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6 COMMITTEE ON FOREIGN AFFAIRS,  
7 U.S. HOUSE OF REPRESENTATIVES,  
8 WASHINGTON, D.C.

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13 INTERVIEW OF: STEVE A. LINICK

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17 Wednesday, June 3, 2020

18

19 Washington, D.C.

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22 The interview in the above matter was held via  
23 videoconference, commencing at 9:37 a.m.

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2 Appearances:

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4 From the COMMITTEE ON FOREIGN AFFAIRS: Representatives  
5 Engel, Sherman, Sires, Connolly, Deutch, Keating, Cicilline,  
6 Bera, Castro, Titus, Lieu, Allred, Spanberger, Houlihan,  
7 Malinowski, and Zeldin.

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9 From the COMMITTEE ON OVERSIGHT AND REFORM: Representatives  
10 Connolly, Krishnamoorthi, Speier, Kelly, and Jordan.

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2 For the COMMITTEE ON FOREIGN AFFAIRS (staff):

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[REDACTED]

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2 For the COMMITTEE ON OVERSIGHT AND REFORM (staff):

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15 For the SENATE FOREIGN RELATIONS COMMITTEE (staff) :

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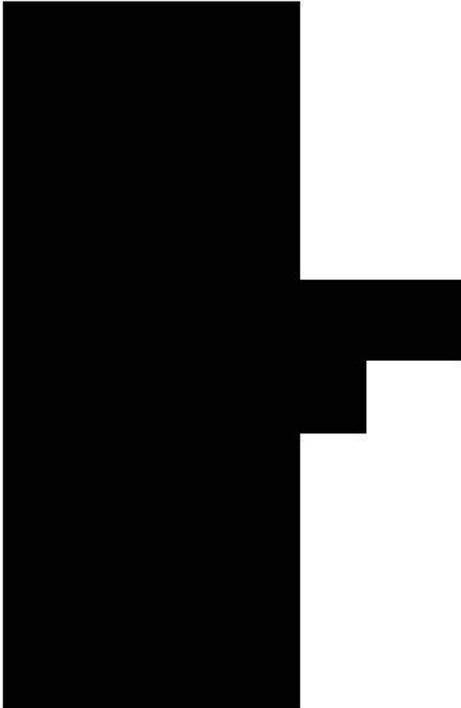
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2 For STEVE A. LINICK:

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4 PETE WHITE

5 BRANDON FASKE

6 SCHULTE ROTH & ZABEL

7 901 Fifteenth Street NW

8 Suite 800

9 Washington, D.C. 20005

1 Chairman Engel. Okay. Well, thanks to all of you for  
2 joining us this morning. I hope everyone experienced smooth  
3 sailing getting into this videoconference. I just want to  
4 make a few remarks before we get started.

5 Before I begin, I just want to confirm that all of the  
6 members and staff in attendance are either members of staff  
7 of the House Committee on Foreign Affairs, the House  
8 Committee on Oversight and Reform, or the Senate Committee  
9 on Foreign Relations. If anyone is present who is not a  
10 member or staff member of these committees, they should  
11 absent themselves now, and any individuals whose usernames  
12 are not recognized will also be dropped by the host.

13 Let me say that this is a voluntary transcribed  
14 interview of Mr. Steve Linick being conducted by the House  
15 Foreign Affairs Committee with the participation of the  
16 House Committee on Oversight and Reform and the Senate  
17 Committee on Foreign Relations.

18 Mr. Linick, thank you for joining us today and for  
19 responding positively and voluntarily to the committee's  
20 request to hear from you. Let me say that I'm deeply  
21 concerned, and I know some of my colleagues share this  
22 concern, that Secretary Pompeo's recommendation to  
23 President Trump that you be terminated as the State  
24 Department's inspector general may have been motivated by a

1     desire to halt or cover up the results of your investigation  
2     that touch directly on the Secretary himself.

3             Your appearance today is one of the first steps in  
4     getting to the truth about this matter. We're grateful that  
5     you're here, and we honor your years of service to our  
6     country.

7             Let me stress that this will be a staff-led interview,  
8     and I want to set the tone right now about how I expect this  
9     interview to proceed. In the House Foreign Affairs  
10    Committee, we expect everyone to conduct themselves with  
11    professionalism, fairness, and respect. I will not tolerate  
12    any attempts on either side to turn this into a circus.

13            Mr. Linick, once staff counsel makes some explanatory  
14    remarks about today's interview, you'll be given as much  
15    time as you'd like to make an opening statement. Then we'll  
16    begin the timed questioning as staff counsel will describe  
17    in more detail.

18            Before I turn to staff counsel, let me ask for any  
19    additional opening remarks that our Republican colleagues  
20    would like to offer at this time. I just ask that the  
21    members keep their statements brief so we can move ahead  
22    with the interview.

23            Are there any additional opening remarks from our  
24    Republican colleagues?

1           Hearing none, I'll assume that we're good to go.

2           Mr. Linick.

3           Mr. Linick. Thank you. Good morning, Chairman Engel,  
4           Ranking Member McCaul, and members of the committee, also  
5           committee staff members. Thank you for the opportunity to  
6           testify.

7           I have dedicated close to 28 years to public service.  
8           It has been an honor and a privilege to serve my country.  
9           The record shows that I have served without regard to  
10          politics having been nominated as an inspector general by  
11          Presidents from both parties.

12          I first served as the inspector general for the Federal  
13          Housing Finance Agency, FHFA, and then subsequently as  
14          inspector general for the Department of State. When I  
15          became an inspector general, the late Senator Tom Coburn  
16          invited me to meet with him to discuss the importance of  
17          this role. Senator Coburn told me to never forget that  
18          ultimately inspectors generals worked for the American  
19          public.

20          In keeping with that advice, every minute of my work at  
21          FHFA and the Department of State has been devoted to  
22          promoting the efficiency and effectiveness of both agencies  
23          along with ensuring that taxpayer funds are protected  
24          against waste, fraud, and abuse.

1           In carrying out my work, I've always taken the facts  
2           and evidence wherever they lead and have been faithfully  
3           committed to conducting independent and impartial oversight  
4           as required by law.

5           During my 7-year tenure at the Department of State, we  
6           issued nearly 700 reports resulting in thousands of  
7           recommendations to strengthen the Department's operations  
8           and to protect the lives of people who work in or visit our  
9           posts and embassies abroad.

10          We investigated numerous cases of alleged wrongdoing  
11          resulting in a range of outcomes dictated only by the facts,  
12          from administrative actions to exonerations to criminal  
13          convictions. We identified monetary savings for taxpayers  
14          of close to \$2 billion.

15          Our independent oversight of the Department has been  
16          the key to our success and it's helped improve the  
17          Department's programs in a transparent way. It has been an  
18          honor to serve in the inspector general community and to  
19          work alongside my dedicated colleagues at the Department of  
20          State Office of Inspector General. I will forever be  
21          grateful to them.

22          I look forward to answering your questions. Thank you.

23          HFAC Dem Counsel. Mr. Linick, my name is [REDACTED].

24          I am senior counsel for the Committee on Foreign Affairs

1 majority staff.

2 Mr. Engel, unless you had anything further, I'd be  
3 happy to enter into some of the preliminary ground rules?

4 Chairman Engel. Certainly, yes.

5 HFAC Dem Counsel. Thank you, sir.

6 This is a transcribed interview of Steve A. Linick  
7 conducted by videoconference in the House Committee on  
8 Foreign Affairs. This interview is part of a joint  
9 investigation by the House Committee on Foreign Affairs, the  
10 House Committee on Oversight and Reform, and the Senate  
11 Committee on Foreign Relations into the removal of Steve A.  
12 Linick as inspector general for the U.S. Department of  
13 State.

14 Sir, to begin with, can you please state your full name  
15 and spell your last name for the record.

16 Mr. Linick. Steve A. Linick, L-i-n-i-c-k.

17 HFAC Dem Counsel. Thank you very much. Again, as  
18 Chairman Engel did, I'd like to thank you for coming in  
19 today for this interview, and we appreciate that you are  
20 willing to speak with us voluntarily.

21 Stenographers are participating today to transcribe the  
22 interview, but the interview will not be recorded by anyone  
23 else. Attendees acknowledged upon accessing the  
24 videoconference link that they will not record any portion

1 of the meeting nor enable any individual to access the video  
 2 recording proceedings who is not a member or an authorized  
 3 committee staff member of today's participating committees.

4 The stenographers have a list of names and titles of  
 5 today's participants. I will now read the names into the  
 6 record. Currently participating from the HFAC majority are  
 7 members Chairmen Eliot Engel, Mr. Brad Sherman, Mr. Albio  
 8 Sires, Mr. Gerry Connolly, Mr. William Keating, Mr. Ami  
 9 Bera, Mr. Joaquin Castro, Mr. Ted Lieu, Mr. Colin Allred,  
 10 Ms. Abigail Spanberger, and Mr. Tom Malinowski.

11 Members from the HFAC minority: Mr. Lee Zeldin.

12 HFAC majority staff: [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 [REDACTED]

16 Minority staff for HFAC: [REDACTED]  
 17 [REDACTED]

18 Majority members from the Committee on Oversight and  
 19 Reform: Mr. Raja Krishnamoorthi, Ms. Robin Kelly.

20 Minority members from the Committee on Oversight and  
 21 Reform: Ranking Member Jim Jordan.

22 Majority staff for the Committee on Oversight and  
 23 Reform --

24 Mr. Connolly. [REDACTED]?

1 HFAC Dem Counsel. Yes, sir.

2 Mr. Connolly. This is Gerry Connolly. I think the  
3 record should show I am also a member of the Oversight and  
4 Reform Committee.

5 HFAC Dem Counsel. Thank you, sir. I appreciate that  
6 clarification. Clearly, we do know that but I was just  
7 going off the list, and I appreciate that.

8 Majority staff for the Committee on Oversight and  
9 Reform: [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Committee on Oversight and Reform minority staff:

13 [REDACTED]

14 The Senate Foreign Relations Committee minority staff:

15 [REDACTED]

16 And the House stenographers: [REDACTED]

17 [REDACTED]

18 I was just reminded by one of our colleagues we also  
19 have from the HFAC majority staff [REDACTED].

20 Mr. Connolly. HFAC Dem Counsel, forgive me for  
21 interrupting again. This is Mr. Connolly. You overlooked  
22 the [REDACTED] of the Subcommittee on Government  
23 Operations, [REDACTED].

24 HFAC Dem Counsel. Thank you, sir.

1           Among these participants are moderators from the  
2 majority staff of the committees who are managing the  
3 technical requirements of the WebEx platform for this  
4 videoconference and who admitted you into the  
5 videoconference a few moments ago.

6           The moderators will respond as needed to specific cues  
7 from attendees who wish to speak, generally manage the  
8 muting and unmuting of microphones to ensure audio quality  
9 and an orderly process, although speakers retain the ability  
10 to mute and unmute themselves if needed. And they will help  
11 troubleshoot any technological challenges that arise.

12           If anyone inadvertently drops from the videoconference  
13 for any reason and you are unable to log back in via the  
14 meeting link you originally received, please reach out to  
15 relevant majority or minority staff contacts indicated in  
16 the original meeting link you received. Moderators can then  
17 endeavor to readmit you back into the conference as quickly  
18 as possible.

19           Before we begin, I'd like to go over the ground rules  
20 for this interview. To ensure that this videoconference  
21 interview can be efficient and manageable, we will proceed  
22 in alternating time blocks designated by party. The first  
23 timed blocks for each party will be 1 hour; subsequent  
24 blocks will be 45 minutes.

1 Democratic counsel will begin with the first block of  
2 questioning, offering an opportunity for Democratic members  
3 to ask questions towards the end of that hour should they  
4 wish to do so. The time will then shift to Republicans for  
5 an hour of the same format.

6 After the first 2 hours, 1 hour for each party,  
7 alternating 45-minute rounds will ensue until the  
8 questioning is done. If either side does not utilize its  
9 full allotted time in any given block, we will proceed to  
10 the next timed block for the other party.

11 During the interview we will do our best to limit the  
12 number of people who are directing questions at you and any  
13 crosstalk in general that can make it more difficult for the  
14 stenographers to achieve an accurate transcript. That said,  
15 from time to time, followup or clarifying questions may be  
16 useful, and if that's the case, you might hear from  
17 additional people in the videoconference.

18 For everyone, including the stenographers, we would ask  
19 if you're not attempting to ask a question or raise another  
20 issue, if you could please turn off your video monitor so  
21 that it is less distracting for the witness.

22 Because we are proceeding virtually, the moderators  
23 will also mute everyone other than the witness and the main  
24 questioner and then unmute other microphones if and when

1 people indicate or request to speak, which will help with  
2 our audio quality.

3 Requests to speak may be initiated through the hand  
4 raising function on the WebEx platform and the chair or  
5 ranking member or their designee will recognize members to  
6 ask questions through this hand-raising function toward the  
7 end of each question round.

8 Mr. Linick, I understand that you have counsel  
9 representing you here today in your personal capacity. Is  
10 that correct?

11 Mr. Linick. That's correct.

12 HFAC Dem Counsel. Could you please ask counsel to  
13 identify themselves for the record and confirm -- nope,  
14 that's it. Just identify themselves for the record, please.

15 Mr. White. Good morning. Pete White and Brandon Faske  
16 with Schulte Roth & Zabel.

17 HFAC Dem Counsel. Thank you, sir.

18 Mr. Linick agreed to come in with private counsel for  
19 today's voluntary interview, and as minority staff with  
20 House Foreign Affairs Committee also agreed in advance, only  
21 approved members, staff, and the witness and his personal  
22 counsel have been allowed to attend.

23 Again, there is a stenographer taking down everything I  
24 say and everything you say to make a written record of this

1 interview. For the record to be clear, I ask that you  
2 please wait until I finish each question before you begin  
3 your answer, and I will wait until you finish your response  
4 before asking you the next question. Same goes for any  
5 other participants who may wish to ask followup questions.

6 The stenographer cannot record nonverbal answers, such  
7 as shaking your head. So it is important that you answer  
8 each question with an audible verbal answer. Do you  
9 understand, sir?

10 Mr. Linick. [Nonverbal response.]

11 HFAC Dem Counsel. We want you to answer our questions  
12 in the most complete and truthful manner possible. So we  
13 are going to take our time. If you have any questions or do  
14 not understand any of our questions, please let us know and  
15 we will be happy to clarify or rephrase. Do you understand,  
16 sir?

17 Mr. Linick. Yes.

18 HFAC Dem Counsel. This interview will be conducted  
19 entirely at the unclassified level. It is the committee's  
20 expectation that neither the questions asked of you, the  
21 witness, nor answers by you or your counsel would require  
22 discussion of any information that is currently or at any  
23 point could be properly classified under executive order  
24 13526.

1           Moreover, E.O. 13526 states that, quote, "In no case  
2 shall information be classified, continue to be maintained  
3 as classified, or fail to be declassified," unquote, for the  
4 purposes of concealing any violations of law or preventing  
5 embarrassment of any person or entity.

6           Do you understand, sir?

7           Mr. Linick. Yes.

8           HFAC Dem Counsel. Thank you.

9           If I ask you about conversations or events in the past  
10 and you are unable to recall the exact words or details, you  
11 should describe the substance of those conversations or  
12 events to the best of your recollection. If you recall only  
13 a part of a conversation or event, you should give us your  
14 best recollection of those events or parts of conversations  
15 that you do recall. Do you understand?

16          Mr. Linick. Yes.

17          HFAC Dem Counsel. Please note that if you wish to  
18 assert a privilege over any statement today, you should  
19 clearly state the specific privilege being asserted and the  
20 reason for the assertion at the time the question is asked.  
21 Do you understand?

22          Mr. Linick. Yes.

23          HFAC Dem Counsel. If you need to take a break, please  
24 let us know. We're happy to accommodate you. However, to

1 the extent that there is a pending question, I would just  
2 ask that you finish answering that question before we take a  
3 break. Do you understand?

4 Mr. Linick. Yes.

5 HFAC Dem Counsel. During the course of this interview,  
6 we may occasionally provide you with documents related to  
7 this matter. That will be done electronically if the need  
8 arises. These will either be public news articles or  
9 documents that were provided to Congress by the State  
10 Department, the Office of the Inspector General, or other  
11 Federal entities in the course of this investigation. If  
12 you need any additional time to review a document before  
13 answering a pending question, please just ask. Do you  
14 understand?

15 Mr. Linick. Yes.

16 HFAC Dem Counsel. One final thing. Although you are  
17 here voluntarily and we will not swear you in, you are  
18 required by law to answer questions from Congress  
19 truthfully. This also applies to questions posed by  
20 congressional staff in an interview. Do you understand?

21 Mr. Linick. Yes.

22 HFAC Dem Counsel. If at any time you knowingly make  
23 false statements, you could be subject to criminal  
24 prosecution. Do you understand?



1 from the administration at that time, the Obama  
2 administration, asking if I might be interested in moving to  
3 the Department of State Office of Inspector General.

4 Q And could you describe for us please some of the  
5 things that your office worked on during the Obama  
6 administration.

7 A Well, throughout my tenure, we have worked on many,  
8 many matters. We did work on the review involving email  
9 practices of the Secretaries of State and FOIA practices.  
10 We were involved in a review of some murders in Honduras.  
11 And, of course, we've been involved in many, many reviews  
12 involving contracts and financial statement audits and  
13 things like that.

14 Q So, after the 2016 election, sir, did you have any  
15 interaction with officials from the transition team for then  
16 President-elect Donald Trump?

17 A Yes. When the transition team came to the State  
18 Department, I did meet with a couple of folks, although I  
19 wouldn't be able to recollect their names at this time.

20 Q And can you recall what those interactions were  
21 like?

22 A Those interactions were largely information  
23 gathering on their part to understand what the major  
24 management challenges were in the Department and the types

1 of things that we were doing as an Office of Inspector  
2 General.

3 Q Did they give you any particular messages or  
4 indications about how the Trump administration would  
5 interact with the Office of the Inspector General?

6 A No.

7 Q During the course of your work during the Trump  
8 administration, did you ever have occasion to interact with  
9 anyone in the White House?

10 A Can you repeat that question again?

11 Q Certainly. During the course of your work as State  
12 Department inspector general during the Trump  
13 administration, did you ever have occasion to interact with  
14 anyone in the White House?

15 A I did interact with Brian Miller, who I knew from  
16 the U.S. Attorney's Office in Eastern District of Virginia.  
17 And I may have interacted with -- I interacted with Uttam  
18 Dhillon as well, who was also former AUSA in the  
19 U.S. Attorney's Office in Los Angeles who I knew. And there  
20 may have been another person or two who I interacted with  
21 but having nothing to do with the State Department.

22 Q Could you just describe for us then what the nature  
23 of those interactions was?

24 A Sure. At the time, I had applied to be a judge, and

1 I had applied both through my Senators in California, and I  
2 was interviewed by folks at the White House about that  
3 application, but I don't remember -- I can't remember their  
4 names.

5 Q Okay. And do you recall roughly when that occurred?

6 A It was a couple of years ago, maybe 2017.

7 Q Okay. And did you have any interactions other than  
8 the ones you just described with anyone from the White House  
9 during the Trump administration?

10 A No. Not to my recollection, no.

11 Q Okay. What kind of a relationship did you have and  
12 did your office have with then-Secretary of State Rex  
13 Tillerson?

14 A It was cordial, professional. I met with him on a  
15 couple of occasions as part of my ordinary course to advise  
16 him on things we were doing at the State Department, the  
17 management challenge and so forth.

18 Q And did Secretary Tillerson and his staff cooperate  
19 with your office?

20 A Yes. At that time, yes.

21 Q You said "at that time." Could you elaborate,  
22 please?

23 A Yes. We had an ongoing review involving political  
24 retaliation -- allegations of political retaliation at the

1 Department, and two of the witnesses in that review involved  
2 former chief of staff Margaret Peterlin and former deputy  
3 chief of staff Christine Ciccone. They were no longer at  
4 the Department. We tried to reach out to them to interview  
5 them and we were unable to do so.

6 Q And did you seek assistance from then-Secretary  
7 Tillerson's team in securing those interviews?

8 A Well, Christine Ciccone was at the Department -- was  
9 at DHS at the time, and I don't recall where Margaret  
10 Peterlin was. I had advised folks in the State Department,  
11 but we ended up going to DHS because Ms. Ciccone was under  
12 obligation to speak with us, and we also went to Congress  
13 and advised them of the issue with cooperation.

14 Q So just so that we're clear on that, these were two  
15 individuals who had formerly worked for Secretary Tillerson  
16 who were no longer employed by the State Department?

17 A That's correct.

18 Q And when you sought their testimony after they had  
19 left the Department, did the remaining staff in Secretary  
20 Tillerson's office either help you or hinder you in any way  
21 in trying to seek the testimony of those two former  
22 officials?

23 A Well, Secretary Tillerson was no longer in office at  
24 the time. So that's why it's difficult to answer that

1 question. At that time, Secretary Pompeo was in place, and  
2 my primary point of contact was through Deputy Secretary  
3 John Sullivan.

4 Q Okay. So then, just to close out the Tillerson era,  
5 is it your testimony then that, in all relevant respects,  
6 Secretary Tillerson and his staff cooperated with your  
7 office while he was Secretary of State?

8 A Yes, that is the case.

9 Q Thank you.

10 Sir, when was your first interaction with Secretary  
11 Pompeo and his team?

12 A I don't recall the exact date, but it was shortly  
13 after he arrived. He asked for a meeting with me, and that  
14 was largely to discuss, you know, the State Department in  
15 our oversight efforts.

16 Q And do you recall anything in particular about that  
17 meeting?

18 A About that particular meeting, no. We had a couple  
19 of meetings like that, which were generally about the  
20 management challenges at the State Department, but I just  
21 don't have an independent recollection of specifics.

22 Q Okay. And did you have standing meetings with  
23 Secretary Pompeo personally? Did they recur on a regular  
24 basis?

1           A    I had tried to have quarterly meetings, and because  
2   of both of our schedules, that didn't happen. So I ended up  
3   meeting with him -- and, again, I don't have the exact  
4   number because I don't have access to my notes or calendars.  
5   It was maybe five or six times total, but I can't give you  
6   the exact number.

7           Q    Okay. And, generally, who else would attend those  
8   meetings when you met with Secretary Pompeo?

9           A    Well, it varied. The first couple of meetings were  
10  one-on-one, if my recollection serves me. Another meeting  
11  involved myself, my chief of staff, my assistant inspector  
12  general for evaluations and special projects and Deputy  
13  Sullivan. I had another meeting with the Secretary and  
14  Deputy Sullivan. And so it just -- it varied depending on  
15  the topic.

16          Q    Okay. Were there others from the Secretary's staff  
17  other than the one-on-one meetings who would typically  
18  attend those meetings other than the Deputy Secretary?  
19  Anyone else on the Seventh Floor --

20          A    Yeah. To the best of my recollection, no.

21          Q    Okay. Can you describe for us, please, as you did  
22  regarding Secretary Tillerson, what kind of a relationship  
23  that you typically had with Secretary Pompeo and his staff  
24  in terms of their cooperation with your efforts?

1           A    Can you repeat the question?

2           Q    Could you describe for us, please, what relationship  
3 you had with Secretary Pompeo and his staff in terms of  
4 their cooperation with your efforts?

5           A    Generally, I would say they were very cooperative.  
6 When you say his staff, I'm including Deputy Secretary John  
7 Sullivan, former Deputy Secretary John Sullivan. I had a  
8 weekly -- standing weekly meeting with him, which we largely  
9 kept to, and we had a very positive working relationship and  
10 a very cooperative working relationship.

11          Q    Did you also have meetings with Undersecretary for  
12 Management Brian Bulatao?

13          A    I did.

14          Q    And how would you characterize your relationship  
15 with Undersecretary Bulatao?

16          A    So I can't recall the exact number of meetings. I  
17 would say a handful of times we met. I would say that  
18 sometimes the relationship was professional; at other times,  
19 he tried to bully me.

20          Q    Can you elaborate on that for me, please?

21          A    The other thing I would add to that is sometimes I  
22 felt he was unfamiliar with the role of inspectors general.  
23 I can elaborate a little bit on that.

24          Q    If you don't mind.

1           A    At one point, I met with him in 2019. I'm not sure  
2 of the exact date, but he did ask me if I had plans to leave  
3 the Department at the end of the administration. I told him  
4 that IGs are nonpartisan and typically stay through the  
5 change of administration, and he seemed surprised.

6           Q    If I could just stop you there, sir. Do you recall  
7 roughly when that conversation took place?

8           A    I don't. It was in 2019, but I don't have the exact  
9 date. I'm sorry. Or I don't have a good sense of it.  
10 Again, I don't have access to my calendars or anything. So  
11 I'm not able to really put those pieces together.

12          Q    And just for the sake of the record, if you're  
13 speaking to him sometime in 2019 and he's asking you if you  
14 plan to leave at the end of the administration, that is the  
15 Trump administration, to be clear that we're not talking  
16 about the transition period?

17          A    Yes, that is correct.

18          Q    Okay. I apologize for interrupting. Please  
19 continue.

20          A    Well, we also had disagreements about how a leak  
21 investigation should be conducted, and so we had some  
22 disagreements about that. He wanted to manage the scope and  
23 direction of the DOD IG investigation. In addition --

24          Q    Well, we'll come to that in a little bit greater

1 detail.

2 A Okay.

3 Q You said that he didn't seem to understand the  
4 nature of inspectors general. Can you tell us what you  
5 meant by that?

6 A One of the things that inspectors general are  
7 prohibited from doing is engaging in programmatic activity  
8 under the Inspector General Act, and the purpose of that  
9 provision is to ensure that we're not auditing ourselves.  
10 There were a couple of occasions, and I don't recall  
11 specifically which ones, where he had asked me to engage in  
12 some programmatic activity.

13 One does come to mind. He did ask me through an email  
14 to join an effort to design -- to help design the  
15 Department's response to COVID-19, the Diplomacy Strong  
16 program. And I did advise him that that wouldn't be  
17 appropriate for me to do that because we may be auditing the  
18 Department's efforts to address COVID-19.

19 Q And how did Undersecretary Bulatao respond to you in  
20 that instance?

21 A He said: Okay.

22 Q Just for the sake of the record, when you say  
23 programmatic activity, for those not familiar with that term  
24 of art, can you just tell us a little about what that means?

1           A    Sure.  Getting involved in the Department's internal  
2   operations in a way that we are making policy for the  
3   Department, we're designing programs, getting involved, for  
4   example, in designing how money is going to be spent, we  
5   have to be careful as inspectors general to make sure that  
6   we keep an arm's length relationship with the Department.

7           So, for example, the Department has a management  
8   control steering committee, and sometimes I attended those  
9   meetings.  Those are meetings with Department principals,  
10  but I didn't have a vote in those meetings intentionally  
11  because I never wanted to make policy and be in the position  
12  of having to audit myself.

13          Q    You said that, on occasion, he tried to bully you.  
14  Do you have specific examples of that?

15          A    Well, this goes into the point, which I think you're  
16  going to get to, about the leak investigation.

17          Q    Uh-huh?

18          A    Do you want me to elaborate on that?

19          Q    I think we'll come back to that chronologically, if  
20  that's --

21          A    Okay.

22          Q    Thank you for clarifying.

23          A    Yes.  One other thing I would say is that, in  
24  connection with our work on the arms control, the emergency

1 certification on the arms control, he told me that it wasn't  
2 an appropriate review because it was a review of policy.  
3 And I told him that, under the Foreign Service Act of 1980,  
4 it was within the IG purview to review how policy is  
5 implemented. And I was trying to draw that distinction  
6 that, while we don't engage in policymaking, we look at how  
7 policy is carried out as we are required to by law.

8 And so, for example, when we -- when the Department  
9 provides humanitarian assistance to groups in Syria, for  
10 example, while we don't question whether the policy is good  
11 or bad, we do look to see how that policy is being carried  
12 out and whether it's being carried out in an efficient,  
13 effective manner, and whether it's complying with rules and  
14 regulations.

15 Q And what was Undersecretary Bulatao's response when  
16 you provided him with that clarification?

17 A He just continued to push back.

18 Q Okay. Had he pushed back on any other  
19 investigations that you were involved in, or does his focus  
20 on the arms control issue stand out in your memory?

21 A That's the only thing that stands out in my memory.

22 Q Okay. And we'll get to this in more detail later in  
23 the day, sir, but briefly, can you describe for the record  
24 how your office came to be involved in looking at what was

1 an emergency declaration under the Arms Export Control Act  
2 in about this time of 2019, so spring, summer?

3 A Yes. This was a congressional request, and I don't  
4 know -- at this point in time, I can't name all the members,  
5 but it was -- there was a request by House and Senate to  
6 review the circumstances of the emergency certification.  
7 And after that we endeavored to review whether or not that  
8 emergency certification, the circumstances around that  
9 complied with applicable law regulations in the Department.

10 Q So this wasn't something that you decided to do on  
11 your own. This wasn't something where you had decided OIG  
12 independently disagrees with this policy. You were asked  
13 by, I believe, all of the Democratic members at least from  
14 the House Foreign Affairs Committee, to look into whether or  
15 not that policy was being properly implemented and whether  
16 it was lawful, and you believed that that would have been  
17 within your responsibilities under the IG Act. Do I have  
18 that right?

19 A Yes, that is correct. We were not judging whether  
20 the policy was good or bad. We are nonpartisan. We just  
21 look at how policies are carried out and whether they  
22 comport with applicable regulations and law.

23 Q Thank you.

24 One last one on the Secretary's staff. Did you ever

1 have any interactions with Counselor Ulrich Brechbuhl?

2 A I had -- to the best of my recollection, I had one  
3 interaction with Counselor Brechbuhl.

4 Q And what was that in connection with?

5 A That was in connection with our report involving  
6 allegations of political retaliation in the Office of the  
7 Secretary. My contact with him was largely around his  
8 response to our report and sort of the logistics around  
9 that.

10 Q Okay. I think we'll get to that in a little bit.  
11 But just to take a step back to sort of frame what it is  
12 that has brought us all here today, Congress was notified of  
13 your termination on the evening of Friday, May 15th. When  
14 did you find out that the President was going to remove you  
15 as inspector general?

16 A At approximately 7:45, on May 15th, I received a  
17 call from the State Department operations center. They  
18 stated that Deputy Secretary Biegun and Undersecretary  
19 Bulatao wanted to speak with me.

20 The deputy said to me: The President decided to  
21 exercise his power to remove you.

22 And at that time, one of them, I don't remember who,  
23 stated I will be placed on administrative leave with no  
24 access to my building or my network and that they had

1 reached out to my administrative staff and notified them.

2 Q Did they give you an explanation for why it is that  
3 you were being immediately placed on administrative leave?

4 A The only thing they said was the President has  
5 decided to exercise his power to remove you. I asked for a  
6 reason for the removal, and neither provided one. The  
7 Deputy Secretary reiterated the sentence about the President  
8 decided to exercise his power to remove you.

9 Q Were you surprised by this?

10 A Shocked.

11 Q So how did you feel? What was going through your  
12 mind during that call and immediately afterwards?

13 A I was completely taken by surprise. I just had a  
14 townhall with my staff on COVID-19, and I was in a state of  
15 shock because I had not been -- I had no advance notice of  
16 anything like that.

17 Q So you had had a townhall earlier that day?

18 A Yes. I had a townhall with all of my staff on how  
19 we were going to -- how were we going to address the State  
20 Department's Diplomacy Strong plan to reopen the government.  
21 They had just published it earlier, actually the week  
22 before. And I was holding townhalls every couple of weeks  
23 during the COVID crisis to make sure my staff knew that we  
24 were in control and taking care of them.

1           Q    And up until you received that call, did you have  
2 any indication that the Secretary was planning to recommend  
3 to the President that you be removed as inspector general?

4           A    I had no indication whatsoever.

5           Q    When did you find out that Ambassador Stephen Akard  
6 would be taking over as acting inspector general?

7           A    I don't recall exactly.

8           Q    Had you heard his name before?

9           A    I had not heard his name.

10          Q    Sitting here today with the benefit of a few weeks  
11 distance from the events, why do you think that Secretary  
12 Pompeo asked President Trump to remove you as inspector  
13 general?

14          A    Well, I'm not going to speculate, and I'm going to  
15 leave that conclusion to all of you since you're doing the  
16 fact finding, but I can tell you though that I've been given  
17 no valid reason that would justify my removal. And the  
18 explanations I've heard so far in the press are either  
19 unfounded or misplaced.

20                I've been a dedicated public servant for 28 years.  
21 I've conducted my work with honor, integrity, and without  
22 regard to politics. I followed the facts wherever they take  
23 me. Numerous senior officials in the Department who -- with  
24 whom I've interacted have commented that they thought our

1 work was fair, objective, that we accomplished our mission,  
2 and that was my understanding.

3 Q Do you believe that the decision to recommend your  
4 removal had anything to do with work that had been done or  
5 was being done by your office during the Trump  
6 administration?

