THOSE WHO DARED:

30 Officials Who Stood Up For Our Country



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EXECUTIVE SUMMARY

For the past several years Citizens for Responsibility and Ethics in Washington (CREW) has published yearly reports naming the most corrupt members of Congress and has issued periodic reports on executive branch corruption. In the course of our investigations, we sometimes run across information about people who have acted particularly honorably. Therefore, as this presidency draws to a close, we thought this would be a good time to recognize the brave individuals who have acted and spoken out against unethical and dishonorable conduct in the Bush administration. The people identified in this report stood up and did the right thing, risking their jobs and, in some cases, even their lives. Some have already been recognized as heroes, while others have been vilified for daring to say what no one else would.

The actions of those named in this report are as varied as the people themselves and cut across the federal government. Some, like Glenn Fine at the Department of Justice and John Higgins at the Department of Education, are inspectors general who have been the only check on agency-wide corruption, misconduct and undue political influence. Others are included for a single act of courage, such as Army Specialist Joseph Darby who turned over to authorities the now infamous pictures of detainee abuse at Abu Ghraib and then-Deputy Attorney General James Comey, who rushed to Attorney General Ashcroft's hospital bedside to prevent top White House officials from pressuring the Attorney General to approve an illegal surveillance program.

By publishing this report, CREW does not mean to suggest that each of the individuals identified has, in all aspects of their careers, performed in the most ethical way possible. Indeed, some may have participated in developing and implementing objectionable administration policies. Nevertheless, the actions described here are significant enough to warrant commendation.

While CREW has tried to be comprehensive, there may well be inadvertent omissions. CREW will update this report on-line as other individuals who exhibited the same level of integrity are identified. It is our hope that by recognizing those who dared to the do the right thing in the face of adversity, others will be encouraged to join the fight against government misconduct. To further that goal, each month CREW plans to highlight a federal employee whose actions exemplify the American values of honesty and integrity.

METHODOLOGY

In creating this list, CREW reviewed hundreds of news articles, inspector general reports, and congressional reports. CREW considered the impact of each individual's actions, the changes they wrought, and the risks they faced.

COLONEL STEPHEN ABRAHAM, *U.S. Army Reserve*

Colonel Stephen Abraham is a lawyer and a member of the Army Reserve who did a six-month tour in 2004 with the Pentagon unit that was running detainee status hearings in Guantanamo Bay, Cuba.[1] In 2007, Col. Abraham became the first insider to speak out publicly against the hearings.[2]

With 22 years of experience as a reserve Army intelligence officer involved in counterespionage and counterterrorism work, Col. Abraham oversaw the computer database that held the evidence for the hearings, served as a liaison with intelligence agencies and sat on a three-member panel that decided the status of detainees.[3] In that capacity, he had access to thousands of documents that were used as evidence in more than 300 of the 558 hearings conducted between 2004 and 2005. Col. Abraham became increasingly concerned with the quality of that evidence and the fairness of the hearings.[4] In a request for a reassignment, Col. Abraham wrote that continued participation in the status review hearings "may be in conflict with my obligations as an attorney"; he never received a reply.[5]

In 2007, Col. Abraham went public with his criticisms and described a hearing process that used watered-down and out-of-context evidence to rubber stamp predetermined decisions.[6] In one case where Col. Abraham was on the deciding panel, he described the evidence against the detainee as lacking "even the most fundamental earmarks of objectively credible evidence."[7] Nevertheless, after his panel decided the detainee was not properly classified as an enemy combatant, the military convened a second panel, which reached a contrary decision.[8]

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[1] William Glaberson, Military Insider Becomes Critic of Hearings at Guantanamo, *New York Times*, July 23, 2007 (Exhibit 1).

[2] Id.

[3] Id.; William Glaberson, Critic and Ex-Boss Testify on Guantanamo Hearings, *New York Times*, July 27, 2007 (Exhibit 2).

[4] Id.

[5] Glaberson, *New York Times*, July 23, 2007.

[6] Id.; Glaberson, *New York Times*, July 27, 2007;

[7] Myron Levin, Making a Case Against Tribunals, *Los Angeles Times*, January 5, 2008.

[8] Id.

When lawyers for detainees submitted an affidavit with his criticisms of the process in Odah v. U.S., No. 06-1196,[9] the Supreme Court reversed its previous decision and agreed to hear the case.[10]

[9] Lyle Denniston, U.S.: Let War Crimes Trials Begin, *SCOTUSBlog.com*, July 15, 2008 (accessed July, 15, 2008), Col. Abraham's declaration was submitted with the petitioners' reply to opposition to their petition for rehearing (Exhibit 4).

[10] Glaberson, *The New York Times*, July 23, 2007.

MARTY BAHAMONDE, *Federal Emergency Management Agency*

Marty Bahamonde, a public affairs official, was the only FEMA staffer on the ground when Hurricane Katrina struck New Orleans.[1] Nevertheless, FEMA officials ignored his urgent eyewitness accounts of the unfolding disaster for 16 critical hours.[2] Mr. Bahamonde navigated the disaster from the Superdome to the levee breaks, repeatedly emailing and calling FEMA officials seeking urgent action.[3] When he heard a report of a levee breech, he hitched a ride on a Coast Guard helicopter, confirmed a breach at the 17th Street Canal and relayed the news to FEMA superiors.[4] In an email to then FEMA Director Michael Brown as the disaster was unraveling, Mr. Bahamonde wrote, "Sir, I know that you know the situation is past critical. Here are some things you might not know...thousands gathering in the streets with no food or water...estimates are many will die within hours."[5] Three days later he sent an email to his Washington office stating, "The leadership from top down in our agency is unprepared and out of touch."[6] In testimony before a bipartisan Senate panel investigating the response to Hurricane Katrina, Mr. Bahamonde described the unresponsiveness of FEMA officials and their initial dismissal of his dire accounts of the levee break, and identified the numerous contradictions in Michael Brown's testimony before the same committee.[7] Mr. Brown, for his part, testified that Mr. Bahamonde's emails were "fairly routine."[8]

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[1] Spencer Hsu, Aide Says FEMA Ignored Warnings, *Washington Post*, October 21, 2005 (Exhibit 1).

