



Amid the Coronavirus Pandemic, the Trump Administration Targets Government Watchdogs

By William Roberts June 1, 2020

The Trump administration has undermined government oversight bodies since the president's first days in office, flouting established norms and practices and blatantly violating ethics laws. Now, even in the middle of fighting the “invisible enemy” that is the COVID-19 pandemic¹, the Trump administration has launched an unprecedented attack against inspectors general (IGs)—the individuals and institutions designed to hold the executive branch accountable.

Despite being the first president in history to have a bipartisan vote for his removal from office, President Donald Trump celebrated his acquittal following the impeachment trial in February by delivering a bellicose victory speech² in the East Room of the White House. In his hourslong remarks, he attacked both congressional Democrats who brought against him articles of impeachment based on the overwhelming evidence corroborating a whistleblower complaint in the Ukraine scandal as well as the oversight process and infrastructure that allowed the whistleblower complaint to be raised in the first place.

Since his acquittal, the president has engaged in what many ethics experts³ and members of Congress on both sides of the aisle see as retribution⁴ against the persons and institutions that he blames for making him only the third president in U.S. history to be impeached. President Trump's recent decision to fire Michael Atkinson, the IG for the U.S. Intelligence Community, in the middle of the coronavirus pandemic only validates the concern that Trump and his administration have now trained their sights on the government's independent watchdogs.

This issue brief discusses the Trump administration's efforts to undermine offices of inspectors general (OIGs) and oversight bodies both related and unrelated to the federal COVID-19 relief package. It then outlines steps that Congress can take to better protect those providing critical oversight of the administration in these challenging times. Using its existing authority, Congress should act now to scrutinize the executive branch's actions and enact new legislation to make it harder to purge government watchdogs for doing their job.

The history and evolution of the government's watchdogs

In the long shadow of Watergate, Congress took historic steps to ensure accountability and transparency in government. One of those actions was the passage of the Inspector General Act of 1978⁵, which created 12 original IGs tasked with rooting out waste, fraud, and abuse at government agencies and conducting independent investigations and audits. In signing the law, former U.S. President Jimmy Carter⁶ described the newly established IGs as “perhaps the most important new tools in the fight against fraud” and charged them with remembering that “their ultimate responsibility is not to any individual but to the public interest.”

Today, the ranks of the IGs have grown to more than 70⁷ serving at Cabinet-level departments, major agencies, and certain designated federal entities. Sen. Chuck Grassley (R) of Iowa has called these watchdogs “our eyes and ears⁸ within the executive branch.” IGs are part of the agencies they audit yet completely independent, following standards and best practices established by the Council of the Inspectors General

on Integrity and Efficiency (CIGIE), an independent entity within the executive branch. OIGs employ attorneys, financial auditors, and criminal investigators who are charged with making sure agencies are operating free of fraud, criminality, waste of tax dollars, or abuse of power. IGs also work with whistleblowers⁹ to carry out their functions and have a role in protecting whistleblowers from retaliation. Since the passage of the law, the work¹⁰ of IGs has managed to expose corruption and wrongdoing, resulted in tens of thousands of prosecutions and civil actions, and saved U.S. taxpayers hundreds of billions of dollars.

At a time when many Americans have been inundated with stories about scandal and ethical lapses, the IGs are an oft-overlooked executive branch backstop¹¹—insulated from the direct authority of the president other than through the power of removal. It is thus troubling that the Trump administration's battle with government accountability has now turned to target the IGs.

President Trump's pattern of disregard for government oversight

In September 2019, Michael Atkinson, then-IG of the U.S. Intelligence Community, received a whistleblower complaint¹² alleging that President Trump improperly withheld military aid from Ukraine in exchange for the initiation of an investigation into former Vice President Joe Biden and his son Hunter. Atkinson assessed that the complaint was of “urgent concern” and elevated it to the attention of then-acting Director of National Intelligence Joseph Maguire. Maguire then brought the issue to the U.S. Department of Justice (DOJ)—rather than notifying Congress within seven days, as required by an update to the Intelligence Community Whistleblower Protection Act that was passed in 2010.¹³ Atkinson then informed Congress of the complaint in writing¹⁴, kicking off a series of events that culminated in President Trump's impeachment.