7 A As I said, I'm going to leave that conclusion to  
8 you, and I'm not going to speculate. But I can tell you  
9 that I don't believe there's any valid reason that would  
10 justify my removal.

11 Q So, prior to finding out that you were going to be  
12 removed, did President Trump ever tell you that he had  
13 concerns with your performance?

14 A No.

15 Q Did anyone on President Trump's staff ever tell you  
16 that the President had any concerns with your performance?

17 A Never.

18 Q Had Secretary Pompeo ever told you that he had  
19 concerns with your performance?

20 A No.

21 Q How about anybody who works directly for Secretary  
22 Pompeo. Had anybody on the Seventh Floor of the State  
23 Department ever communicated dissatisfaction about your  
24 performance?

1           A    No, just the opposite.  As I mentioned to you  
2   before, I met regularly with Deputy Secretary Sullivan,  
3   former Deputy Secretary Sullivan.  And I would often, in the  
4   course of those meetings, ask him how he thought our office  
5   was doing and whether or not we were accomplishing our  
6   mission to promote the efficiency and effectiveness of the  
7   State Department, and he always thought we were.

8           And I had a number of other contacts within the  
9   Department, senior level, who always commented that we  
10  treated people fairly, that we were a productive office, and  
11  that we were doing a great job.

12          Q    One point I'd like to clarify, and I apologize for  
13  not asking it earlier, on the call that you had from the  
14  deputy and from Undersecretary Bulatao, did they indicate to  
15  you at all who would be acting in your stead after you were  
16  being removed on that Friday night?

17          A    I don't recall if they did.

18          Q    Did you come to learn -- or rather how did you come  
19  to learn that it was going to be Ambassador Akard that was  
20  taking your role?

21          A    Honestly, I don't recall, and I don't want to  
22  speculate.

23          Q    Were you informed officially by the Department?

24          A    No.  I don't recall being -- well, let me -- I don't

1 remember, and I don't want to speculate. I did find out  
2 very soon. It's unclear whether I found out through news  
3 reports or through staff. I just don't have a recollection.

4 Q Did you have or have you had since the time of your  
5 removal any conversations with Ambassador Akard?

6 A No.

7 Q Undersecretary Bulatao told The Washington Post that  
8 you were fired in part for not promoting Secretary Pompeo's  
9 ethos statement. Do you have any idea what he's talking  
10 about there?

11 A Well, I'm familiar with the ethos statement. No one  
12 ever told me that they were upset before I was fired. I did  
13 receive -- the only thing I received in connection with the  
14 ethos statement was an email, which had been addressed to  
15 many senior level officials in the Department. It was a  
16 survey requesting information as to how various bureaus were  
17 implementing the ethos statement.

18 And we had received very similar things in the past  
19 from the Department. And the only thing I recall -- I  
20 recall reading the first line of the ethos, and it said: We  
21 are champions of American diplomacy.

22 And my first thought was, well, this is really  
23 inconsistent with our mission under the Inspector General  
24 Act, which requires that we promote the effectiveness and

1 efficiency of Department programs. We have our own vision,  
2 values, and goals, and we spent years working on that in the  
3 OIG.

4 And, frankly, I had told someone in my office to call  
5 or to reach out to the person who sent that and indicate  
6 that, you know, we were not -- you know, we were independent  
7 and that the IG, you know, had a different mission and that  
8 it might be inappropriate for us to promote the Department's  
9 agenda and mission given that we oversee them.

10 But I had never heard from anyone that they were  
11 unhappy with that response. So it was a surprise to me to  
12 learn that in the press. I had never heard that from Deputy  
13 Biegun or Undersecretary Bulatao or anyone.

14 Q Do you recall when you got that email and when you  
15 asked someone to send back a response?

16 A I do not.

17 Q Do you recall who you had asked to send back the  
18 response?

19 A I don't. I'm sorry.

20 Q And, again, I recognize that you don't have access  
21 to your records, and it may have been a while ago, but just  
22 for the sake of completeness, do you recall to whom that  
23 response was sent or which office or bureau within the State  
24 Department?

1           A    I don't, as I sit here now, remember that.

2           Q    Okay.  And having clarified in response to, you  
3 know, the ethos statement, the importance of the  
4 independence of inspectors general and given that your job  
5 is to make sure that the Department is working as  
6 efficiently as possible and that, as you said, you don't  
7 want to get involved in auditing yourself, do you recall  
8 getting any feedback to having offered that clarification  
9 vis-a-vis the ethos statement?

10          A    No, I received no feedback on that.

11          Q    Okay.  What kind of a message do you think that your  
12 removal sends to inspectors general across the government?

13          A    I'm not going to -- it wouldn't be my practice to  
14 speculate what message it sends to others.

15          Q    As you know, sir, President Trump has removed or  
16 replaced four other inspectors general in the span of the  
17 past 6 weeks, including the inspector general for the  
18 intelligence community, the Department of Transportation,  
19 the Department of Defense, the Department of Health and  
20 Human Services.  There was also a resignation just last  
21 night by the inspector general for the Department of Labor.

22                What kind of a message do you think that your inclusion  
23 in that list sends either to IGs or to the public generally?

24          A    It really wouldn't be appropriate for me as

1 inspector general to speculate on what type of message that  
2 sends. I don't have work on that, and I'm just -- I can't  
3 give you a personal opinion about it.

4 Q Thank you.

5 So I'd just like to walk through some of your specific  
6 experiences as inspector general for the State Department.  
7 First of all, what is the process that the IG's Office uses  
8 to notify someone who is either the subject of an  
9 investigation or whose input, testimony, documents, et  
10 cetera, you will seek in the course of an investigation once  
11 something has been initiated?

12 And for the sake of the record, I understand that your  
13 office and inspectors general overall have a variety of  
14 different terms that you use to address particular matters,  
15 whether it's a review, an audit, an inspection. For the  
16 purposes of today's interview, would it be appropriate to  
17 stipulate that the term "investigation" would just refer to  
18 any work being done by your office, or is there a different  
19 term you would prefer as an umbrella?

20 A I think that we should use a different term because  
21 we typically use the term "investigation" for either  
22 criminal, civil matters, and sometimes administrative. But  
23 we call audits -- we don't call audits investigations or  
24 inspections investigations or evaluations.

1           And I would say generally, when we're talking about an  
2           audit, an evaluation, an inspection, we notify the  
3           Department through some sort of formal notice that we are  
4           starting work.

5           A criminal investigation, that's a whole different  
6           animal because that could involve other government equities,  
7           so I don't really want to get into that.

8           In terms of an administrative review or administrative  
9           investigation, oftentimes we'll do some preliminary work,  
10          and that preliminary work may either end if there's no  
11          credible evidence to support allegations or we may go  
12          further. And then, at some point, if we go further, we may  
13          notify the Department in a more formal way.

14          Q    Okay. Just for the sake of today's interview, sir,  
15          would it be fair to use the term "matter" to refer as an  
16          umbrella term to the various different types of efforts that  
17          your office might be involved in? I want to make sure that  
18          our questions don't come across as unintentionally narrow.

19          A    I would say reviews.

20          Q    Okay. We will say reviews.

21          Do you follow the same processes that you just  
22          described for various reviews, understanding that, within  
23          that subset there may be different processes, such as for  
24          criminal matters you mentioned? Do you always follow those

1 processes for reviews that either involved or touched upon  
2 the Secretary?

3 A Everything we do is standardized. It doesn't matter  
4 whether it's the Secretary or whether it's a career civil  
5 servant. We always follow the same procedures, and we, you  
6 know, use the sort of same thresholds to determine whether  
7 we move forward or not.

8 Q So it's been reported that -- Secretary Pompeo has  
9 said that he didn't know that he was either involved in or  
10 touched upon in any way by a review at the time that you  
11 were removed from your position. Is it your understanding  
12 that Secretary Pompeo did know that he was either the  
13 subject of or would have information relevant to any review  
14 that was underway in your office at the time that you were  
15 removed?

16 A I think it would be easier if I talked about  
17 specific reviews.

18 Q Yes, please.

19 A We had an administrative review of allegations  
20 relating to misuse of government's resources by the  
21 Secretary and his wife, but I can't talk about the merits of  
22 that. As to that review, I never spoke with the Secretary  
23 directly about it.

24 There was a point in time in late 2019 that my office

1 reached out to get documents from the Office of the  
2 Secretary as well as the Office of the Legal Adviser. And  
3 during that same period of time, I did speak with  
4 Undersecretary Bulatao, possibly Deputy Secretary Sullivan,  
5 but I am not sure, about the reasons -- about the fact that  
6 we were making these document requests so they weren't  
7 surprised.

8 Q And these were document requests that related to, as  
9 you said, allegations of improper use of Department  
10 resources by Secretary Pompeo and his wife. Did I get that  
11 right?

12 A Yes.

13 Q And you had a conversation with Undersecretary  
14 Bulatao about that in late 2019. Is that right?

15 A Yes. And I also advised Deputy Secretary Biegun  
16 about those allegations and that we would be obtaining  
17 documents, et cetera.

18 Q And would those have included seeking documents from  
19 Secretary Pompeo?

20 A I don't know. My staff was reaching out to the  
21 office of the Secretary, and that's really all I can say  
22 about that. I know my office communicated with the Office  
23 of Legal Adviser as well to request documents, and I do know  
24 my staff communicated with Lisa Kenna about documents.

1           Q   And for the sake of the record, Lisa Kenna's title  
2   is what, sir?

3           A   She is the Executive Secretary.

4           Q   And to whom does she report?

5           A   I don't know exactly. I think it's Secretary  
6   Pompeo, but I'm not entirely sure.

7           Q   And in any of those conversations regarding this  
8   review into the potential misuse of government resources by  
9   the Secretary and his wife, did you ask any of the  
10   individuals with whom you spoke not to tell Secretary Pompeo  
11   about your conversations?

12          A   No.

13          Q   Would it have been your expectation that they would  
14   have potentially informed him about those conversations?

15          A   I'm not going to speculate about that.

16          Q   Okay. At any point during the Trump administration,  
17   Mr. Linick, did anyone at the State Department ever pressure  
18   you to change a finding or a conclusion or a recommendation  
19   in any of your work products?

20          A   No. I mean, we had -- you know, that doesn't mean  
21   that there wasn't disagreement, but I don't take  
22   disagreement as an effort to pressure or change in that  
23   sense.

24          Q   Were there specific instances in which individuals

1 at the State Department expressed that type of disagreement  
2 that you can recall?

3 A I mean, that's very normal when we issue reports  
4 that some findings may not be agreeable to the audited  
5 entity, and there's usually an interchange back and forth.  
6 If we got the facts wrong, we want to know that. So we're  
7 very interested in the Department's perspective.

8 It doesn't always mean we're going to change the facts  
9 or change -- you know, change the finding. But there is  
10 always opportunity for healthy exchange, and we want that.  
11 But I've never felt pressured unduly to change any of my  
12 findings or conclusions, and I had never done so.

13 Q So one thing I'd like to spend some time on, and we  
14 may turn to it a little later in the day, is a report that  
15 you referred to earlier regarding allegations of prohibited  
16 personnel practices in the Office of the Secretary, and in  
17 particular, that dealt with Brian Hook.

18 Did any senior officials at the State Department  
19 express, as you said, disagreement to you regarding  
20 specifically the statements in that report about Brian Hook?

21 A Well, I believe the Department's response from  
22 Mr. Brechbuhl adopted Brian Hook's response, and I don't  
23 have a very clear memory of all of that, and I don't have  
24 those documents in front of me. But, again, we did not -- I

1 did not feel pressure to change anything. Mr. Hook himself  
2 disagreed with our findings, but, again, I didn't take that  
3 as pressure to change findings. We definitely had  
4 disagreement.

5 Q Did anyone else besides Mr. Hook express  
6 disagreement with your findings regarding Mr. Hook?

7 A No, not that I can recall.

8 Q Did you have any conversations or exchange any  
9 correspondence with Undersecretary Bulatao regarding the  
10 report on Brian Hook?

11 A I don't recall, as I sit here.

1

2 [10:37 a.m.]

3 Mr. Linick. I don't recall, as I sit here.

4 BY HFAC DEM COUNSEL:

5 Q And I believe you may have referred to this earlier,  
6 but did you have any conversations with or did you exchange  
7 any correspondence with Counselor Brechbuhl regarding the  
8 Brian Hook report?

9 A There was definitely a phone conversation, and there  
10 may have been some correspondence, but I just don't have  
11 clarity on that.

12 Q Can you describe what you do recall about that phone  
13 conversation and correspondence, please?

14 A I think the phone call really had to do with how we  
15 were going to treat the Department's response, how we were  
16 going to include it in our report. That was the gist of the  
17 conversation. There had been a Department response, and we  
18 did some followup work, and that extended the timetable for  
19 our issuance of the report.

20 That was the nature of it. Other than that, I just  
21 can't give you any clarity on that.

22 Q Did anybody during the course of your work on that  
23 report reach out to you and say, hey, you got it wrong, I  
24 know Mr. Hook, clearly he couldn't have done something like

1 this?

2 A I don't recall that happening to me, no.

3 Q Okay.

4 HFAC Dem Counsel. Given the time and before we go into  
5 a longer discussion, this might be an opportune moment to  
6 see if any of the Democratic Members have questions that  
7 they would like to ask during this round.

8 If I could ask that the clock be stopped momentarily  
9 while we take stock of everyone to see if folks have  
10 questions. And, of course, we will extend that same  
11 courtesy to our Republican colleagues in their round as  
12 well.

13 Mr. Sherman. I have a question. Sherman here.

14 HFAC Dem Counsel. Go ahead, sir.

15 Mr. Sherman. Hello. Yes. I note that two of our  
16 focuses here will be the personal errands and the Saudi arms  
17 sale, but a third issue that's come up is the fact that the  
18 Hatch Act applies to Secretaries in the President's Cabinet.

19 And, you know, we know Mike Pompeo. He is keeping his  
20 political options open. He might have run for Senate; he  
21 might run for something else someday. And he's had these  
22 "Madison Dinners," where he brings in people that any  
23 political fundraiser who is running a Senate campaign would  
24 want to bring in and entertains them at State Department

1 expense. He also has the numerous flights to Kansas on  
2 private State Department planes.

3 I wonder whether either of those were subjects of your  
4 investigation and what you can tell us about the possible  
5 use of State Department resources to build a Senate or some  
6 other political campaign.

7 Mr. Linick. Unfortunately, I can't comment on any of  
8 those matters other than what I've already said, that we  
9 have a review of allegations relating to the misuse of  
10 government resources. That's all I can say at this time.

11 HFAC Dem Counsel. Sorry to interrupt. Could you just  
12 clarify, Mr. Linick, for the record why it is that you don't  
13 believe you can say anything further?

14 Mr. Linick. Because this is a pending review and I  
15 don't want to impact the integrity of the review. And it  
16 wouldn't be my policy to talk about -- it would be against  
17 my policy to talk about findings or specific information  
18 about these reviews. So I'm only able to talk about the  
19 existence of it.

20 It's in the same way, when we did the report, the  
21 review on allegations regarding political retaliation in the  
22 Department, we confirmed the existence of that but we would  
23 not discuss specific findings or information about that  
24 particular review.

1           Mr. Sherman. Thank you. And thank you for your  
2 service.

3           Mr. Linick. Thank you.

4           Chairman Engel. I want to now recognize my colleague  
5 Mr. Connolly of Virginia.

6           Mr. Connolly. Thank you. Can you hear me?

7           Mr. Linick. I can hear you.

8           Mr. Connolly. Mr. Linick, I wonder if you could  
9 clarify. You've told us that Secretary Pompeo never told  
10 you he was dissatisfied with your work, if I understand your  
11 testimony correctly?

12          Mr. Linick. Yes.

13          Mr. Connolly. So who told you you were being  
14 terminated? What reason did they give? And what was your  
15 understanding, what is your understanding for the reason for  
16 your termination?

17          Mr. Linick. The Deputy Secretary, Steve Biegun, and  
18 Undersecretary Bulatao called me and told me that the  
19 President decided to exercise his power to remove you. I  
20 asked for a reason, and none was provided other than what I  
21 have just stated.

22          As I mentioned earlier, I have not heard any valid  
23 reason that would justify my removal. And before I was  
24 removed, no one questioned my performance or gave me any

1 advance notice of that. All I've heard since I've been  
2 removed is accounts in the media, and those explanations are  
3 either misplaced or unfounded.

4 Mr. Connolly. Well, you're here voluntarily to talk  
5 about your termination. What is your understanding of why  
6 you were terminated?

7 And I understand I'm asking you, in some ways, to  
8 speculate, but you're the witness and you're the person who  
9 is affected by the termination. As you contemplate that  
10 act, what is the best understanding you possess of why you  
11 were terminated?

12 Mr. Linick. Well, I really don't know why I was  
13 terminated. And I really don't want to speculate because,  
14 you know, as the IG, I don't like to offer speculations.

15 So I don't know how to answer that question other than,  
16 I believe that conclusion should be left to this  
17 fact-finding body. But I have heard no valid reason that  
18 would justify my removal. I just -- I don't know why.

19 Mr. Connolly. So let me ask one final question. The  
20 subcommittee has jurisdiction for IGs, the Government  
21 Operations Subcommittee. Are you concerned that your  
22 termination, in the context of the termination of your  
23 colleagues, can have a chilling effect on the work  
24 [inaudible]?

1           Mr. Linick. Well, again, in accordance with my  
2 practices, I don't want to speculate as to what kind of  
3 effect it will have. I can tell you that anecdotally I have  
4 heard people express some fear.

5           Mr. Connolly. Thank you.

6           Thank you, Mr. Chairman.

7                       BY HFAC DEM COUNSEL:

8           Q   Mr. Linick, could you please just elaborate briefly  
9 on anecdotally having people express fear to you regarding  
10 that chilling effect?

11          A   You know, I've just had people reach out. And  
12 that's what I mean by "anecdotally."

13          Q   And what have they said?

14          A   They have said that they're fearful.

15          Q   And are these people in the same rough line of work?  
16 Are these private citizens? Can you give us, obviously  
17 respecting people's confidentially, broad strokes of who it  
18 is that you think might be fearful in the wake of your  
19 firing?

20          A   I mean, the folks who have reached out to me are  
21 folks in the IG community.

22          Q   The folks in the inspector general community are,  
23 themselves, fearful for their jobs?

24          A   No, I'm not going to say all of them. I'm just

1 saying, anecdotally, people have expressed fear. But that's  
2 as much as I can tell you.

3 Q Thank you, sir.

4 HFAC Dem Counsel. Mr. Engel?

5 Chairman Engel. Yes. I now would recognize my  
6 colleague Ms. Jackie Speier.

7 Ms. Speier. Thank you, Mr. Chairman.

8 Thank you for your service, Mr. Linick.

9 The ethos statement that you were asked in a survey to  
10 comment on, approximately what date was that?

11 Mr. Linick. Unfortunately, I don't have access to  
12 those records, so I really don't remember. It was a while  
13 ago. It wasn't something that happened -- I can say it  
14 wasn't something that had happened -- it was before COVID.  
15 That's probably a good way to -- before mid-March. I think  
16 that would be a safe assertion. But other than that, I  
17 can't remember.

18 Ms. Speier. So it was this year, however? It was in  
19 2020?

20 Mr. Linick. No, I -- it may have been last year. I  
21 really --

22 Ms. Speier. Okay.

23 Mr. Linick. Yeah. It may have been last year. I just  
24 don't -- I don't want to speculate or guess.

1           Ms. Speier. So I understand you can't comment on  
2 ongoing investigations. But, from our perspective, we want  
3 to make sure that any documentation is saved and not  
4 disposed of. Can you give us any indication as to the  
5 nature of documents that may have been collected as a result  
6 of that investigation?

7           Mr. Linick. I'm really not in a position to do that,  
8 and I think that would be a better question directed at the  
9 office. I have not been in the office since -- you know,  
10 other than obtaining some personal effects, I've not been in  
11 the office. And I really can't get into that specific  
12 detail without potentially impacting the integrity of that  
13 work. So I don't feel comfortable talking about the types  
14 of information.

15           Ms. Speier. I'm not even asking for types of  
16 information. I just want to know, are we talking about file  
17 folders full of documents or boxes full of documents?

18           Mr. Linick. I wouldn't be able to tell you that  
19 because the person running that review is largely, sort of,  
20 in charge of document collection. It wouldn't be me. So I  
21 just don't -- I don't have the knowledge to tell you what  
22 exactly we're talking about.

23           Ms. Speier. And who is that individual who is in  
24 charge of that particular review, then?

1           Mr. Linick. [REDACTED] is the lead on that. At  
2           least, he was before I left. He is the [REDACTED]

3

4           Ms. Speier. Thank you.

5           I yield back, Mr. Chairman.

6                       BY HFAC DEM COUNSEL:

7           Q   And just briefly, sir, if I could, because you've  
8           referenced this. When you had gone back to get your  
9           personal effects from the office, what happened?

10          A   Friday night, I received word that I was being  
11          removed. And on -- at some point, I received word from my  
12          [REDACTED], who  
13          escorted me into my office on Saturday and allowed me to  
14          take photos out and other, sort of, personal effects. And  
15          the same occurred on Sunday too. I had 7 years' worth of  
16          personal effects in there. And that was it.

17          Q   And why is it that you had to be escorted, sir?

18          A   My access to the building -- I had no more access to  
19          the building, and I had no more access to the network. I  
20          don't know. I don't really know what else to tell you other  
21          than that was the only way I could get in the building,  
22          through an escort.

23          Q   And so both your physical access to the building and  
24          your access to materials had been cut off by Saturday

1 morning following your Friday evening phone call from the  
2 Deputy Secretary and Undersecretary Bulatao. Is that  
3 correct?

4 A Yes.

5 Q And that is despite the fact that you were told on  
6 that call that you were being placed on administrative  
7 leave. Is that correct?

8 A I was told I was being placed on administrative  
9 leave, yes.

10 Q And yet you were locked out of the building and  
11 locked out of your files.

12 A Yes.

13 Q Thanks.

14 HFAC Dem Counsel. Mr. Engel?

15 Chairman Engel. Mr. Ted Lieu of California.

16 Mr. Lieu. Thank you, Mr. Chair.

17 And thank you, Mr. Linick, for your long career of  
18 public service and for being here voluntarily.

19 At the time that you were informed that Donald Trump  
20 was removing you, your office was conducting an ongoing  
21 investigation into Secretary Pompeo and his wife potentially  
22 misusing Department resources, correct?

23 Mr. Linick. That's correct.

24 Mr. Lieu. Your office was also conducting a review or

1 investigation of the Saudi arms sale and whether there was  
2 potentially an inappropriate justification for the sale. Is  
3 that right?

4 Mr. Linick. Well, I'd like to -- it was not an  
5 investigation. Our [REDACTED] was conducting a  
6 review of that.

7 Mr. Lieu. Okay. And that was an ongoing review,  
8 correct?

9 Mr. Linick. That's correct.

10 Mr. Lieu. [Inaudible] interviewed Secretary Pompeo  
11 before you were told you were going to be removed?

12 Mr. Linick. I am sorry. Can you repeat the question?  
13 You phased out.

14 Mr. Lieu. Have you or your office interviewed  
15 Secretary Pompeo related to that review of the Saudi arms  
16 sale?

17 Mr. Linick. No. Before I left, before I was removed,  
18 our team asked for an interview of the Secretary.

19 Mr. Lieu. Okay. And did the Secretary understand what  
20 the interview was related to?

21 Mr. Linick. Well, I did not talk to the Secretary  
22 personally, so I can't tell you what he understood or what  
23 he didn't understand. But what I can tell you is that I  
24 told Undersecretary Bulatao, Deputy Secretary Steve Biegun,

1 and the Legal Adviser about the request.

2 He ultimately submitted -- as he already stated in  
3 public, in the media, he submitted some written answers to  
4 topic areas that we provided in advance of requesting our  
5 interview.

6 Mr. Lieu. Okay. So, clearly, he understood there was  
7 a review ongoing of the Saudi arms sale.

8 Mr. Linick. Again, he provided the document to us. I  
9 don't want to speculate in any way.

10 Mr. Lieu. All right. But the written document was  
11 related to the Saudi arms sale.

12 Mr. Linick. He did provide a document -- right.

13 Mr. Lieu. Okay.

14 Was there a third investigation or review that your  
15 office was conducting related to workplace violence?

16 Mr. Linick. I'm not going to comment on that at this  
17 time. I can't comment on that.

18 Mr. Lieu. Were there other investigations or reviews  
19 that your office was conducting that would put Secretary  
20 Pompeo or the administration in a negative light or --

21 Mr. Linick. I don't -- yeah.

22 Mr. Lieu. -- cause embarrassment?

23 Mr. Linick. I don't want to speculate what would put  
24 them in a negative light or not.

1           Mr. Lieu. Right.

2           Mr. Linick. I can -- go ahead.

3           Mr. Lieu. Go ahead. Finish.

4           Mr. Linick. I can confirm the existence of the  
5 following matters, which I understand my office already  
6 disclosed to the committee, and that is -- and these matters  
7 involve the Office of the Secretary in some way.

8           So we were doing an audit of Special Immigrant Visas.  
9 We were doing an ongoing review involving the International  
10 Women of Courage Award. We were doing an ongoing review  
11 involving individuals in the Office of the Protocol. I'm  
12 not at liberty to talk about the details of those.

13           And, of course -- and this goes for anything I would  
14 say in this hearing -- is, I am never going to confirm or  
15 deny the existence of any criminal investigations. I would  
16 never do that, you know, in any respect. So I just want to  
17 make that clear for the record.

18           Mr. Lieu. All right. Thank you, sir. And I'm not  
19 asking for details. Thank you for providing those three  
20 additional reviews. Are there any other reviews that you  
21 think would be helpful for us to know that your office was  
22 conducting at the time?

23           Mr. Linick. None that I can recollect as I sit here,  
24 but this is something that you would probably need to go

1 back to the office for and request. These are the ones that  
2 I recall having been ongoing.

3 Mr. Lieu. Thank you. So I guess what I'm asking is,  
4 it'd be helpful if we knew what to request. So if you could  
5 provide us a list of potential questions we could ask, that  
6 would be very helpful. We're not asking to you speculate;  
7 we're just asking you to help with the investigation. So,  
8 instead of us just randomly asking for topics, if you have  
9 some that you felt we might want to look at, that would be  
10 helpful.

11 Mr. Linick. Well, I don't have -- I'm really not in a  
12 position to give you topics to ask them. I don't really  
13 have access to the office.

14 All I would say is, it would be best if you posed that  
15 question, as to what ongoing work is there, to the office.  
16 I wouldn't be able to provide you with specific topics,  
17 because I just don't, as I sit here now, recall any specific  
18 topics. I've given you the topics that I'm aware of.

19 So I don't think I could be of any additional help.  
20 And I don't want to impact the -- or undermine the integrity  
21 of any ongoing work that the office is doing.

22 Mr. Lieu. So if we asked the question of, just give us  
23 everything your office is working on, there's no reason they  
24 wouldn't just give us a list. Is that right? Is that what

1 I'm understanding?

2 Mr. Linick. I have not been -- I don't have  
3 communication with the Acting IG, and I can't speculate what  
4 the office would give you or wouldn't give you. I have not  
5 been in charge since I was removed.

6 Mr. Lieu. Let me just take a step back. We're trying  
7 to do an investigation of why you were fired. I'm sure you  
8 would like to know that answer as well.

9 So I'm just asking -- we just want to know, what were  
10 the investigations your office was conducting up to the time  
11 you were told you were going to be removed? Is there any  
12 reason we couldn't just get a list of what those  
13 investigations were?

14 Mr. Linick. Well, I've already given you what I'm  
15 aware of. So there's no other list that I can give you  
16 other than what I've said. It may not be exhaustive. You  
17 would have to go to the office and get a list. I'm unable  
18 to provide that. I have no access --

19 Mr. Lieu. Ah. Okay. I got it. You've already given  
20 us what you're aware of at the time that you were removed,  
21 correct?

22 Mr. Linick. Yes. And it's my understanding --

23 Mr. Lieu. Okay.

24 Mr. Linick. -- that my office has already disclosed

1 that to the committee. But I am not suggesting that that is  
2 exhaustive. It may be. I just can't say for certain.

3 Mr. Lieu. Okay. Understood. Thank you very much.

4 Mr. Linick. Yes.

5 HFAC Dem Counsel. Thank you, sir.

6 And I'd just like to note for the record, we appreciate  
7 your indulgence with Mr. Lieu's questions. By my watch,  
8 that went over by a minute and 54 seconds. So, happy to  
9 extend an additional 2 minutes to our Republican colleagues  
10 for their round as well.

11 With that, we will turn the clock over to our  
12 Republican counterparts. Thank you.

13 Mr. White. HFAC Dem Counsel, per our agreement, we'd  
14 like to have a 5-minute break at this point.

15 HFAC Dem Counsel. Sir, that was just a little garbled,  
16 but just for the sake of the record, we would like to take a  
17 short break. And we will come back on the record -- does  
18 5 minutes sound okay, Mr. White and Mr. Linick?

19 Mr. White. That's adequate. Thank you.

20 HFAC Dem Counsel. Great. Thank you both.

21 [Recess.]

22 HFAC Dem Counsel. Over to our Republican colleagues  
23 for an hour, with an additional 2 minutes given that we ran  
24 slightly over. Thank you.

## EXAMINATION

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BY HFAC REP COUNSEL:

Q Hi, Mr. Linick. My name is [REDACTED]. I am senior counsel for the Foreign Affairs minority staff. Good to see you again.

I'd like to begin by going back to what my colleague [REDACTED] mentioned in terms of discussing your departure and some of your investigations.

You said that Undersecretary Bulatao bullied you. Can you expound some more on that for us?

A Sure.

We had a number of disagreements about the way in which a leak investigation was going to be handled. And I would rephrase that, not that he bullied me, but that he attempted to bully me. He wanted to sort of take control over a leak investigation that was being conducted by the DOD IG. So that's one example of that.

The other has to do with the work we were doing on the arms control, in trying to have us not work on that matter, stating that it was a policy matter and it was not within our jurisdiction to look at it.

So that was sort of the nature of that attempt to bully. Those are examples.

Q Okay. Let's deal with the -- since we had already

1 talked about the arms control one first, let's go back to  
2 that one. What exactly did Undersecretary Bulatao  
3 articulate to you as his concern? He just thought it was  
4 policy and not implementation?

5 A I can't tell you what his understanding was, but I  
6 can tell you that he strenuously objected to our doing work  
7 on a policy matter. I don't really understand -- I can't  
8 tell you what was in his mind. I can only tell you that  
9 that's what he said.

10 And in response to that, I cited the Foreign Service  
11 Act, which requires us to review implementation of policy,  
12 not to judge whether it's a good policy or a bad policy,  
13 which does not concern me one bit, but whether or not the  
14 policy is being carried out in accordance with the  
15 regs -- the regulations and the law.

16 Q So the confusion, from where I sit on this, just  
17 speaking for myself, is, when we talk about the decision in  
18 that instance, about utilizing that emergency authority, it  
19 seems like, at least in terms of the State Department, it  
20 was a discussion about whether to utilize the authority,  
21 about what the policy should be, not so much implementation  
22 of the policy.

23 And so I'm wondering if you can better define for us,  
24 kind of, the scope of what you were exactly looking at when

1 it came to that arms transfer issue.

2 A All I can tell you at this point is that we were  
3 looking at the implementation of that policy. I'm really  
4 not at liberty to go further into that.

5 Q Okay. And that review is still open. Is that  
6 right?

7 A That's an ongoing matter, yes.

8 Q But, generally speaking, do you review the  
9 predecisional discussions about what a policy should be?

10 A I'm not really -- that's a hypothetical question.  
11 I'm not going to get into whether we review predecisional  
12 questions. I'm just not able to answer that, and in  
13 particular with respect to this matter. There are  
14 classified aspects of this matter, and I really don't want  
15 to have further discussion about it for fear of wading into  
16 that territory.

17 Q So you said another example of a time when  
18 Undersecretary Bulatao attempted to bully you was in regard  
19 to a leak investigation. Can you tell us about that?

20 A Absolutely.

21 So there was a Daily Beast article which was issued in  
22 mid-September of 2019. This was after we submitted our  
23 report on political retaliation within the Office of the  
24 Secretary to the Department for comment. The article

1 indicated that the OIG was set to recommend discipline for  
2 Brian Hook, and the Secretary was concerned that the leak to  
3 The Daily Beast about that recommendation may have come from  
4 the Inspector General's Office.

5 So we had a meeting on that -- in other words, "we"  
6 meaning the Secretary and I met on that right after that  
7 article came out, and he was very upset about this  
8 particular article --

9 Q Mr. Linick, I'm sorry to interrupt. Just so we're  
10 clear, is this the article from September 13, 2019, in The  
11 Daily Beast that had the headline, quote, "State IG Set to  
12 Recommend Discipline for Trump's Top Iran Hand"?