[2] Id.

[3] Id.; Editorial, One FEMA Hero, *St. Louis Post-Dispatch*, October 27, 2005 (Exhibit 2).

[4] Eric Lipton, White House Knew of Levee's Failure on Night of the Storm, *New York Times*, February 10, 2006 (Exhibit 3).

[5] Excerpts From E-mails Among Federal Emergency Management Officials During Hurricane Katrina, *Associated Press*, October 20, 2005 (Exhibit 4).

[6] Id.

[7] Hsu, *Washington Post*, Oct. 21, 2005; *St. Louis Post-Dispatch*, Oct. 27, 2005.

[8] Id.

CHARALAMBE BOBBY BOUTRIS, *Federal Aviation Administration*

Following a 20-year stint in the aviation industry performing aircraft maintenance and inspections, Charalambe Bobby Boutris joined the Irvine, Texas Federal Aviation Administration ("FAA") office in 1998.[1] At the FAA he has held a series of safety and inspection positions and has battled relentlessly the cozy relationship between FAA regulators and Southwest Airlines.[2] In April 2008, Mr. Boutris testified before Congress and characterized the FAA as a regulatory agency that operates as if the airlines are its "customers."[3] He has been the subject of retaliation for calling attention to the chronic, systemic and repetitive non-compliance maintenance issues he has observed.[4]

In 2003, Mr. Boutris first detected problems with Southwest's paperwork and its system for tracking compliance with FAA regulations.[5] At that time he was charged with reviewing engine maintenance for 737s in his region, but his concerns about the airline's inconsistent and incomplete paperwork -- which prevented inspectors from knowing what was going on with the airline's engines -- were ignored by his supervisor.[6] Three years later, Mr. Boutris raised similar record-keeping concerns in his new role as FAA program manager for the Boeing 737-700 series, and again his supervisor turned down his request to issue a letter of investigation.[7]

In response to Mr. Boutris' efforts, Southwest Airlines requested that the FAA replace him with another inspector, his travel privileges were suspended, and he was removed from his day-to-day responsibilities after an anonymous note from a Southwest mechanic alleged that he had improperly brought a weapon on an airplane.[8] Mr. Boutris was later cleared of all

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[1] Air Safety Concerns, Bobby Boutris Congressional Testimony to the Committee on Transportation and Infrastructure, March 30, 2008 (hereinafter "Boutris Congressional Testimony") (Exhibit 1).

[2] Id.; Dave Michaels, FAA Whistle-blower Risked It All to Do What's Right, *Dallas Morning News*, April 6, 2008 (Exhibit 2).

[3] Boutris Congressional Testimony.

[4] Michaels, *Dallas Morning News*, Apr. 6, 2008.

[5] Timeline of Southwest Oversight Breakdown, *Dallas Morning News*, April 4, 2008 (Exhibit 3).

[6] Southwest Probes Stymied, *National Public Radio (Morning Edition)*, April 3, 2008 (Exhibit 4).

[7] Id.

[8] Michaels, *The Dallas Morning News*, Apr. 6, 2008.

wrongdoing,[9] but according to the *Dallas Morning News* still faced "professional exile, personal retaliation and, recently, a death threat."[10]

Mr. Boutris' unrelenting actions prompted an investigation by the U.S. Office of Special Counsel, a $10.2 million fine against Southwest for flying planes without performing mandatory inspections, and revised regulations that bar FAA inspectors from immediately taking positions with airlines they are currently supervising.[11] Recently Nicholas Sabatini, FAA Associate Administrator for Air Safety, called Mr. Boutris a hero for his courage in the face of a culture that allowed Southwest to violate federal safety regulations with impunity.[12]

[9] *Dallas Morning News*, Apr. 4, 2008.

[10] Michaels, *Dallas Morning News*, Apr. 6, 2008.

[11] Boutris Congressional Testimony; *Dallas Morning News*, Apr. 4, 2008.

[12] Michaels, *Dallas Morning News*, Apr. 6, 2008.

RICHARD CLARKE, *National Security Council*

Before his resignation in March 2003, Richard Clarke served as President Bush's chief counter-terrorism adviser and a member of the National Security Council.[1] Mr. Clarke was a security expert under four successive presidents and became the government's first counter-terrorism czar under President Clinton in 1998.[2] Prior to the September 11, 2001 attacks, Mr. Clarke warned the Bush administration of the threat Al-Qaeda posed.[3] He left government service after becoming frustrated with the ineffective anti-terror policies of the Bush administration.[4]

A year after leaving his White House position, Mr. Clarke published his first book outlining the failings of the Bush administration to meet the threat from Al-Qaeda and pursue the war on terror.[5] Mr. Clarke specifically criticized President Bush and then-national Security Advisor Condoleezza Rice for their failure to adequately address the risk presented by Al-Qaeda in early 2001.[6]

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[1] Clarke: 9/11 Might Have Been Prevented, *MSNBC*, March 31, 2004; Barton Gellman, Anti-Terror Pioneer Turns In the Badge, *Washington Post*, March 13, 2003 (Exhibit 1).

[2] Profile: Richard Clarke, *BBC News*, March 3, 2004; Gellman, *Washington Post*, Mar. 13, 2003 (Exhibit 2).

[3] *BBC News*, Mar. 3, 2004.

[4] Gellman, *Washington Post*, Mar. 13, 2003.

[5] Julia Turner, Could We Have Prevented 9/11?, *Slate*, March 25, 2004 (Exhibit 3).

[6] *MSNBC*, Mar. 31, 2004.

JAMES COMEY, *U.S. Department of Justice*

James Comey, described as "the straight-as-an-arrow former No. 2 official at the Justice Department," served as deputy attorney general from 2003 until August 2005.[1] During his tenure at the Justice Department, Mr. Comey objected to aspects of the National Security Agency's domestic surveillance program.[2] The strength of Mr. Comey's objections was most dramatically revealed when he testified before the Senate Judiciary Committee after leaving office.

In March 2004, while then-Attorney General John D. Ashcroft was hospitalized in an intensive-care unit, Mr. Comey learned that then-White House Counsel Alberto R. Gonzales and President Bush's then-Chief of Staff Andrew H. Card, Jr. were on their way to Mr. Ashcroft's hospital room to persuade him to re-authorize the president's domestic surveillance program.[3] This late-night hospital visit by two of President Bush's most senior aides was prompted by Mr. Comey's earlier refusal, as acting attorney general, to approve central aspects of the program based on concerns that the Office of Legal Counsel had raised about the program's legality.[4] Mr. Comey testified before Congress that he raced to the hospital and arrived ahead of Messrs. Card and Gonzales, prepared to prevent the two from taking advantage of the seriously weakened attorney general.[5] The confrontation was resolved when Mr. Ashcroft expressed his own views but made it clear that Mr. Comey was acting attorney general and had the ultimate decision-making authority.[6] The next day, when the White House approved the executive order without the requisite approval from the Justice Department, Mr. Comey drafted his letter of resignation.[7] Ultimately Mr. Comey did not have to act on his proposed resignation because President Bush agreed to changes in the program after meeting with Mr. Comey and FBI Director Robert S. Mueller.[8]

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[1] Mr. Comey's Tale; A Standoff at a Hospital Bedside Speaks Volumes About Attorney General Gonzales, *Washington Post*, May 16, 2006; David Johnston, Ex-Justice Dept. Official Defends Ousted U.S. Attorneys, *New York Times*, May 4, 2007 (Exhibit 1).

[2] Eric Lichtblau and James Risen, Justice Deputy Resisted Parts of Spy Program, *New York Times*, January 1, 2006 (Exhibit 2).

[3] Dan Eggen and Paul Kane, Gonzales Hospital Episode Detailed, *Washington Post*, May 16, 2007; see also Lichtblau and Risen, *New York Times*, Jan. 1, 2006 (Exhibit 3).

[4] Lichtblau and Risen, *New York Times*, Jan. 1, 2006; Eggen and Kane, *Washington Post*, May 6, 2007.

[5] Eggen and Kane, *Washington Post*, May 6, 2007.

[6] Id.

[7] Id.

[8] Id.

Mr. Comey also testified before the House Judiciary Committee regarding the U.S. Attorney dismissals, highlighting the competency of the dismissed prosecutors and questioning the legitimacy of their removal.[9]

[9] Johnston, *New York Times*, May 4, 2007.

PASQUALE D'AMURO, *Federal Bureau of Investigation*

As chief of counterintelligence at the FBI, Pasquale D'Amuro directed FBI agents based in Guantanamo Bay, Cuba in 2002 to have nothing to do with the government's interrogations of detainees, despite the fact that the techniques had been approved "at the highest levels."[1] A May 2008 report prepared by the Department of Justice's Inspector General describes Mr. D'Amuro's objections to the interrogation practices, which were based in part on his concern that they could taint future prosecutions, that they were "wrong" and would help Al Qaeda spread negative views of the United States.[2] Mr. D'Amuro's fears were confirmed when, in May 2008, charges were dropped again Mohammed al-Qahtani, one of the detainees subjected to the harsh interrogation tactics.[3] In 2003, a senior FBI manager ordered FBI agents to close their investigation into possible war crimes on the ground that "investigating detainee allegations of abuse was not the FBI's mission."[4]

[1] Editorial, The Torture Scandal's Heroes; Not Everyone In Government Went Along When the Bush Administration Approved Abusive Tactics, *Washington Post*, May 25, 2008 (Exhibit 1)..

[2] Id.; Eric Lichtblau and Scott Shane, Report Details Dissent on Guantanamo Tactics, *New York Times*, May 21, 2008 (Exhibit 2).

[3] *Washington Post*, May 25, 2008; Emily Bazelon and Dahlia Lithwick, A Few Good Soldiers, *Slate Magazine*, May 13, 2008 (Exhibit 3).

[4] Editorial, It Didn't Start at Abu Ghraib, *Chattanooga Times Free Press*, May 24, 2008 (Exhibit 4).

JOSEPH DARBY, *United States Army Reserve*

Specialist Joseph "Joe" Darby was serving in the 372nd Military Police Company in Iraq in January 2004 when he helped expose the inhumane treatment of detainees at the Abu Ghraib prison facility.[1] Spec. Darby worked in the prison office and was part of a unit charged with guarding prisoners in the facility.[2] When he asked a fellow soldier, Charles Graner, for a few scenic pictures to send home, Mr. Graner gave him a CD containing the now infamous pictures of detainee abuse at the prison facility.[3]

Wanting to do what was morally right, Spec. Darby anonymously gave the photos and a letter about the abuse to the Criminal Investigations Division (CID).[4] When confronted soon after by a CID investigator, Spec. Darby agreed to give a sworn statement[5] and went on to identify the soldiers in the pictures and where the pictures were taken.[6] Despite a promise to protect his anonymity, the Army failed to remove the suspects from the base for weeks, leaving Spec. Darby to fear for his life in the interim.[7]

Several months later, Spec. Darby's identity was revealed by *The New Yorker* and shortly thereafter by Secretary of Defense Donald Rumsfeld during his testimony before Congress about the Abu Ghraib scandal.[8] To prevent retaliation, the Army evacuated Spec. Darby early from Iraq.[9] Upon his return to the United States, Spec. Darby learned that sentiments against him and his actions were so negative in his hometown of Cumberland, Maryland that he would not be able to move back home, and he has said he was protected by body guards for almost six

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[1] Seymour Hersh, Torture at Abu Ghraib, *New Yorker*, May 10, 2004; 60 Minutes: Exposing the Truth of Abu Ghraib (*CBS News television broadcast* Dec. 10, 2006, updated June 21, 2007) (Exhibit 1).

