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National Security Whistleblowers
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Chairman Shays and the distinguished members of the Subcommittee, I am honored to be here today to inform you of my firsthand knowledge of abuses that have taken place within the National Security Agency and the Defense Intelligence Agency as they relate to retaliation against national security whistleblowing.

My career started in the intelligence community in 1985 with the United States Air Force and their Electronic Security Command in the field of signals intelligence. In 1990, I transitioned to intelligence work as a contractor working with the National Security Agency and other government intelligence agencies. In 1995, I accepted a government intelligence analyst position with the Department of the Navy. From the Navy, in 1999, I took a promotion with the Defense Intelligence Agency and, subsequently, returned back to my roots at the National Security Agency in 2002. Throughout my time as an intelligence officer I have gained a broad perspective of all aspects of the intelligence community.

In the spring of 2001, I suspected that a fellow coworker at the Defense Intelligence Agency might have been involved in espionage. This person exhibited many of the classic signs, to include: living beyond her means; excessive amounts of time on classified computer networks; frequent unofficial travel to a communist country; a political philosophy that supported a communist country in a potential conflict that could involve the United States; and many connections with foreign nationals from a communist country. I knew that it was my responsibility as an intelligence officer to report this and I did so quietly, not involving any of my coworkers, or even my supervisor.

Interestingly, soon after I made this report to the DIA CIO, the mother of this person in question visited the highly classified facility where her daughter and I both worked. The mother was recently retired, after being employed in high-level positions within the Department of Defense (DoD) to include: the Defense Information Systems Agency; the DoD Directorate for Command, Control, Communications, and Intelligence; and the Defense Security Service, which controls security clearances of DoD personnel. These positions would have required the mother to retain high security clearances.

Amazingly, the mother was also a former foreign national of a communist country who came to the United States in 1960 as a young woman.

Soon after the unusual, unscheduled visit from the mother, the counterintelligence officer investigating the case informed me that my suspicions concerning the daughter were unfounded. However, I continued to see behavior from the daughter that led me to believe there was a problem. This led me to the conclusion that something may have been premature about the hasty determination of the counterintelligence office.

While working at the National Security Agency I sent a secure e-mail on a classified network to the counterintelligence officer at the DIA who had so quickly dismissed my suspicions. This e-mail was the result of two FBI agents in California who were supposedly availing counterintelligence secrets to a suspected Chinese double agent for sexual favors. I suggested that the FBI was incompetent in dealing with counterintelligence matters, inferring that the DIA CIO do a thorough investigation regarding my concerns, to avert a similar situation from occurring at DIA. This event has characterized me as a whistleblower, and was the catalyst for retaliation against me by the National Security Agency.

The counterintelligence officer at the Defense Intelligence Agency then contacted the security office at the National Security Agency, which resulted in my being ordered to submit to an emergency psychological evaluation. I had just been to my routine psychological evaluation, conducted by the same office, only nine months prior and passed with no signs of mental illness. For this second evaluation, even though all the testing once again showed I was normal, I was assessed as suffering from paranoia. This was the justification used to suspend my access to classified information.

My Kofkesk journey, from that time on, involved: surveillance by the FBI; denials from NSA that monitoring was being conducted; being placed in purgatory at the agency motor pool, where I was told little about my status; denying access to my own personnel and security files; evidence of FBI and NSA security documentation being hidden from the Office of Personnel Management; official complaints about psychological abuse being disavowed and their records vanishing; an agency security officer sent to my home to threaten me in person with dire consequences if I talked to the press; being banished from all agency facilities even the non-secured spaces; being denied Freedom of Information Act requests for my own unclassified files for reasons of criminality and privacy rights; having my good name slandered and mistruths invented about me as a means to justify revoking my security clearance; the agency blatantly violating their own regulations and directives in order to ensure an adequate defense could not be mounted; being sent to a remote agency warehouse where I was forced to perform backbreaking labor in a last ditched attempt to force me to resign; and finally, I was subjected to a classic kangaroo court clearance revocation hearing where the same individuals maligning me were members of the panel and their names withheld, concealing their identities.

In the first amendment to the United States Constitution, citizens are given the right to petition Congress as to grievances. In the intelligence community, employees are told that they must contact a congressional relations office or some other form of intermediary that will quickly deter such an encounter. When I first contacted my senatorial congressional representative, the agency was furious that I had "gone off the reservation" and I heard that I would "pay dearly". Soon after that, I learned that the security office at NSA had quashed an award for my outstanding intelligence support involving the military action in Iraq. When I wrote one hundred and thirty two letters to congressional members involved in oversight about the abuses of the NSA's security office, six days later a memorandum was written by security to have my security clearance revoked. After I spoke on Capital Hill to congressional staffers from both the House and Senate about the abuses of the National Security Agency, four days later I was told that I was to be removed from federal employment. This is the contempt by the NSA that was shown for congressional oversight of intelligence.