Atkinson, a prosecutor with a career at the DOJ spanning two decades, received bipartisan praise¹⁵ when President Trump nominated him for his role in late 2017. However, after escalating the Ukraine whistleblower complaint, he became a target of the president's ire. Trump attacked¹⁶ Atkinson's credibility and insinuated that he was conspiring with Democrats in Congress to manufacture the impeachment complaint before ultimately initiating Atkinson's firing late in the evening on Friday, April 3, during the opening days of his administration's public battle with the COVID-19 pandemic. Trump argued¹⁷ that Atkinson did a “terrible job” and stated that he “took a fake report and he brought it to Congress with an emergency,” calling Atkinson a “disgrace.”

Taken together with the dismissals of other key players in Trump's impeachment, there is little room to view these actions as anything other than retribution.¹⁸ What's more, the downward pressure on the other OIGs and ethics personnel across the government cannot be understated; in the Trump era, an official may risk their career simply by doing their job. For his part, Atkinson understands plainly why he was summarily dismissed. "It is hard not to think that the President's loss of confidence in me derives from my having faithfully discharged my legal obligations as an independent and impartial Inspector General," Atkinson said, "and from my commitment to continue to do so."¹⁹ Atkinson's quiet dismissal sends a dangerous signal for how the Trump administration views oversight while fighting COVID-19.

[Trump has ousted key officials overseeing the federal coronavirus response](#)

In March 2020, Congress passed the Coronavirus Aid, Relief and Economic Security (CARES) Act²⁰—a \$2 trillion coronavirus economic relief package which includes a \$500 billion bailout fund for businesses and establishes three oversight bodies²¹ with concurrent authority. One such entity, the Pandemic Response Accountability Committee (PRAC),²² is charged with a statutory duty to "promote transparency and conduct and support oversight" of the federal government's COVID-19 response by preventing and detecting waste, fraud, abuse, and mismanagement as well as mitigating risks that "cut across program and agency boundaries." The chairperson of the CIGIE, currently DOJ Inspector General Michael Horowitz, has the statutory authority to select the PRAC's chairperson. On March 30, he appointed²³ Glenn Fine, then-acting inspector general for the U.S. Department of Defense (DOD), to fill the role. Horowitz noted that Fine was "uniquely qualified²⁴" to lead the PRAC, citing, among other attributes, Fine's 15 years as an IG overseeing large Cabinet-level entities, including 11 years at the DOJ and four years at the DOD during which he gained a reputation for independence and scrutinizing²⁵ the agencies he oversees. Fine has also been praised²⁶ for his work at the DOD by former U.S. Secretary of Defense James Mattis.

But on April 7, despite Fine's appointment by his peer IGs and his long tenure in the IG community, Trump ousted Fine²⁷ from his post at the DOD, thereby disqualifying him from filling his oversight role of the COVID-19 response. Trump offered no rationale for removing Fine other than indicating that it was part of a "larger shuffle of inspectors general" and citing "unspecified 'reports of bias.'"

Fine's removal comes on the heels of Trump's questionable actions related to another of the three main entities overseeing COVID-19 relief efforts: the office of the special inspector general for pandemic recovery (SIGPR).²⁸ The SIGPR's mandate is to "scrutinize the actions of the Treasury secretary in distributing \$500 billion in aid [to businesses] under the CARES Act."²⁹ However, after signing the CARES Act into law, the president issued a signing statement³⁰ indicating his express intention to ignore one of the law's safeguards: the SIGPR's power to demand information from executive branch agencies and the requirement that, should they determine an agency has unreasonably refused to comply, the SIGPR must report to Congress "without delay."³¹

Many congressional Democrats insisted upon this very provision as a condition³² of support. After releasing the statement, President Trump nominated Brian Miller³³, a White House lawyer who had a hand in defending the president during the impeachment proceedings, as the SIGPR.³⁴ Miller's appointment to such a position is viewed as "a political reward³⁵" for a loyalist who worked on impeachment. While some have lauded his previous tenure as the IG in the General Services Administration³⁶, it is concerning that the president would appoint an official from his White House for such a high-profile and critical independent ethics position.

