

WRITTEN TESTIMONY OF

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U.S. DEPARTMENT OF JUSTICE (DOJ) WHISTLEBLOWER, AND
WINNER OF THE U.S. OFFICE OF SPECIAL COUNSEL'S
PUBLIC SERVANT AWARD (2001)

before the

HOUSE GOVERNMENT REFORM COMMITTEE

on

PROTECTION FOR NATIONAL SECURITY WHISTLEBLOWERS

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for accepting my written testimony about the vital importance of long-denied protection for national security whistleblowers.

I was a national security whistleblower at the Department of Justice in 1997, where I worked as a senior advisor for policy planning for the Criminal Division's international training programs.

It was my whistleblower disclosures that sparked a three-year criminal investigation of the Criminal Division by the Department's Inspector General (IG), as well as a probe of personnel practices involving whistleblowers by the U.S. Office of Special Council (OSC).

Those disclosures concerned leaks of highly classified information to people seeking the documents for their own personal purposes. They also included sexual harassment and sexual favoritism in hiring; dubious contracts to a friend of the Attorney General; serious violations of travel rules, and a broad pattern of preventable waste and mismanagement totaling at least hundreds of thousands of dollars.

I was also the person who referred to the IG a reluctant senior Criminal Division lawyer with first-hand knowledge of visa fraud committed in Russia by a top advisor to Ms.

Reno on behalf of a Moscow girlfriend who had previously been denied entry into the United States. In 2000, the IG found that the man, Robert K. Bratt, at the time the department's top troubleshooter, had put his "*own interests ahead of the interests of the government,*" and it described him as "*recklessly indifferent to the security of the government.*" (Italics added.)

I, too, like many of the other whistleblowers from whom you are hearing today, suffered Kafkaesque reprisals at the hands of senior DOJ management, an experience that was only partially righted by my full vindication in the IG's report and in my receiving, in 2001, the OSC's "Public Servant Award."

But before I talk about what happened to me, I would like to point out the positive contributions the whistle blowing did for tightening up the egregiously lax security at a division of Justice that considered itself the crown jewel of federal law enforcement. As the scandal unfolded, senior Criminal Division officials who initially maintained, against all evidence right before their noses, the complaint had no foundation, were the same people then tried to claim credit for cleaning up the vulnerabilities that they had denied existed.

The important thing, though, was that these gaping holes in the division's international programs ended up being filled . because of whistle blowing.

I emphasize this point first for two reasons.

First, because I think that, unlike the cases of others who are still waiting patiently for vindication, as their own lives implode, my case was proof of the positive contributions that national security whistleblowers can make when the system is finally forced, kicking and screaming, to take their disclosures seriously. What's more, what happened at Justice is all the more important because it happened *before* the terrorist attacks on September 11, 2001.

Secondly-despite my eventual vindication-my own experience with the myriad reprisals made against me taught me a cynical lesson: While many in Washington claim to support and defend whistleblowers and what they stand for, very few in a position to help really do so. So our individual cases-no matter how momentous they seem to us and to our colleagues, or how critical their successful resolution is to our own mental and material well-being and that of our families-end up being anecdotal, and interest in them usually cools as fast or faster than the klieg lights used by the media to cover our tale . for those lucky enough even to attract such attention.

(In my own case, had it not been for the support *and belief* of a skilled, dedicated and empathetic lawyer-Tom Devine of the Government Accountability Project-and the reporting staff of the *Washington Times* and its sister publication *Insight on the News*, I would have been just one more hapless whistleblower whose experience bore witness to Lyndon Johnson's famous dictum that, in Washington, anyone casting their bread upon the waters will likely be treated to the spectacle of the sharks getting it.)

So my appeal to this committee is simple: Protect national security whistleblowers for what they contribute to our country.

Shortly after I made the first of my whistle blowing disclosures there was a massive security sweep by Main Justice security of the Criminal Division's overseas training offices. Three years later, Acting Inspector General Glenn Fine ended up finding, in a 414-page report, that Bratt and other top officials in the department's international law-enforcement programs-designed in part to promote ethics and professional conduct by foreign police and prosecutors-were guilty of what he called "*serious, substantial and egregious misconduct.*" (Italics added.)

