

Congress of the United States

Washington, DC 20515

February 24, 2026

The Honorable Tulsi Gabbard
Director of National Intelligence
1500 Tysons McLean Drive
McLean, VA 22102

Dear Director Gabbard:

As you are aware, on February 2, 2026, the Intelligence Community (IC) Inspector General (IG) made available to the “Gang of Eight” an urgent concern whistleblower complaint that had been filed over nine months earlier in May 2025. According to the accompanying letter from the IC IG, the transmission of this complaint to Congress was delayed because, among a variety of other reasons, you claimed the then-Acting General Counsel, Mr. Charles Newman, “had never informed [you] of the outstanding requirement” for providing security guidance. Concerningly, we understand that you still have not provided the complainant with security guidance as required under 50 U.S.C. § 3033(k)(5)(D)(ii). This provision clearly states that even if the IC IG does not find a complaint to be credible, the Director must still provide *the complainant*, through the IC IG, “direction on how to contact the congressional intelligence committees in accordance with appropriate security practices.”¹

Furthermore, upon reviewing the complaint, members of the Gang of Eight requested to view the underlying intelligence report referenced in the complaint itself. We were subsequently informed by your office that the IC is unable to provide the unredacted underlying intelligence report “due to the assertion of executive privilege.” This response and assertion of privilege over this type of intelligence report is unprecedented. The request and provision of intelligence reports have been longstanding practice between the IC and its congressional oversight committees.

Moreover, it is not clear how this intelligence report could implicate executive privilege, which typically protects the deliberation and communications of the President and his senior advisors. We are aware of recent press reporting² that alleges the underlying intelligence involves discussions about the President’s son-in-law, Mr. Jared Kushner, but since the underlying intelligence report has not been made available to Congress and because the complaint itself was heavily redacted, we cannot confirm the accuracy of such allegations. However, we would note that if these reports were true, Mr. Kushner is not serving as a senior administration official and so there is no colorable argument that executive privilege could apply in this instance. Moreover, as you are well aware, the names of U.S. persons are routinely masked in disseminated intelligence reporting.

¹ 50 U.S.C. § 3033(k)(5)(D)(ii)(II)

² Volz, D. (2025, February 12). *Gabbard Whistleblower Complaint Based on Intercepted Conversation About Jared Kushner*. <https://www.wsj.com/politics/national-security/gabbard-whistleblower-complaint-based-on-intercepted-conversation-about-jared-kushner-620659e0>

In light of these facts, we request your response to the following questions:

1. Did the President assert executive privilege over the underlying intelligence report?
2. If so, when did he assert such privilege and on what basis?
3. If not, who asserted the privilege, when was it asserted, and what was the basis for that assertion?

If there was no assertion of privilege, we request that you instruct the relevant agency to provide the requested report to the Gang of 8 immediately. Additionally, we wish to request that pursuant to 50 U.S.C. § 3033(k)(5)(D), you provide security guidance to the complainant through the IC IG so that the complainant is able to meet with the appropriate committees as afforded by the law.

Thank you for your attention to this matter.

Sincerely,



Mark R. Warner
Vice Chairman
Senate Select Committee on Intelligence



Jim Himes
Ranking Member
House Permanent Select Committee on Intelligence