



August 11, 2026

VIA U.S. Mail and Email

Mr. Charles N. Baldis
Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C., 20036-4505

Re: Follow-up to Request for Investigation of Arbitrary and Capricious Withholding of Information Related to the Steele Dossier by the Federal Bureau of Investigation, Central Intelligence Agency, and Office of the Director of National Intelligence

Dear Mr. Baldis:

We write to follow up on our October 10, 2025 request¹ that the United States Office of Special Counsel (OSC) investigate, under 5 U.S.C. § 1216(a)(3), the arbitrary and capricious withholding under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, of critical documents related to the now-infamous “Steele Dossier.”

As our prior letter details, in July 2025, the Director of National Intelligence (DNI) and Director of the Central Intelligence Agency (DCIA) released bombshell reports that showed that the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), and the Office of the Director of National Intelligence (ODNI) **fraudulently concealed key documents regarding the now-infamous Clinton-funded Steele Dossier that were responsive to Southeastern Legal Foundation’s 2019 FOIA requests**. This is evidence of likely arbitrary and capricious, if not intentional, withholding.

The FBI has begun investigating CIA employees to determine ex-CIA director John Brennan’s role in what is arguably the greatest election fraud this country has ever seen, including seeking documents — most likely the very same documents that agencies under the leadership of John Brennan, James Comey, and James Clapper has withheld and concealed from SLF and federal courts for over 7 years.

America knows that documents from Brennan, Comey, and Clapper exist showing that following the now-infamous December 2016 White House meeting with President Obama, the Steele Dossier was used to alter the Intelligence Community Assessment to claim that Russia interfered with our elections to elect President Trump. The agencies lied not only to America, but when sued by SLF to produce these documents, they lied to federal courts about the existence of these documents.

John Brennan, James Comey, James Clapper, and those who helped them conceal the truth from America must be held accountable. Their bad acts have damaged our nation in a way

¹ SLF’s original demand for investigation can be found at [20251010-SLF-Ltr.-to-OSC-re.-Request-for-Investigation-FINAL-w-Appx.pdf](https://www.slf.org/20251010-SLF-Ltr.-to-OSC-re.-Request-for-Investigation-FINAL-w-Appx.pdf).

that is unmatched. That is why we implore you to open an investigation into the withholding of these records, and if you find what we believe you will, hold the bad actors accountable. No one is above criminal referral or indictment.

Congress has made clear the importance of these failures of transparency by granting OSC the power to investigate and make findings.

First, if OSC “receives an allegation”² of “arbitrary or capricious withholding of information prohibited under section 552,”³ it “shall . . . conduct an investigation.”⁴ SLF’s October 2025 letter is such an “allegation”: the HPSCI and the whistleblower reports discussed in that letter show that there were written communications responsive to SLF’s FOIA requests that SLF never received.

Second, where OSC substantiates the allegations giving rise to the investigation, it can “seek corrective action under section 1214 and disciplinary action under section 1215 in the same way as if a prohibited personnel practice were involved.”⁵ Corrective action under section 1214 might include a “report [of OSC’s] determination, findings, and recommendations to the President.”⁶ It might also include referral for criminal investigation, or a report of abuse of authority, to the Attorney General.⁷

For those “appointed by the President, by and with the advice and consent of the Senate”—such as the DNI, the FBI Director, and the DCIA—OSC’s determination that disciplinary action should be taken “shall be presented to the President for appropriate action.”⁸

The now-public record shows that the parties served with FOIA requests by SLF in May 2019—FBI, CIA, and DNI—withheld communications related to the Steele Dossier that they knew existed. SLF expects an investigation to prove arbitrary and capricious withholding of information that violated 5 U.S.C. § 552. SLF again requests that OSC investigate this matter.

After OSC investigates and sustains these allegations, it should pursue corrective or disciplinary action. If OSC investigates and finds that employees “in a confidential, policy-making, policy-determining, or policy-advocating position appointed by the President” have arbitrarily and

² 5 U.S.C. § 1216(c).

³ *Id.* § 1216(a)(3).

⁴ *Id.* § 1216(a).

⁵ *Id.* § 1216(c).

⁶ *Id.* § 1214(b)(2)(B); accord *Weber v. United States*, 209 F.3d 756, 759 (D.C. Cir. 2000) (citing 5 U.S.C. § 1214(b)(2)(B) for OSC’s reporting power).

⁷ 5 U.S.C. § 1214(d)(1) (OSC “shall report” any determination of “reasonable cause to believe that a criminal violation has occurred” to the Attorney General); see also 5 U.S.C. § 1212(a)(3) (OSC may “forward to the Attorney General . . . disclosures of violations of any law . . . [or] an abuse of authority”).

⁸ *Id.* § 1215(b).

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capriciously withheld documents responsive to SLF's FOIA requests, those findings should be "presented to the President for appropriate action."⁹

Thank you for your consideration of these allegations. Should you have any questions or wish to discuss this matter further, you can reach me by email at kherrmann@southeasternlegal.org.

Yours in Freedom,



Southeastern Legal Foundation
Kimberly S. Hermann

cc: The Honorable Todd Blanche
United States Attorney General

The Honorable Kash Patel
Director of the Federal Bureau of Investigation

The Honorable Jay Clayton
Director of National Intelligence

The Honorable John Ratcliffe
Director of the Central Intelligence Agency

⁹ *Id.* § 1215(b); *see also id.* § 1214(b)(2)(B).