Fine said that Bratt, the person Attorney General Janet Reno had appointed in 1997 to "clean up" the Immigration and Naturalization Service (INS) was at the same time improperly securing visas for two Russian women. One of these women had already been denied a visa by our embassy in Moscow and, as Bratt later admitted after several misrepresentations to government investigators, he had a sexual relationship with her. "An examination of Bratt's conduct in Russia shows how he made himself vulnerable to blackmail or extortion," noted the IG report, released in September 2000:

"Bratt, the holder of a high-level position in the Department with an SCI (Sensitive Compartmented Information) clearance, met (Ms. Yelena) Koreneva by essentially asking his Russian tour guide in Moscow to set him up with a single Russian woman. .

"Bratt issued these invitations despite knowing virtually nothing about either woman or their associations. [Bratt told the OIG that Koreneva worked for a "car importer, a firm that brings cars into Russia." Koreneva told the OIG that she worked for a Russian law firm.] Bratt made himself even more vulnerable when, told that Koreneva might have difficulty getting a visa, Bratt, with the help of [senior Bratt aide Joseph] Lake, got Koreneva and [Ms.Ludmilla] Bolgak visas by misrepresenting to the American Embassy that the women worked with Bratt in Moscow on official business. *This misconduct alone created a significant potential for blackmail or pressure by Russian intelligence services or by Russian criminal organizations. Bratt exacerbated the problem when, on the June 1997 trip, Bratt told the women that he had been promoted to a new, higher position [according to Bolgak's business associate, Tatyana Kovalenko, Bolgak described Bratt's new position as "head of immigrations"] and further compromised himself by having a sexual relationship with Koreneva.*" (Italics added)

It is useful to note that, as Mr. Bratt cavorted at government expense in Russia, the State Department's Office of Diplomatic Security was embarked on its largest-ever investigation into trafficking of Russian women into the United States. According to the IG report, Bratt also paved the way for a waitress at a local bar, Lulu's, on M Street in Washington, to get a well-paid professional job at the Department. Bratt, the IG claimed, had put his "own interests ahead of the interests of the government," and it described him as "recklessly indifferent to the security of the government."

Other senior Division officials, such as administrative officer Sandra Bright and Janice Mathews Stromsem, the director of overseas police training who currently serves as executive director of the international programs division of the National Center for State Courts, were also accused of wrongdoing or the appearance of impropriety. The case of Joseph Trincellito, associate director of the police training agency and a former Janice Stromsem boyfriend, is noteworthy as it gives a feeling for the sense of impunity that senior Criminal Division managers enjoyed before senior department security officials were forced to act:

Notwithstanding the repeated warnings of violations, in April 1997, when [Security and Emergency Planning Staff; SEPS] conducted its sweep of the ICITAP offices and the Criminal Division conducted its review, they found in Trincellito's office *156 unsecured classified documents* and an open safe with nothing in it but a videotape and instructions for setting the combination. On April 15, 1997, SEPS suspended Trincellito's security clearance. (Italics added)

The wrongdoing, Fine told a House Judiciary Committee hearing held in September 2000 by then Chairman Henry Hyde, (R-Ill.), had created cynicism among Justice Department employees about their ability to correct it in the face of such high-level impunity. The phrase many whispered in the hallways, that "there was no justice at Justice," seemed amply borne out by the facts.

Fine's report also cited multiple instances of other serious security breaches involving pervasive mishandling of highly classified law-enforcement and intelligence documents. It confirmed the illegal leaks of secrets to contractors who had not undergone any background checks, as well as sexual favoritism in the hiring and promotion of some employees and contractors. In addition, it detailed substantial cost overruns and violations of Justice travel rules by Bratt—who had been the head of the international programs until 1997—and his subordinates. As a result, there was a top-down management housecleaning. Those forced to leave their jobs through reassignment or retirement included such powerful figures as Bratt and two of his even higher ranking patrons within the Department. At the same time, security procedures concerning the protection of classified information, the access to DOJ facilities by people who were not employed by the department and myriad other weaknesses were corrected, and the new procedures enforced.

When I first disclosed my concerns about the security and ethical morass in which we were being forced to work, the head of DOJ Security, Mr. Jerry Rubino, promised—in front of two FBI agents who sat in on our session and took copious notes—that my anonymity would be respected. Within days, however, the Criminal Division's security staff, well known as being in the tank with senior Criminal Division officials later shown to be corrupt or security threats, was tipped off about my role, and the reprisals began in earnest.

Before coming to DOJ, I had worked as a special correspondent for *Newsweek* and the *Washington Post* in South America and as Program Director for Latin America and the

Caribbean for Vice President Walter Mondale's National Democratic Institute for International Affairs (NDI). I had also served as senior advisor on foreign policy and defense for Senate Majority Whip Alan Cranston, and as senior staff at the Senate Foreign Relations Committee.

