

May 14, 2021

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Re: Questions for the Record from the April 20, 2021 hearing titled “Restoring
Independence: Rebuilding the Federal Offices of Inspectors General

Dear Mr. Chairman:

Thank you, again, for inviting me to testify at the captioned hearing. As requested, my answers to your questions are below:

1. What message does it send to Inspectors General (IGs) when one of their peers is terminated in the manner in which President Trump dismissed former Intelligence Community IG Michael Atkinson?

The message is don't do anything that is likely to displease the agency head, or, worse still, the President himself, even if that thing is required of you by law and your oath of office. The termination no doubt had a chilling effect on the remaining Inspectors General, and it discourages capable and principled people from seeking Inspector General positions because they know that they can be fired from that job for doing the job as the law requires.

2. Should former IGs have a role in helping vet potential new IGs? Why or why not?

In my view, yes. Only someone who has held the job can fully appreciate its challenges, demands, and intricacies. No one, by virtue of their experience, is better positioned than former Inspector Generals to judge not only whether a candidate for the position meets the specified statutory requirements, which to me is the minimum criterion, but also whether that candidate's record indicates that he/she has the character and stature needed to act independently and aggressively.

Honorable Gerald E. Connolly, Chairman

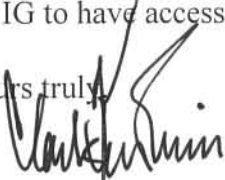
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3. What can the IG community and Congress do to ensure robust and effective oversight and counter attempts by federal officials to thwart that oversight by making reference to executive privilege?

To ensure robust and effective oversight, Congress should pass the various reform measures discussed in the hearing. To counter attempts by federal officials to thwart oversight by making reference to executive privilege, I would pursue legislation and litigation to make even clearer that an assertion of executive privilege contemplates a separate of powers dispute with other branches of government. The Inspector General is part of the Executive branch, and the IG statute empowers the IG to have access to agency officials for purposes of interviews and relevant documentation.

Yours truly,



Clark K. Ervin