[2] Id.

[3] Id.

[4] Wil S. Hylton, Prisoner of Conscience, *GQ*, September 2006 (Exhibit 2).

[5] Hersh, *New Yorker*, May 10, 2004.

[6] Hylton, *GQ*, Sept. 2006.

[7] 60 Minutes, *CBS*, Dec.10, 2006.

[8] Id.; Hylton, *GQ*, Sept. 2006. Spec. Darby's role also came to light during an Article 32 hearing (the military equivalent of a grand jury) against Sergeant Frederick for his role in the abuses. Hersh, *New Yorker*, May 10, 2004.

[9] 60 Minutes, *CBS*, Dec. 10, 2006.

months.[10] The Army relocated Spec. Darby and his wife for their protection.[11] Nevertheless, when asked if he would do it again, Spec. Darby responded, "Yes. They broke the law and they had to be punished . . . It's that simple."[12]

The actions of Spec. Darby led to at least 11 criminal convictions, although no senior officers were convicted.[13] The photos also led to new Department of Defense standards for the humane treatment of military detainees.[14]

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[10] Id.

[11] Id.

[12] Id.

[13] David Wood, Army Officer Cleared of Abu Ghraib Conviction, *Baltimore Sun*, January, 11, 2008 (Exhibit 4).

[14] Josh White, New Rules of Interrogation Forbid Use of Harsh Tactics, *Washington Post*, September 7, 2008 (Exhibit 5).

COLONEL MORRIS D. DAVIS, *U.S. Air Force*

Col. Morris D. Davis was a career Air Force JAG officer and chief prosecutor for terrorism trials at Guantanamo Bay from 2005 to 2007.[1] He resigned in 2007 after a bitter dispute with Brig. Gen. Thomas W. Hartmann, an Air Force reserve officer who in the summer of 2007 was appointed as legal adviser in the Pentagon Office of Military Commissions, which supervises the war crimes trial system.[2] According to news accounts, Gen. Hartmann pressed the prosecutors who worked for Col. Davis to quickly produce new charges against detainees and to put together cases with bold accusations of terrorism to draw public attention to the process.[3]

As chief prosecutor, Col. Davis was an outspoken defender of the use of military commissions to try accused terrorists.[4] Described as "the most colorful champion of the Bush administration's military commission system,"[5] Col. Davis became an active critic of the system after his resignation. Among his criticisms were that use of military commissions at Guantanamo was politicized, relied too heavily on classified evidence to ensure secret trials, was rigged to obtain convictions and prosecutors were forced to include evidence tainted by torture.[6] Col. Davis also disclosed that he resigned when he was overruled on the question of using evidence derived through waterboarding -- he had advocated for a policy that such evidence was not admissible.[7]

In April 2008, Col. Davis testified at a pre-trial hearing in the prosecution of Salim Hamdan, the first detainee scheduled for trial, that there was improper pressure from Gen.

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[1] William Glaberson, War-Crimes Prosecutor Quits in Pentagon Clash, *New York Times*, October 6, 2007 (Exhibit 1).

[2] Id.; see also William Glaberson, Ex-Prosecutor Says He Was Pushed Toward Closed Trials at Guantanamo, *New York Times*, October 20, 2007 (Exhibit 2).

[3] Glaberson, *New York Times*, Oct. 6, 2007.

[4] David S. Cloud, Terror Suspect Upsets Plan to Resume Trials in Cuba, *New York Times*, January 12, 2006 (Exhibit 3).

[5] William Glaberson, Ex-Guantanamo Prosecutor to Testify For Detainee, *New York Times*, February 28, 2008 (Exhibit 4).

[6] Glaberson, *New York Times*, Oct. 20, 2007; Josh White, Ex-Prosecutor Alleges Pentagon Plays Politics: Pressure for 'Sexy' Guantanamo Hearings, *Washington Post*, October 20, 2007; Morris Davis, Unforgivable Behavior, Inadmissable Evidence, *New York Times*, February 17, 2008 (Exhibit 5).

[7] Davis, *New York Times*, Feb. 17, 2008.

Hartmann as to which cases to prosecute and what evidence to use.[8] Mr. Hamdan's lawyers were claiming that the charges against Mr. Hamdan had been unlawfully influenced.[9] As a result of Col. Davis's testimony, the presiding judge disqualified Gen. Hartmann, who had been central in the oversight of the Guantanamo war crimes tribunals, from having any further role in the Hamdan case.[10]

[8] William Glaberson, Judge Drops General From Trial of Detainee, *New York Times*, May 10, 2008 (Exhibit 6).

[9] Id.

[10] Id.

EARL DEVANEY, *Inspector General, U.S. Department of the Interior*

Earl Devaney has led the Inspector General's office at the Department of the Interior from 1999 to the present.[1] In that capacity, Mr. Devaney has been fearless in investigating and condemning ethical problems at the agency, especially those related to a series of repeated agency failures to collect government royalties on oil and gas leases for drilling on public land.[2] Mr. Devaney's investigation into the Interior Department's program to collect billions of dollars annually from oil and gas companies that drill on federal lands revealed that the program is plagued by mismanagement and ethical lapses and that whistle blowers fear retaliation.[3] As an example, his report disclosed that simple drafting mistakes in oil and gas leases, which have cost the federal government billions of dollars, were covered up for six years.[4] Four agency auditors complained that senior administration officials had blocked them from recovering money from underpaying oil companies.[5] Mr. Devaney's report chronicled a "profound failure" in the technology used by the agency to monitor oil and gas payments.[6] At a hearing before the House Government Reform Subcommittee on Energy, Mr. Devaney testified: "short of a crime, anything goes at the highest levels of the Department of the Interior."[7]

Mr. Devaney was also instrumental in uncovering the misdeeds and ethical lapses of J. Steven Griles who pleaded guilty to lying to Congress about his association with convicted former lobbyist Jack Abramoff.[8] Not only did Mr. Devaney detail specific wrongdoing by Mr. Griles, including improper contact with and apparent advocacy for former lobbying clients, but he also criticized the culture of the Interior Department generally, saying there was "evidence of and the perception that the department's leadership did not take ethics seriously."[9] Mr. Devaney

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[1] Inspector General Earl E. Devaney Biography, Department of the Interior, http://www.doi.gov/bio/devaney.html, accessed 6/9/08 (Exhibit 1).

