

EMPOWER OVERSIGHT

Whistleblowers & Research



July 2, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Jim Jordan
Chairman
The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
United States House of Representatives

The Honorable Richard Durbin
Chairman
The Honorable Lindsey Graham
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable Charles Grassley
Chairman
The Honorable Ron Wyden
Vice Chairman
Whistleblower Protection Caucus
United States Senate

Dear Chairmen and Ranking Members:

On June 28, 2024, Empower Oversight submitted a whistleblower disclosure and retaliation complaint to the U.S. Department of Justice Office of the Inspector General (“DOJ OIG”) and Office of Professional Responsibility on behalf of a Federal Bureau of Investigation (“FBI”) supervisory special agent (“SSA”) whose security clearance has been suspended because he disclosed the improper suspension and revocation of other employees’ security clearances. A redacted version of our client’s disclosures and whistleblower retaliation complaint (without exhibits) is attached.

The client—a registered Democrat—witnessed firsthand as an SSA how the FBI’s Security Division improperly suspended or revoked employees’ security clearances whose political views, medical views, or even ethnicity were questioned by Security Division leadership. The outcomes

of clearance investigations and adjudications were often pre-determined by the Division's acting Deputy Assistant Director and the acting Section Chief responsible for security clearance investigations and adjudications, who often overruled line staff and even dictated the wording of documents in the clearance process. Over the last few years, the FBI has used the clearance process as a means to force employees out of the FBI by inflicting severe financial distress: suspending their clearance, suspending them from duty without pay, requiring them to obtain permission to take any other job while stuck in this unpaid limbo, and delaying their final clearance adjudication indefinitely—even years.¹

For example, FBI Staff Operations Specialist (“SOS”) Marcus Allen questioned whether FBI Director Wray had testified falsely to Congress and indicated he would not follow the FBI's COVID-19 vaccination requirements. Security Division staff found this was not sufficient basis to suspend SOS Allen's security clearance, but Division leadership suspended SOS Allen's clearance anyway, claiming these issues indicated he was not loyal to the United States—even though SOS Allen had served honorably as a U.S. Marine in Iraq. As our client's disclosure describes, Security Division leadership later rushed to revoke SOS Allen's and Special Agent Steve Friend's clearances in advance of their May 18, 2023 testimony before the House Select Subcommittee on the Weaponization of the Federal Government. The revocation of SOS Allen's and Special Agent Friend's clearances was apparently the basis for the FBI sharing details about their cases—some of which have since proven false—in a letter to Congress that was swiftly leaked to the press.

Empower Oversight assisted SOS Allen in filing a retaliation complaint with the DOJ OIG and having his security clearance reinstated on May 31, 2024, showing that the basis for suspending and revoking his clearance was improper. He was suspended without pay for over two years before those proceedings were resolved. We now know that within the Security Division, our new client disclosed to Security Division leadership that the revocation of SOS Allen's clearance violated regulations—and also suffered retaliation for that disclosure. He is also aware that at least two other Security Division employees also suffered reprisal at the hands of Division leadership because they disclosed the impropriety of suspending or failing to reinstate SOS Allen's clearance.

Despite Congress shining a light over the past two years on the Security Division's abuse, the same officials at the heart of much of this inappropriate behavior are either still leading the Division or rewarded with senior leadership positions within the FBI. While in keeping with Deputy Director Paul Abbate's February 2021 threat that anyone who disagreed with his management decisions “did not belong in the FBI and should find a different job,”² it raises

¹ The DOJ OIG recently detailed abuses of this process in a Management Advisory Memo to Justice Department leadership. *See Notification of Concerns Regarding the Department of Justice's Compliance with Whistleblower Protections for Employees with a Security Clearance*, May 2024, available at <https://oig.justice.gov/sites/default/files/reports/24-067.pdf>.

² *See* letter from Tristan Leavitt, Empower Oversight President, to Michael Horowitz, Justice Department Inspector General (June 21, 2023), available at <https://empowr.us/wp-content/uploads/2023/06/2023-06-21-TL-to-DOJ-IG-FBI-WB-affidavit-Final-w-Aff.pdf>.

major questions as to why Director Wray has enabled this abuse by not holding officials accountable.

As I have written before, the FBI is not a private club for FBI executives to make in their own image. Empower Oversight respectfully requests that you work swiftly to independently corroborate the information in the attached disclosure with other witnesses, publicly document your findings, hold Director Wray and any responsible FBI officials accountable, and pass legislation to fix the abusive security clearance process and successfully protect future whistleblowers.

Cordially,

[/Tristan Leavitt/](#)
Tristan Leavitt
President

ATTACHMENT

cc: The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice