

# EMPOWER OVERSIGHT

*Whistleblowers & Research*



EMPOWR.us

June 4, 2024

Inspector General Michael Horowitz  
U.S. Department of Justice  
441 G Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20530

Dear Inspector General Horowitz:

Yesterday I wrote you on behalf of Federal Bureau of Investigation (FBI or Bureau) whistleblower Marcus Allen to withdraw—pursuant to a settlement agreement with the Bureau—retaliation complaints filed with your office on April 26, 2023<sup>1</sup> and January 22, 2024.<sup>2</sup> As you know, Mr. Allen documented to your office that he had been unjustly suspended without pay since February 17, 2022, in retaliation for legally protected whistleblower disclosures about the FBI Director’s testimony to Congress.

For 27 months, Mr. Allen and his family had to survive on early withdrawals from their retirement accounts in order to continue administratively challenging the FBI’s improper revocation of his security clearance. For 13 of those months Mr. Allen also waited on your office to complete and report on its investigation into the FBI’s abuse of the security clearance process to retaliate against him. While waiting for your office to complete its work and for the FBI to consider our appeal of his clearance revocation, the Bureau denied Mr. Allen’s request to accept other employment and even argued that his family could not accept charitable donations from the public because he was technically still subject to gift rules—although he had no pay and no official duties for more than two years.

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<sup>1</sup> Letter from Empower Oversight President Tristan Leavitt to Department of Justice Inspector General Michael Horowitz (Presidential Policy Directive 19 and 50 U.S.C. § 3341(j) complaint) (Apr. 26, 2023), *available at* <https://empowr.us/wp-content/uploads/2024/01/2023-04-26-Marcus-Allen-PPD-19-complaint.pdf>.

<sup>2</sup> Letter from Empower Oversight President Tristan Leavitt to Department of Justice Inspector General Michael Horowitz and Department of Justice Office of Professional Responsibility Counsel Jeffrey Ragsdale (5 U.S.C. § 2303(a) complaint) (Jan. 22, 2024), *available at* <https://empowr.us/wp-content/uploads/2024/01/2024-01-22-TL-to-OIG-Marcus-Allen-2303-Retaliation-Complaint-Final-w-Attachments.pdf>.

The FBI finally reinstated Mr. Allen's Top Secret security clearance on Friday, May 31, 2024, in response to our request for reconsideration.<sup>3</sup>

Yesterday Mr. Allen voluntarily resigned, pursuant to a settlement agreement with the FBI that includes full restoration of his pay and benefits for the entire 27 months of his suspension.

Although he also agreed to withdraw his complaints to your office and is no longer employed with the Bureau, Mr. Allen believes that the public and the FBI's oversight committees in Congress must learn the facts discovered during your extensive inquiry. The FBI's decision to reinstate his clearance occurred before your office reported on the findings of its investigation, but that should not be an excuse to sweep it all under the rug.

The facts gathered by your office would be crucial to educating Congress and the public about the extent of the FBI's abuse of the security clearance process and the need for fundamental reform of the systemic issues identified in your recent Management Advisory Memorandum related to Mr. Allen's case.<sup>4</sup>

FBI whistleblowers should not have to choose between feeding their families and fighting for their right to due process and to be free from reprisal for protected disclosures. Until there is sunlight and accountability for the FBI's abuses in this case, the chilling effect on future whistleblowing at the FBI cannot be overstated.

The FBI's reinstatement of Mr. Allen's Top Secret security clearance last week is a clear and complete vindication from the false accusations the FBI hurled at him last year. However, some Members of Congress uncritically repeated those accusations, and the press widely amplified them at the time. Your inquiry has undoubtedly gathered additional important context to help set the record straight, so Mr. Allen respectfully requests that you release that information in the interests of transparency and accountability.

Accordingly, Mr. Allen has authorized me to inform you that he hereby waives any Privacy Act restrictions that might otherwise prevent you from reporting on the findings of your

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<sup>3</sup> Letter from FBI Human Resources Branch Executive Assistant Director Timothy M. Dunham to Marcus Allen (May 31, 2024), available at <https://empowr.us/wp-content/uploads/2024/06/Letter-of-Reinstatement-Marcus-Allen-Redacted.pdf>; see letter to FBI Human Resources Branch Executive Assistant Director Timothy M. Dunham (Oct. 20, 2023), available at <https://empowr.us/wp-content/uploads/2023/10/2023-10-20-TL-to-FBI-re-Marcus-Allen-Revocation-Reconsideration-FINAL-1.pdf>.

<sup>4</sup> Justice Department Inspector General Management Advisory Memorandum, 24-067 (May 2024), available at <https://oig.justice.gov/sites/default/files/reports/24-067.pdf>.

investigation or answering questions about Mr. Allen's case from the press or Members of Congress.

Regards,

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

CC: U.S. House of Representatives, Committee on the Judiciary  
U.S. Senate, Committee on the Judiciary