13 A Yes, that's the article.

14 Q And that was authored by Erin Banco. Is that right?

15 A I don't remember who that's authored by.

16 Q Okay. And this meeting with the Secretary was soon  
17 thereafter that publication?

18 A Yes.

19 Q Okay. I'm sorry to interrupt. Please continue.

20 A What would you -- would you like me to describe that  
21 meeting?

22 Q Yes, please.

23 A So the Secretary was concerned about a possible  
24 leak. It was very upsetting to me, the thought of a leak

1 coming from the IG's Office, because that is not something  
2 that I would tolerate. And it would certainly undermine the  
3 integrity of our report and our office, and the report was  
4 due to come out in a few weeks.

5 At that meeting, I told him that. I told him I  
6 certainly did not leak it or have any communication with The  
7 Daily Beast or any periodical. I told him that, to the best  
8 of my knowledge, no one in my office leaked it, and if they  
9 did, they would be subject to swift action, including  
10 removal.

11 And I also told him that information about that report  
12 could have been leaked from a variety of sources, including  
13 the fact that the Department already had the report.  
14 Certain Members of Congress were conducting an investigation  
15 was my understanding of that, and some of the portions of  
16 the report had been seen by various subjects.

17 In any event, I took the leak very seriously, and I  
18 told him that I would conduct an independent review to  
19 ensure that no one in my office leaked that document.

20 In any event, he said at the time that he wanted the  
21 Bureau of Diplomatic Security to investigate that leak. And  
22 that's the Department's internal affairs group. I told him  
23 that that would not be appropriate for a variety of reasons.  
24 One, we're the overseers of the Department of State, not

1 vice versa. Two, it involved an alleged leak of information  
2 involving an unclassified report and a potential violation  
3 of OIG rules, and anyone who leaked this document would be  
4 subject to OIG discipline.

5 And I told him that the typical response to these  
6 things -- and these are common in the IG community -- in  
7 other words, allegations of leaks -- would be either for an  
8 internal review by the IG, the subject IG, or for an  
9 independent IG to actually do the review.

10 In any event, I ended up calling the Council for  
11 Inspectors General on Integrity and Efficiency, the CIGIE,  
12 and asked them -- I said, these allegations are serious and  
13 I wanted an independent review to be conducted. The head of  
14 the Integrity Committee told me that CIGIE does not review  
15 offices. And I had approximately 14 people who had touched  
16 this report. And they said that you need to either do it  
17 yourself or find another IG to do it.

18 The head of the Integrity Committee's name is Scott  
19 Dahl. He was also the IG at Labor OIG. I asked him if his  
20 office could do the review. He said he couldn't. I then  
21 went to the VA OIG and asked if their office could do the  
22 review. They said they couldn't. I then went to the DOD IG  
23 and asked them if they could do the review, and then they  
24 said that they could.

1           I think all that background is important, because you  
2 asked me about Brian Bulatao. I had told Brian Bulatao  
3 about the fact that CIGIE was not the appropriate place to  
4 bring this matter; I was told that by CIGIE. And I told him  
5 that the DOD IG was going to be conducting the independent  
6 review. And he insisted that the CIGIE do the review.

7           I told him that CIGIE only looks at particular  
8 individuals and that he was welcome to file a claim against  
9 me in particular, if he wished to do so, with the CIGIE.  
10 Apparently he had not done that.

11           So I followed the procedure. This was a serious  
12 situation, and I wanted to make sure that if there was a  
13 leak in my office that we found it and took appropriate  
14 action, because this would impact the reputation of the  
15 office.

16           Q Do you recall when this conversation with  
17 Undersecretary Bulatao took place?

18           A Well, it would have been shortly after my meeting  
19 with the Secretary in September, because all of this was  
20 happening fairly quickly. I believe we invited the DOD IG  
21 to do the review in October. So it had to -- again, I don't  
22 have an independent recollection of the exact date, but it  
23 had to occur in the fall. It had to occur in the fall of  
24 2019.

1           Q    Did you have any conversations with anyone else in  
2 Department leadership about this leak investigation?

3           A    I did with Deputy Sullivan as well.

4           Q    And when, approximately, did that conversation take  
5 place?

6           A    It would have occurred at or around the same time.  
7 I don't have an independent recollection of that. Clearly,  
8 it occurred before he left that post.

9           Q    Can you tell us about that conversation?

10          A    I had the same conversation with him as I did with  
11 Undersecretary Bulatao. I told him that the CIGIE doesn't  
12 investigate offices, that I was advised by CIGIE to either  
13 do it internally or find another inspector general to do it,  
14 and that was the sum and substance of the conversation, and  
15 that it was my interest to have an independent review to  
16 determine whether anyone in our office leaked.

17          At the same time, we also were conducting an  
18 investigation of the Department with the Bureau of  
19 Diplomatic Security to see whether or not anyone in the  
20 Department leaked it, because a number of people had the  
21 report at that time in the Department. So I told him that  
22 as well, that we were actually partnering with the Bureau of  
23 Diplomatic Security.

24          Q    So when you completed that conversation with Deputy

1 Secretary Sullivan, what were the do-outs? I mean, did he  
2 think that you were going to consult with other IGs and  
3 bring someone on who could do the investigation since you  
4 had told him CIGIE could not? Was he expecting anything  
5 back from you after that conversation?

6 A I am not going to speculate as to what he expected  
7 or what he thought. I can tell you what I told him. I told  
8 him that the CIGIE would not investigate an office. And I  
9 told him that, after having consulted with three IGs, big  
10 IGs, I found one who had the time and the resources to do  
11 it. I told him that.

12 Q So Deputy Sullivan knew you had consulted with the  
13 three other IGs in an effort to find an IG to conduct the  
14 investigation.

15 A I told him that.

16 Q Did he ask for any type of updates or any type of  
17 final report from that investigation when you -- I guess,  
18 was he told -- let me back up. Did you tell him that DOD IG  
19 had agreed to do the investigation?

20 A Oh, yes.

21 Q At that same discussion?

22 A I don't know if it was the same discussion. I just  
23 remember telling him that the DOD IG was going to do the  
24 review.

1           Q    Okay.  After you informed Deputy Sullivan that the  
2   DOD IG was going to be doing the investigation, did Deputy  
3   Secretary Sullivan ask for any status updates or any final  
4   report or recommendations once the DOD IG completed its  
5   work?

6           A    I don't recall if he asked that.  I mean, once he  
7   was nominated to be Ambassador to Russia, you know, he left  
8   his post, so we didn't have a lot of interaction -- we  
9   didn't have a lot of interaction about it.

10          Q    Did anyone else in Department leadership ask for  
11   similar updates or conclusions --

12          A    Yes.

13          Q    -- from that report?

14          A    So I do recall one instance.  And this occurred  
15   before, sort of, March 17 or March 16, when everything  
16   started shutting down at the State Department.  This was  
17   pre-COVID.  I learned from the DOD IG that they hadn't found  
18   that there had been a leak to the press in our office.  And  
19   shortly after that, I met with Brian Bulatao and  
20   Deputy Secretary Biegun, and I told them about those results  
21   verbally.

22                Undersecretary Bulatao asked for the internal  
23   investigation of that report, and I told him that it  
24   wouldn't be my practice just to hand over an internal

1 investigation of OIG personnel who are being investigated  
2 for violating OIG rules. However, I did tell him, because I  
3 wanted to be transparent, that I would share some version of  
4 the report with the Deputy when it was finalized, but I  
5 wanted an opportunity as to how to assess that.

6 And I told him that I had several concerns. One, these  
7 were DOD IG records. Two, it involved an investigation of  
8 individuals involved in investigating the Department for  
9 political retaliation, and I could imagine the Department  
10 using information in the report against them, and wanted to  
11 make sure their confidentiality was protected. And, three,  
12 I didn't want to set a precedent of just turning over any  
13 internal reviews that the Department asked for.

14 I received the final report at or around March 17, and  
15 that's when COVID was in full swing. On or about Monday,  
16 March 16, we began sending everyone home. All of my  
17 in-person meetings, including with the Deputy, were  
18 canceled. And, at that point, we were completely consumed  
19 with, you know, addressing COVID and figuring out how to  
20 protect staff.

21 But for the COVID crisis, I had planned to sit down in  
22 person with the Deputy and let him review that report in  
23 camera in order to be transparent about it but also to  
24 protect the equities that I mentioned.

1 Q So it was your position that Department leadership  
2 could only review the findings of that report in camera.

3 A That was going to be my position, yes.

4 Q And so, what date did you receive the written report  
5 from DOD IG?

6 A I'm not exactly sure. I know the date of the report  
7 is March 17. So I couldn't tell you. Again, I don't have  
8 access to my system.

9 Q In between now and the time of your termination, did  
10 you ever provide that report to Department leadership?

11 A No. Given the exit, what happened was, we got that  
12 report at a time when we were sending everybody home. Given  
13 the exigencies of COVID and the fact that the report  
14 confirmed what I had just told them earlier, namely that  
15 there was no leak, it wasn't on the top of my list.

16 I had a couple of calls with the Deputy and Bulatao,  
17 Undersecretary Bulatao, and it never came up. And I was  
18 waiting, really, for a time where I could meet with the  
19 Deputy personally. It wasn't on their radar. They were  
20 addressing COVID.

21 Q But this was a -- when you received it, I guess  
22 March 17, this was a completed investigation at that point,  
23 correct?

24 A Yes.

1           Q   And so I'm having trouble understanding why you were  
2 fearful of giving just full access to that report to  
3 Department leadership if it was, in fact, complete on that  
4 day?

5           A   Well, as I said before, it wouldn't be my practice,  
6 from an independence point of view, to turn over an internal  
7 investigation of OIG personnel who were being investigated  
8 for violating OIG rules. I wouldn't do that.

9           So it wasn't a matter of being fearful. I just -- I  
10 don't think that's appropriate. Those are my rules, and we  
11 impose discipline for those rules.

12           However, I did recognize the importance of providing  
13 some transparency around it. And it was my view that, by  
14 permitting the Deputy Secretary to read it in camera, that  
15 would satisfy both the transparency goal and my own  
16 government equities.

17           Q   Are those rules -- you said those are your rules.  
18 Have you articulated those in any type of internal policy  
19 document? Are they in writing anywhere?

20           A   You mean that you shouldn't be submitting a report  
21 to the media in advance of publication?

22           Q   No, I'm sorry, that you shouldn't be providing  
23 internal OIG investigations, once complete, to Department  
24 leadership.

1           A    I didn't say that was a rule.  I said that was my  
2 practice.

3           The rule I was talking about is an internal OIG policy,  
4 which is, we don't want people sending reports to the press,  
5 for example, before a report is issued.  You know, we  
6 determine, sort of, how and when our reports are issued.  
7 And one of the things we don't want people to do is send a  
8 report to the press in advance of publication.  We have  
9 rules around how that publication process works.  That's  
10 what I was referring to.

11          Q    Okay.  So your practice was to not share internal  
12 OIG reviews or reports about your office, once complete, to  
13 Department leadership.  Is that right?

14          A    Well, particularly if it's a DOD -- I mean, I had  
15 certain concerns.  One, they were DOD IG records.  And, two,  
16 they involved investigations of individuals who were  
17 investigating the Department for political retaliation.  So,  
18 yeah, I mean, there are confidentiality concerns, there is a  
19 variety of concerns as to why we wouldn't just, you know,  
20 give a report over.

21          And at the time that I expressed my concerns to them, I  
22 told them I wanted to assess this when I received the  
23 completed report.

24          Q    You're saying that DOD IG was investigating for

1 political retaliation at that point?

2 A No, I didn't say that. The DOD IG was doing the  
3 leak investigation. Our staff was investigating the  
4 Department for political retaliation against Department  
5 employees. They were the ones who were being investigated  
6 for allegedly leaking the report.

7 Q And because your staff was undertaking the political  
8 targeting investigation, you did not think that the DOD IG  
9 report, once final, should be given to Department  
10 leadership.

11 A At the time I was having conversations with the  
12 Deputy and Undersecretary Bulatao, I did not know exactly  
13 what -- I wasn't sure exactly how a final product would  
14 look, so I didn't really know exactly, you know, what a  
15 final review would entail.

16 Q You didn't understand what a final review of --

17 A I didn't understand what their final report would  
18 contain -- interviews with witnesses and so forth. And I  
19 wanted an opportunity to assess that.

20 Q Which you were able to do when you received it on  
21 March 17, correct?

22 A That's true. Yes.

23 Q So, after March 17, then, what's the hesitation with  
24 sharing it with Department leadership?

1           A    There wasn't a hesitation.  As I said before,  
2   everything shut down.  Everybody was focused on COVID-19.  I  
3   had no more in-person meetings with the Deputy at that time.  
4   And given the exigencies of COVID and the fact the report  
5   confirmed what I already told them, it just wasn't at the  
6   top of my list.

7           I had fully intended to share it with them, but -- this  
8   is important.  I was on two phone conversations with  
9   both -- well, I won't say "two."  I remember it was more  
10  than one.  It may have been more than two.  But during those  
11  phone conversations, they never followed up on that end at  
12  all with it.  So there was no communication about the report  
13  after March -- you know, whatever the date -- after the date  
14  I received it.

15          Q    Well, how would anyone in the Department have known  
16  that you received it in March?

17          A    No, I didn't say that.  They didn't ask -- they  
18  didn't follow up about the report in the phone conversations  
19  that I had after we shut down.

20          Q    But isn't it possible that they didn't follow up  
21  because they had no knowledge -- they thought the report was  
22  still ongoing?  They didn't know --

23          A    Yeah.  I don't know what they knew or what they  
24  didn't know.  They probably -- I mean, I didn't tell them

1 that I had the final report.

2 Q It would've made it hard for them to ask for it, if  
3 they didn't know you had it, right?

4 A Well, they could've asked about the status of the  
5 report.

6 Q But they had asked previously what the results of  
7 the report would be. At that time, you said, "We don't have  
8 a final report." Is that correct?

9 A Yeah. Pre-COVID, we did discuss it. That's  
10 correct.

11 Q So you did know they wanted to know the results.  
12 But they did not bring it up again in phone calls that you  
13 had after that time. Is that right?

14 A Yes. Yes.

15 Q So I'm just a little confused, though, as -- you  
16 knew Department leadership wanted to see the report. You  
17 were able to review that report when you received it in  
18 writing, approximately March 17. And I'm just not quite  
19 understanding why -- the only thing I'm hearing about why  
20 you didn't then send it on in an email to those who were  
21 interested is because they didn't ask for it a second time.

22 A No. Honestly, we were completely focused on COVID  
23 at that time. And I would imagine it would be normal to  
24 follow up if they still cared about it. Frankly, I didn't

1 think it was a top-burner issue for them. I had already  
2 told them the results of it. And that's why I didn't give  
3 it to them.

4 Q You told them the results --

5 A Pre-COVID, I told them the results.

6 Q You told them the results prior to your receiving  
7 the final report?

8 A Yes. As I said before, I met with them and I told  
9 them the results, that DOD IG had cleared us. I told them  
10 that pre-COVID.

11 Q How were you conveyed that information if you had  
12 not yet received the written report at that time?

13 A You know, I had learned of it from somebody at  
14 DOD IG, and I don't remember who.

15 Q They had just called you and said --

16 A I don't remember if they provided a draft or if they  
17 provided a verbal indication. I just don't remember.

18 Q So I'd like to turn to very general questions about  
19 your process, totally separate from any specific review that  
20 you've undertaken. And I know I will certainly get the  
21 nomenclature wrong. I know you talked about the difference  
22 between reviews and investigations. But can you just talk  
23 generally or a little bit about what triggers your office to  
24 open up an investigation or a review of any given topic and,

1 kind of, the steps you take?

2 A Well, it varies, but if we talk about an audit, for  
3 example, typically, it may be that we get a request to do  
4 work from the Hill, or it may be that we have mandatory work  
5 required by statute, or it may be that we decide internally  
6 to pursue something because we think that it's a risk area.

7 Typically, what we would do is staff would do some  
8 preliminary work to decide whether it's something that we  
9 want to pursue. And then, after doing -- and, again, this  
10 is a generalization; this is not with everything -- after we  
11 do some preliminary work for an audit or an inspection or  
12 evaluation, we would let the Department know in a notice  
13 that we were doing the work.

14 Q And how do you relay findings or drafts or stages of  
15 a review or investigation with the Hill?

16 A How do we review it with the Hill?

17 Q How do you --

18 A We don't tell findings -- our policy is not to share  
19 findings of ongoing work with the Hill.

20 Q So how do you convey to the Hill ultimate findings  
21 of a review?

22 So let's say you do step one of your review. If you do  
23 step one -- and I'm not sure exactly what step one is. But  
24 if you take your first step in the review and you either

1 find there's nothing else to review or you're able to reach  
2 conclusions, how do you relay that information to the Hill,  
3 if step one is it, if that's the end of your review?

4 A Oh. Sometimes we might meet with the Hill if  
5 there's Hill interest. It might be that they request work  
6 and we don't think that the work is warranted. There may be  
7 occasions when staff will meet with the Hill and say, this  
8 is not something that we're going to continue to pursue.

9 Q Okay. If you do continue to pursue an  
10 investigation, at what point does your office correspond  
11 with the Hill on conclusions or findings resulting from that  
12 investigation?

13 A Well, I'm going to use "review" instead of  
14 "investigation," because "investigation," in my view, is a  
15 term of art. But the way we do that is we convey the  
16 findings to them through the report or some sort of a  
17 document.

18 Q Do you only send the final report, or do you send a  
19 draft report?

20 A We wouldn't send a draft report to Congress, ever.

21 Q Have you ever come to know that anyone in your  
22 office conveyed information or drafts of a report to Members  
23 of Congress or their staff prior to your final report?

24 A No, not to my recollection. And if they did that,

1 that would be a violation of our internal rules on conveying  
2 findings.

3 Q I want to take you back to the article that we  
4 referenced earlier that was on September 13. And I provided  
5 that article to staff. I think it may have been circulated.  
6 I'm not going to go all through it, but just if you want a  
7 copy for reference, I think that's been circulated.

8 Mr. White. Counsel, what article is it you're  
9 referring to? I'd like to see if I can get a copy for him.

10 HFAC REP COUNSEL. Sure. Let me just pause for a  
11 second and ask if staff has sent that article out.

12 Mr. White. I believe it was sent to us, but I haven't  
13 printed a copy for the witness yet. You can go ahead, and  
14 I'll see if I can get it.

15 BY HFAC REP COUNSEL:

16 Q Okay. This is the September 13, 2019, Daily Beast  
17 article by Erin Banco with the headline, quote, "State IG  
18 Set to Recommend Discipline for Trump's Top Iran Hand." I'm  
19 just going to quote from, I think it's the second paragraph,  
20 briefly.

21 A portion of that article states, quote, "The State  
22 Department is preparing to recommend that the Trump  
23 administration's top representative for Iran policy receive  
24 disciplinary action for his role in politically motivated

1 firings of employees at the Department, according to two  
2 government sources involved in carrying out the  
3 investigation."

4 So my question, Mr. Linick, on that is, when you hear  
5 the phrase "according to two government sources involved in  
6 carrying out the investigation," who does that initially  
7 lead you to believe might be the source for this  
8 information?

9 A Well, look, it was very concerning to me that it  
10 said "two government sources involved in carrying out the  
11 investigation." Obviously, as I said before, it's a very  
12 serious matter if there's a leak in our office. I can't  
13 tell you why or how the reporter wrote that. I can't tell  
14 you what they were thinking. But, yes, very concerning, and  
15 that's why I invited the DOD IG to do a review.

16 I will say that, you know, the Congress was also  
17 carrying out an investigation of this, and the report had  
18 been issued to the Department. So, in my mind, there were a  
19 number of possibilities. But I was going to certainly make  
20 sure that our office wasn't involved in this, for all the  
21 reasons I've already stated.

22 Q But the Department was the entity being reviewed,  
23 and any witnesses who would've known that was going on  
24 because they were interviewed, they were interviewed as

1 potential fact witnesses, right?

2 A Let me go back a little bit. This report had been  
3 given to the Department prior to the Daily Beast report  
4 coming out. So there were people at the Department who  
5 touched the report. And, obviously, we interviewed a number  
6 of witnesses, we interviewed a number of folks in connection  
7 with that report. So there were a number of people who  
8 obviously had some involvement in that report.

9 So that's all to say that that's why we also lodged our  
10 own investigation of the Department with the Bureau of  
11 Diplomatic Security to see if anyone from the Department  
12 might have leaked the report.

13 Q My only point here was that, while people in the  
14 Department certainly had received the report and were aware  
15 of it, no one in the Department was involved in carrying out  
16 the investigation. That was your office, right?

17 A Well, sure, we were carrying out an investigation,  
18 as well as Congress. And I can't speculate as to why the  
19 reporter wrote that. But, again, you know, it was very  
20 upsetting to see that language. And the last thing I wanted  
21 is for our office to be accused of a leak, because that  
22 hurts our reputation and the integrity of the final report  
23 we ended up issuing several weeks later.

24 Q And so what was the result of your investigation

1 that you did in conjunction with Diplomatic Security?

1

2 [11:41 a.m.]

3 Mr. Linick. Unfortunately, I can't -- I can't speak to  
4 that because that's an ongoing matter, or it hasn't been  
5 published yet. And I'm going to have to refer you back to  
6 our office.

7 BY HFAC REP COUNSEL:

8 Q So, over the course of your tenure as inspector  
9 general, did you ever become aware of any members of your  
10 staff leaking information to the press or providing  
11 information to staff members on Capitol Hill without your  
12 knowledge or authorization?

13 A Not to my recollection. I mean, I don't  
14 believe -- to the best of my knowledge, I don't believe  
15 anybody on my staff has leaked, has leaked information  
16 either way.

17 Chairman Engel. Excuse me. I want to now turn the  
18 chair over to Mr. Connolly of Virginia.

19 Mr. Connolly. [Presiding.] Thank you, Mr. Chairman.  
20 Counsel may proceed.

21 HFAC REP COUNSEL. Thank you, Mr. Connolly.

22 BY HFAC REP COUNSEL:

23 Q I'd like to move back to this question -- and I am  
24 not in any way referring to any specific investigation. I

1 think maybe something had been lost in translation. Maybe I  
2 didn't phrase the question correctly the first time.

3 But just as a general matter, regardless of what you're  
4 reviewing, do you look at decision-making processes as part  
5 of your review into any -- any -- whatever the given topic  
6 is?

7 A Do we look at decision-making processes?

8 Q So, to clarify, do you look at who is making  
9 decisions or what is leading to decisions regarding what  
10 policy should be versus how it is then implemented in the  
11 field?

12 A I'm not sure I understand that question. Can you  
13 clarify?

14 Q I'll certainly try. So when you are undertaking  
15 reviews, you are -- as you said, by law, you're tasked with  
16 looking at implementation of policy, correct?

17 A Yes.

18 Q As part of that work, do you ever look at how policy  
19 decisions are made, not how they are necessarily  
20 implemented, but how the policy decision is arrived at?

21 A Typically not, but I'm not going to rule that out  
22 entirely because this is sort of a hypothetical, and I can't  
23 predict how that might come up. But, typically, we look at  
24 what the decision was and how the decision was made.

1 Q So you do look at the motive behind the decision?

2 A Well, I'm not -- I'm saying typically -- I'm not  
3 going to rule that out. That's hard for me -- that's hard  
4 for me in a vacuum to answer that question.

5 Q Well, let me ask you not as a hypothetical. Just  
6 have you ever looked at decision-making regarding policy and  
7 how or why a certain policy is arrived at?

8 A I don't -- I can't tell you that, sitting here. I  
9 don't know. I can't tell -- give you an answer to that. I  
10 don't -- I don't have sufficient recollection of reports  
11 we've done and so forth to say one way or the other.

12 HFAC REP COUNSEL. Okay. Thank you for that.

13 Given the time, I know we have at least one member, I  
14 think Mr. Yoho has a question, so I want to pause and allow  
15 him to ask his question.

16 Mr. Yoho?

17 Okay, I'll double-check with his team and see if he is  
18 still on and would like to ask a question. In the meantime,  
19 I think Mr. Jordan is on the line and may also have a  
20 question.

21 Mr. Jordan.

22 Mr. Jordan. Thank you.

23 Mr. Linick, how long have you been an IG?

24 Mr. Linick. Ten years.

1           Mr. Jordan. And how many investigations or, slash,  
2 reviews have you done in that 10-year timeframe?

3           Mr. Linick. I can't tell you a number. A lot.

4           Mr. Jordan. A lot. Is that 100? Is that 200? Is it  
5 50, what? Give me an idea.

6           Mr. Linick. I can't give you a number. Dozens of  
7 them.

8           Mr. Jordan. Dozens? Have you ever had a problem with  
9 leaks in any of those other investigations?

10          Mr. Linick. We did actually have a problem when I was  
11 at FHFA, and that person ended up leaving the office after  
12 we discovered it.

13          Mr. Jordan. So dozens of investigations, only one  
14 other time have you had a problem with a leak?

15          Mr. Linick. Only one -- yeah, I mean, we've  
16 not -- there's been no allegation other than -- other than  
17 that FHFA instance and other than what we've just talked  
18 about today.

19          Mr. Jordan. And in your time at the State Department  
20 as inspector general, this is the only occasion where there  
21 was a concern about leaking information of an ongoing  
22 review. Is that right?

23          Mr. Linick. Actually, there was one occasion where I  
24 spoke with the Secretary, and he said to me that Chairman

1 Engel might have had a report, and I think it was our Office  
2 of International Organizations report. And he asked me if  
3 he -- if I knew anything about that, which I didn't. That  
4 particular report had been sent to the Department and -- but  
5 it hadn't been published yet.

6 And I never heard anything about that. It didn't come  
7 to anything. So there was a concern that the Secretary  
8 expressed to me about a leak to -- of a report to Chairman  
9 Engel.

10 Mr. Jordan. So a leak to Congress?

11 Mr. Linick. Correct.

12 Mr. Jordan. But not to the press?

13 Mr. Linick. Not that I can recall, no.

14 Mr. Jordan. And you've done some high-profile reviews  
15 and investigations. I mean, I know -- I know --

16 Mr. Linick. Yes. Oh yeah, actually, you know what,  
17 there actually was an allegation. Now that you mention it,  
18 when we were doing the review of the Secretary's email back  
19 in 2016, there was an allegation I believe that someone from  
20 our office might have leaked information. I believe that's  
21 the case.

22 Mr. Jordan. Well, I'm confused because a little bit  
23 ago it seemed to me you gave the impression to our counsel's  
24 questions that this was like the only time there had ever

1     been a leak concern, and now you're telling me there's been  
2     several occasions where there were. So which is it?

3             Mr. Linick. No, no, no. I just recall the situation  
4     in 2016. So I'm aware of an instance in 2016 where there  
5     was an allegation. I'm aware of The Daily Beast allegation,  
6     and I'm also aware of a conversation I had with Secretary  
7     Pompeo about a leak to Congress. So I would say --

8             Mr. Jordan. Is it fair to say -- is it fair to say  
9     that what happened in the situation with Mr. Hook and The  
10    Daily Beast wasn't an allegation, because The Daily Beast  
11    actually ran a story and attributed it to two sources  
12    involved in carrying out the investigation. Is that fair?

13            Mr. Linick. No. There was an allegation -- can I  
14    answer the question?

15            Mr. Jordan. Yes, but let me back up a second. Nothing  
16    like that happened in the Clinton email investigation.  
17    There was no -- was there a story written?

18            Mr. Linick. You know, I don't recall. I don't recall  
19    the facts of that.

20            Mr. Jordan. Okay.

21            Mr. Linick. But to answer your question, the  
22    allegation was that somebody in the State Department IG  
23    leaked that report. That was the allegation --

24            Mr. Jordan. Right.

1           Mr. Linick. -- that the Secretary was concerned about.

2           Mr. Jordan. Right. We don't know -- do you know who  
3 leaked it?

4           Mr. Linick. No. And I certainly didn't leak it, and  
5 to the best of my knowledge, no one on my staff leaked it.  
6 And the DOD, you know, found that to be the case. If I did  
7 find out that somebody leaked that information, I would  
8 discipline that person and consider removal.

9           Mr. Jordan. Right. But who do you think leaked it?

10          Mr. Linick. I have no -- I don't know who leaked it.  
11 I can't speculate. I know that a number of people touched  
12 the report. The report was in the Department's hands. You  
13 know, we provided in camera reviews to some of the witnesses  
14 of portions of the report so they could check for accuracy.  
15 I really don't know who leaked that report or who leaked  
16 information from the report. It's not even clear to me that  
17 the report was leaked.

18          Mr. Jordan. I understand.

19          Mr. Linick. It could have been information from the  
20 report that was leaked. So I just don't know, sitting here  
21 today.

22          Mr. Jordan. And when Mr. Fine, the DOD did the  
23 investigation, I think he looked at 15 people in your office  
24 who had access to the information that was in the report.

1 Is that right? Including yourself.

2 Mr. Linick. He looked at everybody who touched the  
3 report.

4 Mr. Jordan. And all 15 and he found none of them did?

5 Mr. Linick. That is correct.

6 Mr. Jordan. Okay. When you talked with Mr. Sullivan,  
7 you talked about this a little earlier, Mr. Sullivan  
8 recommended that CIGIE do the investigation, and you said  
9 that they couldn't do it. Why couldn't they do it, again?

10 Mr. Linick. I didn't say he recommended that CIGIE do  
11 the investigation. I said that we had a conversation about  
12 CIGIE. I don't really know how it came up. But I told him  
13 that CIGIE doesn't investigate offices. They don't do leak  
14 investigations of offices.

15 And I spoke with the head of the Integrity Committee,  
16 Scott Dahl, about that. And that's why they don't do it.  
17 And Mr. Dahl basically told me that I needed to find another  
18 IG to do it. And I asked if his office would do it. He  
19 said he didn't have the time or the resources. Then I went  
20 to the VA IG. They didn't have the time or resources. Then  
21 I went to the DOD IG.

22 Mr. Jordan. I thought you made a distinction earlier,  
23 Mr. Linick, that if the allegation were that a specific  
24 person in the State Department Office of Inspector General

1 was alleged to have leaked it, then, in fact, CIGIE could  
2 investigate. Is that accurate?

3 Mr. Linick. No. Only if it's a covered person. There  
4 are certain individuals, including myself or -- you know, if  
5 there's an allegation against me, the CIGIE would look at  
6 it. There are other covered individuals. If there are  
7 allegations against an assistant inspector general, the  
8 CIGIE would cover it.

9 Mr. Jordan. Well, is that -- so that seems to me to  
10 be -- I mean, come on. If CIGIE can only investigate you or  
11 some of your top assistants, but they can't investigate a  
12 leak that supposedly came from your office, that seems to  
13 be, you know, a distinction that's not really that critical.

14 If they're going -- if they can investigate that, why  
15 can't they investigate just a general concern that a leak  
16 came from your office? And you're saying -- you seemed to  
17 indicate earlier that somehow that was just not tolerated.  
18 That would be just totally wrong. But it seems to me a  
19 distinction without much of a difference.

20 Mr. Linick. I'm not telling you what I'm saying. I'm  
21 telling you what CIGIE is saying. And if you go to the  
22 CIGIE website and their mission and their FAQs, it discusses  
23 that issue. So that's something that you should direct to  
24 CIGIE because I specifically asked CIGIE, can you -- is this

1 something that you can handle? And I was told no; they  
2 don't investigate offices. So, again, that's not something  
3 that I'm saying; that's what CIGIE is saying.

4 Mr. Jordan. Okay. Okay. And then how did you decide  
5 on Mr. Fine?

6 Mr. Linick. Well, I went to -- as I said, I went  
7 to -- I tried to go to big IGs. I started with the Labor  
8 IG. Then I went to VA, and then I went to DOD, largely  
9 because I knew they had a lot of resources  
10 and -- and -- that smaller IGs wouldn't have. I was just  
11 going down the line. I probably would have gone to HUD IG  
12 or HHS IG after that.

13 Mr. Jordan. When did Congress get a draft of the -- of  
14 your review and investigation of Mr. Hook, what date?

15 Mr. Linick. Oh, I don't have the date. I think -- I  
16 mean, I know that was -- I'm just trying to think. It was  
17 somewhere around late October, maybe early November. I  
18 don't have the exact date on it.

19 Mr. Jordan. Was there anyone in Congress that you were  
20 talking to or anyone in your office talking to prior to the  
21 September Daily Beast story?

22 Mr. Linick. We had -- folks in our office were in  
23 communication with some of the committees. You know, they  
24 had asked about the status of the report and that kind of

1 thing. So, yeah, I wasn't involved in those, but there  
2 were -- there were meetings between our staff and committee  
3 staff who were asking about the pace of the report and so  
4 forth. So that there were definitely meetings.

5 Mr. Jordan. Were details or any information other than  
6 just the timing and pace and when you expect to complete it,  
7 when you expect to complete the investigation, was any of  
8 that type of information conveyed?

