

HON. JOSEPH E. SCHMITZ

March 24, 2025

The Honorable Charles E. Grassley
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
Ranking Member, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

SUBJ: Letter of Recommendation for John Eisenberg

Dear Chairman Grassley and Ranking Member Durbin:

For reasons explained below, I most strongly recommend John Eisenberg for Senate confirmation as the Assistant Attorney General for National Security. During the first Trump Administration, I met John Eisenberg when he was serving as Legal Advisor to the National Security Council. Based on my interaction with Mr. Eisenberg, I know him to be a highly professional attorney, an honorable public servant, and an expert in National Security issues.

As a former Senate-confirmed Inspector General of the Department of Defense (2002-2005), I took an interest in the May 18, 2022, Report of Investigation by the Office of the Inspector General of the Department of Defense titled, "Whistleblower Reprisal Investigation: Lieutenant Colonel Yevgeny S. Vindman, National Security Council, Washington D.C." This Report of Investigation was based on a military whistleblower reprisal complaint by LCOL Vindman that, among other allegations, "Mr. Eisenberg significantly changed his duties and responsibilities to a level inconsistent with his grade." The Report of Investigation "found, based on a preponderance of the evidence, that the Complainant was the subject of unfavorable personnel actions from administration officials, as defined by section 1034, title 10, United States Code (10 U.S.C. §1034), 'Protected communications; prohibition of retaliatory personnel actions'."

My first observation about this May 18, 2022, Report of Investigation, is that it has no signature page. That never would have happened when I was serving as Inspector General of the Department of Defense. As a matter of basic accountability, I insisted that the official responsible for any published report be identified in the published work product.

My second observation is that this is the entirety of the "Recommendation" paragraph on page 34 of the Report of Investigation: "We make no recommendation with respect to the Complainant, who has been promoted to the rank of Colonel and has achieved correction of his performance record. We make no recommendation with respect to the White House officials, who did not work in the DoD, named in this report. These officials have all departed their positions in the White House." This non-recommendation "Recommendation" paragraph is highly unusual *at best*. I can't imagine a legitimate justification for expending taxpayer dollars on a published Inspector General report with no recommendation.

Based on these two irregularities, I would not give credence to any criticism of Mr. Eisenberg based on this highly-irregular Report of Investigation by the Office of the Inspector General of the Department of Defense.

In conclusion, I most strongly recommend John Eisenberg for Senate confirmation as the Assistant Attorney General for National Security.

Very Respectfully,

Joseph E. Schmitz