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From: Gibson Susan S NRO USA GOV
Sent: Monday, October 23, 2017 8:43 AM
To: IG: [Redacted]
Cc: [Redacted]
Subject: FW: A Turf War Is Tearing Apart the Intel Community's Watchdog Office --- UNCLASSIFIED

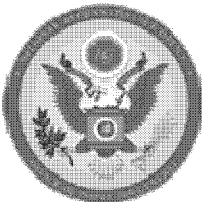
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All, there are some inaccuracies in here, but we all need to be aware that this article is out there.

We were already talking about additional Whistleblower outreach (on top of what we've done already); this article underscores the importance of making it happen sooner rather than later.

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A Turf War Is Tearing Apart the Intel Community's Watchdog Office

A 'tactical campaign masquerading as strategy' needs to find one now.
Jenna McLaughlin, ForeignPolicy.com, 18 October 2017

Dan Meyer and a team of employees from the U.S. intelligence community watchdog's office were set to travel overseas to a contractor's office where no government employee had yet visited. They were carrying posters, as well as red, white, and blue foam cubes emblazoned with the phrase "Be part of the solution" and the hotline number where whistleblowers could call in and report instances of waste, fraud, and abuse.

But the trip, planned for earlier this year, was ultimately canceled by his supervisors.

Meyer, whose job is to talk to intelligence community whistleblowers, can no longer talk to whistleblowers. He has been barred from communicating with whistleblowers, the main responsibility of his job as the executive director for intelligence community whistleblowing and source protection. He is currently working on an instructional pamphlet for whistleblowers, and he will have no duties to perform after he's completed that work.

He can also no longer brief the agencies or the congressional committees on his work as he's done in the past, send out his whistleblower newsletter, or conduct outreach. And he has no deputy or staff.

Foreign Policy spoke with eight sources with knowledge of the ongoing issues at the Intelligence Community Inspector General office, where Meyer works. The sidelining of Meyer, described to FP by several sources, is just one part of a larger problem with the office.

The intelligence community's central watchdog is in danger of crumbling thanks to mismanagement, bureaucratic battles, clashes among big personalities, and sidelining of whistleblower outreach and training efforts, sources told FP. A strong whistleblowing outlet is needed as an alternative to leaking, and to protect employees from retaliation for reporting misconduct, proponents of the office argue. But many intelligence officials see outreach to their employees as an attempt to cultivate leakers or outside interference, rather than a secure, proper way to report potential violations of law.

The Office of the Director of National Intelligence was created after the 9/11 attacks to coordinate work among the 16 different intelligence agencies. The office's inspector general, created in 2010, was tasked with launching independent audits and investigations across those agencies; its employees even wear distinctive white lanyards, a visual representation of their separateness and objectivity.

James Clapper, the director of national intelligence under former President Barack Obama, asked Chuck McCullough III, to help stand up the new inspector general office to provide a standardized process for handling whistleblowing reports and grievances across the intelligence community and work with the oversight committees in Congress.

"The vision for it, Clapper's vision, was integration," McCullough told FP in an interview. "After 9/11, he wanted to connect the dots, knock down the stovepipes."

The intelligence community's inspector general wasn't designed to usurp power from their counterparts at the individual agencies, McCullough explained, but "it strengthened whistleblowing," including by providing an extra layer for employees who wanted to seek recourse for retaliatory behavior.

The watchdog has collaborated on broad reviews of the Boston Marathon bombing, complaints about a possible interagency repository of American citizens' personal information, and former Secretary of State and 2016 U.S. presidential candidate Hillary Clinton's use of a personal email server to conduct government business. And spies who choose to blow the whistle and are retaliated against by their agency also have the opportunity to take their case up to the inspector general.

But McCullough retired in early March, and the office is now barely functioning, according

to those familiar with its role. Acting Inspector General Wayne Stone, according to four sources with knowledge of the matter, has spent the majority of his tenure at graduate school at Harvard University in Boston, with no access to a place to review classified information. Only recently has he been forced to return to Washington to perform his duties at least two days every two weeks. He has been told he most likely won't get the nomination for the permanent position.

Additionally, Acting Deputy Inspector General Jeanette McMillian while instrumental in building the office, has sidelined Meyer, the official in charge of whistleblowing complaints.

McCullough, the former inspector general, said he's unfamiliar with what's going on at the agency now — like all former senior executives, he has a yearlong ban on communicating with the office — but he said Meyer is a “consummate expert in whistleblower protection.”

The Office of the Director of National Intelligence declined to comment on the inspector general's behalf.