The Trump administration's efforts to undermine COVID-19 response oversight bodies have even ensnared the U.S. Department of Health and Human Services (HHS)—one of the key agencies tasked with fighting the virus and keeping Americans safe. In April, the OIG at the HHS released a report³⁷ finding that hospitals faced severe shortages of coronavirus testing supplies and ventilators. Based on data collected from more than 300 hospitals from across the country, the report also found "widespread shortages" of protective equipment for health care workers. When asked about the findings, Trump attacked the acting IG, Christi Grimm, who has served in various roles in the agency for two decades. Calling the report "wrong"³⁸ during a press briefing on April 6, Trump also questioned whether Grimm served in the Obama administration and called her report a "typical fake news deal." President Trump continued his attacks³⁹ the following day, insinuating that Grimm failed to conduct oversight of the Obama administration's H1N1 response and calling her report "another fake dossier." Trump moved to replace⁴⁰ Grimm on May 1 by nominating Jason Weida, an assistant U.S. attorney in Boston, as the permanent IG for the agency.⁴¹

President Trump's targeting of IGs extends to other areas of government

President Trump continued his rampage against government oversight on the evening of Friday, May 15, by moving to oust Steven Linick,⁴² who had served as the U.S. Department of State IG since 2013. Trump confirmed that he made the decision to fire Linick, at the urging of U.S. Secretary of State Mike Pompeo, after discovering that he was an Obama appointee. Secretary Pompeo indicated that he felt the IG was "undermining" the department and was not performing "a function in a way that we had tried to get him to."⁴³ Pompeo himself is the subject of an investigation by the State Department's OIG for misuse of tax dollars and State Department employees⁴⁴ by directing them to carry out personal errands for the secretary and his family. Additionally, Linick's office was nearing completion of an investigation into an emergency declaration that allowed the Trump administration to bypass a congressional ban on weapons sales to Saudi Arabia and the United Arab Emirates.⁴⁵ Trump's pick to replace Linick, Stephen Akard, has raised suspicions and questions among oversight experts about the prospect of his independence, as Akard is a Trump political appointee with close ties to Vice President Mike Pence.⁴⁶

President Trump indicated⁴⁷ his intention to summarily replace up to seven⁴⁸ additional inspectors general after Michael Atkinson. He has been reportedly⁴⁹ encouraged and aided in these planned purges by Virginia Thomas⁵⁰, a conservative activist and the spouse of Supreme Court Justice Clarence Thomas, and the Groundswell Network, the influential circle of conservatives with whom she's worked for many years. Thomas and others have advised⁵¹ Trump that certain IGs and other officials in the government are members of the fictitious "deep state" trying to undermine his presidency—phrasing that Trump and his supporters use to describe anyone who tries to apply a measure of accountability to the White House.

Steps Congress should take to protect and bolster the IGs

Under current law⁵², the president or an agency head must notify Congress no later than 30 days before the removal or transfer of an inspector general. Congress can use that time to conduct oversight if members suspect the termination or reassignment was inappropriate or politically motivated. If Congress sits silent in the wake of the president's attacks, it is not only abdicating its oversight responsibility but also abandoning the IGs as partners in that work.