And, just days before I made my disclosures to Rubino, Vice President Al Gore's office had sent my paperwork over to White House personnel for consideration for the job of head of the Peace Corps in Latin America. I was told by the Gore office that my selection was very likely.

Instead of a White House appointment, I was told that my security clearance "disappeared"-even though I had worked with classified information on a daily basis for the 19 months before my clearance was mysteriously taken away. (Revocation requires a formal process, but in the absence of any real protections for national security whistleblowers, the ability to circumvent that requirement is both easy and common for bureaucratic evildoers and their allies.)

I was also stripped of my work duties and sent to a room in the Division's administrative offices, under the supervision of then Acting Executive Officer for Administration Sandra Bright, a Bratt protégé, where I was given virtually nothing to do. (It was during this same period of time-the month of May-that I was supposed to be receiving a performance evaluation.) In the absence of any formal duties, and while I was being shunned for even polite conversation, I spent the time reading books about the history of the U.S. Civil War and biographies of George Washington.

It made for an odd moment. My security clearance had "disappeared"-but the cluttered, unsecured room where I was being warehoused was at the same time being used to store "burn boxes" full of classified and other sensitive information. This farce was part of a libretto that was not meant to be believed, but rather to humiliate me-as the outed whistleblower-and, more important, to warn others I worked with about the likely consequences for them if they came forward with what they knew about wrongdoing in the Criminal Division.

I should mention that before my national security whistleblower disclosures had become widely known (my identity having been leaked to senior management by the Criminal Division security office, run by Linda Cantilena), I had received outstanding performance evaluations and glowing letters of recommendation from my supervisors. After my disclosures, however, I was told my services were no longer required at the Department.

The more than four-year-long ordeal I was forced to go through left me several times teetering on the brink of bankruptcy and plunged into a state of severe depression. In the process, I lost my best friend, a long-time advisor to former Vice President Gore, and friendship of several other people into whose company I was once welcomed. Worst of all, my parents-Edwin M. and Angelina N. Andersen, both of them former employees on Rep. Les Aspin's staff in Wisconsin-and my daughters, Carla Thaïs and Kelly Carina, were forced to share in the sacrifices that I alone had chosen, for them perhaps wisely, perhaps not, to make.

My situation was better than that of most whistleblowers-people whose disclosures are just as important, or more so, than mine were; who also received outstanding recommendations for their work before they dared to "commit the truth;" and who have suffered greatly and suffer still.

Although I didn't realize it during the anguishing period between 1997 and 2001, I was much luckier than most national security whistleblowers.

A reserve naval intelligence officer working at Justice backed me up all the way, helping devise strategies for dealing with the press and for how to coax former colleagues to come forward. As I mentioned earlier, I was also able to count on the keen interest of some of the media, in particular, that of the *Washington Times* and *Insight Magazine*. House Judiciary Committee Chairman Henry Hyde, his successor in that post, the Honorable James Sensenbrenner, their committee counsel Will Moschella (now an Assistant Attorney General), and Sen. Charles Grassley, who has made whistleblower protection a hallmark of his public service, took an active interest in my case and kept up the heat. Similarly, several colleagues from the FBI, straight arrows who honored their own institution, refused to go along with the bureaucratic in-crowd, and helped keep the IG's investigation honest.

Even as DOJ Inspectors General Michael Bromwich and Glenn Fine did nothing to try to help me (and, at time, the actions of their staff made me think that they were acting as Criminal Division own "plumbers" and enforcers against those who were willing to step forward) the U.S. Office of Special Counsel (OSC) took its job seriously and conducted a no-stones-untuned investigation that, unfortunately, because of inadequate resources, they are unable to provide to all whistleblowers on the merits of their cases. I am particularly indebted to then Special Counsel Elaine. Kaplan for making me the first national security whistleblower to receive her office's prestigious "Public Servant Award."

Mr. Chairman, if protection for whistleblowers was important before the events of September 11, it is all the more so now.

National security whistleblowers-those working outside the Beltway and without the same access to Congress, the media, expert legal counsel, and the opportunity for face to face meetings with the OSC, that I had-need to have appropriate legal protections in place in order to survive. It is time for Congress to act.

After all, if in 1776 any of you had been alive, would any member of this honorable committee have been a party to allowing patriot Paul Revere to have been shot off his horse by friendly fire, as he came riding through the night to warn his countrymen of distant dangers that others could not yet see?