I was not given substantive options for reporting the injustices that were inflicted upon me as a whistleblower. I did not approach my agency's inspector general's office because I knew they were co-opted by the security office. I attempted to work within the agency's chain of command, including personally talking to the deputy director, to no avail. I spent a considerable investment of my time and optimism on filing a complaint with the Department of Defense Inspector General's newly established office of Civilian Reprisal Investigations. These hopes were dashed when the National Security Agency's inspector general was tasked to conduct the investigation regarding the revocation of my clearance. The results were a predictable whitewash that was to be expected from a subordinate element entrusted to investigate it's own taskmasters.

I was fortunate that I was allowed to take my case to the Merit System Protection Board because of my military service, yet the judge did not allow me to argue the merits of the security clearance even as they pertained to due process. The judge also denied most of my discovery requests to include my own personnel files from all the agencies involved. The NSA's lawyers asserted early on that the intelligence agencies were exempt from the provisions of the Whistleblower Protection Act; and even if it were established that I made a protected disclosure under the Intelligence Community Whistleblower Protection Act; the act had no provisions to punish an agency for retaliating against the disclosure.

I have contemplated taking my case to federal court. However, after investigation, I have found that most of the whistleblower cases that have gone to the circuit court in Washington, D.C., result with court decisions showing an obvious bias and hostility against whistleblowers. I also know that the whistleblower laws on the books do not protect federal intelligence employees from retaliation. I realized that all the cards have been stacked against me, and all those retaliated against for reporting waste, fraud, abuse, and malfeasance.

Abusive psychological evaluations designed to revoke security credentials are not uncommon. In my particular case the retaliatory weapon of choice was to revoke my

security clearance through a deliberately false psychological evaluation. A person required to have an agency psychological evaluation is allowed to have his or her own psychological professional conduct an independent evaluation, and have it submitted before the agency evaluation is conducted. I was not informed of this until more than a week after I had taken the agency emergency exam. I know of another agency employee that tried to invoke this right but was told that she would not be allotted the time to set up the private appointment, and have the results submitted. She was told that she would have her security clearance suspended on the spot if she attempted to delay the mandatory evaluation.

I was informed that psychological evaluations are not investigated or checked for credibility at the National Security Agency. Two and a half years ago, I made a complaint about the psychologist that was used as a tool of retaliation against me, and I have never heard from the agency about the status of my complaint. Secondly, the psychological tests administered by the agency psychologists, showing that I am normal were not addressed. In fact, the psychologist that labeled me as paranoid admitted that I did not exhibit any of normal significant signs of mental illness.

The agency's and intelligence community's directives that control the revocation process were purposely kept from me, while I was going through the revocation process. I requested these documents many times. Additionally, NSA does not inform new employees of the law regarding the Intelligence Community Whistleblower Protection Act. In fact, I have not known of any intelligence agency that informed their employees of any type of whistleblower regulations, albeit at the agency level, community level, or the federal level as a whole. Employees within the intelligence community are generally ignorant of any whistleblower provisions, citing the fact that only two or three cases have been brought up by defense intelligence personnel, in regard to the current whistleblower law in the Intelligence Community Whistleblower Protection Act.

The ultimate reason that abuses are taking place is due to the lack of accountability, within the Intelligence agencies. Whistleblowers are kept in the dark on purpose with few legitimate avenues open for them to counter full-court press efforts by their own agency to retaliate against them for whistle blowing, even while these same agencies have lip-service policies that require reporting waste, fraud, abuse, and illegalities. As it now stands, national security agencies are left to police themselves and there is no incentive to do so. Whistleblowers inherently are pointing out wrongdoing that likely will embarrass their agency. This and the fact that the Whistleblower Protection Act does not apply to the intelligence community and the Intelligence Community Whistleblower Protection Act apparently has no enforcement provisions, is allowing wrongdoers the freedom to retaliate with impunity. Evidence would appear to suggest that these wrongdoers are rewarded for their retaliations.

Those that retaliate need to know they will be held accountable to substantiate change within the intelligence community. The Whistleblower laws on the books need to be amended to include stiff enforcement, and the removal of exemption provisions.

These laws also need to let the federal courts know that congress intends to allow the reasoning behind security clearance revocations to be reviewed in whistleblower cases.

The investigation of retaliation for whistleblowing must be removed from the intelligence agencies. It is not credible to have the responsible organization investigate itself, when the reviewing body currently conducting the investigations has their security clearances controlled by the very people that they are investigating. This is true to the general council's office and the inspector general as well. A detachment is required removing the investigators from the possible threats of blackmail by the prospective security office via attacking their security clearances or management influencing their proficiency ratings. These investigators also need to maintain the baseline security clearance for the particular agency they will be investigating for retaliation.

The current system of whistleblower protections in the national security agencies is worse than nonexistent because it gives those that would report wrongdoing a false sense of security, believing the laws that exist will protect them. The truth is that they will not. When all avenues for protected reporting of waste, fraud, and abuse are closed, or will ensure retaliation, people are either forced to remain quiet or resort to drastic measures such as going directly to the press.