[2] Edmund L. Andrews, Interior Official Assails Agency For Ethics Slide, *New York Times*, September 14, 2006; Edmund L. Andrews, Inspector Finds Broad Failures in Oil Program, *New York Times*, September 26, 2007 (Exhibit 2).

[3] Andrews, *New York Times*, Sept. 26, 2007.

[4] Id.

[5] Id.

[6] Id.

[7] Andrews, *New York Times*, Sept. 14, 2006.

[8] Edmund L. Andrews, Ex-Interior Aide Pleads Guilty to Lying in Lobbying Case, *New York Times*, March 24, 2007 (Exhibit 3).

[9] Jennifer Lee, Report Faults Agency More Than Top Aide in Lobbying Case, *New York Times*, March 17, 2004 (Exhibit 4).

reported that the Interior Department's Office of Ethics had dismissed 23 out of 25 ethics allegations against Mr. Griles, with then-Interior Secretary Gale A. Norton deciding not to act on the two remaining allegations.[10]

[10] Andrews, *The New York Times*, Sept. 14, 2006.

SIBEL EDMONDS, *Federal Bureau of Investigation*

Sibel Edmonds was hired as an FBI wiretap translator following the 9/11 terrorist attacks, but was dismissed from the position in March 2002.[1] An investigation conducted by the Department of Justice Inspector General Glenn Fine revealed that she had been dismissed in retaliation for reporting mismanagement and suspected espionage in the FBI's translation division.[2]

Ms. Edmonds is fluent in Turkish, Persian and Azerbaijani and was given a high-level security clearance to review and translate documents obtained from potential terrorists.[3] She alleged that a colleague suppressed intelligence reports and leaked information to an organization under investigation by the FBI.[4] Ms. Edmonds also asserted that documents were not translated because of incompetence and corruption within the department, in an effort to make the department appear overworked and under-staffed so that it could receive a larger budget and staff.[5] For example, one of her supervisors erased completed translations from her FBI computer to stall her progress.[6]

Ms. Edmonds has been outspoken regarding the FBI's ineptitude in translating intelligence documents and has brought her concerns to the 9/11 Commission, congressional investigators and the Justice Department, as well as agreeing to testify in a civil suit filed against the government relating to the 9/11 attacks.[7] She filed her own suit alleging that her termination was in retaliation for speaking out about her concerns with the FBI's translation section, but her suit was dismissed when the government asserted the state secrets privilege, arguing that interests of national security precluded her lawsuit from going forward. [8]

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[1] Rebecca Carr, Help Urged for Whistle-Blowers; National Security Focus of Report, *Atlanta Journal-Constitution*, April 28, 2005 (Exhibit 1).

[2] Dan Eggen, Official Faults FBI Probe of Translator's Complaint, *Washington Post*, January 15, 2005 (Exhibit 2).

[3] Linda Greenhouse, Justice's Reject FBI Translator's Appeal on Termination, *New York Times*, November 29, 2005; Ed Bradley, Lost in Translation; Foreign Language Documents FBI Neglected to Translate Before and After September 11th, *CBS 60 Minutes*, August 8, 2004 (Exhibit 3).

[4] Eggen, *Washington Post*, Jan. 15, 2005.

[5] Bradley, *CBS 60 Minutes*, Aug. 8, 2004.

[6] Id.

[7] Id.; R. Jeffrey Smith, Access to Memos is Affirmed; Classified Status Can't Be Changed, *Washington Post*, February 23, 2005 (Exhibit 4).

[8] Greenhouse, *New York Times*, Nov. 29, 2005.

In August 2004, Ms. Edmonds founded the National Security Whistleblowers Coalition, where continues to serve as the organization's president.[9]

[9] Stephen Barr, Whistle-Blowers Urge Congress to Get Tougher on Retaliation, *Washington Post*, April 29, 2005; Carr, *Atlanta Journal-Constitution*, Apr. 28, 2005 (Exhibit 5).

GLENN FINE, *U.S. Department of Justice*

As inspector general at the Department of Justice since 2000, Glenn Fine has been extraordinarily productive in investigating and exposing a wide range of ethical lapses and misdeeds, often on some of the most contentious and controversial issues facing the administration. Mr. Fine has been a consistent advocate for ethical behavior and one of the only bright lights in a department rocked by scandals and accusations of politicization culminating in the resignation of Attorney General Alberto Gonzales. The following is only a partial list of Mr. Fine's accomplishments at the Justice Department.

Mr. Fine recently issued a report on the FBI and detainee mistreatment that found fault with Bureau higher-ups who took no action after lower-level agents reported prisoner abuses.[1] Mr. Fine has also released reports criticizing the FBI for not establishing clear policies for governing its terrorist watch list, misusing national security letters, and failing to investigate the 9/11 hijackers before their attack.[2] Another inspector general investigation of the FBI revealed that senior level officers were more likely to be treated kindly by internal investigators than low-level agents.[3] Mr. Fine also has been a defender of whistle blowers, releasing several reports detailing retaliation by the FBI against those who have criticized the Bureau.[4] He also released a report on the treatment of immigrants detained in the immediate aftermath of September 11, which found "a pattern of physical and verbal abuse" as well as other violations of civil rights.[5]

As inspector general, Mr. Fine has also taken an active role in investigating the conduct of high-level Justice Department officials, including an ongoing investigation into the veracity of former Attorney General Alberto Gonzales' testimony to Congress and the improper dismissal of United States Attorneys.[6] A June 2008 report prepared jointly by Mr. Fine's office and the

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[1] Carrie Johnson and Josh White, Audit Finds FBI Reports Of Detainee Abuse Ignored; Tactics Continued Against Detainees, *Washington Post*, May 21, 2008 (Exhibit 1).

