

Statement of Michael K. Atkinson
Nominee for Inspector General of the Intelligence Community

Before the United States Senate
Select Committee on Intelligence

January 17, 2018

Chairman Burr, Vice Chairman Warner, and Members of the Committee:

Thank you for scheduling this hearing to consider my nomination to be the Inspector General of the Intelligence Community and for inviting me to make this opening statement. I am honored to have been nominated for this position by President Trump, with the support of the Director of National Intelligence Dan Coats.

I first want to thank and recognize my family members and friends who are here today and watching remotely. [Recognition of family members and friends to follow.]

The pre-hearing materials that I have submitted to the Committee summarize my background and experience. I will take just a few minutes to add some context to those materials and to recognize some more people who have helped me to be here today. After graduating from law school at Cornell University, I went to work as an associate at an international law firm, Winston & Strawn, in Washington, D.C., where I stayed for eleven years and was elected partner. Winston & Strawn provided me with excellent legal training, superb mentors and colleagues, challenging legal experiences in complex civil litigation and white collar defense matters, and generous financial compensation. I was fortunate to have such an enjoyable start to my legal career. But I also felt that some things in my professional life were missing. I wanted more challenges, greater responsibilities, and different rewards.

After the September 11th attacks, I decided to seek public service work. In 2002, I was delighted when the leaders in the Criminal Division at the United States Department of Justice offered me a position as a Trial Attorney in the Fraud Section, which, unbeknownst to me at the time, would be the start of my now fifteen year career with the Department.

The Fraud Section filled the professional gaps I had been feeling in private practice. I was able to work exclusively on complex white collar criminal fraud matters, with talented and experienced prosecutors and law enforcement agents from around the country. I was given greater responsibilities, including an opportunity to try my first jury trial. Thankfully, I was paired with a hard-working and much more experienced trial partner, as

we were up against some of the best defense attorneys in the country. I am thankful that one of those defense attorneys, Reid Weingarten, was gracious enough to write a letter of recommendation for me in support of my nomination.

While at the Department of Justice, I also had the opportunity to experience the different professional rewards I had been seeking. Although my annual salary was reduced by nearly two-thirds from my time at the law firm, my sense of professional accomplishment was never higher. For that I also have to thank my wife, who remained in private practice, and made her own personal and professional sacrifices, to help me realize my professional goals.

I left the Fraud Section in 2006 to become an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia. I owe appreciation to John Roth, who was then the Chief of the Fraud and Public Corruption Section at the U.S. Attorney's Office, for having faith in me as a prosecutor and recommending me for a position as an AUSA. John, as many of you know, was the Inspector General at the Department of Homeland Security until his retirement last year. I also appreciate John for his thoughtful letter of recommendation in support of my nomination.

The U.S. Attorney's Office provided me with all of the challenges and rewards that I had come to enjoy at the Fraud Section, but with some added benefits. Most immediately, I was able to avoid travel to provide more support to my wife as we raised our two sons. Over the longer term, becoming an AUSA gave me an opportunity to become part of a new family at the U.S. Attorney's Office, and to experience an extraordinary comradery with colleagues, special agents, and investigators. I am grateful to them for their work ethic, professionalism, and friendship, which allowed me to be part of a highly effective team in helping to root out fraud and public corruption here in our Nation's capital. I am also grateful to former United States Attorney Ron Machen, for his trust in me as a prosecutor and a supervisor, as well as for his kind letter of recommendation in support of my nomination.

I left the United States Attorney's Office after ten years to take on greater responsibilities within the Department of Justice in an area of the law where I did not have much experience: national security. I joined the Department's National Security Division in 2016 and began to learn in detail about cybersecurity, export controls and sanctions, economic espionage, unauthorized disclosures, and foreign direct investment. I thank my colleagues at the National Security Division for their patience and support in helping me to learn these complex areas of the law, especially for helping someone like me, who once had to pay a \$75 fine as a teenager for illegally spearing fish, to understand that illegal spearfishing in today's world typically has nothing to do with fish.