One concern in particular, sources say, is Chris Sharpley, who has been nominated to serve as the top watchdog for the CIA's Office of the Inspector General. According to three sources and reporting from the Project on Government Oversight, Sharpley, who is currently the acting head of the office, has several outstanding whistleblower retaliation complaints against him and has pressured Meyer to uncover the identity of employees raising complaints outside his purview. And without an intelligence community inspector general, there is nowhere for CIA employees to turn when they feel uncomfortable approaching their agency's inspector general, have already been retaliated against, or have a complaint that applies to the community broadly.

“Whether there are any complaints or investigations regarding Mr. Sharpley is not something we could confirm or comment on,” Ryan Trapani, a CIA spokesman, wrote in an email to FP. “What we can say is that Mr. Sharpley has had a sterling 5-year career at CIA and there have never been any findings of wrongdoing or misconduct of any sort by Mr. Sharpley during his tenure here.”

Trapani emphasized Sharpley's record as deputy inspector general at CIA in addition to “36 years of investigative, law enforcement and [inspector general] experience.”

The White House and top intelligence leaders have been receptive to concerns about the power vacuum at the intelligence community's inspector general's office, but the administration has not floated any names to be the next leader. Only after a few angry phone calls from congressional and national security leader, the White House committed to protect Obama's Presidential Policy Directive 19, which gives intelligence community whistleblowers extra protections.

The White House did not respond to a request for comment.

The CIA affirmed it supports a strong whistleblowing program but did not endorse any particular strategy for accomplishing that goal. “It is well-established that a strong whistleblower program is a key element in preventing the disclosure of classified information,” Trapani, the agency spokesperson, wrote.

Even with the inspector general and Obama's directive, protections for spies who report fraud, waste, and abuse are still lacking, particularly for contractors. Concerns about classified information have ramped up in recent months as multiple contractors have fallen under indictment, including Hal Martin, who smuggled troves of documents to his home in Glen Burnie, Maryland, between 2014 and 2016.

Congressional committees working on surveillance law reform hoped to propose improvements to whistleblowing policies in new legislation. But without an office to coordinate with, it's been difficult to make progress.

"What's the point of doing whistleblower reform if the office in charge of it is on fire?" one congressional staffer told FP.

For some intelligence employees, the relatively young office has already proved vital. One **National Security Agency** employee, who asked that their name not be used because they work for an intelligence agency, alleged the **NSA's** inspector general, George Ellard, retaliated against him — though the Defense Department disagreed (the Pentagon declined comment on the case).

When the employee appealed the decision, he won, and Ellard was put on leave from his position at **NSA** as a result.

The intelligence community's Office of the Inspector General "is the only place where you can get a fair review," the **NSA** whistleblower told FP during a phone interview. "Having an independent inspector general was instrumental."

Now, however, "it's gutted," the whistleblower said.

The **NSA** employee pointed to the case of Edward Snowden, the former **NSA** contractor who leaked a trove of top-secret documents to reporters, revealing a massive global surveillance campaign. Snowden has argued he leaked the documents because there was no way to raise his complaints internally about what he believed was illegal surveillance.

An inspector general, proponents say, is needed to demonstrate that the intelligence community does have a legitimate internal and legal way to air grievances of law. "They talk about whistleblowers and leakers in the same sentence. They're not the same," the former **NSA** employee said. The inspector general is in place "to prevent someone from saying 'I had no choice but to leak.'"

The issue is an important one to members of Congress from several committees. "Senators [Chuck] Grassley and [Ron] Wyden, the co-chairs of the Senate Whistleblower Protection Caucus, are focused on ensuring that Inspectors General throughout the government, including in the Intelligence Community, are committed to encouraging and protecting whistleblowers," the senators wrote in a joint statement emailed to FP.

For attorneys who represent clients with pending cases in front of the inspector general, the office's disarray is particularly disturbing.

Andrew Bakaj, who worked for several years at the **CIA's** inspector general office and helped stand up the whistleblower programs at the Pentagon and in the intelligence

community, says the destruction of the office is a matter of grave national security.

“As an attorney regularly representing intelligence community officials, the [Intelligence Community Inspector General] has been a key office for both enabling my clients to lawfully disclose allegations of violations of law, rule, or regulation, as well as fostering protections by accepting allegations of whistleblower reprisal,” Bakaj, now a managing attorney at Compass Rose Legal Group, wrote in an email to FP.

Bakaj argues that the disclosures he has filed on behalf of clients have “highlighted critical and systemic failures” in the intelligence community. “A strong [intelligence community inspector general] means those issues can get to the right people or Congressional Committees for action,” he wrote. “I have seen it work.”

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