9 Mr. Linick. It wasn't supposed to be.

10 Mr. Jordan. Okay. Okay.

11 Mr. Linick. It wasn't supposed to be.

12 Mr. Jordan. All right. I yield back.

13 BY HFAC REP COUNSEL:

14 Q Mr. Linick, going to when you got the DOD IG to do  
15 the investigation, how did that come about? Did you send  
16 that request in writing to the DOD IG to come do the report?

17 A No. I called IGs. I basically just called them,  
18 and I said: There's an allegation of a leak in my office,  
19 and I need an independent review. So that's how I did it.

20 Q So, after the DOD IG agreed, how did you know what  
21 he was going to be reviewing? How was the -- how was his  
22 review scoped? If he didn't have anything in writing from  
23 you to say, here's the allegation, can you look at XYZ, how  
24 did he determine the scope of his investigation?

1           A    Oh, I don't remember how -- once he agreed to do it,  
2           there was some communication about -- I don't recall how  
3           that occurred. There was some communication with the folks  
4           who were doing the review in their Office of Investigation,  
5           the DCIS folks.

6           There was some communication about who touched the  
7           report and all of that. And it may have -- it may have been  
8           between my general counsel at the time and folks at the DOD  
9           IG, you know, the specifics. I wasn't involved in that.

10          That's how. There was a briefing at some point where  
11          they talked about, you know, who touched the report and gave  
12          them the report, that kind of stuff.

13          Q    Was there ever a memorandum of understanding or any  
14          type of written document framing out what they would be  
15          doing for your office?

16          A    Yes, and that was -- that was executed by -- between  
17          the general counsel and their office. There wasn't -- there  
18          was a memo of understanding, yes.

19          Q    And can you tell us some details about the scope of  
20          that investigation? They were looking at leaks to whom?

21          A    Well, the scope of that was to determine whether or  
22          not there had been leaks to the press. And I think it's all  
23          outlined in the final report, so -- but they -- the scope  
24          was to interview all the folks who touched the report, to

1 look at all of their Department of State and OIG emails over  
2 a certain period of time. And that was basically how they  
3 conducted that review. More of those facts are outlined in  
4 the actual report.

5 Q But why is the scope of that review only focused on  
6 leaks to members of the press? Why didn't it look at leaks  
7 to Capitol Hill, to members of the executive branch? Why is  
8 it just about leaks to the press?

9 A Well, because that was the allegation in front of  
10 us. And that was the allegation that the Secretary was  
11 concerned about. So everybody has limited resources and  
12 limited time, and given that the allegation was that there  
13 was a leak to The Daily Beast, that's what they were looking  
14 at.

15 Q But you told us --

16 A Let me finish. Generally, you know, you investigate  
17 issues where there's some predicate. And the predicate here  
18 was The Daily Beast article which says, according  
19 to -- which said, "according to government sources carrying  
20 out the investigation." That was the basis for the review.

21 Q But you told us that it was your understanding that  
22 a lot of people beyond your office had access to the report  
23 and that they could have been the source of the leaks.

24 A Oh, yes, yes.

1           Q    So I'm just wondering why you only scoped it to  
2           leaks from your office to the press instead of other avenues  
3           by which your office could have leaked.

4           A    I guess I'm not following you. We actually engaged  
5           in an investigation of our own of people outside of our  
6           office with the Bureau of Diplomatic Security, to see  
7           whether they leaked to the press.

8           Q    But why doesn't the DOD investigation mirror that?  
9           Why aren't you looking to see -- why didn't you have the DOD  
10          IG look at leaks to anyone, not just the press? I  
11          understand that there was the press report, which was the  
12          trigger for all of this, but, as you said, there were other  
13          people who could have leaked -- who could have received it  
14          from your office, conceptually.

15          So I'm just wondering why the scope of the DOD IG  
16          investigation is only about leaks from your office to press  
17          outlets.

18          A    Okay. So two things: First of all, I didn't put  
19          limits on the DOD IG investigation. And, secondly, I didn't  
20          say that there was any evidence that people outside my  
21          office were leaking to other places. All I said was that  
22          the issue was whether or not someone from inside our office  
23          leaked to The Daily Beast, and then the issue was also  
24          whether somebody outside our office was leaking to The Daily

1 Beast. And that was based on the evidence in The Daily  
2 Beast article.

3 Q Well, someone limited the scope of the DOD IG's  
4 investigation. So who would that have been?

5 A Well, the DOD IG knew what we were concerned about,  
6 namely the leak to The Daily Beast, and that's what they  
7 were looking at. I mean, what else would they look at?

8 Q Well, they could look at leaks to other individuals.  
9 I mean, you just articulated that, that there could have  
10 been other people outside IG who gave the information to  
11 press outlets.

12 A Well, so they interviewed -- they interviewed all of  
13 the individuals, and they asked them those questions. They  
14 performed a reasonable, in my view, leak investigation,  
15 something that we do -- I mean, you know, interviewing the  
16 people who had the report, looking at all their emails,  
17 that's a reasonable way to do this investigation.

18 None of the people they interviewed -- I mean, they  
19 followed through if people said they sent it somewhere. You  
20 have the report. So, you know, I mean, they basically  
21 followed the lead. They followed the evidence.

22 Q So my understanding is that they were looking at  
23 whether emails were sent out to any press outlets, which is  
24 a much -- that's a far limited scope --

1           A   Actually, that's not true.  They actually asked  
2   folks whether or not they shared the report with anyone  
3   outside the office.

4           Q   But did they review email to that extent as well, or  
5   were they just looking at email in regard to press outlets?

6           A   They looked at everybody's email to see whether or  
7   not they shared the report outside of the office.

8           Q   To anyone?

9           A   To anyone, yes.

10          Q   Okay.

11          A   Yes.  It's in the report.

12          HFAC REP COUNSEL.  Mr. Zeldin.

13          Mr. Jordan.  [REDACTED], can I get back in for a  
14   second?

15          HFAC REP COUNSEL.  Absolutely.

16          Mr. Jordan.  Thank you.

17          Mr. Linick, so you mentioned that there was somewhat of  
18   a concern back when you did the Clinton email investigation,  
19   did your review of that.

20                 Did any of the other concerns about leaks in prior  
21   investigations require an outside inspector general to come  
22   in and do a review?

23          Mr. Linick.  No.  It's usually -- I mean, this can be  
24   done internally.  Often we do it internally.  And if you

1 want -- there's no rule. You can call an independent IG to  
2 come in. So I'm not aware of any rule. It's just a  
3 practice in the IG community.

4 Mr. Jordan. No, I understand. I'm just trying to get  
5 a handle on it. You've done dozens of reports. That's what  
6 you said earlier, dozens of reports. Earlier you said:  
7 Never really had a concern with leaks before.

8 When I questioned you, you said: Well, there was maybe  
9 a concern with the Clinton email investigation.

10 There was maybe one other example I think you gave.

11 I'm just trying to see if this is like a -- would you  
12 characterize what happened with the Brian Hook  
13 investigation, the leak concern investigation, as this is  
14 unique? This is --

15 Mr. Linick. Yes.

16 Mr. Jordan. You've done nothing like this ever?

17 Mr. Linick. Yeah, to me this was unique. This was  
18 unique in that this is the first time that we asked an  
19 independent IG to come in and look at --

20 Mr. Jordan. Okay. That's what I thought. That's what  
21 I thought.

22 Mr. Linick. Yes.

23 Mr. Jordan. And I didn't think it was going to be that  
24 complicated to get. That's what I assumed when I started

1 asking you questions.

2 Now, going back to CIGIE versus Mr. Fine and the route  
3 that you took. You said there are certain designated  
4 individuals who fall under CIGIE, and then they would  
5 investigate if it was about -- if it was an allegation that  
6 you leaked or certain people that worked for you.

7 I think when Mr. Fine did his review or his  
8 investigation, he determined that there were 15 people who  
9 had access to the information and talked to all 15 of them,  
10 I think, as I read. Is that accurate?

11 Mr. Linick. You'd have to refresh my recollection with  
12 the report, so -- again, I'm not -- I don't have it in front  
13 of me.

14 Mr. Jordan. Steve Linick, [REDACTED], [REDACTED]  
15 [REDACTED], [REDACTED], [REDACTED], he lists them all out, [REDACTED]  
16 [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]  
17 [REDACTED], [REDACTED] -- those are the people that were part of  
18 his investigation, right?

19 Mr. Linick. Yeah, I see that. Yeah.

20 Mr. Jordan. He reviewed their emails, talked to  
21 them --

22 Mr. Linick. Yes.

23 Mr. Jordan. -- interviewed them that kind of thing.

24 Now, of those 15 people, how many of those are covered

1 individuals that would fall under CIGIE?

2 Mr. Linick. Well, I certainly would. The [REDACTED]  
3 [REDACTED] would. The [REDACTED] would. The [REDACTED]  
4 [REDACTED] would. Probably about half of them.

5 Mr. Jordan. Okay. So I'm just trying to figure out  
6 because it seems to me -- as I said earlier, it seems to me  
7 a distinction without a difference.

8 Mr. Linick. Yeah.

9 Mr. Jordan. And if you're saying certain covered  
10 individuals would, in fact, kick in for CIGIE, and 8 of the  
11 15 or 7 of the 15 fall under that category, I want to know  
12 why CIGIE couldn't do it versus the route that was taken  
13 with Mr. Fine being the individual who did the  
14 investigation.

15 Mr. Linick. Well, you'd have to ask that to CIGIE. I  
16 would have been happy if they could have done it as well.  
17 So it didn't matter to me. I just wanted an independent  
18 review of our office. I went to the CIGIE, and then I went  
19 to other IGs to get this done.

20 Mr. Jordan. All right. Thank you, Mr. Linick. Thank  
21 you for being here. I'll yield back or whoever is up next.

22 HFAC REP COUNSEL. Mr. Zeldin, did you have a question?

23 Mr. Zeldin. Yes, thank you.

24 Mr. Linick, did you have a prior working relationship

1 with Glenn Fine? Did you know him previously?

2 Mr. Linick. Yes, I did.

3 Mr. Zeldin. Can you explain that?

4 Mr. Linick. Yeah. I mean, we were -- I'm the -- I  
5 conduct joint oversight with him on the Overseas Contingency  
6 Operations for Iraq and Afghanistan. I mean, I know many of  
7 the IGs. I mean, we're a close community. So I know Glenn  
8 Fine, and I knew him before that.

9 Mr. Zeldin. So -- but did you work together in  
10 previous positions before that?

11 Mr. Linick. Oh, no, no, not -- no, we've never worked  
12 together in -- you mean like -- I didn't work with him at  
13 DOJ. He was -- that was his -- I wasn't in his office or  
14 anything like that. Never worked with him.

15 Mr. Zeldin. But he was -- he was at DOJ at the same  
16 time as an AUSA, correct?

17 Mr. Linick. No, I don't -- you know, I don't know  
18 exactly when he was at DOJ. I only got to know him when he  
19 was an IG. When I was an AUSA, he was an IG, and that's  
20 when I got to know him, as well as many other IGs.

21 Mr. Zeldin. Okay. Just for the sake of time, I'm  
22 going to yield back, [REDACTED].

23 HFAC REP COUNSEL. Okay, thank you, Mr. Zeldin. I'm  
24 going to stop there unless any other members have any

1 questions and reserve our questions for the next round, but  
2 if any other member on our side has a question, please speak  
3 up.

4 Okay. With that -- I'm sorry? Okay. With 30 seconds  
5 remaining, [REDACTED], we will yield back the balance  
6 of our time.

7 HFAC Dem Counsel. Thank you, sir.

8 Mr. Connolly.

9 Mr. Connolly. Yes. Thank you, [REDACTED].

10 Mr. Jordan, I hope you're still on. I'd like to follow  
11 up on your questioning.

12 Mr. Linick, do I understand that what you told  
13 Mr. Jordan is you first went to CIGIE to inquire as to  
14 whether they could investigate a potential leak from your  
15 office? Is that correct?

16 Mr. Linick. Yes.

17 Mr. Connolly. And somebody at CIGIE told you, "We  
18 don't do that"?

19 Mr. Linick. Yes.

20 Mr. Connolly. So you were then left with the option of  
21 actually going hat in hand to other IGs to beg them to do an  
22 official investigation of a potential leak of a sensitive  
23 matter in your office. Is that correct?

24 Mr. Linick. Yes, I was begging.

1           Mr. Connolly. So, Mr. Jordan, if you're still on, you  
2 know, I've got a bill to strengthen the role of CIGIE. I  
3 think we've just uncovered here a real hole. You know,  
4 aside from the issue at hand with Mr. Linick, the fact that  
5 an IG seeking to make sure that something that shouldn't  
6 have happened didn't happen and, if it did happen, that  
7 people were corrected, he can't rely on the one entity that  
8 is charged with oversight of the integrity of IGs. And I  
9 find that extraordinary.

10           I mean, I just -- Congress cannot find that an  
11 acceptable process. There has to be accountability for IGs  
12 too. And in this case, we have an IG, an honest IG shopping  
13 around trying to get somebody to investigate his own office  
14 to make sure there was no problem. Mr. Linick did nothing  
15 wrong in that respect, but the fact is there was no  
16 machinery for him. It was all ad hoc. He finally found an  
17 IG.

18           If I understand you, Mr. Linick, you shopped around  
19 three different offices before you found one. Is that  
20 correct?

21           Mr. Linick. Yes. I started with Labor, and then I  
22 went to VA, and then I went to DOD.

23           Mr. Connolly. And when you were turned down by the  
24 previous two, what was the reason they gave you why they had

1 to say no?

2 Mr. Linick. A lot of it had to do with just time and  
3 resources. I don't remember the specifics, but one of them  
4 told me it would just take a long time.

5 Another -- it was time and resources, that's really  
6 what it comes down to because, look, the reality is they  
7 have to give us investigators to do work that they're really  
8 not getting any credit for. I mean, this is -- this  
9 is -- you know, this is like volunteer work for them. And,  
10 unfortunately, that's how it works.

11 So it's not the most appealing work from an IG's point  
12 of view. I mean, we've been asked it to do work in other IG  
13 shops, and, you know, that means we're not getting work done  
14 in our own shop when we do that. So that's the issue.

15 Mr. Connolly. So, in theory, based on what you've  
16 described, the lack of accountability, really, formal  
17 accountability in this kind of example, presumably a whole  
18 IG office could, frankly, be tainted with bias or bordering  
19 on corruption, and it would not be the subject of a formal  
20 investigation by the Committee of Integrity and, in fact, it  
21 could get away with impunity because there is no formal  
22 mechanism for investigating them.

23 That's what I understood your answer to me and to  
24 Mr. Jordan to add up to. Is that correct?

1           Mr. Linick. Well, I'm not saying that they could get  
2 away with impunity. I didn't -- I didn't say that. All I'm  
3 saying is that --

4           Mr. Connolly. No, Mr. Linick, I understand you didn't  
5 say that.

6           Mr. Linick. Oh, okay.

7           Mr. Connolly. That is the conclusion I am drawing.  
8 This is a real gap in accountability for IG offices that it  
9 seems to me, to preserve integrity and credibility for IGs,  
10 we need to fix. You don't have to comment on that part.

11           But, Mr. Jordan, I invite you, on a bipartisan basis,  
12 to collaborate in trying to address this issue subsequent to  
13 this deposition.

14           Mr. Jordan. Gerry, thank you. I look forward to  
15 working with you. I think what you're saying makes a lot of  
16 sense.

17           Mr. Connolly. Thank you, Mr. Jordan.

18           ██████████, back to you.

19           HFAC Dem Counsel. Thank you. I would just like to  
20 reflect thanks for my colleagues' indulgence on that. That  
21 did go over, that colloquy, by my clock about 3 minutes and  
22 45 seconds. We're happy to add that to our colleagues' time  
23 for the next round.

24           At this point, Mr. Linick, would you and your counsel

1 like a lunch break?

2 Mr. White. Can we go on mute for a second?

3 HFAC Dem Counsel. Yes, absolutely.

4 [Discussion off the record.]

5 Mr. White. Yeah, if we could have a half hour for  
6 lunch now.

7 HFAC Dem Counsel. That would be fine. So, by my  
8 watch, it's 12:13. Let's just call it 12:45 to resume on  
9 the record. And if we could just ask for everyone to stay  
10 logged in, that will probably be the easiest way to prevent  
11 any hiccups when we come back. Thanks.

12 [Recess.]

1

2 [12:46 p.m.]

3 Mr. Castro. [Presiding.] Counsel may proceed.

4 HFAC Dem Counsel. Thank you, sir.

5 BY HFAC DEM COUNSEL:

6 Q Mr. Linick, welcome back. I'd just like to quickly  
7 address a few things that my colleagues spent some time on  
8 in the last round regarding the Daily Beast article.

9 Both the article itself and, more importantly, the  
10 report that your office did on prohibited personnel  
11 practices in the Office of the Secretary, that was all  
12 unclassified. Is that right?

13 A Oh, yes.

14 Q Okay. And it was something that related not to  
15 grave matters of national security but to personnel matters  
16 and improper conduct in the workplace. Is that right?

17 A Yes, that's right.

18 Q Okay.

19 Sir, are you aware that at a hearing before the Foreign  
20 Affairs Committee in 2018 Secretary Pompeo told Chairman  
21 Engel that he did not believe that someone who engaged in  
22 prohibited personnel practices either on the basis of  
23 national origin or perceived political belief should be  
24 working at the State Department? Were you aware that he

1 told Chairman Engel that at a hearing in 2018?

2 A I don't recall that.

3 Q Okay. Would you agree with me that the conclusions  
4 that were ultimately in the report regarding Mr. Hook did  
5 seem to imply that he discriminated against someone on the  
6 basis of perceived national origin?

7 A Yeah, yes. Our conclusion was that that was the  
8 case.

9 Q Okay.

10 In terms of the DOD OIG review, is independent peer  
11 review common in the inspector general community?

12 A Well, when you say, is it common, yes. I mean, we  
13 all do independent peer review by regulation. In other  
14 words, our audit staff has other IGs peer-review it, our  
15 inspections staff has other -- yes. So peer review is  
16 fairly common in the IG community.

17 Q Thank you.

18 If you could, sir, we had provided -- and I believe  
19 we're working to get it on the screen -- to staff from all  
20 the committees, as well as to your counsel, a letter dated  
21 June 1, 2020, that Undersecretary Bulatao wrote to Chairman  
22 Engel regarding this matter. So this would've been provided  
23 to your counsel, I believe, yesterday. And I think we're  
24 working to get that on the screen.

1           Mr. White. I know you've got it over there, but let us  
2 find it for you.

3                   BY HFAC DEM COUNSEL:

4           Q    Yep. So this is the June 1, 2020, letter from  
5 Undersecretary Bulatao to Chairman Engel of the Foreign  
6 Affairs Committee. If you could just let me know when you  
7 have that, sir.

8           A    Hang on. I'm getting it.

9           Q    Yep.

10          A    Okay, I have it. Yes, sir.

11          Q    Thank you.

12                I'd like to direct your attention, if I could, to the  
13 second page of that letter, the second full paragraph,  
14 beginning with, "Specifically, it is my understanding." Do  
15 you see that?

16          A    Yes.

17          Q    Okay. So I'd like to go point by point through the  
18 things that Undersecretary Bulatao raises in this paragraph  
19 and just ask you for your comments on them.

20                So the first point he raises is, "It is my  
21 understanding that last fall, the former Deputy  
22 Secretary" -- that would be Deputy Secretary Sullivan. Is  
23 that right?

24          A    Yes.

1           Q    -- "asked Mr. Linick to refer for review the  
2    unauthorized disclosure of a draft inspector general report,  
3    which media attributed to 'two government sources involved  
4    in carrying out the investigation.'"

5           Is it true, sir, that last fall the former Deputy  
6    Secretary asked you to refer that unauthorized disclosure  
7    for review? Just taking that portion of the sentence.

8           A    Yeah. I mean, all I can tell you is we had a  
9    conversation about it. I don't remember his words or  
10   anything like that. We had a conversation about the report  
11   and the CIGIE --

12          Q    Okay.

13          A    -- as I described earlier.

14          Q    So you don't recall him specifically asking you to  
15   make a specific type of referral. Is that right?

16          A    I don't recall his words. I did tell him -- I  
17   explained to him why the CIGIE was not the entity that was  
18   going to review this for the reasons that I described  
19   earlier and that we had ultimately landed on the DOD IG.

20          Q    Okay.

21          So, then, to just walk through the relevant portions of  
22   Mr. Bulatao's sentence there, he says that the Deputy  
23   Secretary asked you to refer this matter for review -- and  
24   then, if you go to the other side of the dash -- to the

1 Council of Inspectors General on Integrity and Efficiency,  
2 CIGIE.

3 Is it your testimony that the Deputy Secretary formally  
4 asked you to refer this specifically to CIGIE?

5 A I don't recall -- again, I just don't recall his  
6 words. My understanding is that he wasn't actually saying,  
7 you should refer it to CIGIE. I remember we had a  
8 discussion about CIGIE. And I remember specifically saying,  
9 you know, if CIGIE is a place where this should land, then  
10 you'd have to make a referral about me --

11 Q Uh-huh.

12 A -- in particular. I do remember saying that. And  
13 that didn't happen.

14 Q Sir, in the next sentence, where the Undersecretary  
15 says, "It is my understanding that Mr. Linick agreed to that  
16 request," he seems to be saying that you specifically agreed  
17 with Deputy Secretary Sullivan to refer this matter to the  
18 CIGIE.

19 Did you make such an agreement with the Deputy  
20 Secretary?

21 A No, I didn't. Because I had talked to the CIGIE  
22 about this, I mean, I asked them about this, and they said  
23 that they would not review allegations dealing with an  
24 office.

1 Q Okay. And you explained that to Deputy Secretary  
2 Sullivan, I believe you said?

3 A Yeah.

4 Q And do you recall when you explained that to him?

5 A I don't recall.

6 Q Do you believe it was near in time to the  
7 publication of the Daily Beast article on September 13,  
8 2019?

9 A Well, it had to be in the timeframe, in the fall  
10 timeframe, you know, when the DOD IG was in play because --

11 Q Uh-huh.

12 A -- we talked about the DOD IG, and all of that  
13 occurred in a very short period of time.

14 Q Okay. So you talked to the DOD IG, as you say, near  
15 in time to that September story. And that was after CIGIE  
16 told you that --

17 A Yes.

18 Q -- under its own regulations, they couldn't do it  
19 unless it was about a specific person. Is that right?

20 A Yes. Yes. Because I had already gone to the VA and  
21 Labor.

22 Q And they are the ones who told you, you need to see,  
23 you know, where else there's capacity, which is how you  
24 ended up at DOD IG, right?

1           A   Well, they didn't say, you need to see -- they just  
2   said they couldn't, that for a variety of reasons it wasn't  
3   practical for them to do it.

4           Q   Okay.

5           A   And at the time that you landed on the fact that it  
6   would be the DOD IG that looked into this matter, did you  
7   communicate that fact to the State Department?

8           A   Yes.

9           Q   And do you recall roughly when you communicated that  
10   fact to the State Department?

11          A   I don't.

12          Q   Would it have been near in time to settling on the  
13   fact that it would be the DOD IG?

14          A   Yes.

15          Q   Okay.

16                So Mr. Bulatao's sentence -- I'm continuing in this  
17   letter -- says, "Further, it is my understanding that  
18   Mr. Linick agreed to that request, but the Department  
19   learned months later that, instead of referring the matter  
20   to CIGIE, Mr. Linick had asked another agency's inspector  
21   general to review the issue."

22                Would it have been months after that September article  
23   that the Department became aware that it would be the DOD IG  
24   looking into this?

1           A    No.  It was at or around the time that I asked the  
2  DOD IG to do it.

3           Q    So Mr. Bulatao's statement that the Department only  
4  learned about this months later is not true?

5           A    As I said, I let them know at or around the time  
6  when I selected the DOD IG.

7           Q    Okay.

8           Mr. Bulatao goes on to say that Mr. Linick, quote,  
9  "failed to inform the Department that he had hand-picked a  
10 different entity to investigate potential misconduct by his  
11 own office."

12          Are the statements in that sentence true, sir?

13          A    No.  I did notify the Department that we selected  
14 DOD IG, only after being turned down by Labor and the VA.

15          Q    And did anyone in the Department raise any concerns  
16 or protest in any way after you told them that it would be  
17 the DOD IG that would be doing this work?

18          A    Yes.  I mean, Brian Bulatao and I -- he did not want  
19 the DOD IG to do it; he wanted CIGIE to do it.  And I kept  
20 trying to explain to him that that wasn't going to work  
21 because of what CIGIE told me.  So he continued to, sort of,  
22 raise that issue.

23          Q    And, to be clear, did you explain to him that it's  
24 not that you didn't want CIGIE to do it but that, rather,

1 under CIGIE's own regulations, that it wouldn't be possible?

2 A I thought I had communicated that.

3 Q And I believe you also said that you informed  
4 Mr. Bulatao that if he had questions about this process or  
5 about you in particular that he, himself, could  
6 independently contact CIGIE. Is that right?

7 A Yes.

8 And the other thing was, there was a point in time  
9 where he actually wanted to get a better understanding of  
10 what the DOD IG was going to do in this investigation, and I  
11 actually talked to Glenn Fine and said that he may be  
12 calling you.

13 But I did discuss with Undersecretary Bulatao -- I told  
14 him that it wouldn't be appropriate for him to manage the  
15 DOD IG investigation.

16 Q So two points on that. Are you aware of whether  
17 Undersecretary Bulatao actually did reach out to Mr. Fine?

18 A I don't think he did, but I'm not sure.

19 Q Okay.

20 And then you said you had communicated to him that it  
21 would be inappropriate for Mr. Bulatao to manage the DOD IG  
22 investigation. Can you expand on that a little, please?

23 A Well, he wanted to contact DOD -- we were talking  
24 about the DOD IG, and he wanted it to be CIGIE, and he kept

1 pushing that issue.

2 Q Uh-huh.

3 A And, at one point, he said he would like to get a  
4 better understanding of what DOD IG is doing, the scope; he  
5 wants to, sort of, talk through it with the DOD IG.

6 Q Uh-huh. Did he indicate to you that he wanted to  
7 help direct that process?

8 A I don't recall exactly what he said, but I recall  
9 telling him that it would be inappropriate to manage that.

10 Q And can you just explain for the sake of the record  
11 why you believe that it would be inappropriate for a  
12 high-ranking official at a government agency to try and  
13 manage an inspector general's investigation?

14 A Well, for the same reason that I thought it would be  
15 inappropriate for the Bureau of Diplomatic Security to be  
16 investigating us, in that there's an independence issue.  
17 And we wanted another IG to peer-review us precisely to  
18 ensure that it was an independent review, as opposed to our  
19 overseer investigating us.

20 Q Okay.

21 A Or, excuse me, not the overseer. The auditee.  
22 Excuse me.

23 Q Yes, I'm sorry, the agency that you --

24 A Yes.

1 Q -- were responsible for auditing.

2 A Yes. That's what I meant, yes.

3 Q Yep.

4 So, then, to go to the next sentence, Mr. Bulatao says,  
5 "In other words, Mr. Linick failed to inform the Department  
6 that he had hand-picked a different entity to investigate."

7 Is that a fair characterization of how you came to have  
8 the DOD IG looking into this? Is it fair to say that you  
9 first hand-picked that entity and then failed to inform the  
10 Department about it?

11 A "Hand-picked" is a distortion. As I had mentioned  
12 before, I had gone to the CIGIE, and they told me to go find  
13 somebody to do it, and I started with Labor, then VA, and  
14 then I ended with DOD IG. I didn't hand-pick them. I had  
15 that in hand, hoping that they would be willing to do a  
16 review and expend their resources.

17 Q And had you ever conveyed to Department  
18 officials -- I believe you've confirmed this, but just  
19 again. You explained that to senior Department officials,  
20 the process you went through in arriving at DOD IG. Is that  
21 right?

22 A I believe so.

23 Q Okay. Do you recall whether you explained that to  
24 Undersecretary Bulatao?

1           A    I believe so.

2           Q    And so, to the extent that the Undersecretary is  
3 saying that you hand-picked the different entity, is it your  
4 testimony that you believe you would've provided him  
5 information showing that that characterization of what  
6 happened is not accurate?

7           A    As I said, I had told him that -- I explained to him  
8 the process and how we landed on the DOD IG.

9           Q    Right. So he should know better than to say that it  
10 was hand-picked. Is that fair?

11          A    I don't want to characterize what he should know or  
12 he shouldn't know.

13          Q    But you gave him details of what the process  
14 actually was.

15          A    I did give him the details of the process.

16          Q    Okay.

17                Further on in that sentence, Mr. Bulatao alleges that  
18 you, quote, "deviated from the clear course agreed upon with  
19 Department leadership."

20                Is that an accurate statement?

21          A    Well, I disagree with that because, as I said, I  
22 told them about the DOD IG.

23          Q    Okay.

24                He then goes on to say, "To the extent that this

1 hand-picked investigator" -- and, again, you testified that  
2 that is a distortion -- "completed its review, the  
3 Department has not received any documented findings on the  
4 matter."

5 And I'll get to the documentation in a moment. But  
6 just so that the record is clear, do you recall roughly when  
7 and to whom you communicated verbally the results of the DOD  
8 IG work as you understood them?

9 A It had to be before March 15 when -- pre-COVID, I  
10 would say. And it was during that meeting with -- I  
11 believe, to the best of my recollection, it was during a  
12 meeting with Steve Biegun and Brian Bulatao.

13 Q Okay. And at that meeting with Deputy Secretary  
14 Biegun and Undersecretary Bulatao where you informed them  
15 verbally of what you understood the findings to be, do you  
16 recall roughly what you told them?

17 A Well, just that, that conclusions were that the  
18 DOD IG had found that there was not a leak from OIG to the  
19 press. That's it.

20 Q And did they have a particular reaction to that  
21 information that you can recall today?

22 A As I stated previously, that's when Deputy Bulatao  
23 asked for the internal investigation when it was complete.

24 Q Okay. So he did ask you for the written product,

1 correct?

2 A Yes.

3 Q Okay. And I believe you've testified that you  
4 didn't have it at the time and that ultimately they never  
5 asked you for it again. Is that correct?

6 A Yeah, that's correct.

7 Q And you've also said that, given the nature of your  
8 office's work and the fact that the names of many of your  
9 employees are in that DOD IG product, you would've had  
10 hesitation about providing that document to Undersecretary  
11 Bulatao even if you had had it at the time. Is that  
12 correct?

13 A Yes.

14 Q Okay. Can you say more about that, please? Why  
15 would you have been hesitant to provide that document to the  
16 Undersecretary?

17 A Well, the document contained the names of  
18 individuals, and I was concerned that not only would it, you  
19 know, contain the names of the individuals but their  
20 interviews and what they said. These were individuals who  
21 were involved in the investigation of the political  
22 retaliation matter in the Office of the Secretary. And I  
23 was concerned -- or I could imagine the Department using  
24 information in that report against them.

1           So I was concerned about that, and I also just didn't  
2           want to set a precedent of turning over an internal  
3           investigation involving potential violation, you know -- an  
4           investigation of potential violations of OIG rules. So I  
5           wanted an opportunity to assess that.

6           I also mentioned earlier that DOD IG had equities since  
7           they were preparing the document.

8           Q    So, if I have your testimony correct, it is that  
9           your staff had just finished looking into allegations that  
10          folks on the Seventh Floor of the State Department had  
11          inappropriately retaliated against career officials. Is  
12          that part correct?

13          A    Well, we issued that report, I believe, in November  
14          of 2019. So it would've been shortly -- you know, it  
15          would've been shortly after we issued that report.

16          Q    Right. And that the DOD IG document contained the  
17          names of all of the people who had looked into whether or  
18          not the folks on the Seventh Floor engaged in improper  
19          retaliation. Is that correct?

20          A    Yes.

21          Q    And you were concerned that if you gave those names  
22          to the Seventh Floor that they might in turn retaliate  
23          against the people who had been looking into that matter.  
24          Is that correct?

1 A Correct.

2 Q Okay. Thank you.

3 Can you tell us a little bit, sir, about your own  
4 involvement in the DOD IG matter?

5 And we can go ahead and take the exhibit down, if  
6 that's okay, just because I can't see the witness anymore.

7 Can you tell us about your involvement with DOD IG's  
8 look at all of this?

9 A I mean, I didn't have any involvement in their  
10 review. They did the review independently of our office.

11 Q I'm sorry, not -- that was poor phrasing on my part.  
12 Were you yourself interviewed as part of that process?

13 A Oh, yes. Yes, yes. I was interviewed, yes. Yes.

14 Q Okay. Can you describe those interactions for me,  
15 please?

16 A Yeah. I mean, they interviewed me. They asked me  
17 if I provided the report or any information to the media. I  
18 said, no, I didn't.

19 Do you want me to go through that?

20 Q If you don't mind, just because I do think there is  
21 some confusion about it, and I think it would be helpful to  
22 clarify.

