

## Government Accountability Project

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### WHISTLEBLOWERS ARE MODERN PAUL REVERES AGAINST TERRORISM

The September 11 terrorist attacks highlight a longstanding necessity to strengthen free speech protections for national security whistleblowers, a number of whom have already made significant contributions to reducing U.S. terrorist vulnerability, two public interest groups said in a statement today. (Whistleblowers whose contributions have or should have contributed significantly to public debate and strengthened policies against terrorist threats are listed below.)

Danielle Brian, director of the Project on Government Oversight (POGO), summarized: "As we unite as Americans and focus our attention on improving our nation's safety, we must keep in mind the vital role played by national security whistleblowers in safeguarding our well-being. Their freedom to warn the American public of shortfalls in national security must be better protected as an integral part of our efforts to better protect the country."

"Protection for responsible freedom of speech must be on the front lines of any realistic plan to defend national security. Whistleblowers have made critical disclosures of security breakdowns against terrorist threats ranging from nuclear materials to food stockpiles," added Tom Devine, legal director of the Government Accountability Project (GAP), a whistleblower protection organization. "In the bureaucracy, whistleblowers act as the 'miners' canary' that provides an early warning about continued U.S. vulnerability to terrorist attack," Devine said. "Whistleblowers give America a greater chance to prevent avoidable tragedies. Without them, we may not learn of problems until it is time to mourn the consequences. Unfortunately, the standard bureaucratic response has been to silence messengers blowing the whistle on national security breakdowns, even when those messages are entirely internal. As a rule, reactions range from negligence (ignoring them), to harassment (yanking their security clearances or firing them)."

Both groups agreed that security measures being considered for adoption after the September 11 attack should not weaken already tenuous free speech protections for federal workers. "We cannot allow a culture of bureaucratic secrecy to eliminate those who give us the chance to anticipate threats before it is too late," said Douglas Hartnett, GAP's national security director. "Secrecy that covers up bureaucratic negligence or misconduct is a clear and present danger to national security." Whistleblowers assisted by GAP and POGO seek to prevent terrorist attacks and responsibly end security breakdowns that compromise America's civil and military nuclear programs, as well as other energy, transportation, law enforcement, and food safety."

Below is an illustrative list of national security whistleblowers who have disclosed significant problems to their superiors, Congress and the press:

#### **Martin Edwin "Mick" Andersen**

In the Criminal Division of the Department of Justice (DOJ), Mick Andersen was a senior advisor for policy planning, working on the training of foreign police and prosecutors. In 1997, Andersen reported to the DOJ security chief about leaks and careless handling of highly-classified information, which included documents detailing the internal workings of foreign police and confidential sources in other nations. Within a month after making his disclosures about wrongdoing, Andersen was portrayed as a security risk and stripped of his security clearance. In September 1997, despite previous outstanding performance appraisals and offers of promotion, the Department failed to renew his two-year appointment. His disclosures, however, prompted the Justice Department to order a massive security sweep of the division's foreign training programs that resulted in several top administrators having their security clearances suspended. In September 2000, the Office of the Inspector General (OIG) concluded an extensive three-year investigation in which security officials confirmed Andersen's allegations, also finding more than 150 sensitive documents in unsecured areas. The OIG report also found that visa fraud had been committed in Russia by a top advisor to then Attorney General Janet Reno on behalf of a Moscow girlfriend who had previously been denied entry into the United States. *According to the OIG, this misconduct by the Department's top troubleshooter, who had just been appointed to "clean up" the Immigration and Naturalization Service (INS), made him vulnerable to extortion or blackmail by foreign intelligence services or international mafiosi.* In 2001, the U.S. Office of Special Counsel (OSC) awarded Andersen its prestigious Public Servant Award for extraordinary service protecting national security information.

#### **Darlene Fitzgerald-Catalan**

A former federal agent with the U.S. Customs Service and veteran Officer in the U.S. Army Military Police Corps, Fitzgerald-Catalan had more than 20 years of combined law enforcement experience in major investigations of complex conspiracies involving narcotics trafficking and money laundering by high-level members of Colombian and Mexican organized crime. Her contributions resulted in significant multi-million dollar seizures, arrests, indictments and convictions of criminals and the development of key intelligence information regarding these smuggling organizations. As a Captain in the U.S. Army Military Police Corps, Darlene held management positions as Executive Officer, Operations Officer and Deputy Provost Marshal. After her active duty assignment was fulfilled, she continued as a Captain in the Reserves assigned to a Counter-Terrorism Task Force. *Fitzgerald-Catalan was one of three whistleblowers*

