

United States Senate
WASHINGTON, DC 20510

February 10, 2020

Patricia Layfield
Inspector General
U.S. Election Assistance Commission
1335 East West Highway
Suite 4300
Silver Spring, MD 20919

Dear Inspector General Layfield:

I write in response to retaliation against Lieutenant Colonel Alexander Vindman and whistleblowers like him following their testimony before Congress regarding the President's efforts to solicit foreign interference in our 2020 elections.

LTC Vindman, a decorated military officer who received the Purple Heart after being wounded in Iraq, and his brother, LTC Eugene Vindman, were fired on February 7, 2020 from their roles on the National Security Council. Although LTC Vindman lived up to his oath to protect and defend our Constitution by bravely stepping forward to tell the truth, he has been viciously attacked by the President and forced to endure threats to his and his family's safety.

These attacks are part of a dangerous, growing pattern of retaliation against those who report wrongdoing only to find themselves targeted by the President and subject to his wrath and vindictiveness. They also include attempts to publicly identify the anonymous whistleblower who used the proper legal channels to initially report the President's attempts to compromise our national security for his personal benefit.

Not only is the retaliation against LTC Vindman, the anonymous whistleblower, and others like them shameful, it is also illegal. For decades, Republicans and Democrats have worked in a bipartisan manner to protect whistleblowers and encourage federal employees to report wrongdoing, mismanagement, and corruption. As a result, all federal employees have the legal right to make protected disclosures to Congress and to Inspectors General anonymously and free from reprisals.

Regrettably, these rights are now being challenged like never before, creating a chilling effect among those who, in previous administrations, may have come forward to expose abuses of power. If this chilling effect persists, it will inhibit our ability to hold public officials and institutions accountable and it will irreparably harm the ability of Congress to fulfill its constitutional oversight responsibilities.

Since the passage of the Inspector General Act in the wake of Watergate, the ultimate responsibility of Inspectors General has not been to any individual but to the public interest. The Inspectors General community has been at the forefront of protecting whistleblowers and their ability to provide information necessary to expose misconduct and permit independent oversight of the federal government. Because your work and the work of Congress depends on the willingness of insiders to report wrongdoing, you have a critical role in ensuring that any whistleblowers within your agency do not suffer adverse consequences for coming forward and telling the truth.

Accordingly, I request that your office take immediate action to investigate any and all instances of retaliation against anyone who has made, or in the future makes, protected disclosures of presidential misconduct to Congress or Inspectors General. I also request that you inform my office and the public regarding the date when personnel at your agency or department were last notified of their legal rights to make protected disclosures anonymously and free from reprisals, and, as necessary, direct the leadership of your agency or department to do so again without delay. Finally, I request that you seek and provide to Congress written certification from your agency or department's general counsel that he or she has not and will not permit retaliation or reprisals against anyone who has, or in the future makes, protected disclosures of presidential misconduct to Congress or Inspectors General.

Our founders, having seen and studied societies governed by the iron fist of tyrants and the claimed divine right of kings, believed that truth was fundamental to the survival of our republic. Without the courage of whistleblowers and the role of Inspectors General, the American people may never have known how the President abused his power in the Ukraine scandal. It is incumbent on you that whistleblowers like LTC Vindman—and others who put their lives on the line to protect our freedoms—are protected for doing what we hope and expect those who serve our country will do when called: tell the truth.

Sincerely,



Charles E. Schumer
U.S. Senator