23 A Yeah. I told them that I didn't provide the report  
24 or any information about the report to the media.

1 Q Did you answer their questions truthfully, sir?

2 A Oh, absolutely.

3 Q Were there any questions that you refused to answer?

4 A No. I answered every single question they asked me.

5 Q Okay. Were your various government email accounts  
6 made available to those DOD IG investigators?

7 A Oh, yes. And my personal email account was too.

8 Q And did you restrict the access that they had to  
9 looking through those records in any way?

10 A Oh, no. They had absolute complete access to all of  
11 my records.

12 Q Okay.

13 And their conclusion, as is reflected in the letter  
14 that was ultimately provided -- I would just like to read  
15 the top line. This is on page 2.

16 Quote, "DCIS found no evidence that any DOS OIG  
17 personnel emailed or discussed any details of the evaluation  
18 report with the authors of The Daily Beast article, or other  
19 members of the media, prior to The Daily Beast article on  
20 September 13, 2019."

21 And then they further say, in the very last sentence of  
22 their overall conclusions, or the last two: "We determine  
23 that all emails identified by DCIS relevant to this limited  
24 inquiry were maintained in the DOS system of record. Our

1 review of IG Linick's Gmail account also showed no further  
2 dissemination of the report."

3 So they had your testimony, they had the testimony of  
4 folks who worked for you and worked on this report, they had  
5 unfettered access to all of your emails, and they found no  
6 indication that either you or anyone in your staff was  
7 involved in a leak. Is that right?

8 A Yes.

9 Q And did you verbally communicate roughly that to  
10 Deputy Secretary Biegun and Undersecretary Bulatao?

11 A No. All I said to them was that they didn't find  
12 any leak to the press. That's what I told them.

13 Q And that, as we've said already -- and I won't  
14 belabor it -- nobody asked you afterwards to provide this,  
15 nor would you have felt comfortable for the reasons that  
16 we've discussed. Is that right?

17 A Well, I said that, after March -- when the COVID  
18 crisis hit and we started sending people home, we had no  
19 further in-person meetings between Bulatao and the Deputy  
20 Secretary and myself. We had a couple of phone calls after  
21 that that were touch-base phone calls, and in none of those  
22 phone calls did the issue come up.

23 Q Okay.

24 I'd like to turn to the substance of that report by

1 Mr. Hook, if I could. I'm not going to refer to any  
2 particular passages, but just to remind you of the topic.

3 First of all, that is a closed report, right, that has  
4 been publicly issued, the work on the prohibited personnel  
5 practices involving Brian Hook?

6 A Yes.

7 Q Okay. How did your office get involved in that  
8 matter?

9 A I believe we actually received a request from your  
10 committee to look into that matter.

11 Q Okay. And what reception did you get in the State  
12 Department once it became apparent that you were looking  
13 into these issues? Did anybody try to discourage you from  
14 doing what Congress essentially had asked, which is looking  
15 into whether there had been such prohibited personnel  
16 practices?

17 A No.

18 Q Okay.

19 Who did you speak with in the Office of the Secretary  
20 during the course of that review?

21 A I don't recall. I don't want to misstate anything.  
22 That's a better question [REDACTED]

23 [REDACTED].

24 Q To your knowledge, did your office ask to speak with

1 anyone who was at the time employed by the State Department  
2 who refused to speak to you?

3 A I'm sorry. Say that again.

4 Q I believe we've talked about Ms. Ciccone and  
5 Ms. Peterlin, both of whom were at the time former  
6 employees.

7 A Right.

8 Q Did you ask to speak to any current employees in  
9 connection with this who refused to speak with your office?

10 A I don't recollect anybody refusing to speak with the  
11 office who is currently employed. I don't recall.

12 Q Did you interview Brian Hook?

13 A Not me personally. My office, yes.

14 Q Okay. Can you tell us what your knowledge is of the  
15 interviews that your office conducted with Mr. Hook?

16 A I mean, just generally, my office, you know, asked  
17 him about the various facts involving the issue at hand.  
18 There were a number of -- I think there were two or three  
19 interviews. My memory is faulty on this, and I really don't  
20 want to go further. I haven't looked at this matter in a  
21 while, so I'm really unable to say exactly what they asked  
22 him, other than they did ask him about his reasons for  
23 terminating Employee 1 in the report.

24 Q Do you recall whether, after any of those interviews

1 with Mr. Hook, any of the folks in your office indicated to  
2 you whether or not they thought Mr. Hook had been answering  
3 their questions truthfully?

4 A I don't have a good enough recollection on that.

5 Q Okay.

6 In the report itself, you did take a rather remarkable  
7 step of fact-checking several written statements that  
8 Mr. Hook had submitted to OIG, particularly around his  
9 claims that he had forced the employee out not because of  
10 discrimination but because they had already found someone  
11 else to do the job.

12 Mr. Hook claims that in writing to you. And your  
13 report challenges the accuracy of those statements and  
14 essentially says: We looked at your records, and it turns  
15 out you didn't even know some of those people at the time in  
16 question. Is that a fair summary?

17 A You know, I don't have the report in front of me,  
18 and I really don't want to mischaracterize that, so I'll let  
19 the record speak for itself.

20 Q Okay.

21 When did the first draft of that report go to the State  
22 Department?

23 A If memory serves me, I believe the first draft went  
24 to the State Department August 30 or thereabout, the end of

1 August.

2 Q Okay. And did you give them a timeframe for when  
3 you would expect their written comments?

4 A Yes. It's normally 2 weeks.

5 Q Okay. Did you get written comments from the  
6 Department within 2 weeks?

7 A No, we didn't.

8 Q Did they ask you for an extension?

9 A You know, I don't recall. I'd really have to check  
10 with the report writer on that.

11 Q Do you recall who the point of contact was in the  
12 Office of the Secretary who received that draft report?

13 A I believe it was Lisa Kenna.

14 Q Okay. And Lisa Kenna's name, we'll stipulate, is  
15 mentioned in the report as having been in the Office of the  
16 Secretary, and her name came up in the course of looking at  
17 those prohibited personnel practices.

18 Did it give you or give anyone else in your office  
19 pause that the draft report was going to be submitted to  
20 somebody whose name was in the report on behalf of the  
21 Department?

22 A Yeah, that's not something that was discussed at the  
23 time. And she was really the only contact in the -- or the  
24 natural contact in the Office of the Secretary, as the

1 Executive Secretary of the office.

2 Q Did you have any in-person interactions with Brian  
3 Hook after the draft report was submitted to the State  
4 Department?

5 A Yes. There was a point when he asked to see me, and  
6 he did pay a visit to me at my office in Rosslyn.

7 Q And can you tell us about that visit, please?

8 A He was upset about our findings in the report.

9 Q How did you know he was upset?

10 A I could tell from his demeanor, and his voice was  
11 raised.

12 Q Okay. What did he say to you?

13 A I don't remember exactly what he said to me. I do  
14 recall him saying something about being upset about the leak  
15 to The Daily Beast. I do remember that.

16 Q Uh-huh.

17 A And I do believe that he didn't think my staff  
18 treated him well.

19 Q Did he have specific complaints?

20 A I think he said to me that my staff appeared to be  
21 biased.

22 Q And did he offer anything to substantiate that  
23 allegation?

24 A Not that I recall.

1 Q Did you have any reason to believe that your staff  
2 was biased?

3 A No. I thought my staff acted in accordance with the  
4 principles and procedures in the IG's Office and the  
5 standards.

6 Q Might there have been a reason other than perceived  
7 bias that Mr. Hook would have been unhappy about what was  
8 contained in the draft report that you submitted on  
9 August 30?

10 A I don't want to speculate on that.

11 Q Did the draft that you submitted on August 30  
12 conclude that he had engaged in prohibited personnel  
13 practices?

14 A Yes.

15 Q Okay.

16 Did Mr. Hook threaten you at all during that meeting?

17 A No.

18 Q Did he ever indicate that he was going to take  
19 further action because of the draft report?

20 A I don't recall anything like that.

21 Q Did he ever say anything like, "I'm going to get you  
22 guys"?

23 A No, I don't recall anything like that.

24 Q Okay. Was there anyone else present at that

1 meeting?

2 A Yes. [REDACTED] was present at that meeting.

3 He is the [REDACTED]

4 [REDACTED]. I believe, if my memory serves me, that  
5 [REDACTED] might have been present at that meeting as  
6 well. [REDACTED] was the [REDACTED].

7 Q And just one last question on this before I turn to  
8 Members.

9 There was a news report that came out in Vox in  
10 December, shortly after your report was published, and it's  
11 a lengthy look at Mr. Hook. But of relevance here, that  
12 article says, quote, "According to a senior administration  
13 official, Mr. Hook is telling State Department officials  
14 that the IG report was biased against him and faulty from  
15 the start. He is considering some sort of direct action  
16 against the IG Office staff, but it's unclear exactly what  
17 that may be."

18 Did Mr. Hook ever threaten or engage in -- and I'm just  
19 quoting Vox here - "direct action against the IG Office's  
20 staff"?

21 A I don't recall hearing that.

22 Q Do you think he held a grudge against you?

23 A Oh, I don't want to speculate as to what he  
24 believed.

1 Q Do you think he was happy with your work?

2 A Again, it really wouldn't be appropriate for me  
3 to --

4 Q Simply based, sir, on your observations of his body  
5 language, tone of voice, and whatnot that you've testified  
6 to already, did he indicate in the meeting with you that he  
7 was happy with your work or unhappy with your work?

8 A Well, he was upset. He did not like our  
9 conclusions.

10 Q Okay.

11 HFAC Dem Counsel. With apologies for going slightly  
12 over -- we have just over 11 minutes left -- I'd like to  
13 turn to Members if they have any questions.

14 Mr. Castro. This is Joaquin Castro, vice chair. I  
15 know, [REDACTED], that Ted had some followup questions from  
16 before. I don't know if he's still on.

17 Mr. Lieu. Yes, I do have some additional questions, if  
18 that's okay, Mr. Chair.

19 Mr. Castro. Sure.

20 Mr. Lieu. Mr. Linick, you had earlier confirmed that,  
21 at the time you were removed, there was an ongoing review of  
22 allegations that Secretary Pompeo and his wife misused State  
23 Department resources.

24 You also testified that you had submitted a document

1 request. Can you remind me again around what time period  
2 that document request was submitted?

3 Mr. Linick. Roughly, the fall or early winter of 2019.

4 Mr. Lieu. Okay. And the document request, was it  
5 addressed to Secretary Pompeo?

6 Mr. Linick. I don't know who it was addressed to. I  
7 didn't make the document request; my staff did.

8 Mr. Lieu. It sought documents from Secretary Pompeo?

9 Mr. Linick. I really don't want to characterize that.  
10 I know they reached out to Lisa Kenna in the Office of the  
11 Secretary. I know they reached out to the Legal Adviser.  
12 That's the most I can say.

13 Mr. Lieu. Okay. And who is Lisa again?

14 Mr. Linick. Lisa Kenna is the Executive Secretary.

15 Mr. Lieu. Okay. To Secretary Pompeo?

16 Mr. Linick. Yes.

17 Mr. Lieu. And the document request was seeking, in  
18 part, documents from the Secretary himself. Is that right?

19 Mr. Linick. I really don't want to characterize that.  
20 I don't want to misstate.

21 Mr. Lieu. Can we get a copy of the document request?

22 Mr. Linick. You're going to have to ask -- again, I  
23 have no access to my office.

24 Mr. Lieu. Right. Okay.

1           Mr. Linick. You'll have to direct that to the office,  
2 but -- yeah.

3           Mr. Lieu. Would the document request have stated what  
4 it was in relation to?

5           Mr. Linick. Again, I am unable to characterize --

6           Mr. Lieu. In your normal practice, when you issue  
7 document requests, do you explain with some sort of  
8 introduction why you're requesting those documents?

9           Mr. Linick. Not necessarily. We might just ask for  
10 the documents. That would probably be more typical.

11          Mr. Lieu. Okay. And did you get those documents?

12          Mr. Linick. I know that some were received, but I'm  
13 just not clear on, sort of, where that stands. Yes, some  
14 were received, yes.

15          Mr. Lieu. Okay.

16                I'd like to ask you a few questions about the  
17 publishing of reports. Let's say you had completed the  
18 review of Secretary Pompeo and his wife and you had found  
19 some inappropriate conduct. Could Secretary Pompeo order  
20 you not to publish the report, or do you have an independent  
21 statutory authority to be able to publish whatever it is you  
22 want?

23          Mr. Linick. They cannot order me to do that. In the  
24 IG Act, we control what our work is focused on and how we

1 publish our work.

2 Mr. Lieu. And that would also go to the Saudi arms  
3 sale review as well. Secretary Pompeo would not be able to  
4 suppress your ability to publish that report if you had been  
5 able to complete it, correct?

6 Mr. Linick. No. But there could be issues -- and I'm  
7 not suggesting -- just generically, sometimes the  
8 Department -- first of all, if it's classified, we obviously  
9 have to pay attention to that. And there may be privilege  
10 issues, as well, in some cases. So those are some  
11 limitations that --

12 Mr. Lieu. I see. But you would have authority to  
13 publish the report without the classified information and  
14 without the privileges --

15 Mr. Linick. Right, right, right. Exactly.

16 Mr. Lieu. Okay.

17 And one way to stop you from doing any of that would be  
18 to fire you, correct?

19 Mr. Linick. Well, that's -- again, I don't know why I  
20 have been removed, and there's been no valid reason  
21 presented to me for that removal.

22 Mr. Lieu. Okay. Thank you.

23 I yield back.

24 HFAC Dem Counsel. If I could just ask one quick

1 followup on that, Mr. Linick. If work had been ongoing and  
2 you were fired, it would be in the discretion of the person  
3 put in charge of that office and the Acting Inspector  
4 General as to whether that work would continue or whether it  
5 would be published, right?

6 It may not be the Secretary who says, don't publish it,  
7 but the new boss of the IG Office will have the ability to  
8 control, in some form or fashion, whether work goes forward  
9 and whether it's published. Is that right?

10 Mr. Linick. Yes. The Acting IG or the IG always has  
11 that authority.

12 HFAC Dem Counsel. Okay. Thank you.

13 Mr. Castro?

14 Ms. Speier. May I ask a question, Mr. Chairman?

15 Mr. Castro. Yeah. We had Keating, and then we'll turn  
16 it over to you.

17 Ms. Speier. Thank you.

18 Mr. Castro. Uh-huh. Keating -- Sherman, actually, and  
19 then -- is that Jackie?

20 Ms. Speier. Yes, it is.

21 Mr. Castro. Okay.

22 Mr. Sherman?

23 Mr. Sherman. I'm on?

24 Mr. Castro. Yep.

1           Mr. Sherman. Hello?

2           Mr. Castro. Yep, you're on.

3           Mr. Sherman. There's a draft report on the arms sale  
4 to Saudi Arabia and the UAE that the administration rammed  
5 through using its -- or abusing its emergency powers under  
6 the Arms Control Act. At least according to the press,  
7 there's such a report. And if there is in fact no such  
8 draft, what is the status of the review of that by the IG?

9           Mr. Linick. All I can say is it's ongoing and -- their  
10 report is ongoing. That's the best I can say. I haven't  
11 been in the office for almost several weeks now, so I don't  
12 know the exact status.

13          Mr. Sherman. When you were forced from the IG  
14 position, what was the status of the report then? And it  
15 also raises the question of if your firing was for the  
16 purpose of stopping that investigation.

17          Mr. Linick. Yeah, I mean, I don't feel comfortable  
18 talking about, sort of, where it was and so forth. I can  
19 tell you it's been ongoing, and it's been ongoing since last  
20 year.

21          Mr. Sherman. It seems to be an abuse of power. Is  
22 part of that investigation looking at whether the revolving  
23 door and undue influence was involved, or is the  
24 investigation just a focus on the abuse of power of the

1 President?

2 And my guess is you're not inclined to really get into  
3 that.

4 Mr. Linick. It would be inappropriate for me to get  
5 into that.

6 Mr. Sherman. Okay. Well, in some public hearings,  
7 I've given a few witnesses some questions they were  
8 uncomfortable with. That wasn't my intention here. Thank  
9 you for your service.

10 Mr. Castro. Thank you, Brad.

11 Jackie?

12 Ms. Speier. Thank you, Mr. Chairman.

13 Again, thank you, Mr. Linick, for your 28 years of  
14 service to our country.

15 Following the last set of questions by Congressman  
16 Lieu, if an incoming inspector general decided not to pursue  
17 these ongoing investigations, what would happen to the  
18 documents? Do they have the discretion to destroy the  
19 documents?

20 Mr. Linick. Well, I mean, as a general matter, the  
21 office is subject to the Federal records rules, and  
22 typically those documents would be preserved.

23 Ms. Speier. So is there any prohibition to destroy  
24 them?

1           Mr. Linick. I think under the Federal Records Act you  
2 need to maintain Federal records, so you wouldn't be able  
3 to -- I mean, you could destroy copies and things like that,  
4 but records need to be maintained under the Federal Records  
5 Act.

6           Ms. Speier. Do you believe that, as we look at the  
7 role of inspectors general, regardless of administrations,  
8 whether or not there should be a requirement that firing is  
9 only allowed for cause?

10          Mr. Linick. So I'm really -- typically, when I'm asked  
11 to offer an opinion about legislation and so forth, I'm  
12 happy to do so. But I would want an opportunity to study  
13 that, and I really don't want to -- I feel uncomfortable  
14 giving you an off-the-cuff answer about what the law should  
15 be.

16          Ms. Speier. All right.

17          The investigation into Brian Hook, he was one of a  
18 number of employees that was being investigated for  
19 retaliating against other employees within the Department.  
20 Is that correct?

21          Mr. Linick. That's correct.

22          Ms. Speier. And that report is now public?

23          Mr. Linick. Yes, it is.

24          Ms. Speier. So, for those of us that have not had the

1 opportunity to read it, can you just outline what the  
2 findings were? How many of these employees were there, what  
3 were their names, and what were they found to have done?

4 Mr. Linick. Well, I can give you a general summary. I  
5 don't have that report in front of me.

6 Ms. Speier. That would be fine.

7 Mr. Linick. We looked at five instances where there  
8 was allegation of retaliation. And, basically, we concluded  
9 that in one of those instances Brian Hook and others --

10 [Audio interference.]

11 Mr. Linick. I'm sorry. Was there a question?

12 Ms. Speier. I think someone was just overheard talking  
13 or was unmuted.

14 Mr. Linick. Okay.

15 And we concluded that Brian Hook and others engaged in  
16 an unlawful, prohibited personnel practice in terminating a  
17 detail who we characterized as Employee 1 in our report.  
18 And it was on the basis of ethnicity and a perceived  
19 political affiliation that served as the basis for the  
20 termination.

21 Ms. Speier. And this Employee 1 has been -- what's the  
22 status of this employee now?

23 Mr. Linick. I don't know. I couldn't answer that at  
24 this moment.

1           Ms. Speier. So, as a result of your report, that  
2 particular employee was not reinstated?

3           Mr. Linick. Yeah, I don't know the answer to that  
4 question. I'm sorry.

5           Ms. Speier. But this report dates back to last year,  
6 correct?

7           Mr. Linick. That's correct.

8           Mr. Castro. We're out of time here.

9           With the minority's permission, we just had one  
10 followup question on this from Mr. Lieu. If I could just  
11 get his question real quick, and we can keep it brief, and  
12 we can add that amount of time to the minority's time, if  
13 that's okay.

14          Mr. Lieu. Mr. Linick, the document request you sent  
15 for Secretary Pompeo, did Undersecretary Brian  
16 Bulatao -- was he aware of that request?

17          Mr. Linick. I did inform him that we were going to be  
18 requesting documents, yes.

19          Mr. Lieu. And did you inform it was related to a  
20 matter about Secretary Pompeo and his wife potentially  
21 misusing resources?

22          Mr. Linick. Yes.

23          Mr. Lieu. And you're aware Undersecretary Brian  
24 Bulatao was a longtime friend of Secretary Pompeo, correct?

1           Mr. Linick. I don't know. I can't answer that  
2 question.

3           Mr. Lieu. They founded Thayer Company together,  
4 graduates of West Point. They've known each other for a  
5 very long time.

6           I yield back.

7           Mr. Castro. Okay. We'll turn it over to the minority.  
8 HFAC Dem Counsel. Thank you.

9           And just before we go, that was an additional, looks  
10 like, 49 seconds. And I know we had 3 minutes and  
11 45 seconds from the end of the last round. I would like to  
12 thank my colleagues for their indulgence on that.

13           So if we could add -- I was an English major -- like,  
14 4-1/2 minutes to their clock.

15           Mr. White. [REDACTED], this is Pete White again.  
16 Could we take 5 minutes to stretch?

17           HFAC Dem Counsel. Yes. I apologize. Before we  
18 begin -- so we'll add 4-1/2 minutes to their clock when we  
19 resume. Five-minute break at this moment.

20           Mr. White. Thank you.

21           HFAC Dem Counsel. Thanks, everybody.

22           [Recess.]

1

2 [1:42 p.m.]

3 Mr. Castro. [Presiding.] All right, everybody. Are  
4 we almost ready?

5 Mr. White. The witness and counsel and are ready.

6 COR REP COUNSEL. Minority counsel ready.

7 HFAC REP COUNSEL. I am going to turn things over to my  
8 colleague on the Oversight Committee, [REDACTED], with  
9 questions.

10 BY COR REP COUNSEL:

11 Q Thank you, [REDACTED].

12 Hi, Mr. Linick. Thank for joining us today what is  
13 obviously a very long today for everybody here. I am a  
14 counsel for the minority on the Oversight Committee. I  
15 wanted to start off by going back to the first hour, [REDACTED]  
16 had asked you what some of the larger sort of reviews you  
17 had conducted were during your tenure and as a IG. And the  
18 very first thing you said was a review of email practices of  
19 former Secretary of State, Hillary Clinton. Is that right?

20 A We actually did a review of practices of the  
21 Secretary -- a number of Secretaries of State.

22 Q Including Secretary Clinton, correct?

23 A Yes.

24 Q When did that review begin?

1           A    I don't remember.

2           Q    Okay.  You became State Department inspector  
3 general, when, 2013?  Does that sound about right?

4           A    Yes.

5           Q    And who was Secretary of State at that time?

6           A    John Kerry.

7           Q    And the previous Secretary of State was Secretary  
8 Clinton, correct?

9           A    Yes.

10          Q    And is it your understanding that during Secretary  
11 Clinton's entire tenure as Secretary of State, there was no  
12 presidentially nominated inspector general at the State  
13 Department?

14          A    I believe that's right.

15          Q    And when you became inspector general of the State  
16 Department in 2013, you were nominated by who?

17          A    President Obama then.

18          Q    Okay.  And then in, in 2010, I believe you became  
19 inspector general of the Federal Housing Finance Agency,  
20 correct?

21          A    Yes.

22          Q    And when you were ultimately approved by the Senate  
23 for that position, that was when President Obama nominated  
24 you, correct?

1           A    Yes, I had been initially nominated by President  
2    Bush in 2008.

3           Q    I want to go to the night of -- I think, it was  
4    May 15 you talked about earlier, at 7:45 at night where you  
5    received a phone call from State Operations Center. Do you  
6    remember that phone call?

7           A    I remember it well.

8           Q    Okay. Were you given any instructions by anybody on  
9    the phone call not to have any further contact with anybody  
10   at the Department?

11          A    At the Department?

12          Q    Yes?

13          A    Correct.

14          Q    What about not having any further contact with  
15   anybody at OIG?

16          A    No.

17          Q    So you were given none of those instructions, if you  
18   remember?

19          A    Not that I recall, no.

20          Q    Did the President do anything illegal when he  
21   decided to remove you from office?

22          A    I'm not going to opine on the legality of it. As I  
23   said before, I am not aware of any valid reason for my  
24   removal.

1 Q Valid according to who?

2 A I have not heard any reason offered by Secretary  
3 Pompeo --

4 Q Justify according to who?

5 A In other words, the reasons offered are unfounded or  
6 misplaced. As I said before, for example, the argument  
7 about the leak, our office leaking, I think, the report  
8 clearly shows that no one in my office leaked. The  
9 assertion that the office was the source of the leak is  
10 false.

11 Q Do you believe that a President should have full  
12 faith and confidence in his or her political appointees?

13 A I'm not going to comment on that question.

14 Q Do you believe that the President has the exclusive  
15 power to remove presidentially appointed executive officers?

16 A Generally, if I am presidentially appointed, I serve  
17 at the pleasure of the President.

18 Q So do you agree that the President has the authority  
19 to remove inspectors general?

20 A Generally, yes.

21 Q And that's codified by the statute as well, correct?

22 A Yes.

23 Q Are you familiar with the D.C. Circuit Court ruling  
24 holding that the President -- that there's a case of Gerald

1 Walpin? Are you familiar with him, correct?

2 A I remember him, yes.

3 Q You remember him. So he was inspector general that  
4 President Obama had removed. Mr. Walpin sued. And the D.C.  
5 Circuit Court held that the rationale that the White House,  
6 the President gave in his removal, quote, satisfies the  
7 minimal statutory mandate that the President communicate to  
8 the Congress his reasons for removal, and that statutory  
9 mandate is identical to the statutory mandate that the  
10 President gave for your removal.

11 Are you familiar with those facts at all?

12 A No, not really.

13 Q So are you familiar with the fact that the D.C.  
14 Circuit Court has held that the statute pertaining to your  
15 removal imposes no clear duty to explain the reasons in any  
16 greater detail?

17 A No, I mean -- I am not familiar with that. I don't  
18 have that in front of me.

19 Q Just not something you have studied in the last  
20 2 weeks?

21 A Excuse me.

22 Q This is not something that you have studied  
23 indefinitely?

24 A I have not studied it, no. So I am unable to

1 confirm whether that is acceptable.

2 Q All right, that's fine. You are familiar with the  
3 reports that the Undersecretary for Management said that you  
4 were the only part -- the only bureau of the Department that  
5 did not promote the Secretary's ethos statement. Is that  
6 correct?

7 A I did see something like that in the press, yes.

8 Q Yeah, and you talked earlier I believe in the first  
9 hour with [REDACTED] that you thought the first line of the  
10 statement was inconsistent with the Office of the Inspector  
11 General. Is that right?

12 A Yes.

13 Q And you had your staff reached out and said that the  
14 OIG was an independent entity, is that correct?

15 A I told them that -- I had my staff reach out in a  
16 space with whomever sent the email and say that, you know,  
17 we -- our mission is codified in the Inspector General Act  
18 and we have a different -- we have a different mission. And  
19 we also have, you know, our own sort of values and vision  
20 which flow from that.

21 Q So I am going to read you a couple of lines from the  
22 Department of State professional ethos statement and just  
23 ask if you agree with them. We can go through them one by  
24 one:

1 I am a champion of American diplomacy. Is that  
2 something you agree with?

3 A I'm not sure what you're saying. Our mission is not  
4 to be the champion of American diplomacy. Our mission to  
5 promote the effectiveness and efficiency of Department  
6 programs.

7 Q The next line: My colleagues and I proudly serve  
8 the United States and the American people at the Department  
9 of State.

10 A Yeah.

11 Q First, the executive department?

12 A What's the question?

13 Q Well, is that something that you agree with? My  
14 colleagues and I proudly --

15 A Sure. Sure.

16 Q We support and defend the Constitution of the United  
17 States?

18 A Of course.

19 Q We protect the American people and promote their  
20 interests and values around the world by leading our  
21 Nation's foreign policy?

22 A Well, we don't lead foreign policy at OIG. So again  
23 that's -- we oversee how the Department implemented foreign  
24 policy.

1           Q    As a member of this team, I serve with unfailing  
2   professionalism in both my demeanor and my action even in  
3   the face of adversity?

4           A    Do I agree with that? Absolutely. And, in fact, we  
5   have a whole set of values at OIG, and some of those values  
6   actually reflect those types of assertions with respect for  
7   others.

8           Q    I act with uncompromising personal and professional  
9   integrity?

10          A    Sure. And that's actually part of -- that's part of  
11   our values.

12          Q    I take ownership of and responsibility for my  
13   actions and decisions?

14          A    Accountability is also important.

15          Q    And I show unstinting respect in work and deed for  
16   my colleagues and all who serve alongside me?

17          A    Yes. I agree with that.

18          Q    And in the last line, together we are the United  
19   States Department of State.

20                So you have talked a lot about sort of your  
21   independence at the OIG. You said, at one point, your  
22   office was the overseer of the Department of State. Are you  
23   familiar with the Department of State organization chart?

24          A    Yes.

1 Q And do you know where the Office of Inspector  
2 General is on that organization chart?

3 A Yes, I do.

4 Q And where is that?

5 A There's a line to the Secretary.

6 Q A line to the Secretary. Okay. And by statute, as  
7 the inspector general, by statute, who do you report to?

8 A I report to Congress and to the Secretary.

9 Q You report to the Secretary. Okay.

10 A And to Congress. I have a dual reporting  
11 responsibility.

12 Q Let's talk for a few minutes about this DOD peer  
13 review that has been so heavily discussed. Do you have a  
14 copy of that in front of you?

15 A Yes.

16 Q How did you obtain a copy of that?

17 A I actually got it from my counsel.

18 Q Okay. You got it through counsel, okay. If you --  
19 Mr. White. Counsel, it was provided to us, I believe,  
20 yesterday. I provided it to my client.

21 COR Rep Counsel. Thanks, Pete.

22 BY COR REP COUNSEL:

23 Q Have you spoken with anybody in the Inspector  
24 General's Office since your removal as inspector general?

1 A Oh, yes. People have reached out to me.

2 Q Have you reached out to anybody on your own?

3 A I have made the calls to folks to see how they're  
4 doing, yes.

5 Q Did you make any -- did you have a copy of this DOD  
6 review in the 2 weeks between when you were removed from  
7 office and when your counsel received it yesterday?

8 A No.

9 Q And you received it yesterday from your counsel?

10 A Correct.

11 Q Did you take any proactive steps to obtain the DOD  
12 review since you were removal as inspector general?

13 A Yeah, I tried to get a copy of it from my office.

14 Q And how did you do that? Can you explain that?

15 A Sure. I called -- or I was on the phone with -- I  
16 forget, if she called me, the deputy IG and I -- I asked for  
17 a copy of it.

18 Q And why did you ask for a copy of it?

19 A Because I didn't have a copy of it because it was on  
20 my system at the office. And I wanted it in advance of the  
21 hearing.

22 Q During the end of the minority's last hour, not last  
23 hour, I won't say, obviously, I recall you saying something  
24 along the lines of you did not limit the DOD inquiry in

1 anyway. Do you remember that?

2 A The limitation was -- yes, exactly.

3 Q Okay. If I could turn your attention to page 4 of  
4 the DOD review, the memorandum of findings. In the very  
5 first sentence, it says: On September 27, 2019, Inspector  
6 General Steve Linick, Department of State, Office of  
7 Inspector General, asked Principal Deputy Inspector General  
8 Glenn A. Fine, performing the duties of inspector general,  
9 Department of Defense, if the DOD OIG could conduct a  
10 limited inquiry on the alleged unauthorized release of  
11 information to the media from DOS OIG evaluation report.

12 So what was the limited inquiry you asked Mr. Fine to  
13 pursue?

14 A Well, the question is whether I limited Mr. Fine in  
15 his work. I told Mr. Fine that the issue at hand was  
16 whether or not this particular report or information report  
17 had been leaked to the media.

18 Q And so you set the parameters of determining whether  
19 or not it was leaked to the media. Is that correct?

20 A No, I told him what the issue was. I said this  
21 needs to be investigated.

22 Q So I guess I am having trouble understanding why you  
23 asked him to conduct a limited inquiry as opposed to just a  
24 full inquiry of possible leaking?

1           A    I didn't ask him to conduct a limited -- I asked him  
2   to conduct a full inquiry of this particular issue.

3           Q    I guess I am having trouble, you know, squaring that  
4   with the language in the review that says, you specifically  
5   asked the DOD OIG to conduct a quote/unquote limited  
6   inquiry. What was limited about the inquiry you asked him?  
7   Why not a full inquiry into the --

8           A    The language you're reading is his language. So you  
9   ought to direct that at him. I asked him to conduct -- can  
10   I finish?

11          Q    Yeah, go ahead.

12          A    I asked him to conduct a full inquiry and do  
13   whatever he needs to do to ascertain whether or not the  
14   report had been leaked.

15          Q    So your testimony is you asked him to conduct a full  
16   inquiry. He cites you as saying you asked him to conduct a  
17   limited inquiry. When you received that --

18          A    I think "limited" refers to the issue. The issue  
19   was whether the report leaked or not.

20          Q    Yes, but that is also in the sentence: a limited  
21   inquiry on the alleged unauthorized release of information  
22   to the media.

23                You could have said: A full inquiry on the alleged  
24   unauthorized release of information to the media. It is

1 still --

2 A That's his language, and you ought to direct it to  
3 him.

4 Q Did you bring that up with him when you read the  
5 report that he attributed a limited inquiry to you?

6 A No. No.

7 Q So this report, let's keep going through it. Out of  
8 the 15 email accounts that were reviewed by the Department  
9 of Defense Inspector General's Office, how many employees  
10 out of those 15 email drafts of the -- of the PPP report  
11 outside of the OIG? Do you have an answer to that?