*to fight high-level corruption within the Customs Service, including failure of the agency to move against sophisticated smuggling operations in which tons of narcotics and perhaps other illegal goods were brought into the country. In response to their protected disclosures, the three agents were the objects of continuing retaliatory investigations, placed under surveillance by their own agency, threatened, disciplined and finally forced out of the U.S. Customs Service.*

#### **Mark Graf**

An Alarm Station Supervisor and Authorized Derivative Classifier, Mark Graf worked 17 years at the Department of Energy's Rocky Flats Environmental Technology Site. After Wackenhut Services, a private security agency, took over this site, with more than 21 tons of uranium and plutonium, Graf witnessed the elimination of their bomb detecting unit, sloppy emergency drills, and negligence in taking inventory of the plutonium for months at a time. *He and several other high-level officials raised serious concerns about a terrorist risk to the security of plutonium as more than a ton of the material is unaccounted for at Rocky Flats. Graf took his concerns to Wackenhut management, who took no action.* In 1995, after blowing the whistle to Representative David Skaggs, Graf was immediately reassigned away from the areas that raised concerns in the first place. In a classified memo to the site's supervisors and later to the Defense Nuclear Facilities Safety Board (DNFSB), Graf outlined specific vulnerabilities, which—if exploited—could result in catastrophic consequences. With no corrective action being taken, Graf gave an interview with CBS News that aired in November 1997. After the interview, he was subjected to a psychological evaluation and placed on administrative leave. As a condition of returning to work, Graf was gagged from speaking to Congress, the DNFSB, and the media, under the threat of job termination. In 1998 he filed and later won a whistleblower reprisal complaint, currently being appealed by his employer. His disclosures contributed to legislation in the 1998 Defense Authorization Bill requiring an annual review of DOE's Safeguard and Security program.

#### **Dr. Peter M. Leitner**

As a senior advisor to the Office of the Secretary of Defense, for years Dr. Peter Leitner criticized the relaxed policies of export controls, particularly to the Peoples Republic of China. During that time, China received shipments of dual-use technology equipment, which by itself appears to be harmless, but when combined with other exports, supports highly sophisticated military production. Leitner claims this policy not only has saved China billions of dollars in research and development but has escalated the pace of upgrading China's forces. *There is evidence of the sale and transfer to China of a highly sophisticated pharmaceutical-grade fermenting machine, which could be used to make advanced germ-warfare products that pose significant risks to U.S. security.* To create awareness about this issue, Leitner teamed up with Scott Wheeler of television's American Investigator to produce a documentary video, "Trading With the Enemy: How the Clinton Administration Armed China."

#### **Linda M. Lewis**

Linda Lewis was an emergency planning specialist with the Food Safety and Inspection Service (FSIS) at the United States Department of Agriculture, one of several professionals on the Emergency Planning Staff (EPS) of the FSIS. *A valued member on more than 20 inter-agency emergency planning exercises, Lewis' emergency response whistleblowing disclosures raised a*



*number of concerns about nuclear power plants, including vulnerability to terrorist attack and isolation of the food supply from radiation, problems consistently ignored until she was removed from the work.* In 1996 her concerns and those of a co-worker who represented Argonne National Laboratory were deliberately excluded from a Federal Emergency Management Agency (FEMA) Region III report regarding state emergency planning. Instead, USDA ordered her to take repeated psychiatric examinations despite objections from its own therapist who examined her, and then stripped all her duties by removing her security clearance. For nearly two years, she has been reassigned to her home without duties.

### **Ed McCallum**

Ed McCallum was a former colonel in the Special Forces with service in Vietnam. He worked in Department of Energy security for twenty years, and authored DOE's 1996 Annual Report to the President on the status of safeguard and security, which was highly critical of security and caused a serious controversy at DOE. As a result, McCallum was immediately put on administrative leave and investigated. *In early 1999, McCallum's concerns about the lack of security at Rocky Flats nuclear materials storage facility were made public.* At about the same time, then-Secretary Bill Richardson issued a zero-tolerance order against whistleblower retaliation and stated: "Management must also create and foster a work environment that allows free and open expression of security concerns, where workers fear no reprisals or retaliation." It didn't work. McCallum was put on administrative leave based for an alleged security violation that was later dropped. McCallum took a job at the Pentagon, and is no longer working on security issues at DOE. Rep. Curt Weldon (R-PA) stated "Officials at the highest levels, including three Secretaries of Energy and White House personnel, consistently ignored Lt. Col. McCallum's warnings, placing our national security in jeopardy. . . Lt. Col. McCallum deserves accolades for what he did to protect our national security -- not the continued destruction of his reputation and career."

