Republicans to submit written questions to our client, we would absolutely follow through as promised.

That there has been a concerted effort by many of your colleagues, as well as right-wing media and other partisan ideologues, to publicly identify our client is irrelevant to our offer. We will continue to neither confirm nor deny any identity that is disclosed.

We were obviously pleased to receive an e-mail on October 8, 2019, from the HPSCI's Minority Chief Counsel, Allen Souza, who wrote to Mr. Zaid writing, "[a]s you know in working with whistleblower issues with us in the past, HPSCI always maintains the confidentiality of the whistleblower." In light of recent events, however, we view it necessary to request your assurance that this remains the case.

We stand ready to work with both the Majority and the Minority equally, and await to hear from you.

Sincerely,

Andrew P. Bakaj  
Lead Attorney for the Intelligence Community Whistleblower

Mark S. Zaid  
Attorney for the Intelligence Community Whistleblower

Enclosures: As stated.

cc: Congressman Adam Schiff  
Chairman, HPSCI

**ENCLOSURE**



October 8, 2019

The Honorable Adam Schiff  
Chairman, House Permanent Select Committee on Intelligence  
The Honorable Devin Nunes  
Ranking Member, House Permanent Select Committee on Intelligence  
United States House of Representatives  
Washington, DC 20515

**RE: Communication with House Permanent Select Committee on Intelligence**

Dear Chairman Schiff and Ranking Member Nunes:

Enclosed please find correspondence to the Senate Select Committee on Intelligence.

It is our firm position that we must treat Congress as a whole in a fair and impartial manner. Thus, given the events of just the past 24 hours, let alone the past three weeks – to include threats from the President of the United States – our client is now only willing to communicate with the Committee through written interrogatories. Frankly, based on White House action and other witness testimony, the vast majority of the substantive allegations set forth in our client's complaint have already been verified, thus minimizing the utility of any information our client could provide. We can assure the Committee that any submitted interrogatories will receive a timely response.

I thank you in advance for your time and attention to this matter.

Sincerely,

Andrew P. Bakaj

Enclosures: As stated.



October 8, 2019

The Honorable Richard Burr  
Chairman, Senate Select Committee on Intelligence  
The Honorable Mark Warner  
Vice Chairman, Senate Select Committee on Intelligence  
United States Senate  
Washington, DC 20510

**RE: Communication with Senate Select Committee on Intelligence**

Dear Chairman Burr and Vice Chairman Warner:

Thank you for reaffirming your request through Committee Counsel that you wish to have our client meet with your staff in person. Although our client wants it known they are ready and willing to assist with appropriate congressional oversight and investigations, as we stated to both majority and minority counsel during yesterday's teleconference, an in-person meeting is, respectfully, a non-starter. Our priority remains to protect our client's identity and ensure their safety.

Just yesterday, multiple news outlets reported on sensitive negotiations concerning potential meetings with our client. Furthermore, following Intelligence Community Inspector General Michael Atkinson's testimony on Friday, October 4, 2019, confidential documents he provided to both Committees are leaking and are being misrepresented for political purposes.

Additionally, it is our firm position that we must treat Congress as a whole in a fair and impartial manner. Thus, given the events of just the past 24 hours, let alone the past three weeks – to include threats from the President of the United States – our client is now only willing to communicate with both Committees through written interrogatories. Frankly, based on White House action and other witness testimony, the vast majority of the substantive allegations set forth in our client's complaint have already been verified, thus minimizing the utility of any information our client could provide at this stage. To the extent your Committee seeks information concerning the specific whistleblower process, something we obviously support, that can certainly be accommodated at a later date. Nonetheless, we can assure both Committees that any submitted interrogatories will receive a timely response.

Thank you for your attention to this matter.

Sincerely,

Andrew P. Bakaj

Enclosures: None.

cc: House Permanent Select Committee on Intelligence