12 A Yes, I just -- just me. I sent it to Michael  
13 Horowitz at the DOJ OIG. While I was on vacation, I also  
14 sent a draft to myself so I could work on it.

15 Q So how many different times did the IG discover you  
16 sent the work product from your IG email to your personal  
17 Gmail account?

18 A Between -- I believe it was 23 times between March  
19 of 2019 and September of 2019.

20 Q Twenty-three times, and nobody else they reviewed  
21 had done it even once. Is that correct?

22 A Well, actually, they did interview a few people, and  
23 they said that they had emailed materials to themselves. We  
24 had a big problem getting onto our system at that time. And

1 the only time I would send anything to myself was when our  
2 system was down or I couldn't get access to it. And  
3 the -- and this was in accordance with the State Department  
4 rules that would permit usage of your personal email  
5 accounts to limited circumstances such as these. Anytime I  
6 did that, it would involve an unclassified matter. And in  
7 the instances where I sent myself the report, the report at  
8 issue, I password-protected it and made sure that it was  
9 safe.

10 Q How many other times outside of the PPP report had  
11 you emailed those to your personal Gmail account?

12 A How many other times -- oh, I don't know. Again, it  
13 would be very limited. And it would be for the purpose of  
14 getting access to information that I was unable to  
15 do -- unable to get access to because my system was either  
16 down or, you know, or not functioning.

17 Q So you say it was very limited, yet it occurred  
18 eight times over 6 days in August of 2019 during the  
19 conclusion of the draft report on PPP?

20 A So I was traveling at that time. I had not finished  
21 the report. It was a 2-week period. I was on vacation  
22 overseas and on the West Coast. And, actually, the eight  
23 times that I sent it to myself, actually, three or four of  
24 those times, the report was actually in pieces. So part of

1 the report was one of the emails. Part two of the report  
2 was another email. Part three of the report was another  
3 one. So it wasn't that I emailed myself in the report eight  
4 times. It was that they came in -- it came in different  
5 segments.

6 Q So may I turn your attention to page, I believe it  
7 was page 5. The pages aren't numbered. It's page with the  
8 footnote.

9 A Okay.

10 Q And footnote 1, second sentence: U.S. OIG also has  
11 email policy that is documented via an information systems  
12 rules of behavior. These documents states in part, quote:  
13 Use OIG-provided equipment and systems/applications at all  
14 times, including OIG email, to conduct official OIG  
15 business. The use of corporate or personal equipment to  
16 information systems/applications, to include to email or  
17 other file storage sites to store, process, or transmit OIG  
18 or Department data is prohibited.

19 Is there an exception there for when OIG servers are  
20 not functioning properly?

21 A So, at the time, I was doing it, I had State  
22 Department rules in mind. I did not have in mind this OIG  
23 rule. But, honestly, if I had thought about, I would have  
24 done the time same thing because I needed to get my work

1 done, but I probably would have talked to the IT folks to  
2 say I need an exception to this and take the appropriate  
3 precautions.

4 Q So it seems a little convenient to me that you liked  
5 to have independence from the Department. Yet in the case  
6 where you are emailing yourself on dozens of occasions, you  
7 are going to take the State Department policy and not abide  
8 by the strict OIG policy.

9 A Well, actually, at the time, I actually didn't have  
10 the OIG policy in mind. I thought we actually tracked the  
11 State Department policy.

12 Q So the emails that sent to yourself between  
13 March 2019 and September 2019, they contained -- they  
14 contained talking points under these matters, is that right?

15 A Yeah, actually, the large majority of those emails  
16 when I checked were actually sent in August while I was  
17 away, there was a handful of emails that I sent in that  
18 6-month period, probably about seven or eight. One of them  
19 has to do with talking points for Federal News Network  
20 interview. Another one had to do with some talking points  
21 related to a conference. All of this was unclassified. And  
22 there was another one involving a retirement speech that I  
23 was giving. And then some links to the Appropriations  
24 Committee press releases. And then two other, then a couple

1 other emails involved instances where folks sent me an email  
2 at my State address as well as my personal address, and I  
3 replied back to them. So I copied myself. That's what I  
4 found.

5 Q So on the last page of the report --

6 A Hold on.

7 Q That's fine. So the paragraph right above Overall  
8 Conclusions, the first sentence: Additionally, DCIS  
9 reviewed IG Linick's personal Gmail account sent and trash  
10 folders and found no instances where the evaluation report  
11 was emailed from his personal Gmail account to anyone other  
12 than his own DOS OIG email address.

13 A Yes.

14 Q Do you know if Gmail automatically clears out trash  
15 after a certain period of time?

16 A I have no idea. But I will just tell you, I have  
17 never emailed any report or information from a report or  
18 conveyed any information from a report that hasn't been  
19 published to the press. So let's just -- let's make that  
20 clear.

21 Q So had you -- hypothetically, if somebody were to  
22 send an email in Gmail and then they subsequently deleted  
23 that from their sent folder, would that further show up in  
24 the sent folder if somebody came back and reviewed it?

1           A    I don't know the answer to that question.  But as I  
2   said before, I have never leaked information about any of  
3   our work to anyone, and I would never do that.

4           Q    Do you know if the DOD IG went to Google and asked  
5   for a complete review of your account as opposed to -- as  
6   opposed to simply reviewing the account on their own?

7           A    You know, based on the scope and methodology, I  
8   don't think they went to Google.  But you'll -- you know,  
9   that I -- my understanding is, is that, apart from me, they  
10  just looked at DOS and DOS OIG Gmail accounts and they  
11  looked at my Gmail accounts.

12          Q    Did they look at your personal cell phone?

13          A    Yeah, I gave them my cell phone.

14          Q    Your OIG cell phone or your personal cell phone?

15          A    No, no, I gave them -- my personal cell phone had my  
16  emails in them.

17          Q    Do you know if they did a review of your text  
18  messages?

19          A    I don't know.

20          Q    Do you know if they did a review of your outgoing or  
21  incoming phone calls?

22          A    I don't know.  I mean, based on methodology here, I  
23  don't think they did that.  But you'd have to ask them.

24          Q    Staying on the last page, first paragraph, second

1 sentence, last clause of the second sentence. I'm sorry.  
2 It says, IG Linick spoke about the evaluation report with  
3 Glenn Fine, principal deputy inspector general performing  
4 the duties of the inspector general Department of Defense  
5 OIG?

6 A Right.

7 Q So, prior to The Daily Beast article, you had spoken  
8 with Glenn Fine about the report. Is that correct?

9 A I actually, it was prior to that. It was quite a  
10 while prior to that. I actually solicited his advice on how  
11 he handled some political retaliation at the Justice  
12 Department. And really I was trying to understand how he  
13 analyzed it legally. So --

14 Q And then you subsequently asked him to review a  
15 possible leak from your office. Is that right?

16 A Yeah, many months later, yeah.

17 Q So there's been a lot of discussion over this, other  
18 the CIGIE issue versus looking at the individual IGs?

19 A Yes.

20 Q You testified earlier that you had asked three  
21 specific IGs to review a possible leak. Is that correct?

22 A Yes. Starting with Labor, then VA, and then DOD.

23 Q So Labor, that's Scott Dahl. Is that correct?

24 A Yes.

1 Q And do you know who -- do you know who nominated  
2 Scott Dahl to his position as Labor inspector general?

3 A I'm not sure. Probably President Obama. I'm not  
4 sure.

5 Q And then you went and talked with Michael Missal at  
6 VA. Is that correct?

7 A Correct.

8 Q And do you know who nominated him to his position?

9 A I believe he is an Obama --

10 Q He was Obama. Correct.

11 And Glenn Fine, do you know who nominated Glenn Fine to  
12 his position?

13 A Well, he wasn't nominated to his position. He was  
14 the principal deputy. He was a career -- he was a civil  
15 servant.

16 Q Well, who placed him in his position as a principal  
17 deputy or acting IG at the Department of Defense? Do you  
18 know who did that?

19 A I think it was John Rymer.

20 Q And do you know who nominated Mr. Fine to become  
21 inspector general at the Justice Department?

22 A I don't actually.

23 Q I believe that was President Clinton. Do you know  
24 how many inspectors general there are across the government?

1 A I think there's 74.

2 Q Seventy-four. And out of those 74, you picked 3.  
3 The only three that you spoke with were all appointees of  
4 Democratic Presidents. Is that correct?

5 A Well, again, that's -- I know the first two were.  
6 I'll take your word for it on Glenn Fine.

7 Q So you talked about how you spoke with CIGIE about  
8 running a possible review into your office. Is that  
9 correct?

10 A Yes.

11 Q And you said CIGIE doesn't do general reviews of  
12 that nature, correct?

13 A No, I said CIGIE doesn't investigate offices.

14 Q They don't investigate offices; they investigate  
15 people.

16 A Specific individuals that fall within their  
17 jurisdiction.

18 Q Do you fall within their jurisdiction?

19 A Yes.

20 Q Does [REDACTED] fall within their jurisdiction?

21 A I believe so.

22 Q Would [REDACTED] fall within their jurisdiction?

23 A No.

24 Q Would [REDACTED] fall within their jurisdiction?

1 A I think so as the acting, but I'm not sure.

2 Q Would [REDACTED] fall within their  
3 jurisdiction?

4 A I believe so?

5 Q Would [REDACTED] fall within their jurisdiction?

6 A I believe so.

7 Q Would [REDACTED] fall within their jurisdiction?

8 A [REDACTED] had left, but [REDACTED] probably would, yes.

9 Q Would [REDACTED] fall within their jurisdiction?

10 A Yes.

11 Q Did you ask CIGIE to run an investigation into any  
12 of those people?

13 A You missed a couple. [REDACTED] and [REDACTED]  
14 [REDACTED], and neither of those would fall within their  
15 jurisdiction.

16 No, but I asked them to specifically -- I told them  
17 that we had about 12 to 14 people, and I gave them a general  
18 sense of who they were. And you can ask CIGIE, but they  
19 would not investigate the office.

20 Q But they would investigate individuals on possible  
21 leaks. Is that correct?

22 A I believe they would -- if there's allegations  
23 against specific individuals, I believe that they would.  
24 And that's why I actually offered both Brian Bulatao and

1 John Sullivan, obviously, the opportunity -- they could make  
2 a referral on me or any other specific party.

3 Q But you didn't do that yourself, make the referral?

4 A Make -- well --

5 Q Make a referral.

6 A Well, technically, I did because I told CIGIE that I  
7 was one of the individuals that needed to be reviewed since  
8 I touched the report. So they knew I was a covered  
9 individual.

10 Q If the Integrity Committee were to conduct an  
11 investigation, do you know -- do you know that dissemination  
12 of the conclusions of their investigation, do you know who  
13 that goes to?

14 A No, I don't have any idea.

15 Q Would it surprise you to learn it would go to the  
16 head of the Department?

17 A Again, I don't know.

18 Q So, in this case, if CIGIE were to have reviewed,  
19 conducted a review of you or another one of the individuals  
20 that we had discussed under CIGIE IG's jurisdiction, the  
21 results of that would have gone to Secretary Pompeo.  
22 However, since you chose Mr. Fine, the report for Mr. Fine  
23 went only to you. Is that correct?

24 A As I said before, I went to the CIGIE. They told me

1 that they wouldn't do the review and that I needed to go  
2 find somebody else.

3 Q So, when you learned about the results of this  
4 review, you said it was sometime in the March 15 to 17  
5 timeframe right before COVID took over. You relayed that  
6 verbally to the Deputy Secretary and Undersecretary,  
7 correct?

8 A No after I -- it was before COVID that I relayed it  
9 to them verbally.

10 Q Right. Correct. And they asked you for a report,  
11 or a review. Is that correct?

12 A They asked for the internal investigation.

13 Q They asked you for the internal investigation. And  
14 you declined to give it to them?

15 A No, I did not decline to give it to them. I said  
16 that I had concerns that it wouldn't be my normal practice  
17 just to hand over an internal investigation that involved a  
18 violation of the OIG rules and regulations and that I would  
19 have to assess how to go about doing that. As I stated  
20 before, I had concerns about sort of the confidentiality of  
21 the information in that -- potential information in that  
22 report and setting a precedent. I didn't think it would be  
23 proper for me, as a matter of course, to just turn over  
24 internal investigations if the Department wanted them

1 involving OIG rules and regulations.

2 Q But the bottom line is they asked, and you didn't  
3 deliver?

4 A Well, no, yes. As I said before, with COVID and all  
5 of the resulting issues that we were facing, it was one of  
6 those things that -- it wasn't on the top of my list, and  
7 they didn't follow up on it. And, frankly, I had already  
8 conveyed the conclusions to them, and I had anticipated  
9 sitting down with the deputy, as I told you, and letting him  
10 read the report in camera.

11 Q So, even though they had asked, you were waiting for  
12 them to follow up before you provided them --

13 A I wasn't waiting for them to follow up. I was  
14 waiting for an opportunity where I could sit down in person  
15 with the deputy. And when I got through the whole COVID  
16 situation because I had 400 employees who were pretty  
17 scared, and that completely consumed me for a very long  
18 period of time after that.

19 Q The limited inquiry that DOD covered, DOD IG  
20 covered, it did not include possible sharing of the draft  
21 report to individuals other than the media. Is that  
22 correct?

23 A Well, they did ask all of us whether we shared, who  
24 we shared the report with. So that's incorrect.

1           Q    Are you aware of the draft report being shared with  
2 any Member or staff member of Congress prior to its release  
3 by your office?

4           A    No, I'm not aware of that.  If they had shared the  
5 report in advance of the appropriate time, that would be a  
6 violation of our rules and totally unacceptable.

7           Q    I am going to talk about the arms control  
8 investigation that your office had been running.  Did your  
9 office brief the Department earlier this year on the results  
10 of that -- of your review?

11          A    I think they may -- they may have done some sort of  
12 briefing.

13          Q    Was that done in the normal course of events upon  
14 the completion of an IG review?

15          A    It would always be in the normal course of events.  
16 We have our whole process.

17          Q    Right, but upon the completion of the review, is  
18 that right?

19          A    I actually don't know offhand the circumstances  
20 about that particular briefing well enough to recount the  
21 circumstances.

22          Q    But the review is complete?

23          A    No.  It's not complete.  I said it was ongoing  
24 earlier.

1 Q Is the review ongoing, or is the further drafting,  
2 dissemination, and reporting back from the Department?

3 A When I left the review, it was ongoing, and that's  
4 the most I can say about it.

5 Q Is the Secretary involved in the timing of the  
6 release of your report?

7 A I am sorry?

8 Q Is the Secretary involved in the timing of the  
9 release of that report?

10 A I don't understand the question.

11 Q The question is, is Secretary Pompeo involved in the  
12 timing of the release of the report on the arms sales?

13 A No. We always -- we're the ones who control the  
14 timing.

15 Q Correct. So, to the extent that report has not been  
16 concluded and it has not been shared, that is simply because  
17 your office, the Inspector General's Office is continuing to  
18 look into it. Is that right?

19 A If it's ongoing, that means we're looking into it.

20 Q Okay. What was the rationale or the reason that you  
21 began that review in the first place?

22 A Well, all I'm going to say about that is we received  
23 a request, a congressional request.

24 Q Was there any other request? Was there requests

1 from anybody else other than congressional Democrats?

2 A I don't know who actually made that request. But it  
3 was -- it -- the only request was from Congress, and I don't  
4 remember if it was just Democrats, or if it included  
5 Republicans.

6 Q Was there any reason for you to take up a review of  
7 this matter but for the congressional request you received?

8 A I'm not going to go into our thinking about this.

9 Q Okay. The Secretary's decision to utilize the  
10 national emergency, is that purely a policy decision?

11 A I'm not going to go into that.

12 Q Does your office normally investigate policy  
13 decisions?

14 A No, as a matter, our office reviews the  
15 implementation of policy, and that comes right out of the  
16 Foreign Service Act.

17 Q Right. But is it appropriate for your office to  
18 investigate purely policy decisions?

19 A We don't investigate whether our policy is good or  
20 bad.

21 Q So the answer I assume would be no?

22 A Correct.

23 Q Okay. Are you aware of any prior Secretaries of  
24 State or Presidents using the same authority here?

1 A I'm not going to get into that.

2 Q I mean, it would be --

3 A I don't know. I'm not going to get into sort of  
4 facts around declarations and so forth. I'm really  
5 not -- I'm not going to do that.

6 Q So you're not -- you are not sure whether or not  
7 President Carter used that same authority?

8 A I just don't know.

9 Q You don't know whether or not President Reagan used  
10 that same authority?

11 A As I said, I am not going to get into commentary  
12 about the Arms Control Act.

13 Q So you don't know whether or not Clinton or Bush  
14 used that same authority?

15 A As I said, I am not going to get into discussion  
16 about the Arms Control Act.

17 Q Do you know whether or not State OIG investigated  
18 any of those instances?

19 A Same answer.

20 Q Did you or any of your team ever look at past  
21 instances of Presidential Secretary declarations?

22 A The same answer. I'm not going to get into what we  
23 did or didn't look at.

24 Q Whether prior State OIGs did or did not, would that

1 have been relevant to your review in this case?

2 A No comment.

3 Q Is there a statute requiring the Department to  
4 consult with Congress on the utilization of this authority?

5 A I am not going to get into that.

6 Q Do you know whether or not career officers were  
7 involved or consulted in their recommendation to the  
8 Secretary on this matter?

9 A I am not going to comment on that.

10 Q Do you know if career attorneys in the Office of  
11 Legal Adviser approved recommendations to the Secretary for  
12 these authorities?

13 A I am not going to comment on that.

14 Q What about whether or not Deputy Undersecretary  
15 David Hale approved?

16 A I'm not going to comment on that.

17 Q Other career Foreign Service Officers in NEA who  
18 approved?

19 A No comment.

20 Q Okay. Did you review the action memo in this  
21 particular --

22 A No comment.

23 Q Did you review the clearance page in this particular  
24 matter?

1 A No comment.

2 Q Would it have been normal in the course of OIG to  
3 review the clearance page in this matter?

4 Mr. White. Counsel, he has answered that he is not  
5 going to answer questions about the process. You are  
6 wasting time. You are wasting the witness' time during a  
7 long day. I suggest that you move on.

8 COR Rep Counsel. Pete, I appreciate that's your point  
9 of view. But these are important questions for our members,  
10 understanding the internal processes of OIG, given the facts  
11 and everything that has occurred. And my question was  
12 simply whether it would have been normal. I'm not asking  
13 about this particular instance. I am asking whether it  
14 would have been normal.

15 Mr. White. Counsel, you are also getting into areas  
16 that cause the witness to have to deal with matters that are  
17 classified. He has said he is not answering these  
18 questions. You know the right way to do that. This is not  
19 the right forum. Please move on.

20 BY COR REP COUNSEL:

21 Q In your investigation of Brian Hook, did -- for his  
22 personnel practices, did the OIG identify any emails, any  
23 emails at all in which Mr. Hook suggested he was personally  
24 motivated to end a detailed employee 1 because of perceived

1 political opinions, place of birth, or similar issues?

2 A I haven't -- I had come prepared to talk about my  
3 removal and not that report. So I am not going to make  
4 comments on that at this time.

5 Q Okay. In that report, did the OIG, did your office  
6 identify any documents in which Mr. Hook suggested he was  
7 personally motivated to end the detail because of employee  
8 1's perceived political opinions --

9 A Again, again, I am not going to comment about what  
10 we found or what we didn't find in that report. I am not  
11 prepared to discuss the report.

12 Q Okay, so I assume if I ask the same question about  
13 whether or not any witnesses made such statements, you would  
14 give me the same answer?

15 A Again, I just haven't studied this material, and I  
16 am just not in a position to go through the facts in a way  
17 in which I would feel comfortable with because I want to  
18 ensure accuracy. So I just don't feel comfortable.

19 Q Okay. Let me ask you this. Any of the questions  
20 that I was asking about the Saudi arms sale, reviewing the  
21 clearance memo, just very basic process questions, the  
22 questions of process, those aren't classified, are they, as  
23 to whether or not your office performed a --

24 A I am not going to get into any further commentary on

1 that report.

2 Q I am going to turn it back over to [REDACTED] on  
3 the Foreign Affairs Committee to complete our time.

4 BY HFAC REP COUNSEL:

5 Q Mr. Linick, can you hear me okay? I just want to go  
6 back to the issue of turning over the internal report to  
7 Department leadership. I believe I heard you say to [REDACTED]  
8 [REDACTED], and I think you touched on it again just with [REDACTED]  
9 [REDACTED], you said the DOD IG had equities in there that you  
10 wanted to make sure were preserved, and you were also not  
11 willing to give the report that contained names of people in  
12 your office to the Department. Is that right?

13 A I said it wasn't my -- I had gone over this before.  
14 I said it wasn't my practice to turn over internal  
15 investigation involving OIG personnel who might have  
16 violated OIG rules without carefully assessing what's in the  
17 document. There are several concerns that I had, including  
18 the fact that DOD obviously had equities in it. Also, there  
19 were -- there were discussion of personnel who were involved  
20 in issuing the oversight report on the Department on the  
21 political retaliation issue. And I was concerned about any  
22 confidential information that might be disclosed as to them.  
23 And I didn't want to set a precedent for turning over these  
24 kinds of reports. I had already told Brian Bulatao and

1 Steve Biegun that this report did not find a leak. And the  
2 report itself obviously confirmed that that there wasn't a  
3 leak.

4 Q But after you received the report, can you -- I  
5 mean, we all have that. What in there is to you susceptible  
6 to disclosure to the Department about people inside your  
7 office? I mean, if the report found that they hadn't  
8 disclosed anything, and so what was the -- I am just trying  
9 to understand the concern that you have for people in your  
10 office and the report just going to the Department  
11 leadership?

12 Mr. White. Counsel, we are 5 hours in at this point.  
13 This has been beaten to death. He is not going to answer  
14 any questions that he has already answered anymore. If you  
15 have got something new, we're happy to do this. We are here  
16 voluntarily and wanted to give all of you all that you need.  
17 But he will not be answering the same questions again, and  
18 this one qualifies. Move on.

19 HFAC REP COUNSEL. Just, respectfully, I don't think  
20 that this is a repeated question. This is a specific  
21 question about -- I would like him to identify what in the  
22 report after he -- because he said he needed a chance to  
23 review it, and I understand that. I am just now asking if  
24 he can articulate what was in the report that he thought was

1 a danger to show to the Department since they had requested  
2 it. That's all.

3 Mr. White. He has already talked about that.

4 HFAC REP COUNSEL. Okay.

5 Mr. Castro. I know you guys have been asking that same  
6 question. He is here to talk about his termination, not the  
7 details of a report that he didn't have a chance to study.  
8 Move on.

9 HFAC REP COUNSEL. Did you not have a chance to review  
10 that report?

11 Mr. White. This has all been gone over several times.  
12 He's brought up a sequence of what he knew and when he got  
13 it. He is not answering other questions about it. He is  
14 here voluntarily. If you have questions you want answers to  
15 that are different from what he's been asked already, that's  
16 great. Otherwise, he will voluntarily leave.

17 HFAC REP COUNSEL. I am not trying to be obtuse.  
18 Congressman Castro said he had not reviewed the report. I  
19 just wanted to make sure I understood correctly that he had  
20 or had not. That's not --

21 Mr. Castro. Counsel, this is not the subject of this  
22 interview.

23 Does somebody want to make a motion?

24 COR Rep Counsel. Mr. Castro, with all due respect,

1 this is clearly within the subject of the interview. This  
2 is the report that Mr. Linick himself commissioned from his  
3 handpicked IG. And it has to do with one of the reasons the  
4 Undersecretary gave for the inspector general's dismissal.  
5 This is squarely within the purview of the interview.

6 Mr. Castro. Okay. It's my understanding that he has  
7 answered that as best as he is able to answer it right now.  
8 I don't think you are going to get anything else out of him  
9 right now.

10 Mr. White. Mr. Linick?

11 HFAC REP COUNSEL. Mr. Linick, are you there?

12 Mr. Linick. Here.

1

2 [2:27 p.m.]

3 BY HFAC REP COUNSEL:

4 Q You said it was not your practice. Had you been  
5 involved -- during your tenure, even before you were at  
6 State, in your other IG capacity, had you been involved in  
7 other internal investigations such as this?

8 A Oh, sure. There's always -- we've done internal  
9 investigations on our own on various things over the years.

10 Q Had you ever done --

11 A Personnel matters. There's a lot of stuff that  
12 we're --

13 Q Had you ever done an internal investigation over a  
14 leak?

15 A I believe so, but I'm not 100 percent sure.

16 Q When you did that, and you may not recall, but did  
17 you handle this in a similar fashion, where an outside IG  
18 came in and interviewed folks? Or was it just an internal  
19 investigation, meaning you or someone directly under you  
20 handled it for the office?

21 A That was an internal investigation.

22 Q But, in this instance, I know you said -- I know  
23 there's the DOD IG review, and then you were conducting a  
24 review that I believe is still ongoing. That review that

1 you were undertaking, did that look at State as well as your  
2 office? Or was your office just with the DOD IG review?

3 A I'm not following you.

4 Q You conducted an investigation about this leak,  
5 correct?

6 A Yeah. My office did conduct an investigation of the  
7 State Department regarding this leak. That is correct.

8 Q And I think I understand the answer, but just to be  
9 clear: And so that review did not look at your staff in  
10 your office?

11 A No. We had the DOD IG do it.

12 Q So, since you had had internal reviews previously,  
13 before this incident, is the only reason an IG was brought  
14 in this time because of the conversations you had with  
15 Department leadership?

16 A No. I just wanted to be sure that we were doing  
17 this in a very clean way with an independent IG involved.  
18 And, you know, because I touched the report, as well as  
19 13 other people, I just thought that would be a better way  
20 to do it.

21 Q And I also wanted to raise, I think you said you  
22 were interviewed -- and I think your assumption is that the  
23 other interviews went similarly -- that you were asked by  
24 the DOD IG about whether you had disclosed any information

1 about this report to anyone. Was that correct?

2 A [Inaudible.]

3 Q I'm sorry, did you answer the question?

4 A Yes.

5 Q And that very well may be true. I do want to point  
6 out that it appears to me, in my reading of the DOD IG  
7 report, that they frame it as only asked about disclosures  
8 to the media.

9 For example, at the top of page -- again, I'm sorry,  
10 this is not numbered, but 1, 2 -- top of page 4, it says,  
11 "[REDACTED] and the other 13 members of the DOS OIG staff  
12 that DCIS interviewed denied disclosing to the media any  
13 information contained in the evaluation report."

14 And so that seems to be slightly at odds with what you  
15 just testified, that they asked you about disclosures to  
16 anyone. The DOD report seems to be framing it in the  
17 context of solely disclosures to the media. And I just  
18 wondered if you had any insight as to why that discrepancy  
19 is.

20 A They asked me -- I can only tell you what they asked  
21 me, because I wasn't present for any other interviews. They  
22 asked me if I disclosed the report to anybody else.

23 Q Okay. And that may be a decision -- and maybe we  
24 need to ask the DOD IG -- that goes back to their whole

1 limited versus full review, et cetera. But I just wanted to  
2 ask you while you were here if you knew why that was.

3 I will stop there and just make sure -- I know we have  
4 very few moments left. Are any of our Members on and would  
5 like to ask any questions?

6 COR Rep Counsel. [REDACTED], I just have two very quick  
7 followup questions.

8 BY COR REP COUNSEL:

9 Q First question: Did you ever email yourself from  
10 your OIG address to your personal address anything regarding  
11 the administrative review on misuse of government resources?

12 A On misuse of government resources? No, absolutely  
13 not. No.

14 Q What about on arms control, arms sale? Any part of  
15 that report at all that you emailed?

16 A I don't recall what I -- I mean, nothing -- I don't  
17 recall that. I'm not sure.

18 Q Okay.

19 A I'm not sure. In other words, I'm not sure what's  
20 among the 21. But whatever it was, it was unclassified,  
21 whatever it was.

22 Mr. Jordan. Hey, [REDACTED]?

23 Mr. Linick, so I just wanted to make sure I got it  
24 square here too. You said you wanted to be sure everything

1 was done right. You went to three -- well, you went to two  
2 IGs, and then they couldn't do it. You settled with  
3 Mr. Fine. He does the report. It exonerates you; it  
4 exonerates your staff. But you still don't share it with  
5 the people at the State Department.

6 Mr. Linick. What was the question?

7 Mr. Jordan. So the question is, you wanted to make  
8 sure everything was done right. You talked to three  
9 inspectors general. The third one, Mr. Fine, says he will  
10 do the investigation. He does the investigation. The  
11 investigation, to my understanding, exonerates you,  
12 exonerates -- says there was no leak from you or any of the  
13 other 14 people that Mr. Fine looked at. You get that  
14 report. And then, for some reason, you don't want to share  
15 that report with Mr. Pompeo and people at the State  
16 Department.

17 Mr. Linick. No, that's actually not the case. I  
18 actually wanted to have a chance to assess the report. I  
19 always wanted to be able to share some portion of that  
20 report with the State Department to satisfy their desire for  
21 certainty about it. And that's when I told you that my  
22 intention was to sit down in person with the Deputy  
23 Secretary and let him read the report in camera.

24 And the bottom line is, the report was good for me and

1 for the office. There would've been no reason to hold that  
2 up. That's --

3 Mr. Jordan. But, again, that's what I'm asking.

4 Mr. Linick. -- the key. That's the key. This  
5 report --

6 Mr. Jordan. No, I understand that.

7 Mr. Linick. -- found that there wasn't a leak. I had  
8 told that to the Department, and there would've been no  
9 reason to hold it back.

10 Mr. Jordan. Well, then, if there was no reason to hold  
11 it back, why'd you hold it back?

12 Mr. Linick. As I said before, COVID came down; it  
13 wasn't on the top of my list; and I wanted to sit down with  
14 the Deputy Secretary in person -- all of our in-person  
15 meetings were canceled -- and go through it with him.

16 But this report was very favorable to us, so I'm not  
17 sure why there would be any reason to hold it back.  
18 Honestly, they didn't ask about it. They were completely  
19 focused on COVID, and that had consumed pretty much  
20 everything we had been doing for the last couple of months.

21 Mr. Castro. All right. We are about a minute over.  
22 So, [REDACTED] ?

23 HFAC Dem Counsel. Thank you.

24 I think we'd like to take a short break, and then we

1 can resume with the next round, if that's okay.

2 Pete, what's a good time for you guys? Do you want 5?

3 Do you want 10?

4 Mr. White. We probably should take 10 minutes. He has  
5 been here quite a long time at this point. I expect that  
6 there should not be much more. The witness is exhausted.  
7 And we'd appreciate whatever remaining questions be in new  
8 areas and exceptionally focused.

9 HFAC Dem Counsel. I can promise you that, from our  
10 side, that is in fact the plan, and we very much appreciate  
11 your time.

12 Mr. White. All right. Let's take 10 minutes.

13 HFAC Dem Counsel. All right. We'll see you at 2:45.

14 [Recess.]

15 BY HFAC DEM COUNSEL:

16 Q Mr. Linick, thank you again for your time.

17 Changing topics, you had stated that at the time that  
18 you were fired your office was looking into potential misuse  
19 of government resources by Secretary Pompeo and his wife.  
20 Is that correct?

21 A Correct.

22 Q Can you describe for us how it is that your office  
23 came to start looking into that topic?

24 A No, I can't comment on that.

1 Q And why is that, sir?

2 A I mean, I just don't talk about, sort of, how that  
3 information came about. There's confidentiality issues,  
4 lots of issues.

5 Q That's fair. Can you tell us roughly when you  
6 became aware of potential issues around the Pompeos' use of  
7 government resources?

8 A It was last year.

9 Q Do you recall roughly when that was?

10 A I don't know exactly.

11 Q Was one of the issues related to funds being  
12 expended for Mrs. Pompeo to accompany the Secretary on  
13 official travel?

14 A No, I can't get into the specific allegations.

15 Q Okay. Did your office request documents related to  
16 Mrs. Pompeo and her use of government resources?

17 A I can't get into specific requests.

18 Q That's rather vague, actually. It's a very broad  
19 question, sir. Did you request documents at all on any  
20 topic related to Mrs. Pompeo's use of government resources?

21 A I said that we were looking into allegations  
22 regarding misuse of resources by Secretary Pompeo and his  
23 wife and we requested documents. That's the most I can tell  
24 you.

1 Q Okay. And at what point did you request documents?

2 A At some point -- I believe I testified earlier, at  
3 some point later in 2019, there came a time when we made a  
4 document request to the Department.

5 Q And just because, sir, we're not trying to probe  
6 into the content of those, we're really trying to get a  
7 sense of who might have been aware that you were looking at  
8 a broad topic and how it might have contributed to the  
9 Secretary's recommendation to fire you, can you tell us to  
10 whom those document requests were directed?

