

EMPOWER OVERSIGHT

Whistleblowers & Research



June 21, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Inspector General Horowitz:

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. It works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports.

Please find attached an affidavit from an FBI employee who wishes to remain anonymous for fear of retaliation for this protected disclosure to your office. The affidavit describes statements by the FBI’s Deputy Director Paul Abbate that constitute evidence of intent to engage in reprisal against January 6th whistleblowers. It is relevant to FBI whistleblower cases under inspector general review, including cases involving other Empower Oversight clients. However, the affiant does not know and is not associated with our other clients.

We ask that you independently corroborate this information and consider it in all related work undertaken by your office. Please do not hesitate to contact us with any questions.

Cordially,

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

AFFIDAVIT OF [REDACTED]

1. [REDACTED] declare as follows:

1. I am a special agent in the FBI with more than fifteen years of experience. I have been in a leadership position in the FBI for more than ten years. I am over the age of eighteen and am competent to testify. The statements contained in this affidavit are based on my personal knowledge. If called to testify, I can and will testify to these facts.

2. I ask that my identity remain confidential, because I fear retaliation if I am identified. The information sworn to here can easily be independently verified by any of the many other witnesses to the event, and I encourage oversight authorities to do so.

3. I am providing this sworn declaration to advise that the Deputy Director of the FBI, Paul Abbate, threatened employees who criticized the FBI's response or tactics related to investigations of the events of January 6, 2021 ("January 6th").

4. Such criticisms can constitute protected whistleblower disclosures based on good faith belief of wrongdoing. Thus, I believe it is my duty to report Deputy Director Abbate's statement as evidence of improper retaliatory intent and a green light for FBI managers to engage in reprisal against January 6th whistleblowers in violation of 5 U.S.C. § 2303.

5. This evidence would be relevant to pending FBI whistleblower cases, particularly to the extent that FBI personnel involved in the suspension of security clearances and other acts of retaliation were among those who witnessed or became aware of Deputy Director Abbate's threats. I encourage oversight authorities to investigate and consider whether these threats were a contributing factor in retaliation against January 6th whistleblowers.

6. Each Wednesday, typically at 3 p.m. Eastern Time, the FBI Director hosts a video teleconference in which he addresses all of the FBI's divisions. The heads of the 56 field offices, foreign legal attaches, and headquarters divisions will typically attend the Secure Video

Teleconference (“SVTC”). During the SVTC, division heads or executive assistant directors will address topics of interest and the Deputy Director (“DD”) and Assistant Deputy Director will frequently address the audience.

7. During February 2021, the newly appointed DD, Paul Abbate, took time during the meeting to address all FBI personnel on the SVTC, including myself. He stated that it had come to his attention that some employees of the FBI questioned the FBI’s investigative response to the events on January 6, 2021. He had heard that some employees were contrasting the response to January 6th with the response to the post-George Floyd protests and riots in the summer of 2020. DD Abbate told the audience that anyone who questions the FBI’s response or his decisions regarding the response to January 6th did not belong in the FBI and should find a different job – or something to that effect. He stated that the FBI’s response to January 6th was consistent with the response to the Summer 2020 riots. He argued that the FBI was applying all appropriate resources in each situation. Finally, he challenged all Special Agents in Charge (“SACs”) that if they had an employee that did not agree, the SACs could have that employee call DD Abbate personally and he would set them straight. I have witnessed hundreds of Director SVTCs and have never seen a direct threat like that any other time. It was chilling and personal, communicating clearly that there would be consequences for anyone that questioned his direction.

8. Shortly before that February 2021 SVTC, DD Abbate had received an email, presumably from a former senior employee. In that email, the sender claimed to DD Abbate that a “sizeable percentage” of FBI employees “felt sympathetic” to January 6th rioters. The email described anecdotal evidence based on a few conversations and made sweeping political generalizations implying that DD Abate needed to take some action to deal with the dissenting views within the FBI. I believe the SVTC threats may have been in response to, or inspired in part by, that email. *See* https://vault.fbi.gov/@/a/dvpdf/files/f/4/f4d8fa57ba274002a3a5548d7742ec15/normal/dump_7.png

(last visited June 20, 2023).

9. As part of new agents' training at the FBI Academy in Quantico, Virginia, every agent used to go to the U.S. Holocaust Memorial Museum for a tour and a discussion of lessons learned from a law enforcement perspective. The message was this: when orders or policies are wrong, when we are told to do things that violate core values and principles, we must have the courage to ask difficult questions and raise objections. We should be able to do that without fear of being crushed. The Deputy Director's threats sent the opposite message: Dissent will not be tolerated. If you question my response to January 6, I don't want you in my FBI.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of June 2023 in 