I believe that my prior experiences and substantive knowledge suit me well for my next challenge, which, if confirmed, would make me the Intelligence Community Inspector General or IC IG. As I have made my rounds through your offices during the past several weeks, meeting with the Chairman, the Vice Chairman, several other Committee members, Senator Grassley, and numerous professional staff members, I have been left with two primary impressions about the Office of the IC IG. I want to share these impressions, and I particularly want to share them with any current employees of the IC IG who may hear or read my statement.

First, I am left with the impression that this Committee and other members of the Senate are unified in their desire to see the IC IG succeed as an Office. As was the case when Congress created the Office of the IC IG in 2010, there are many contentious issues within the Intelligence Community, but the need for an IC IG is not one of them. There remains bi-partisan support for an Inspector General of the Intelligence Community who can look across the intelligence landscape to help improve management, coordination, cooperation, and information sharing among the sixteen agencies that comprise the Intelligence Community. My impression is that the Committee remains unified in its support for an IC IG that can identify problem areas and find the most efficient and effective business practices required to ensure that critical deficiencies are addressed before it is too late – before we have an intelligence failure. Such unified support is a good thing for any organization, and it is especially good for a relatively new governmental organization in today’s budget climate. But this goodwill must not be taken for granted, because it can be squandered. This brings me to my second impression.

My second impression about the Office of the IC IG is not nearly as favorable. I do not believe I am revealing any confidences when I share my impression that there is a broad view among the Committee, its staff, and other Members that the Office of the IC IG is not currently functioning as effectively as Congress intended. It is not difficult to find some of the sources for this view. One recent press article reported that the Office of the IC IG is “in danger of crumbling,” “barely functioning,” “on fire,” and “guttled.”¹

Now, perhaps things inside the Office of the IC IG are not as bad as the press and others portray them. I, for one, certainly hope so. And, as a prosecutor and former defense attorney, I know there are at least two sides to nearly every story. Nevertheless, real or not, this is a poor and an ultimately unsustainable impression for the Committee to have of the IC IG. The impression is that the cause of these current problems is internal. This

¹ “A Turf War is Tearing Apart the Intel Community’s Watchdog Office,” Foreign Policy (Oct. 18, 2017) (available at <http://foreignpolicy.com/2017/10/18/turf-war-intelligence-community-watchdog-falling-apart/>).

needs to change before the IC IG loses the support of the Committee and the Congress as a whole. Simply put, the IC IG needs to get its own house in order. The sooner, the better.

Although I do not have prior experience working for an Inspector General's office, my experience has taught me that the effectiveness of any team that I have been a part of is dependent, first and foremost, on having the right people on the team, with a shared set of goals and values. I have no reason to believe the Office of an Inspector General is any different. My first objective as Inspector General, if confirmed, will be to make sure the IC IG's house is in order. This will involve making sure the right people are in the IC IG, with the proper values, discipline, and work ethic. A natural corollary will be to get any of the wrong people out of the IC IG. I am confident there are right people for the IC IG already there, and I hope they stay.

As a result, if I am confirmed, we will work together as a team to achieve Congress's most ambitious intentions for the Office. In the near term, if confirmed, we will work together to encourage, operate, and enforce a program for authorized disclosures by whistleblowers within the Intelligence Community that validates moral courage without compromising national security and without retaliation. Over the long term, if confirmed, we will work together to look across the intelligence landscape, as Congress intended, to help improve management, coordination, cooperation, and information sharing among the Intelligence Community. Throughout my tenure, if confirmed, we will work together to be responsive to this Committee to allow you to fulfill your oversight obligations and to ensure that U.S. intelligence activities meet our nation's security needs, respect our laws, and reflect American values.

I thank you for your time in listening to me, and I appreciate the opportunity to answer your questions.