11 A I can't tell you that exactly, other than what I've  
12 already told you, which is that we made document requests of  
13 the Office of the Secretary, the Legal Adviser. Those were  
14 the two entities. You're going to have to go back to my  
15 office and ask them for specifics, because I just don't have  
16 the specifics for you and I want to be very comfortable that  
17 I'm being accurate.

18 Q Okay. And so there were documents requested from  
19 the Office of the Secretary at about the end of 2019 related  
20 to use of resources. I just want to make sure that I've got  
21 the --

22 A Yes. Yes. Yes.

23 Q Okay. Did anyone say anything to you about the fact  
24 that you had started asking these questions, anybody who

1 worked on the Seventh Floor?

2 A No. I mean -- no.

3 Q Who was aware, which individuals were aware, within  
4 the State Department --

5 A I said --

6 Q -- not within IG?

7 A Yeah. I said I had talked to Brian Bulatao. I said  
8 maybe Deputy Secretary Sullivan, though I'm not sure. And I  
9 told Deputy Secretary Steve Biegun.

10 Q Okay.

11 A I know my staff reached out to Lisa Kenna, and they  
12 had conversations with "L." That's all I can tell you.

13 Q Okay.

14 And just to make sure -- I know it was a while ago that  
15 we touched on this -- starting with Mr. Biegun, do you  
16 recall the rough outlines of your conversation with him  
17 about the fact that you were looking into the use of  
18 resources by the Secretary and Mrs. Pompeo?

19 A Yeah, I told him that we were requesting documents.  
20 I didn't want them to be surprised. And I told him the  
21 nature of the documents that we would be requesting.

22 Q And what did he say to you?

23 A I don't recall what he said to me.

24 Q Do you recall if he responded?

1           A    I really -- there was nothing particularly  
2 noteworthy. I mean, he -- I don't recall any response one  
3 way or the other. I just don't recall. But nothing comes  
4 to mind about his response.

5           Q    Okay.

6                   How about Mr. Bulatao? Can you tell us when and how  
7 you made him aware of the fact that there was an inquiry  
8 into Secretary Pompeo and his wife regarding the use of  
9 resources?

10           A    Yeah. Again, it was in that late 2019 frame, and I  
11 just don't recall exactly. I don't have a recollection of  
12 the specific date, but it would've been in late 2019.

13           Q    Okay. And when you say late 2019, the Brian Hook  
14 report, which I promise you we're not going to ask you any  
15 more questions on, but that was issued in November. Would  
16 this have been before or after the issuance of that report?

17           A    I'm not sure. I'm not sure.

18           Q    Okay.

19                   When you made Mr. Bulatao aware of the fact that you  
20 were looking into this topic, how did he react?

21           A    I don't recall how he reacted.

22           Q    Do you recall whether you sent him an email, saw him  
23 in person?

24           A    No, it was an in-person -- excuse me. It was

1 definitely an in-person meeting.

2 Q Okay. Was it a meeting for purposes of discussing  
3 that topic?

4 A No. It was -- I had a number of meetings with him.  
5 At some point when -- I had one or two meetings with him  
6 before Deputy Secretary Sullivan had left his post.

7 There was a point in time when Deputy Secretary  
8 Sullivan had been nominated but not confirmed, but he passed  
9 all of his reporting to Brian Bulatao. So there was a  
10 period in time between the time Deputy Secretary Sullivan  
11 left and Deputy Secretary Steve Biegun came in when I had  
12 met with Brian Bulatao.

13 And the purpose of those meetings was along the same  
14 lines as my meetings with Deputy Sullivan, which was to let  
15 him know about work that we were doing in the Department,  
16 notable work, anything that's coming, that's going to be  
17 issued soon, those kinds of things. So it would've been in  
18 the context of a general meeting.

19 Q And, you know, Secretary Pompeo has stated in media  
20 reports that Mr. Bulatao and Counselor Ulrich Brechbuhl are,  
21 something to the effect of, his "best friends in the entire  
22 world." And this has been something that's been publicly  
23 reported.

24 Did you have any hesitation about informing

1 Undersecretary Bulatao that your office was going to be  
2 looking into the potential misuse of government resources by  
3 the Secretary and Mrs. Pompeo?

4 A No. He was the Undersecretary for Management.  
5 Deputy Sullivan asked that I start reporting to him in the  
6 interim. And I knew that, you know, he was going to hear  
7 about our document requests, so I wanted to make sure that  
8 he understood why we were asking for documents.

9 Q And was there ever any discussion prior to you doing  
10 that within OIG about whether or not, given the subject  
11 matter and his relationship to the Secretary, it might be  
12 better to have that conversation with someone else?

13 A There wasn't.

14 Q Okay.

15 Did Undersecretary Bulatao ever say anything to you  
16 that you can recall about the fact that you were looking  
17 into this resource topic?

18 A I don't recall anything specific.

19 Q Okay.

20 What is Mrs. Pompeo's role at the State Department, to  
21 the best of your knowledge?

22 A I couldn't tell you that.

23 Q Sitting here today, you have no idea about her role  
24 at the Department?

1           A    I really don't.  And that would get into the pending  
2   review, so I don't really want to comment on that.

3           Q    Okay.

4           Was there anybody else at the Department who ever said  
5   anything to you about the fact that you were looking into  
6   the use of resources by the Secretary and his wife?

7           A    Not that I can recall.

8           Q    Secretary Pompeo, as you may have noticed, gave some  
9   remarks to a media outlet a couple days ago, saying one of  
10  the reasons that they fired you was that you were going  
11  after his wife for trying to make the Department a better  
12  place.  Do you have any idea why he would say that?

13          A    I don't know.

14          Q    So you just informed people that -- you're like,  
15  hey, we've got these allegations, we're going to be looking  
16  into them, and everybody said okay and moved on?

17          A    I don't remember what they said.  I don't want to be  
18  imprecise about that.  I don't recall what they said, but  
19  nothing notable in those discussions.

20          Q    Okay.

21          A    There was nothing notable in those discussions that  
22  I can recall.

23          Q    Okay.

24          Who's Toni Porter?

1           A    I don't really want to get into who she is and so  
2    forth.  Again, I can't comment on that.

3           Q    I'm not asking you for commentary on particular  
4    steps that may have been taken.  I'm literally -- who is  
5    that person, sitting here today, within your personal  
6    knowledge?

7           A    Again, that gets into matters that I really can't  
8    talk about.  I'm sorry.

9           Q    Sir, I recognize that you're here voluntarily, but I  
10   would expect that there's something that you can tell us  
11   about your knowledge of her role.  I'm happy to respect the  
12   lines of your investigation.

13          A    Again, I'm concerned about getting into matters  
14   involving our investigation, and I don't really want to  
15   comment on who she is or what she does or anything like  
16   that.

17          Q    Okay.  But then, by the very nature of that  
18   response, you've confirmed, then, that Ms. Porter is the  
19   subject of an ongoing investigation.

20          A    I haven't confirmed anything.

21          Q    Respectfully, sir, if you're telling me you can't  
22   talk about Ms. Porter because of ongoing investigations,  
23   that's the only inference I can draw.  You've answered  
24   questions about a lot of other people.

1           Mr. White. That's been asked and answered several  
2 times. Please move on.

3                   BY HFAC DEM COUNSEL:

4           Q   With respect to anything other than Mrs. Pompeo in  
5 particular, just to make sure that I've got it, was there  
6 anything to do with the Secretary's use of government  
7 resources and the fact that you were looking into it -- did  
8 anyone at the State Department ever talk to you about that  
9 topic?

10          A   I think I've answered that question. I have no  
11 recollection of anyone talking to me about that topic.

12          Q   Okay. I just wanted to be clear that that covers --

13          A   Yeah. I don't have any recollection of that. Yeah.

14          Q   Changing topics, on October 2, 2019, Congress was  
15 actively engaged in a fact-finding inquiry that ultimately  
16 led to the impeachment of the President. And, on that day,  
17 you came up to Capitol Hill to brief staffers on information  
18 that you believed might be relevant to the impeachment  
19 inquiry. Do you recall that?

20          A   Yes.

21          Q   Can you tell us about the materials that you brought  
22 with you that day and why you felt it was important to  
23 provide them to Congress?

24          A   Yes.

1           So, in May of 2019, I received a packet from the Office  
2 of the Legal Adviser, and it contained a variety of  
3 documents and notes and so forth relating to allegations,  
4 relating to issues associated with Ambassador Yovanovitch  
5 and, I believe, Hunter Biden and so forth. It was a package  
6 of documents which allegedly had been sent to the Office of  
7 the Secretary and, in turn, the Office of the Secretary had  
8 provided to the Legal Adviser and then provided it to us.  
9 That was in May.

10           When the impeachment proceedings started and the issues  
11 began concerning the whistleblower and so forth, I realized  
12 I was sitting on documents that might be relevant to that,  
13 and, in accordance with my obligations and to make sure that  
14 the right folks had the documents, I provided them to the  
15 Hill.

16           Q   Okay. Are you aware, sir, sitting here today, that  
17 your provision of those documents marked the only production  
18 of any documents whatsoever from any part of the State  
19 Department as part of the impeachment inquiry?

20           A   I'm not aware of what the State Department provided  
21 or didn't provide.

22           Q   So we're happy to stipulate for the record that, you  
23 know, yours were literally the only documents from any part  
24 of the State Department that were provided, although the

1 rest had been subject to a congressional subpoena.

2 Did anybody from the State Department talk to you about  
3 the fact that you chose to bring those documents to Capitol  
4 Hill?

5 A No. I informed the Department, through the Legal  
6 Adviser, that I was going to do that.

7 Q And did they say anything in response?

8 A They didn't object.

9 Q Did you speak to anyone else besides individuals in  
10 the Office of the Legal Adviser either before or after you  
11 provided those documents?

12 A I don't recall. I don't recall. I recall having  
13 communications with the Office of Legal Adviser in advance  
14 of my production of the documents.

15 Q Switching topics, sir, at the time that you were  
16 fired, had the Office of the Inspector General received or  
17 heard about any complaints from other subjects of your work?  
18 In other words, was anybody that your office was looking  
19 into complaining about the fact that you were looking into  
20 them, to your knowledge?

21 A Not to my knowledge.

22 Q Did you have any work that was either open or  
23 recently concluded regarding any politically appointed  
24 Ambassadors?

1 A You're saying when I left?

2 Q When you left, was there anything that was either  
3 open or had been completed, say, within the previous  
4 6 months?

5 A I wouldn't -- there was -- if it was  
6 completed -- well, let me say this. I can't talk about  
7 pending matters, and --

8 Q Okay. How about completed?

9 A Yeah, complete -- I mean, I'm not aware  
10 of -- nothing comes to mind that was -- we always have work  
11 involving Ambassadors. We always have work. And nothing  
12 comes to mind, as I sit here now, on something that's  
13 completed.

14 But I think it would be better for you to ask that  
15 question of the office. I think it would be better for you  
16 to ask that question.

17 Q So, just to make sure I've got it, was there any  
18 politically appointed Ambassador who complained about your  
19 work that you were ever made aware of?

20 A Nothing comes to mind. I don't have a recollection  
21 of anything. But, again, you'd have to ask -- I would ask  
22 [REDACTED] or I would ask the office. I don't have a  
23 recollection.

24 Q Briefly, sir, again, we're just trying to get at

1 what it was that led to your firing.

2 You had said at the beginning of the interview, but I  
3 want to make sure that we've got it all, that Undersecretary  
4 Bulatao had objected to the fact that you were responding to  
5 a request from the Foreign Affairs Committee to look into  
6 the implementation of their emergency declaration under the  
7 Arms Export Control Act in order to provide about \$8 billion  
8 worth of arms to a variety of countries, one of which was  
9 Saudi Arabia.

10 Can you just tell us, when was the first time that you  
11 interacted with Undersecretary Bulatao about that topic?

12 A I'm sorry, I cannot recall the date. It would have  
13 been -- I'm not sure about the date. It's definitely before  
14 COVID, possibly late 2019. I'm just not sure.

15 Q Okay.

16 So the letter from the Foreign Affairs Committee was  
17 dated June 19, 2019. I think it probably came on the 20th.  
18 Can you tell us what steps you took after receiving that  
19 letter? At a very high level.

20 A Well, I can just say generally what we do; how about  
21 that?

22 What we do when we receive letters, we would obviously  
23 look to see if there's -- this is a general principle. When  
24 we get a request, we look to see whether there's criteria

1 that governs any particular request, whether they're  
2 policies and procedures and things like that.

3 And, in general, you know, a conversation ensues as to  
4 whether or not something should be reviewed. We obviously  
5 don't -- we don't do everything that Congress asks us to do,  
6 due to our independence. But that's typically how we do  
7 something.

8 And then we'll often -- or we will then get sharp on  
9 the issues so we have a better understanding of them.  
10 That's typically how we proceed in many matters before we  
11 decide to continue a review.

12 Q And your former office has indicated that those  
13 criteria seem to have been met here and that you did  
14 undertake work in response to that letter from the Foreign  
15 Affairs Committee on this topic. Is that right?

16 A Well, we obviously did undertake work, and we  
17 believed it was justified.

18 Q Was the fieldwork completed on that?

19 A I'm not entirely sure where that stands, and I don't  
20 want to misstate the facts. I don't want to misstate the  
21 facts.

22 Q Had anyone at the State Department been briefed on  
23 preliminary findings, conclusions, recommendations in  
24 connection with that report?

1           A    I think there was some type of briefing, but you'll  
2    have to go back to my office.  I mentioned that before.

3           Q    Okay.  Do you recall roughly when that would've  
4    been?

5           A    I don't.  I don't.

6           Q    Do you recall who would've been briefed?

7           A    I don't.

8           Q    Okay.

9            You had said -- so, if the letter comes in June, you  
10   know, you're on a spectrum between June and your firing  
11   about a year later in May.  How many interactions, roughly,  
12   did you have with Undersecretary Bulatao about that report?

13          A    About that report?  I don't recall.  I don't recall.  
14   At --

15          Q    More than one?

16          A    -- least one.  Yeah.  I don't recall.

17          Q    And was it close in time to your firing, or was it a  
18   while ago?

19          A    Yeah, it was, like I said, pre-COVID, maybe late  
20   2019.

21          Q    Late 2019, pre-COVID.  And if you could remind us,  
22   you know, roughly what it is that you recall about what he  
23   said to you.

24          A    Well, he said that the AECA matter was -- that we

1 were undertaking a review of a policy matter and that we  
2 shouldn't be doing that.

3 And I do recall that at the meeting was the Legal  
4 Adviser himself, Marik String. I remember the two of them,  
5 now that I think of it, were there. And we had a discussion  
6 about that issue and also the possibility there may be a  
7 privilege issue.

8 Q So Marik String was present in the meeting --

9 A Yes.

10 Q -- where you discussed this with Undersecretary  
11 Bulatao.

12 A Yes.

13 Q And the Undersecretary indicated that he wanted you  
14 to stop your work on that topic. Is that right?

15 A Well, he didn't say stop our work. I don't want to  
16 misstate. He said that we shouldn't be doing the work  
17 because it was a policy matter not within the IG's  
18 jurisdiction.

19 Q Okay. And did Mr. String say anything on that  
20 topic?

21 A I think both of them were of the same mind.

22 Q So Mr. String said that he didn't think you should  
23 be looking into this, and Undersecretary Bulatao said he  
24 didn't think you should be looking into this. Is that

1 correct?

2 A That's correct, yes. Yes.

3 Q And are you aware that one of the reasons that  
4 Congress referred this matter to your office was precisely  
5 because of concern about Mr. String's role in that emergency  
6 declaration? I believe that was in our letter, and it was  
7 talked about in a public hearing.

8 A I don't recall that, as I sit here.

9 Q In terms of privilege issues, Congress' concern  
10 around Mr. String's involvement in this stemmed from the  
11 time that he was a policy DAS in the PM Bureau. Was he the  
12 one asserting that things were privileged and so you might  
13 not be able to talk about them?

14 A During the conversation I had with him and Bulatao,  
15 that issue came up.

16 Q And based on your legal training and your experience  
17 as an IG, obviously, there are a lot of people with law  
18 degrees at the State Department, but would you agree with me  
19 that only in areas where someone is acting as a lawyer would  
20 you expect to see a proper invocation of attorney-client  
21 privilege? Is that right? Just because somebody has a law  
22 degree, if there's two policy folks talking to each other --

23 A Yeah, I'm --

24 Q -- you don't usually invoke privilege?

1           A    I don't want to comment on that.  I'm just not sure.

2           Q    And so they told you they didn't think it was  
3 appropriate for you to look into this.  Did you stop looking  
4 into the matter after that conversation?

5           A    Of course not.

6           Q    And why is that?

7           A    Because we were fulfilling our obligation to review  
8 the implementation of the policy.  We felt that our review  
9 fell squarely within the confines of the Inspector General  
10 Act.  You know, we don't assess whether a policy is good or  
11 bad, but we assess how a policy -- whether it's efficiently  
12 and effectively implemented and whether rules are followed.  
13 And we continued to do that.

14          Q    Even if the Undersecretary had directly asked you,  
15 "Mr. Linick, I want you to stop looking into this topic,"  
16 would you have stopped?

17          A    Well, he didn't.  He didn't say that.  And I  
18 wouldn't.

19          Q    And you wouldn't.  Even if the Secretary of State  
20 called you and said, "Mr. Linick, I want you to stop looking  
21 into this topic," would you have stopped?

22          A    Never.

23          Q    And that is because it is your role to be  
24 independent, right?

1           A    Yes.

2           Q    And you said that you had actually had a number of  
3 occasions to explain to at least Undersecretary Bulatao the  
4 importance of and the independent nature of inspectors  
5 general. Is that right?

6           A    Yes.

7           Q    Do you think that those explanations, as you gave  
8 them, sunk in? Did there ever come a time when you felt  
9 that Undersecretary Bulatao accepted that inspectors general  
10 are necessarily independent from the agencies that they're  
11 tasked with overseeing?

12          A    I can't comment on whether it sunk in or not.

13          Q    And everybody knew this about you, right? Even if  
14 it wasn't a contentious conversation every time where you  
15 had to say, "I'm independent, I'm independent," is it fair  
16 to say, sir, that throughout your career you've had a  
17 reputation as somebody who is fiercely independent?

18          A    I have always tried to be fiercely independent,  
19 because I think that's critical to being an effective IG.

20          Q    And does that independence include the fact that, as  
21 Inspector General, that was your only job? Is that an  
22 important way of maintaining your independence?

23          A    Can you repeat the question?

24          Q    So, as the Inspector General at the State

1 Department, your only job was to be the Inspector General at  
2 the State Department. Is that right? You didn't have  
3 another role employed by the Department itself. Is that  
4 correct?

5 A That's correct.

6 Q Okay. And I believe you said that you had, you  
7 know, communicated that separation partially in the context  
8 of when you talked about the ethos statement, right? You  
9 said, you know, we are separate, and that's important,  
10 right?

11 A Yes. I mean, we are -- yes. Yes.

12 Q And you had said you scrupulously observed a  
13 firewall there where you wouldn't get involved in  
14 policymaking because you had to keep your independence that  
15 way.

16 A Well, no, I said I wouldn't get involved in  
17 programmatic matters.

18 Q Thank you. That was the term.

19 A And we're not involved in policymaking, as well, as  
20 IGs. We don't do policymaking.

21 But, yes, I said that I have always been fearful of  
22 getting involved in programmatic work with the Department  
23 because of the possibility of having to audit or oversee  
24 that work. Then I would be conflicted out, and my

1 independence would be threatened.

2 Q Sir, are you aware, sir, sitting here today, that  
3 Ambassador Akard is serving as Acting Inspector General  
4 while also continuing to serve as the Director for the  
5 Office of Foreign Missions?

6 A I have read the news articles.

7 Q Okay. Are news articles the only way that you've  
8 become aware of that?

9 A Well, I mean, largely. I mean, staff has told me  
10 that.

11 Q And I think we covered this, but I know it's been a  
12 long day. Have you ever had a conversation with Ambassador  
13 Akard?

14 A No. I don't recall ever meeting him.

15 Q Do you have knowledge from any source about when  
16 Ambassador Akard was first approached about potentially  
17 becoming the Acting Inspector General?

18 A Somebody told me that he learned in April, that he  
19 told staff that he learned in April.

20 Q So he told staff at OIG? Is that right?

21 A That's correct.

22 Q And just for the record, sir, when were you fired?

23 A May 15.

24 Q So, if I have the timeline right, Ambassador Akard

1 has told staff in the OIG's office that someone approached  
2 him in mid-April --

3 A I didn't say mid-April. I said April.

4 Q -- in April -- I apologize -- about becoming the  
5 Acting Inspector General. Did anybody say anything to you  
6 in April about possibly replacing you?

7 A I had no idea.

8 Q And I think you've testified you had no idea until  
9 you got that call on that Friday night that you were being  
10 replaced. Is that right?

11 A That's correct.

12 Q Okay.

13 Do you have any concerns, as a general matter, about an  
14 acting inspector general also retaining a policy job at the  
15 agency and having a direct report to the agency head?

16 A I don't want to comment on the specifics of this  
17 particular situation in my role, but I will say --

18 Q Just answer it as a general question.

19 A Yeah. I will say that the Inspector General Act  
20 requires IGs to be independent from both the agency and  
21 Congress. And independence is critical to the IG's  
22 obligation to not only be impartial but also free of  
23 conflicts of interest, both in fact and appearance.

24 And the State OIG, before I got there, was criticized

1 by the GAO and other entities for employing individuals as  
2 acting IGs who may have jobs in the State Department. And  
3 since I've been there -- and there were other criticisms by  
4 the GAO as well. And since I've been at the office for the  
5 last 7 years, we worked hard during my tenure to make sure  
6 that, you know, the office addressed those independence  
7 issues.

8 Q Do you worry that people would be less willing to  
9 provide information to your office, whistleblowers and the  
10 like, if they knew that the head of your office also  
11 reported to the agency head as a member of the Department  
12 and not just a member of OIG?

13 A Uh-huh. I mean, I think that's a reasonable  
14 conclusion, that individuals might feel afraid to report.  
15 As it is, it's difficult for whistleblowers to come forward  
16 and to feel comfortable that the Department is not going to  
17 retaliate against them.

18 Q So you mention retaliation. What opportunities  
19 might -- I mean, you guys receive a lot of sensitive  
20 information as a part of that work. When you say  
21 "retaliation," what are the risks that an inspector general  
22 might be subject to in terms of retaliation? What might  
23 they do?

24 A Well, I can speak -- there's always a concern by

1 whistleblowers that the agency is going to retaliate against  
2 them for blowing the whistle. And there are obviously  
3 prohibitions against retaliation, which the IG investigates,  
4 as well as Office of Special Counsel.

5 Q And it's important to maintain anonymity in order to  
6 minimize the chances of retaliation, right?

7 A Well, it's important that the IG protect the  
8 identity of the individuals if they wish that to be the  
9 case, you know, to make sure that people feel comfortable  
10 coming forward to the IG. So we make great efforts to  
11 ensure that we preserve their confidentiality. And, in  
12 fact, under the Inspector General Act, we're required to  
13 preserve the confidentiality of complainants, with limited  
14 exceptions.

15 Q And is one of the ways that, in your experience as  
16 an inspector general, one is able to make whistleblowers and  
17 other people comfortable that their identity will be  
18 protected that they know that, when they're talking to the  
19 Office of the Inspector General, they're talking only to the  
20 Office of the Inspector General and not to the Department  
21 itself? Is that part of what provides them comfort, in your  
22 experience?

23 A Yes. Yes, that would be important for them to  
24 understand, that what is disclosed to OIG stays in OIG.

1           Q    Sir, do you have any concerns, given the  
2           circumstances of your own firing, that people within the  
3           Office of the Inspector General who worked with you might,  
4           themselves, be subject to retaliation in some way?

5           A    I'm not really in a position to comment on that.

6           Q    I believe you testified earlier that -- and we very  
7           much don't want to get into where or whom -- but that  
8           individuals had actually expressed to you that they were  
9           concerned about their jobs. Is that correct?

10          A    Oh, in the IG community.

11          Q    Yes.

12          A    In the IG community, not -- yes. Anecdotally, yes.

13          Q    Okay.

14                HFAC Dem Counsel. Sorry I ran a little long. I'd like  
15                to open it up to our Members, if there are any Democratic  
16                Members who have questions.

17                Mr. Castro. All right. This is Vice Chair Castro.  
18                I'm going to turn the gavel over to Representative  
19                Malinowski, if he's got questions or if he wants to call on  
20                Members.

21                Mr. Malinowski. [Presiding.] Thank you.

22                Can you hear me?

23                Mr. Linick. Yes.

24                Mr. Malinowski. Great. I just have one question to

1 begin with. And, first of all, it's good to see you. Thank  
2 you for going through all of this.

3 I will just share as an anecdote that, when I was the  
4 Assistant Secretary, I was told on day one that you might be  
5 doing an audit of my bureau at some point. And we were  
6 nervous about it in a very constructive way, and it kept us  
7 honest throughout my time there. And so that is a personal  
8 experience that attests to the value of independent IGs.

9 I have really just one question, and that is, a number  
10 of times you've referred to, we've referred to ongoing  
11 investigations obviously into subjects that are of great  
12 interest to the committee, including the Saudi arms sale and  
13 potential misuse of State Department personnel.

14 My question is, how do you know these are ongoing?  
15 You're not the IG.

16 Mr. Linick. Well, they were ongoing -- they were  
17 ongoing when I left.

18 Mr. Malinowski. Right. So you actually don't know  
19 that they are ongoing investigations.

20 Mr. Linick. But I also -- I did confirm with the  
21 office that the existence of these were disclosed to the  
22 committee before I testified today.

23 Mr. Malinowski. Right. But you don't know how  
24 actively they're being pursued one way or another. You have

1 no way of knowing that.

2 Mr. Linick. After May 15, I would have no indication  
3 one way or the other.

4 Mr. Malinowski. Okay. Well, I think that's a  
5 significant question for us, obviously.

6 Okay. So, with that, let me see. Are there any  
7 other -- I see Mr. Lieu is, I think, next.

8 Ted, do you want to ask a question?

9 Mr. Lieu. Yeah. Thank you, Representative Malinowski.

10 Mr. Linick, I have a few questions about your office's  
11 review of the allegations that Secretary Pompeo and his wife  
12 may have used resources inappropriately.

13 You stated earlier this hour that you had told a number  
14 of people, including Undersecretary Bulatao, Deputy  
15 Secretary Biegun, and Pompeo's Executive Secretary, that you  
16 were conducting this review. Did you tell any of them not  
17 to tell Secretary Pompeo that your office was doing this  
18 review?

19 Mr. Linick. No.

20 Mr. Lieu. In fact, the reason you told them was  
21 exactly the opposite, right? You wanted to give them a  
22 heads-up so that when Secretary Pompeo got the request he  
23 wouldn't be surprised. Isn't that right?

24 Mr. Linick. I wanted to make sure everybody was aware

1 so that they wouldn't be surprised.

2 Mr. Lieu. The document request was, for example, was  
3 not related to Undersecretary Bulatao, but it was related to  
4 Secretary Pompeo and his wife, correct?

5 Mr. Linick. All I can say, it was related to the  
6 review of allegations relating to misuse of government  
7 resources by both of them.

8 Mr. Lieu. But not misuse of resources by  
9 Undersecretary Bulatao, correct?

10 Mr. Linick. I'm just going to go with what I said at  
11 this point.

12 Mr. Lieu. Okay.

13 So the reason you would have gone to Undersecretary  
14 Bulatao, who is one of Pompeo's best friends since they were  
15 classmates at West Point, were co-founders of Thayer  
16 Aerospace, worked together for 8 years, he then was  
17 appointed by Pompeo in the CIA as Chief of Operations, and  
18 the reason you would do that is because you expected  
19 Secretary Bulatao to convey to Mike Pompeo that your office  
20 was doing this review, right? That's the reason you would  
21 have gone to Undersecretary Bulatao. Isn't that right?

22 Mr. Linick. I wanted to make sure that  
23 everybody -- that the folks who would be receiving those  
24 document requests knew what we were doing. And I didn't

1 tell them not to tell anybody, including Secretary Pompeo,  
2 about them. There was no -- from my point of view, I just  
3 wanted to make sure that folks on the Seventh Floor knew  
4 what we were doing before they just got a document request.

5 Mr. Lieu. And in -- I mean, we're all adults  
6 here -- just your general understanding of human nature, you  
7 would expect all these people, or at least one of them, to  
8 inform Mike Pompeo that they were going to get document  
9 requests related to the review of Pompeo and his wife  
10 allegedly not using resources appropriately, right?

11 Mr. Linick. I don't want to speculate on what to  
12 expect or not. I mean, I'm just telling you what I did.  
13 And --

14 Mr. Lieu. Right. But the whole point of what you  
15 did --

16 Mr. Linick. -- I'll let you draw that conclusion.

17 Mr. Lieu. The whole point of what you did is to not  
18 surprise Mike Pompeo when he gets a document request. Isn't  
19 that right?

20 Mr. Linick. The whole point was not to surprise the  
21 Seventh Floor writ large, because they were going to get  
22 these document requests. So --

23 Mr. Lieu. And maybe I'm confused. The document  
24 request is not about Undersecretary Bulatao's inappropriate

1 use of resources; it's about Mike Pompeo and his wife.

2 Isn't that right?

3 Mr. Linick. Right.

4 Mr. Lieu. So the person you're trying to not surprise  
5 is Mike Pompeo, not Undersecretary Bulatao, right?

6 Mr. Linick. Again, it was the entire Seventh Floor.

7 Mr. Lieu. Okay. Thank you. The entire Seventh Floor.  
8 And where does Secretary Pompeo work?

9 Mr. Linick. Seventh Floor.

10 Mr. Lieu. Okay. Thank you.

11 So I assume you have read The Washington Post story  
12 published last month where they interviewed Secretary Pompeo  
13 and the headline was that he was not aware you were  
14 investigating him. Did you read that article?

15 Mr. Linick. I did.

16 Mr. Lieu. All right. Were you surprised by Pompeo's  
17 statements?

18 Mr. Linick. I'm not going to offer an opinion on  
19 whether I was surprised or not.

20 Mr. Lieu. How about this: Secretary Pompeo was just  
21 lying, wasn't he?

22 Mr. Linick. I am not going to offer an opinion on  
23 that.

24 Mr. Lieu. Okay. Thank you.

1           Mr. Linick. I just think that it would be  
2 inappropriate for me to offer that kind of opinion. I  
3 really want to be very accurate, and I want to act in  
4 accordance with my responsibilities as Inspector General.

5           Mr. Lieu. Thank you for your public service.

6           I yield back.

7           Mr. Malinowski. Thank you, Mr. Lieu.

8           Are there any other Democratic Members who would like  
9 to be recognized?

10          If not, [REDACTED], do you have any further questions in  
11 this round?

12          HFAC Dem Counsel. I do. Just one last topic on this.

13                   BY HFAC DEM COUNSEL:

14          Q   Mr. Linick, in connection with your review of the  
15 Saudi arms sales issue, did you seek an interview with  
16 Secretary Pompeo?

17          A   Yes.

18          Q   Can you tell us about your efforts to get that  
19 interview and how it went?

20          A   Yes.

21                We requested that our team be permitted to interview  
22 the Secretary in 2019, late 2019. I had told Undersecretary  
23 Bulatao and Deputy Secretary Biegun and the Legal Adviser  
24 about this request, and, in assessing my request, they asked

1 for, sort of, the topic areas for the interview, just the  
2 broad-brush topics, which we provided.

3 And then, ultimately, as he acknowledged in the press,  
4 he sent written responses to that question and, at that  
5 time, did not agree to the interview.

6 Q Did you have any kind of negotiation about whether  
7 and how he would sit for an interview?

8 A Initially, there was discussion about interviewing  
9 only with me, as opposed to the team, and --

10 Q Was that your idea?

11 A No. That was their idea.

12 Q Okay.

13 A Which I agreed to, as long as I had somebody from  
14 the team with me, because I felt that that would  
15 fulfill -- you know, that that would be fulfilling the  
16 request to be interviewed. Ultimately, that didn't happen.

17 Q So you wanted one other person with you, just to be  
18 clear, as a witness, right?

19 A That's correct.

20 Q Okay. And did you tell the Secretary's office that  
21 you just wanted somebody there as a witness?

22 A I didn't tell the Secretary's office. It was in  
23 communications with the Legal Adviser. I remember a  
24 conversation with the Legal Adviser about that, about the

1 request to have somebody with me. But I don't recall having  
2 that discussion with Bulatao or Biegun -- in other words,  
3 actually having someone present with me as a witness.

4 Q Okay. When you say the Legal Adviser, just to be  
5 precise, do you mean someone in that office or the Acting --

6 A Marik. Marik String.

7 Q Okay. And what was his reaction to that?

8 A His reaction was he'd get back to me.

9 Q And did he ever get back to you?

10 A I did have discussions with him. I ultimately -- I  
11 don't really recall exactly the nature of the conversations  
12 after my discussion with him but before I received the  
13 written responses from the Secretary.