### **Sandy Nunn**

Federal Agent with the U.S. Customs Service for over 12 years, Nunn worked in both domestic and international cases, and had a very broad-based background in large-scale narcotics investigations; international money-laundering investigations; arms and high-technology transfer including chemical, biological & weapons of mass destruction. She was the Lead Case Agent for what was regarded as the "second largest money laundering case in U.S. history" which was responsible for prosecuting an organization which had laundered over \$150 million in drug proceeds throughout the U.S. and foreign banks. She has also served in an undercover capacity on major arms cases in the Western United States which resulted in the seizure of more than 1000 fully-automatic AK-47's being imported illegally from mainland China. She held a Top Secret Clearance and was involved with investigations involving classified military projects such as the C-17 military aircraft, investigations of Chinese, Russian, Colombian, and Islamic organizations engaging in illegal smuggling operations of technology and arms both into and out of the United States. Nunn also served as the Acting Head of Investigations of an International Investigations Unit while serving in a diplomatic post in Skopje, Macedonia during the UN Sanctions against Serbia. She was further assigned to serve as the sole American Investigator at the Headquarters for the UN Sanctions in Brussels, Belgium where she oversaw over 300 international investigations. *In 1997, prior to becoming a whistleblower, Nunn authored a study*

which identified major holes in the enforcement of regulations governing importation of commercial goods into the United States. These flaws could prove to be of serious consequence if they were utilized by enemies of the United States to smuggle weapons of mass destruction (i.e., chemical and biological agents as well as nuclear materials) into our borders and transported to major metropolitan centers for terrorist acts. Like Fitzgerald-Catalan (mentioned above), Nunn was one of three whistleblowers who, after alleging high-level corruption within the Customs Service, were the objects of continuing retaliatory investigations, put under surveillance by their own agency, threatened and subjected to adverse actions.

#### **Colonel David Ridenour**

In 1996, Colonel David Ridenour, a former Strategic Air Command missile officer, became Director of the Safeguard and Security Division at the Rocky Flats Field Office. *Immediately upon taking the position Ridenour was being harassed for trying to do his job of overseeing the security contractor at Rocky Flats.* In a letter to then- Energy Secretary Federico Pena, he said "I was instructed by my direct supervisor...that my mission was to 'not negatively impact the contractor' and that I was to 'facilitate the contractor (Kaiser-Hill) winning the award fee'." He resigned several months later, claiming "In my professional life as a military officer, as a Registered Professional Engineer...I never before experienced a major conflict between loyalty to my supervision and duty to my country and to the public."

#### **Ron Timm**

Ron Timm, and his corporation RETA Security were experienced security analysts under contract to the DOE Headquarters Office of Safeguards and Security. He told the IG that he has suffered retaliation for raising concerns about public health and safety. Timm's work assignments analyzing SSSP's for all DOE facilities over the previous five years had plummeted. The IG found no retaliation, as Timm's company was performing other DOE work for Secretary Richardson. As soon as the IG inquiry concluded, Timm's contract was terminated. *Timm sent a second letter to the new DOE Secretary, Spencer Abraham, in January 2001 thinking the new administration would look into the ongoing security failures at nuclear facilities. In this letter, he said, "[T]ime has shown that the existing bureaucracy at DOE have not adequately acted upon the issue of risk to the public other than in ineffective and reactive ways. I am writing this letter to bring this to your immediate attention."* However, Secretary Abraham delegated the response to the letter to one of the officials about whom Timm accused of covering up security problems. Timm is no longer working on Headquarters security issues at DOE. RETA Security has now filed the first ever corporate whistleblower compliant with the DOE Office of Employee Concerns.

#### **Dr. Frederick Whitehurst**

As the FBI's highest-rated explosives residue expert, Dr. Frederick Whitehurst brought allegations of deficiency and corruption against his colleagues at the FBI crime lab in 1995. *The deficiency related to several significant cases, including the World Trade Center bombing, the Oklahoma City bombing, the mail bomb assassination of U.S. Circuit Judge Robert Vance, and the bombing aboard an Avianca Airlines jet.* A subsequent investigation by the Department of Justice revealed that significant deficiencies, such as inaccurate and scientifically flawed testimony and reports, existed in several high profile cases. The 1997 report called for

substantial changes in policies and practices in the bureau's crime lab. Despite these findings, Whitehurst was sent to a psychiatrist and later suspended to begin the process of easing him out the FBI. With the assistance of the National Whistleblower Center, whose associated law firm specializes in FBI whistleblower cases, Whitehurst responded by successfully suing the government to obtain a financial settlement.

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