[2] Ellen Nakashima, Reports Cite Lack of Uniform Policy for Terrorist Watch List, *Washington Post*, March 18, 2008; Dan Eggen, FBI Found to Misuse Security Letters, *Washington Post*, March 14, 2008; Dan Eggen, Pre-9/11 Missteps By FBI Detailed, *Washington Post*, June 10, 2005 (Exhibit 2).

[3] Dan Eggen, FBI Plays Favorites in Discipline, Report Says, *Washington Post*, November 16, 2002 (Exhibit 3).

[4] Jeffery Smith, Justice IG Supports FBI Whistle-Blower, *Washington Post*, July 30, 2004; Dan Eggen, FBI Official Rebuked Over Treatment of Whistle-Blower, *Washington Post*, March 29, 2003 (Exhibit 4).

[5] Steve Fainaru, Report: 9/11 Detainees Abused, *Washington Post*, June 3, 2003 (Exhibit 5).

[6] Dan Eggen and Paul Kane, Justice Dept. Probing Whether Gonzales Lied, *Washington Post*, August 31, 2007; Dan Eggen, Justice Dept. Expands Probe To Include Hiring Practices,

Justice Department's Office of Professional Responsibility documents politicization in the agency's hiring practices. The report concludes that high-ranking political appointees at the Justice Department illegally used political and ideological factors in selecting attorneys for the agency's elite honors program as well as in the hiring of summer legal interns.[7]

In addition, Mr. Fine has also been an advocate for inspectors general, supporting a bill that would give inspectors throughout government more independence and budgetary control.[8]

Washington Post, May 31, 2007 (Exhibit 6).

[7] Eric Lichtblau, Report Assails Political Hiring in Justice Dept., *New York Times*, June 25, 2008; Jerry Seper, Lawyers Tied to Liberals Rejected in Hiring; Report Finds Political Bias, *Washington Times*, June 25, 2008 (Exhibit 7).

[8] Stephen Barr, Administration Opposes Bill on Inspectors General, *Washington Post*, October 2, 2007 (Exhibit 8).

GLORIA FREEMAN, *U.S. Department of Housing and Urban Development*

Gloria Freeman was a career HUD contracting specialist who resigned her position in 2005 after repeated clashes with top HUD procurement specialists over their bending of agency contracting rules.[1] Ms. Freeman specifically objected to department proposals to waive standard procedures in awarding multi-million dollar contracts to the three-person Republican firm of Harrington, Moran and Barksdale Inc. (HMBI) in Fort Worth, Texas.[2] Ms. Freeman and others at HUD questioned HMBI's qualifications for the millions of dollars of contracts the firm was awarded.[3] Ms. Freeman also successfully challenged her supervisor's proposal that HUD waive the requirement that HMBI post a bond and she subsequently challenged a fifth contract award that HMBI was seeking based on her concern that the small company could not handle more work.[4] Her supervisors were seeking to avoid a Small Business Administration review of HMBI's abilities.[5] Eventually Ms. Freeman was demoted to a policy job with no say in the contracting process and she retired in 2005.[6]

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[1] Carol D. Leonnig, HUD Repeatedly Dismissed Staff Concerns About Contracts, *Washington Post*, May 18, 2008 (Exhibit 1).

[2] Id.

[3] Id.

[4] Id.

[5] Id.

[6] Leonnig, *Washington Post*, May 18, 2008.

JACK GOLDSMITH, *U.S. Department of Justice*

Jack Goldsmith served as U.S. Assistant Attorney General in Department of Justice's Office of Legal Counsel (OLC) from October 2003 until his resignation nine months later in June 2004.[1] From his first weeks as OLC head, Mr. Goldsmith battled the White House and other Justice Department officials over their expansive, "go-it-alone" view of executive power, as expressed in the administration's position on counter-terrorism tactics, domestic surveillance, interrogation methods and detainment of enemy combatants.[2] Within hours after assuming his OLC post, Mr. Goldsmith was called upon to provide the White House with a legal interpretation regarding the Geneva Convention that put him at odds with the Bush administration and Vice President Cheney's powerful legal advisor David Addington.[3] Months later, Mr. Goldsmith questioned the so-called "torture memos" drafted by OLC lawyer John Yoo in August 2002 and March 2003,[4] which Mr. Goldsmith considered to provide an "extremely broad and unnecessary analysis of the president's commander in chief power"[5] as well as an "unusual lack of care and sobriety in their legal analysis."[6] Ultimately Mr. Goldsmith advised the White House not to rely on the OLC torture memos, despite strong precedent for not overruling prior OLC opinions.[7] Mr. Goldsmith has acknowledged withdrawing somewhere between three and nine OLC opinions, many of which are classified.[8]

In 2007 Mr. Goldsmith published a book, "The Terror Presidency," which revealed many of the details behind his nine-month battle with the administration and his deep disagreement with its counter-terrorism policies.[9]

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[1] Jeffrey Rosen, Conscience of a Conservative, *New York Times*, September 9, 2007 (Exhibit 1).

[2] Id.; Brian Ross, Fighting From Inside; Top Justice Department Lawyer Breaks His Silence, *Nightline (ABC News)*, September 6, 2007 (Exhibit 2).

[3] Id.

[4] Dana Milbank and Dana Priest, Bush: U.S. Expected to Follow Law on Prisoners; President is Pressed on Interrogations Memo, *Washington Post*, June 11, 2004; Mark Mazzetti, '03 U.S. Memo Approved Harsh Interrogations, *New York Times*, April 2, 2008 (Exhibit 3).