14 Q If I've got this right, you asked for an interview,  
15 it looked like they would do an interview if it was just you  
16 and the Secretary, and then you asked for a witness, and  
17 then all of a sudden the interview didn't happen.

18 A That's correct.

19 Q Okay.

20 How many written documents did Secretary Pompeo submit  
21 in connection with your request to conduct this interview?

22 A I don't know. I don't know, as I sit here.

23 Q He has said that he gave written answers. Is that  
24 accurate?

1           A   He did provide written answers. That's all I can  
2 tell you.

3           Q   Did he provide a written justification for why he  
4 didn't want to actually sit for an interview?

5           A   That I cannot comment on.

6           HFAC REP COUNSEL. I'm just checking on time.

7           HFAC Dem Counsel. Sorry. With everyone's indulgence  
8 and in the hopes of being able to wrap this up early for the  
9 witness, we've probably got about 2 more minutes and then  
10 wouldn't anticipate a further round, if that's okay? And  
11 happy to add time for our colleagues that is equal to what  
12 we've gone over.

13           Okay with you, [REDACTED]?

14           HFAC REP COUNSEL. Yeah, that's fine.

15           HFAC Dem Counsel. Okay.

16           BY HFAC DEM COUNSEL:

17           Q   Were there any other reports that were submitted to  
18 the Department in the month prior to your firing?

19           A   I don't recall. I don't recall.

20           Q   Going back to the arms sales thing for a moment, do  
21 you recall when the written answers to those questions were  
22 provided?

23           A   It was sometime in early 2020.

24           Q   Sometime in early 2020.

1           And do you recall, sir, that on May 7 of 2020 the House  
2 Foreign Affairs Committee had reached out to the OIG just to  
3 inquire as to the status of your work on the Arms Export  
4 Control Act issue?

5           A    Yes, I do.

6           Q    Okay. And you were fired a week and a day after  
7 that. Is that correct?

8           A    Yes.

9           Q    Okay.

10          HFAC Dem Counsel. I think that's all I got.

11          Mr. Malinowski. All right.

12          Thank you, [REDACTED].

13          Look, since I think we want to wrap it up pretty much  
14 on our side, I'll just make -- whoops. Can you hear me?

15          Mr. Linick. Yes, sir.

16          Mr. Malinowski. Yeah, okay.

17          Look, I just want to offer a final thought, and that is  
18 that the central question here for me is, why were you  
19 fired? And the central fact that you have presented is that  
20 you have no idea, that you were not told.

21          And, in my State Department experience, it's very hard  
22 for me to imagine somebody being dismissed in this way, at  
23 any level, whether it's a junior Foreign Service officer or  
24 a senior manager, without being given an explanation.

1 Certainly not in my experience has that ever happened.

2 And the only reason I can think of, why somebody might  
3 do that, is that they don't want to have to publicly justify  
4 the actual reason. And it's obviously not silly things like  
5 the ethos statement or use of personal email. If it were  
6 that, literally every State Department employee would  
7 probably be fired. It's something else that somebody else  
8 doesn't want to have to justify.

9 And I guess the other advantage of not stating a reason  
10 publicly is that it invites others to speculate that there  
11 might be some mysterious, troubling wrongdoing that must be  
12 the real reason, that it invites people to wildly speculate  
13 about terrible things that you might have done, which they  
14 don't have to accuse you of, because they're simply not  
15 stating the reason in public. And if they did, then that  
16 real reason would actually be subject to public scrutiny in  
17 ways that those who made this decision would find very  
18 uncomfortable.

19 So, I mean, absent other evidence, that's the only  
20 conclusion I can draw from this. Certainly, we hope that we  
21 learn considerably more as the investigation continues.

22 With that, I'm happy to shift over to the minority.

23 Thank you.

1

2 [3:36 p.m.]

3 HFAC Dem Counsel. Just before we start, Mr. Linick,  
4 Mr. White, would you like a short break before that?

5 Mr. White. Yes. Ten minutes should be helpful. Thank  
6 you.

7 HFAC Dem Counsel. Thank you. So 10 minutes. We'll  
8 call it 3:47, 3:48.

9 [Recess.]

10 HFAC REP COUNSEL. I'm going turn it over to [REDACTED]  
11 for some questions.

12 COR Rep Counsel. Thanks, [REDACTED].

13 BY COR REP COUNSEL:

14 Q Thank you, Mr. Linick.

15 I want to go back to your office's review on the Saudi  
16 arms sale. Did your office interview Clarke Cooper as part  
17 of that review?

18 A Yeah, I'm not going to talk about what we did or  
19 what we didn't do.

20 Q All right. Did your office interview Marik String  
21 as part of that review?

22 A As I said, no comment.

23 Q So I guess the issue I have is, I asked you two very  
24 basic questions as to who you reviewed, and you're refusing

1 to answer them. They don't reveal the substance of the  
2 investigation in any way. Yet when [REDACTED] just asked you  
3 about whether or not your office interviewed the Secretary,  
4 you had no problem spending 5 minutes laying out in detail  
5 your office's attempts to interview Mr. Pompeo, which is --

6 A He actually made that -- go ahead.

7 Q Yeah. And, you know, you can draw a delineation  
8 between what the Secretary said publicly, you know, versus  
9 what you're saying here privately, but you're basically  
10 confirming that public reports are true. And it's just two  
11 very simple questions: Did you interview Mr. Cooper? Did  
12 you interview Mr. String? And it really gives off the  
13 appearance that you're willing to answer the questions of  
14 the Democrat counsel but not the Republican counsel.

15 A The Secretary publicly stated that he provided  
16 written responses in response to our request.

17 Q So you're confirming the public statement basically  
18 confirming that --

19 A In terms --

20 Q -- as opposed to just saying I'm not going to  
21 comment on it. The Secretary's comments stand for  
22 themselves.

23 A I'm confirming what he said.

24 COR Rep Counsel. [REDACTED], go ahead.

1 BY HFAC REP COUNSEL:

2 Q Mr. Linick, when you do reviews, do you ever employ  
3 the methodology of reviewing individual cell phones in terms  
4 of text messages, et cetera, or are you always restricted to  
5 interviews and email text?

6 A Totally depends. In criminal cases, you know,  
7 that's something that we would typically do in a criminal  
8 matter, if necessary.

9 Q Have you ever done that in a -- when the context is  
10 not criminal?

11 A Oh, I don't know offhand. You know, anytime we  
12 do -- anytime we choose to employ a particular method of  
13 investigating we always sort of weigh the resources, you  
14 know, what's reasonable and what makes sense. I mean, in  
15 every investigation, you could investigate it to death, and,  
16 you know, it just depends on the facts and circumstances.

17 Q But you have the ability to make that ask, if you  
18 thought it was appropriate in a given circumstance?

19 A Well, there are certain things you have to do to get  
20 text messages and so forth. I mean, there are  
21 certain -- you can't just ask. You would need either a  
22 search warrant in some instances -- in most instances to get  
23 text messages, I believe.

24 Q Well, you could ask for someone's phone and look at

1 their text messages, but that's not -- I really -- and I  
2 don't have anything specific in mind here. I was really  
3 just wondering if that was something -- a tool that you  
4 employed in your work at any given time. I'm not thinking  
5 about a specific circumstance.

6 A I mean, we have requested search warrants for  
7 various types of transmissions and so forth. It just  
8 depends on the matter.

9 Q But you always use a warrant to do something like  
10 that. You don't ever just do a voluntary request?

11 A Oh, no. It just depends. I mean, certainly you  
12 could ask somebody for text messages.

13 Q Is that something you've ever done in your work as  
14 an IG, whether it was here or in your previous position?

15 A You know, I don't know. I mean, typically my head  
16 of investigations runs those types of investigations. I  
17 mean, have we -- I'm pretty sure we've done search warrants  
18 and subpoenas for things like that, but I just can't speak  
19 to exactly what we've done outside of that context. But  
20 anybody could ask for anything, I suppose.

21 Q Okay. I do have some additional questions. I think  
22 they're new or clarifying questions, but they are on the  
23 topic of your decision not to transfer the report, and I  
24 understand you don't want to answer any more questions on

1 that topic. And you're here voluntarily, and I want to be  
2 respectful of that. Is that correct?

3 A I'm here voluntarily, and I am pretty tired right  
4 now, yes.

5 Q I need to be clear though. You don't want to answer  
6 any more questions on that topic?

7 A If I've already answered them, then I don't see a  
8 reason to answer them again and again and again.

9 Q So I don't -- I'm not trying to ruffle any feathers  
10 here. I do have some questions I'd like to ask, but if you  
11 don't want to answer them, you just let me know, and I will  
12 stop.

13 A Well, again, if I'm answering the same question over  
14 again then I feel like I've provided my testimony to you.  
15 Now we're at the 3:57 mark. I've been here since 9:30 this  
16 morning, and I would really like to move forward.

17 Q So you mentioned that one of the things that you  
18 were concerned about was information that was in the report  
19 pertaining to individuals in your office. And I just  
20 wondered if you could articulate for us, once you actually  
21 got that report and had a chance to review it, if you could  
22 identify for us the things that were in there that gave you  
23 pause.

24 A I never even got a chance to do that because when I

1 talked to Bulatao and to Biegun, I didn't have the March 17  
2 report. My assertion was that I was -- that I would have to  
3 assess it and analyze what was going to be in that March 17  
4 report before I could just agree to turn it over or share  
5 it. That is what I said.

6 Q Understood. And once you did receive it and you had  
7 a chance to look at it, were there any concerns in there  
8 that you could identify for us?

9 A I'm not going to talk to you about concerns. I told  
10 you that I was -- I had planned to sit down with the deputy  
11 and let him read the report in camera, and that's what I  
12 felt comfortable with.

13 HFAC REP COUNSEL. Okay. I will stop there. I know  
14 Mr. Zeldin from our side may have some questions.

15 Mr. Zeldin. Thank you. And just picking up on a  
16 comment that one of my colleagues made a short time ago as  
17 far as the central questions to your one point that was left  
18 out is that the inspector general can be removed by the  
19 President without cause. Cause is not required. That is an  
20 important point that was left out.

21 Mr. Linick, a little earlier we very briefly spoke, and  
22 just to be clear, because I was asking about your time at  
23 DOJ as well as Mr. Fine's time at DOJ, and it sounded like  
24 you don't remember him from your time at DOJ. Is that

1 correct?

2 Mr. Linick. I didn't know him. When he was -- I'm not  
3 talking about him being at the Department of Justice IG. I  
4 did know him then. I believe he was also at the Department  
5 of Justice working as an AUSA, and that's what I understood  
6 your question to mean.

7 When he was at the Department of Justice OIG, I did  
8 know him when I was in the fraud section. I had met him  
9 when I was in the fraud section. I had actually met a lot  
10 of the IGs.

11 So, to clarify that question, yes, when he was at DOJ  
12 OIG and when I was in the fraud section of the Department of  
13 Justice, two totally different offices, I had met him and  
14 many other IGs at the time because I was actually leading  
15 the National Procurement Fraud Task Force out of the fraud  
16 section.

17 Mr. Zeldin. Did you develop a professional or social  
18 relationship from that interaction?

19 Mr. Linick. Oh, it was professional in the sense that  
20 I was working with all the IGs on this task force. So, you  
21 know, I certainly knew him. At that time, I didn't -- you  
22 know, I hadn't socialized with him or anything?

23 Mr. Zeldin. I wanted to give you an opportunity to  
24 clear up one thing from the beginning of the transcribed

1 interview. Congressman Sherman made a very detailed,  
2 multifaceted allegation against Secretary Pompeo, and you  
3 responded that you won't comment on any ongoing  
4 investigations as everything is currently under review.

5 I just want to give you an opportunity to clarify.  
6 Your answer wasn't intending on -- and I also don't want to  
7 put words in your mouth, so this is your opportunity. You  
8 weren't saying that every word and allegation Congressman  
9 Sherman said and charged is actually under review, correct?

10 Mr. Linick. No. No. I was just not commenting  
11 on -- I was not affirming anything that he said.

12 Mr. Zeldin. Yeah. No, I wanted to give you that  
13 opportunity because the way this works around Washington and  
14 the media, they will take an answer and interpret it  
15 differently. So thank you for clarifying.

16 Is it accurate that you said you don't know who from  
17 the Obama administration asked for you to come on as the  
18 State Department inspector general?

19 Mr. Linick. I don't remember how all that developed at  
20 that time. I don't remember the specific individual.

21 Mr. Zeldin. And you had a -- is it accurate that you  
22 had a conversation with the incoming Trump administration  
23 during the transition period, but you don't remember who you  
24 spoke with?

1           Mr. Linick. Yes, that's true. I did speak with a  
2 couple of folks who were on the transition team. They were  
3 gathering information about our office.

4           Mr. Zeldin. And you don't know who at DOD IG told you  
5 that the leak report was going to clear the IG's Office, and  
6 you don't remember whether it was told to you verbally or in  
7 writing?

8           Mr. Linick. It would've been -- no, I don't. Well, it  
9 would've been Glenn Fine, or it would've been his  
10 investigator who was sort of leading the report. It  
11 would've been one of those two.

12          Mr. Zeldin. But you don't recall whether or not they  
13 told you that verbally or in writing?

14          Mr. Linick. I don't. I don't recall if I had a draft  
15 or anything like that at the time.

16          Mr. Zeldin. When you applied for a judgeship early in  
17 the Trump administration, is it accurate that you don't know  
18 who you were speaking to in the Trump administration for  
19 that position you were seeking?

20          Mr. Linick. It was folks in the White House, and I  
21 don't remember who they were. I had come in for an  
22 interview, but I don't remember their names. It was quite a  
23 while ago.

24          Mr. Zeldin. Do you know why you didn't get the

1 judgeship?

2 Mr. Linick. No, I have no idea.

3 Mr. Zeldin. Are you aware of concerns that were  
4 expressed from within the State Department from George Kent  
5 and others with regards to a conflict of interest of Hunter  
6 Biden serving on the board of Burisma during the last  
7 administration?

8 Mr. Linick. I'm really -- I'm not going to comment on  
9 that. I'm not aware of -- I'm just not going to comment on  
10 that issue.

11 Mr. Zeldin. But there aren't any cases with regards to  
12 that?

13 Mr. Linick. I'm not going to comment on whether there  
14 are or are not cases on that.

15 Mr. Zeldin. Were there ever any cases with regards  
16 to -- or any reviews or investigations with regards to the  
17 January 17, 2016, cash payment of \$1.7 billion that was made  
18 to Iran?

19 Mr. Linick. Again, I'm not going to be commenting on  
20 that, and I'm not sure what that has to do with my removal.

21 Mr. Zeldin. Well, you said that you were in search of  
22 a reason, and you're willing to speak about several  
23 investigations. You've done that in response to the House  
24 Democrats' questioning. You're willing to speak about

1 investigating Secretary Pompeo and his wife personally,  
2 willing to speak about investigation into Brian Hook.  
3 You're willing to talk all about the Saudi arms sale. So  
4 I'm asking about some of these other topics.

5 For example, it's public from the DOJ inspector  
6 general's report, the Horowitz report, that Inspector  
7 General Horowitz contacted you about Kathleen Kavalec's  
8 contacts with Christopher Steele. Do you remember that  
9 contact?

10 Mr. Linick. I actually don't. I don't recall that.  
11 But I'm just not prepared to talk about other investigations  
12 or information regarding other investigations.

13 Mr. Zeldin. Was there an investigation at all with  
14 regards to that issue?

15 Mr. Linick. As I said, I'm not prepared to talk about  
16 any other investigations.

17 Mr. Zeldin. Okay. So here's one of the issues is that  
18 the Department of Justice inspector general has within his  
19 scope the ability to look into a number of effects and  
20 allegations involving Christopher Steele, and one part of  
21 that is within the jurisdiction of the State Department, and  
22 that's public information. The IG Horowitz' report is  
23 public information as well. But he doesn't have the ability  
24 to look into that, you do.

1           And, again, this is another investigation that -- I  
2           can't speak for your intent. I'll let you speak for your  
3           intent as far as being perceived as apolitical publicly, and  
4           I note you released the opening statement that you gave to  
5           this committee today. But there are other investigations  
6           that you haven't been willing to speak to this afternoon  
7           that it would be good if we were able to have a discussion  
8           especially if these aren't open investigations.

9           Mr. Linick. As I said, I'm not prepared to talk  
10          about -- confirm or deny the existence of other  
11          investigations.

12          Mr. Zeldin. 

13          COR Rep Counsel. Yeah. I would just say, sir, you  
14          know, the Saudi arms sale, the investigation of prohibited  
15          personnel practices, those investigations both started after  
16          Democratic members of the committee sent a letter to the OIG  
17          asking the OIG to start those investigations.

18          Mr. Linick. And we've started many investigations at  
19          the prompting of Republicans as well throughout my career,  
20          including the email issues involving the Secretaries of  
21          State.

22          Mr. Zeldin. I'm just trying to understand the rules  
23          here. So you're willing to talk about the Clinton email  
24          investigation but not --

1           Mr. Linick. Well, that's a completed -- that's  
2 completed. We're willing to talk about completed -- the  
3 political retaliation is completed. We issued two reports.  
4 They weren't investigations. They were reviews. They  
5 weren't criminal investigations. The Clinton matter was an  
6 evaluation. It wasn't a criminal investigation. So I think  
7 it's important to define terminology here.

8           Mr. Zeldin. Okay. So going off of your terminology,  
9 there was an investigation into the meeting between Kathleen  
10 Kavalec, Jonathan Winer, and Christopher Steele, correct?

11           Mr. White. With all due respect, Congressman Zeldin,  
12 unless this has something to do with the circumstances of  
13 his removal, unless you can link that up some way, that's  
14 what he's prepared to talk about today. He's not been able  
15 to review anything in connection with other issues. So it's  
16 really unfair to ask him questions that go back into other  
17 investigations, whether they're open or closed, and he's not  
18 going to be answering those.

19           Mr. Zeldin. Okay. So, clearly, so that I understand,  
20 the burden on the House Republicans here at today's  
21 transcribed interview is to prove a connection between the  
22 question and the inspector general's termination, but that  
23 rule does not apply for the House Democrats.

24           Mr. White. No, that's incorrect.

1           COR Rep Counsel. I would also just say, Pete, that  
2 Mr. Linick has said on multiple occasions he's been given no  
3 explanation for why he has been removed, yet he's talking at  
4 length about investigations that the Democrats are asking  
5 about, yet investigations that Mr. Zeldin is asking about  
6 he's refusing to address. So your burden is an impossible  
7 standard to meet for only one side.

8           Mr. Zeldin. Yeah. And just for --

9           Mr. White. Look, it is only fair to the witness that  
10 he can testify to what he is going to be asked about. He  
11 doesn't have access to his records. There was no reason to  
12 think any of this was going to come up. It is unfair to ask  
13 him to testify to things from 3 years ago that have nothing  
14 to do with why he's here. He won't be answering those  
15 questions.

16           Mr. Zeldin. I don't know how you can state  
17 conclusively exactly what the reason is and just refute that  
18 it can't have anything to do with any questions that we're  
19 asking.

20           Just for the record, the questions that I wanted to ask  
21 with regards to that investigation was whether the IG's  
22 Office had interviewed Ms. Kavalec and Mr. Winer when  
23 conducting the investigation. I would like to know who  
24 Ms. Kavalec told at State about the Steele conversation,

1 whether Ms. Kavalec told anyone at State she knew Steele had  
2 questionable credibility when he mentioned the nonexistent  
3 Russian consulate in Miami.

4 For example, there are a number of issues, but some of  
5 it directly connected with public reporting where IG  
6 Horowitz, on page 118, it says that according to the  
7 Horowitz report an FBI liaison told the State inspector  
8 general that Kavalec had met with Steele. She had taken  
9 notes of their meeting. The liaison could obtain  
10 information from Kavalec about the meeting and so on.

11 One of the comments that you made, Mr. Linick, you were  
12 talking about people expressing fear, and you used the words  
13 "anecdotally" as far as the source of that. Can you provide  
14 more information as to where you anecdotally heard that?

15 Mr. Linick. Just over the course of the last couple of  
16 weeks, just people who have reached out to me.

17 Mr. Zeldin. And who is that?

18 Mr. Linick. I'm not prepared to tell you who's reached  
19 out to me. I mean, I can't identify any particular  
20 individual. I can just tell you that I've heard comments  
21 like that.

22 Mr. Zeldin. Okay. But you're not prepared to tell us  
23 who is --

24 Mr. Linick. I couldn't even identify who said what.

1 That's why I said anecdotally I've heard that.

2 Mr. Zeldin. Okay. One of the questions about the leak  
3 that wasn't asked, have you identified any name of anyone at  
4 all inside the Inspector General's Office or outside of the  
5 Inspector General's Office who was involved in the leak to  
6 The Daily Beast in any way, shape, or form?

7 Mr. Linick. I can only talk to you about inside the  
8 Inspector General's Office, and the report that the DOD IG  
9 issued found that there was no leak. As far as individuals  
10 outside of the OIG, which we've investigated -- been  
11 investigating, that's a pending matter, and I can't disclose  
12 the findings. You'll have to go back to the office.

13 They haven't published anything at this point, and I  
14 think that investigation was being worked with the Bureau of  
15 Diplomatic Security. So I'm just not at liberty to talk  
16 about any particular finding in that matter.

17 Mr. Zeldin. Okay. So, just so that I understand  
18 clearly, the reason why you can't speak towards any of the  
19 leaked sources outside of the Inspector General's Office is  
20 due to a pending investigation?

21 Mr. Linick. Yeah. As I said, we were investigating  
22 that matter jointly with the Bureau of Diplomatic Security,  
23 and I don't think that the findings of that have become  
24 public.

1           Mr. Zeldin. Okay. And your belief with regards to an  
2           inspector general's investigation of an Inspector General's  
3           Office, if you're in charge of an Inspector General's Office  
4           that is going to be investigated, do you believe that you  
5           should be involved in the process of getting another  
6           inspector general to investigate your office?

7           Mr. Linick. I'm not sure I understand the question. I  
8           can tell you I did everything I was supposed to do. I went  
9           to CIGIE. The CIGIE told me they would not investigate an  
10          office. Then I was told to either do it internally or find  
11          another IG, and that's what I did. I'm not sure there  
12          would've been any other avenue to have someone else peer  
13          review our office.

14          Mr. Zeldin. And you testified earlier that somebody  
15          wanted to manage the scope and direction of the leak  
16          investigation. Remind me, who was that?

17          Mr. Linick. Brian Bulatao.

18          Mr. Zeldin. Well, I guess I'll spare you the question  
19          as far as what should happen in the future as far as finding  
20          another Inspector General's Office to do an investigation.

21          I'll turn it back over to [REDACTED] or [REDACTED].

22          HFAC REP COUNSEL. No questions here from me. I don't  
23          think [REDACTED] has any as well.

24          Are there any other members from our side who have any

1 questions?

2 Okay. Seeing none, I think we will yield time back  
3 over to the majority.

4 HFAC Dem Counsel. Thank you. Mr. Linick, first just a  
5 technical matter that had been raised. Are the  
6 transcriptionists having any difficulty hearing anything?

7 Mr. White, I think they might not have gotten some of  
8 your comments. Or are we okay?

9 The Reporter. Mr. White's audio cut out at one point.  
10 HFAC Dem Counsel. Is there anything that we can do to  
11 help you on that now?

12 Mr. White. We'll review it.

13 BY HFAC DEM COUNSEL:

14 Q Okay. So just a couple of very quick things and  
15 then I'll turn it over to Mr. Malinowski to close for our  
16 side. Sir, early in the day, you said that you had had  
17 interactions with White House officials Brian Miller and  
18 Uttam Dhillon. What was the nature of those interactions?

19 A Well, Brian, I've known so that -- I've known him  
20 for a while, mostly just personal interactions over the  
21 years. Uttam I had known from my work at the U.S.  
22 Attorney's Office in L.A., and I had met with him a couple  
23 of times, and there was a point where we discussed the  
24 judgeship issue.

1           Q   And just for the sake of the record, I think you  
2 clarified how you had known each of these people. First,  
3 with Mr. Miller, once he became a White House official, what  
4 was the nature of those conversations?

5           A   Mostly just personal in nature. I mean, we had been  
6 assistant U.S. attorneys in the Eastern District of Virginia  
7 together. Mostly just -- it's personal matters and such,  
8 yeah.

9           Q   And I don't mean to belabor it. I know it's been a  
10 long day. But just so that we don't have to come back, was  
11 it mostly personal, or was it entirely personal?

12          A   Well, I wouldn't talk business with him about the  
13 White House and so forth ever. So it was personal  
14 conversations.

15          Q   Okay. And you don't recall anything that was not in  
16 the nature of personal conversation with him?

17          A   No. I might have mentioned the judgeship issue with  
18 him, but apart from that, that was the only thing. I've  
19 never discussed anything involving State OIG or anything  
20 like that.

21          Q   Okay. And then just same set of clarifications for  
22 Mr. Dhillon, who I think you --

23          A   Oh, yeah.

24          Q   -- had also known.

1           A    Same thing.  Nothing about State OIG or anything  
2   involving my work.  Like I said, most of the conversation  
3   was personal in nature or about the judgeship at that time.

4           Q    Okay.  One thing I would just like to clarify for  
5   the sake of the record, given that there were some  
6   allegations made about -- or efforts, I think, to impugn  
7   whether you were truly independent, especially in regard to  
8   your questions you answered here today, you, sir, were the  
9   inspector general at the State Department who was  
10  responsible for the review of former Secretary Clinton's  
11  emails, right?

12          A    Yes, I was.

13          Q    And are you aware that former Secretary Clinton then  
14  ran for the Presidency of the United States?

15          A    Yes.

16          Q    And as the candidate for which party?

17          A    Democratic.

18          Q    Thank you.

19                At the time that you were fired, going back briefly to  
20  your efforts to speak to Secretary Pompeo in regards to the  
21  Saudi arms sales matter, as of the day that you were fired,  
22  did you still feel that it was important for that  
23  investigation to actually speak to Secretary Pompeo, or was  
24  the written answer enough for you?

1           A    So, in response to that question, we were assessing  
2   that point before I left in connection whether to report it  
3   in our semiannual report, and we decided that it wasn't ripe  
4   because we had -- our work on it had been delayed. So I had  
5   a conversation with Marik String and [REDACTED] about  
6   the possibility of interviewing the Secretary after the  
7   COVID crisis abates, when we were able to have staff come in  
8   and do that.

9           Q    And what was the outcome of that conversation?

10          A    I didn't get a response one way or the other.

11          Q    Did they give you any indications as to whether they  
12   were receptive to the idea?

13          A    I didn't get a response one way or the other.

14          Q    Okay. And then just my last question for the day,  
15   and thank you again for your time and for your service, you  
16   mentioned that you had heard -- and we're not going  
17   to -- you know, we want to protect people's, you know,  
18   ability to continue doing their jobs -- that Ambassador  
19   Akard had told OIG officials after he took over as acting  
20   inspector general, he apparently told folks that he had been  
21   approached about becoming the acting inspector general in  
22   April. Have you heard, sir, who approached him?

23          A    No, I didn't get any of that information.

24          HFAC Dem Counsel. All right. That's all I've got.

1 I'd like to turn it over to Mr. Malinowski.

2 Mr. Malinowski. Thank you.

3 So Mr. Zeldin pointed out that I had mentioned that the  
4 President does not have a legal obligation to say why he  
5 fired you. He can fire an inspector general for any reason  
6 or for no reason. It's absolutely true. My point was  
7 simply that it's unheard of to give no reason, especially  
8 under the circumstances that we find ourselves in with IGs  
9 being fired right and left.

10 COR Rep Counsel. Sir, actually, President Obama did  
11 the same thing using the exact same language back in 2009,  
12 just a point of clarification. That's all.

13 Mr. Malinowski. Understood. But it was also widely  
14 reported that there were issues involving that inspector  
15 general in a particular investigation that he had  
16 undertaken. It was understood publicly why -- whether, for  
17 good reasons or for -- whether it was right or wrong, it was  
18 understood why people had concerns with that inspector  
19 general.

20 So, again, I just -- my point was simply that it's  
21 unusual, and it raises questions. And, you know, certainly,  
22 if the Secretary was concerned about this particular  
23 inspector general not having investigated the Bidens during  
24 the Obama administration or had something to do with

1 Christopher Steele, he could absolutely tell us that. And  
2 we could then evaluate whether this was a responsible,  
3 defensible act or not.

4 Obviously, the President has a right to do it even for  
5 indefensible reasons. But we are living in a democratic  
6 republic in which our leaders are accountable for their  
7 actions and should explain them, and that's what we're  
8 trying to look into here today.

9 The absence of an explanation naturally leads to  
10 speculation that this had something to do with  
11 investigations that were troubling to the Secretary, and  
12 that is something that we are going to continue to,  
13 obviously, look into. And I'd be happy to learn that it was  
14 something else, you know. I'd be happy to learn that there  
15 was some good, objective reason for this, but that hasn't  
16 been provided. So we're going to carry on.

17 I don't think there's anyone else on our side.  
18 [REDACTED], is that correct?

19 HFAC Dem Counsel. I have no further questions, and I  
20 don't believe I'm aware of any other Democratic members who  
21 would like to ask questions.

22 Mr. Malinowski. Excellent. Is there anyone on the  
23 minority side who has any final questions? If not, I'm  
24 happy to close.

1 HFAC REP COUNSEL. I don't believe so, Mr. Malinowski.

2 Mr. Malinowski. Okay.

3 COR Rep Counsel. Yeah. I just wanted to say to  
4 Mr. Linick, obviously these are very long days. We know you  
5 came in voluntarily. We very much appreciate that. I don't  
6 mean to speak for everybody here, but I think we all feel  
7 the same way. So thank you.

8 Mr. Malinowski. Absolutely. We all agree on that.  
9 Thank you so much for taking the time to allow us to go  
10 through these questions thoroughly. I know you understand,  
11 of all people, the importance of doing that. And, you know,  
12 we're very grateful to you and your counsel and hope -- and  
13 wish you all the best despite the very difficult thing that  
14 you've had to undergo.

15 Mr. White. Thank you. On behalf of Mr. Linick, he  
16 appreciates the patience and cooperation of the members on  
17 both sides of the aisle and their staff.

18 HFAC Dem Counsel. Thank you, everyone. I guess, just  
19 one last thing. Aside from the substance, just wanted to  
20 thank everyone for their patience and their flexibility with  
21 doing this remotely during these challenging times to be in  
22 a position to help Congress get the information that it  
23 needs to conduct its constitutionally mandated oversight  
24 while nonetheless still being cognizant of the public health

1 emergency and making sure we're keeping everybody safe.

2 So, with that, we are adjourned.

3 [Whereupon, at 4:25 p.m., the interview was concluded.]

# Schulte Roth & Zabel LLP

901 Fifteenth Street, NW, Suite 800  
Washington, DC 20005  
202.729.7470  
202.730.4520 fax

www.srz.com

Peter H. White  
202.729.7476

Writer's E-mail Address  
Pete.White@srz.com

June 9, 2020

## BY E-MAIL

[REDACTED]  
United States House of Representatives Foreign Affairs Committee  
2170 Rayburn House Office Building  
Washington, D.C. 20515

*Re: Transcript of June 3, 2020 Interview with Inspector General Steve A. Linick*

[REDACTED]  
We appreciate the opportunity to review the transcript of Inspector General Linick's June 3, 2020 interview and the Committee's willingness to address the transcription errors we identified. However, we did notice that some of our proposed clarifications have not been incorporated into the latest version of the transcript. In recognition of Mr. Linick's voluntary appearance without the benefit of access to his notes, emails, or other workplace materials, we would ask that the following additional clarifications be made to the transcript prior to its public release:

- Page 28, line 16: After "program", insert "This involved establishing criteria for reopening local and overseas facilities."
- Page 106, line 13: After "in his office", insert "[DoJ OIG]"
- Page 150, line 13: Delete "correct" and insert "I don't recall any such instruction."
- Pages 160-61: As to the emails that Mr. Linick testified about sending to himself, eight of those related to the PPP report and were sent during his August 2019 vacation. Mr. Linick does not recall whether the entire report was included each of the eight times.
- Page 187, line 16-17: Delete "I don't recall what I—I mean, nothing—I don't recall that. I'm not sure" and insert "I did not email that report to myself."

June 9, 2020

Page 2

Mr. Linick thanks the House Foreign Affairs Committee, the House Committee on Oversight and Reform, and the Senate Foreign Relations Committee for their cooperation in scheduling this interview and conducting it in a bipartisan manner. We hope the answers Mr. Linick provided are useful to the Committees in conducting their important work. If for any reason the above clarifications cannot be made, we would appreciate the opportunity to raise our concerns directly with the Chairman and Ranking Member.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. White", written in a cursive style.

Peter H. White