There are some indicators that Congress is paying attention. Republican Sens. Rob Portman (OH) and James Lankford (OK) issued a subtle rebuke via a letter⁵³ to the president that admonished against "[r]ecent statements and actions in the administration." In the letter, the senators also urged Trump to fill IG posts with permanent appointees rather than temporary acting officials, as the latter process might circumvent the Senate's advise and consent power. Sen. Mitt Romney (R-UT) has said that firing multiple IGs without good cause "chills the independence essential to their purpose," calling the actions a "threat to accountable democracy and a fissure in the constitutional balance of power."⁵⁴ In the strongest response yet, Sens. Grassley and Gary Peters (D-MI) wrote a bipartisan letter⁵⁵ to President Trump indicating that his actions to sideline IG Atkinson have "circumvented Congress's role" and noted that there is a "high bar" to be met in cases of removal. The senators indicated that a loss of "confidence, without further explanation, is not sufficient to fulfill the requirements" of the law. They also pressed Trump for a more detailed reasoning for the removal of Atkinson and an explanation of how the firing comported with statutory requirements. Sen. Grassley followed up with another letter after Linick's dismissal, noting in part that "[r]emoval of IGs without explanation could create a chilling effect in the oversight community, and risks decreasing the quantity, quality, fidelity, and veracity of their reports."⁵⁶ Sen. Grassley also implored the president to ensure that acting IGs do not "create obvious conflicts that unduly threaten the statutorily required independence of inspectors general." (As of the date of this publication, the president has yet to respond to either letter.)

The president has removed 4 IGs during the COVID-19 pandemic

- **Michael Atkinson:** U.S. Intelligence Community – April 3
- **Glenn Fine:** U.S. Department of Defense – April 7
- **Christi Grimm:** U.S. Department of Health and Human Services – May 1
- **Steven Linick:** U.S. Department of State – May 15

Beyond these expressions of dissent, Congress should enact new laws to protect the independence of the IGs and ensure effective oversight in the executive branch. On April 10, more than 20 House committee chairpersons condemned President Trump's treatment of IGs and wrote a letter⁵⁷ to the CIGIE seeking input on legislation that would only allow IG removals by the president under certain "good cause" conditions such as malfeasance, abuse of authority, and knowing violations of laws, rules, or regulations. A recently released bicameral bill⁵⁸ would do the same, in addition to establishing a process to automatically fill IG vacancies, ensure that acting IGs maintain civil service protections against retaliation, and trigger an automatic public review of removals to be conducted by the CIGIE. Similar provisions are also included in the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act⁵⁹—or H.R. 6800, the COVID-19 response package recently passed in the U.S. House of Representatives—including language that would curtail the president's ability to appoint acting IGs indefinitely.⁶⁰ These proposals would help protect the important oversight functions of OIGs and bring further purges to a halt.

Conclusion

Days before signing the CARES Act into law, President Trump responded to a question on who would conduct oversight of the enormous stimulus legislation—the largest in U.S. history—by saying, "I'll be the oversight."⁶¹ In truth, the president appears to be interested in anything but oversight. His attacks on the IGs illustrate a pattern of politically motivated retaliation that must not continue.

While Congress works to mitigate the public health and economic crises caused by the COVID-19 pandemic, which has claimed more than one hundred thousand lives and left more than 40 million people out of work in the United States to date,⁶² it must also immediately address yet another ethics and accountability crisis created by President Trump. These IG firings send an urgent and unequivocal signal to Congress that it must act to support stronger oversight and accountability in the executive branch. It should act within its existing authority to scrutinize the ousting of these IGs and enact additional protections before the president and his administration continue this purge.

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Endnotes

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- 60 This requirement would give the president 210 days to nominate a permanent IG. If they miss the deadline, they would have 30 additional days to report to Congress why they haven't nominated a permanent IG as well as the new target date for a nominee.
- 61 Donald Trump, "Clip of President Trump With Coronavirus Task Force Briefing," C-SPAN, March 23, 2020, available at <https://www.c-span.org/video/?c4863258/user-clip-trump-oversight>.
- 62 *The New York Times*, "Coronavirus in the U.S.: Latest Map and Case Count," available at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html> (last accessed May 2020).