[5] Rosen, *New York Times*, Sept. 9, 2007.

[6] Dan Eggen and Josh White, Memo: Laws Didn't Apply to Interrogators, *Washington Post*, April 2, 2008 (Exhibit 4).

[7] Ari Shapiro, Ex-Official Speaks Against Key Bush Strategies, *National Public Radio (All Things Considered)*, October 2, 2007 (Exhibit 5).

[8] *Nightline (ABC News)*, Sept. 6, 2007.

[9] Id.

Dr. DAVID GRAHAM, *Federal Drug Administration*

Dr. David Graham is the associate director for science and medicine in the Food and Drug Administration's ("FDA") Office of Drug Safety.[1] Dr. Graham played an instrumental role in the withdrawal of the anti-inflammatory drug Vioxx from the market in 2004, after he publicly identified the serious risks for heart disease that the drug posed and the FDA's failure to heed the warnings that his data corroborated.[2] As lead author on a research project that studied 1.4 million patients, Dr. Graham found that high doses of Vioxx tripled the risks of heart attacks and sudden cardiac death.[3] Despite his significant findings, Dr. Graham's superiors urged him to soften his conclusions, attempted to preclude him from presenting his findings to the medical community, and publicly attacked his personal and scientific integrity.[4] Vioxx was responsible for almost 140,000 cases of serious heart disease from 1999 until 2004.[5]

In November 2004, Dr. Graham testified before the Senate Finance Committee about systemic flaws in the FDA's system for identifying the risks of drugs both before and after the approval process, asserting that the FDA is "virtually incapable of protecting America" from dangerous drugs.[6] Dr. Graham pointed to five drugs then on the market for which there were serious safety concerns and which their makers had defended as safe: the anti-cholesterol drug Crestor, the pain medication Bextra, the obesity pill Meridia, the asthma drug Serevent and the acne drug Accutane.[7]

In addition to Vioxx, Dr. Graham has also played a role in the removal of other drugs from the market, including Abbott Laboratories' Omniflox, Wyeth's Fen-Phen and Redux, and

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[1] Lisa Rosetta, Layton Woman Awarded $10.5M, *Salt Lake Tribune*, April 25, 2008 (Exhibit 1).

[2] Daniel Carlat, Diagnosis: Conflict of Interest, *New York Times*, June 13, 2007; Matthew Herper, Face of the Year: David Graham, *Forbes*, December 13, 2004 (Exhibit 2).

[3] FDA Defends Actions on Vioxx Safety, *MSNBC News Services*, November 19, 2004 (Exhibit 3).

[4] Michael Scherer, The Side Effects of Truth, *Mother Jones*, May/June 2005; Marc Kaufman, FDA Official Alleges Pressure to Suppress Vioxx Findings, *Washington Post*, October 8, 2004 (Exhibit 4).

[5] Carlat, *New York Times*, June 13, 2007.

[6] Gardiner Harris, Drug Trial Finds Big Health Risks in 2nd Painkiller, *New York Times*, December 18, 2004; Gardiner Harris, F.D.A. Failing in Drug Safety, Official Asserts, *New York Times*, November 19, 2004 (Exhibit 5).

[7] Harris, *The New York Times*, Nov. 18, 2004; *MSNBC News Services*, Nov. 19, 2004.

Warner-Lambert's Rezulin.[8] Part of what has made Dr. Graham so effective in raising the alarm early about potentially dangerous drugs is his use of large samples of data, collected by managed- care organizations.[9] In this way, he has been able to overcome problems in detecting whether side effects of drugs are isolated incidents or evidence of more systemic problems.[10]

[8] Herper, *Forbes*, Dec. 13, 2004.

[9] Id.

[10] Id.

BUNNATINE H. GREENHOUSE, *Army Corps of Engineers*

Bunnatine H. Greenhouse served as chief contracting officer for the Army Corps of Engineers -- the agency largely responsible for managing the reconstruction work in Iraq -- until her demotion in 2005, which the agency ascribed to poor job performance.[1] Before her removal, Ms. Greenhouse had developed a reputation for being a stickler for the rules governing contract competition.[2] Her demotion and removal from the Senior Executive Service followed her strong opposition to the award of a $7 billion, no-bid contract to Haliburton subsidiary Kellogg, Brown & Root (KBR).[3] Known as the Restore Iraqi Oil (RIO) contract, it was awarded just before the start of the Iraq war in March 2003, and provided for restoration of the Iraqi oil fields.[4] Ms. Greenhouse objected to the five-year term of the contract on the ground that, as a no-bid contract purportedly because of urgency, its duration should be brief.[5] In June 2005, Ms. Greenhouse testified before a congressional panel that the contract abuses she had observed were "the most blatant and improper contract abuse I have witnessed during the course of my professional career."[6] Subsequent scrutiny of the RIO contract resulted in its abridgment to one year and the installation of a competitive bidding process, an outcome that mirrored Ms. Greenhouse's initial recommendations.[7]

Ms. Greenhouse objected to other decisions that she considered to improperly favor Kellogg Brown & Root, including the decision to extend for 11 months the company's five-year, contract for logistical support in the Balkans without competitive bidding, an extension worth an additional $165 million to KBR.[8] In an October 21, 2004 letter to the acting Army secretary, Ms. Greenhouse alleged that after she repeatedly questioned Halliburton contracts, she was

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[1] Robert Burns, Corps of Engineers Removed A Senior Official Who Criticized No-bid Contract for Oil Services Giant Halliburton, *Associated Press*, August 29, 2005 (Exhibit 1).

[2] Erik Eckholm, Army Contract Official Critical of Halliburton Pact is Demoted, *New York Times*, August 29, 2005 (Exhibit 2).

[3] Id.; Adam Zagorin, Pentagon Hostilities, *Time Magazine*, November 8, 2004 (Exhibit 3).

