

September 20, 2006

Honorable Duncan Hunter, Chairman  
House Committee on Armed Services  
U.S. House of Representatives  
2120 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Hunter,

I respectfully ask you include real whistleblower protections to national security employees in the 2007 Defense Authorization Bill that is up for vote this week.

Three months ago I was finally afforded the opportunity to speak to your top two staffers about abuses within the Intelligence Community and the Pentagon. These abuses include violations of the FISA law, which effect American's privacy and much more. It took me six months of bureaucratic red-tape, and the involvement of the media to tell a few congressional staffers about these abuses. This arduous journey from first bringing up questions of concern within the very limited community of "waived" and "un-acknowledged" Department of Defense and Intelligence Community Special Access Programs (SAPs), to briefing staffers from the committee you chair, has cost me my career and livelihood.

My case, from beginning to end, is a testament to the utter and complete failure of whistleblower protections for federal employees that work within the most crucial aspects of national security. The retaliation of the federal government continues against me, but is now being directed by the Department of Justice. This is apparently an effort to intimidate all other federal employees working with national security issues, to remain silent when considering reporting criminal and unconstitutional conduct.

The ramifications of ensuring that true and effective whistleblower protections are not afforded national security employees goes far beyond the loss of experienced employees that are engaged in protecting the country and the wasted time and money in their persecution. It directly affects the security of the American people.

When government agencies are obsessed with covering up their incompetence and malfeasance, it is often at the expense of the lives of our citizens. For instance, we now know that if FBI agents, daunted by the ineptitude of their superiors, reported their concerns directly to congress, effective oversight would have thwarted the terror attacks of 9/11. The reality was then, and remains today, the only modicum of protection for whistleblowing afforded to any of those concerned FBI agents was to anonymously tip off the press to the impending danger. The publicity would have forced the government to act and caused the terrorists to abort their plans.

You now have an opportunity to ensure that national security whistleblowers do not have to choose between their careers and the lives of our nation's citizens. I implore you to include federal national security employees in the intelligence community, law enforcement, and safety fields for whistleblower protections in the provisions of the 2007 Defense Authorization Bill. These provisions would logically have to include protecting security clearances from retaliatory revocations. Adopting whistleblower language that does not include agencies such as the CIA, DHS, DIA, FBI, NGA, and NSA will continue to silence those that fear reprisal. This fear could be the key factor that allows for a future catastrophic loss of life that far exceeds the tragic losses our nation suffered on 9/11.

As the Chairman of the House Armed Services Committee, you now have it in your power to correct this gaping hole in our national security. Omitting national security whistleblower protections logically represents a clear and present danger to the security of the United States.

Ignoring this national security vulnerability could be the predominate theme of the next resulting bilateral commission, convened to investigate yet another national security disaster. I imagine one of the first questions that would be asked is why was this whistleblower issue not addressed after 9/11 and who was negligent in not addressing it?

Very Respectfully,

Russell D. Tice  
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National Security Agency  
Member NSWBC