[4] Abuses in Private Security and Reconstruction Contracting in Iraq: Ensuring Accountability, Protecting Whistleblowers, Senate Democratic Policy Committee Hearing, September 21, 2007 (Exhibit 4).

[5] Eckholm, *New York Times*, Aug. 29, 2005.

[6] Id.

[7] Erik Eckholm, A Top U.S. Contracting Official for the Army Calls for an Inquiry Into the Halliburton Case, *New York Times*, October 25, 2004 (Exhibit 5).

[8] Id.

excluded from major decisions to award money and her job status was threatened.[9] She also charged that Army officials had permitted representatives from Halliburton to observe a conference regarding the terms of a contract soon to be offered to the company.[10]

After her demotion in August 2005, Ms. Greenhouse was reassigned to a lesser job in the civil works division of the Army Corps of Engineers.[11]

[9] Id.

[10] Id.

[11] Eckholm, *New York Times*, Aug. 29, 2005.

JAMES HANSEN, *National Aeronautics and Space Administration*

Dr. James Hansen heads the National Aeronautics and Space Administration's (NASA) Goddard Institute for Space Studies where, for the past 20 years, he has been speaking out about the dangers of global warming.[1] World renowned in the field of climatology, Dr. Hansen has repeatedly criticized the Bush administration for its position that global warming science is "not sufficiently reliable," warning that if we do not decrease the rate of CO2 emissions in the next 10 years, global warming will pass a dangerous tipping point.[2] Dr. Hansen has also spoken out about efforts by NASA press officers and political appointees to censor his public warnings about climate change.[3]

The White House first made efforts to review and restrict Dr. Hansen's public statements in 2004, after he gave a speech just before the presidential election complaining that government climate scientists were being muzzled.[4] These efforts intensified in December 2005; after Dr. Hansen released data indicating that 2005 was probably the warmest year in at least a century he was threatened with "dire consequences."[5] Similarly, after he delivered a speech to the American Geophysical Union in San Francisco pressing for more significant emissions cuts, administration officials attempted to impose additional restrictions on what he could say publicly and to whom he could speak.[6] Dr. Hansen, however, pledged to ignore these restrictions, citing the need to uphold NASA's mission statement to "understand and protect our home planet."[7]

Following Dr. Hansen's charges about administration efforts to censor him, other NASA scientists reported similar experiences prompting 14 senators to request that the NASA inspector general open an investigation.[8] In June 2008, the inspector general released a report concluding that the NASA Office of Public Affairs "managed the topic of climate change in a manner that

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[1] Andrew Revkin, Climate Expert Says NASA Tried to Silence Him, *New York Times*, January 29, 2006; Seth Borenstein, NASA Warming Scientist: "This is the Last Chance," *Associated Press*, June 24, 2008 (Exhibit 1).

[2] Scott Pelley, Rewriting the Science, *CBS 60 Minutes*, March 19, 2006 (Exhibit 2).

[3] See, e.g., Revkin, *New York Times*, Jan. 29, 2006.

[4] Id.; Juliet Eilperin, Climate Findings Were Distorted, Probe Finds, *Washington Post*, June 3, 2008 (Exhibit 3).

[5] Revkin, *New York Times*, Jan. 29, 2006.

[6] Id.

[7] Id.

[8] Eilperin, *Washington Post*, June 3, 2008.

reduced, marginalized, or mischaracterized climate change science."[9] Dr. Hansen continues to speak out about the ever-increasing dangers of global warming and was hailed as a "climate prophet" by the House Select Committee on Energy Independence and Global Warming after his June 23, 2008 testimony before the committee, 20 years to the day when he first described the global warming threat during a Senate hearing.[10]

[9] Id.; National Aeronautics and Space Administration Office of Inspector General, Investigative Summary Regarding Allegations that NASA Suppressed Climate Change Science and Denied Media Access to Dr. James E. Hansen, a NASA Scientist, p. 1 (June 2, 2008) [Full report available at: http://www.hq.nasa.gov/office/oig/hq/current_activity.html] (Exhibit 4).

[10] Borenstein, *Associated Press*, June 24, 2008.

JOHN P. HIGGINS, JR., *U.S. Department of Education*

John P. Higgins, Jr. is the Inspector General for the Department of Education and has relentlessly investigated illegal and unethical conduct in the Department's implementation of the No Child Left Behind Act. In 2005, Mr. Higgins found that Department of Education funds had been used improperly to fund "covert propaganda" that promoted the agency's No Child Left Behind education policy.[1] Beginning in 2006, Mr. Higgins made several referrals to the Justice Department as a result of his investigation into financial connections between products used in No Child Left Behind programs and program officials.[2] Currently, Mr. Higgins is investigating the use of No Child Left Behind funds to purchase products from a company owned by Neil Bush, the president's brother.[3]

In 2005, Mr. Higgins reported that the Department of Education was using millions of taxpayer dollars to promote the Bush administration education policies without disclosing that taxpayer money had paid for the promotional materials, as the law requires.[4] Ten of the 11 groups Mr. Higgins examined that had received funding from the Department of Education to promote Bush administration education polices did not disclose that their efforts were funded by federal dollars.[5] Mr. Higgins' report also revealed that by paying conservative columnist Armstrong Williams to favorably cover the agency's implementation of the No Child Left Behind Act as part of a $1.3 million agreement with the public relations firm Ketchum Inc., the Education Department had engaged in "covert propaganda."[6] His report concluded that then-Secretary of Education Rod Paige and his top aides had exercised poor judgment and bad management.[7]

In a series of reports in 2006 and 2007, Mr. Higgins reported on the myriad conflicts-of-interest in the Department's implementation of the Reading First program, a billion dollar-a-year

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[1] Angela Pascopella, Investigation Finds No Propaganda But Questions Linger, *District Administration*, November 1, 2005; Editorial, Pundit Payola Doesn't Pay Off, *Denver Post*, April 25, 2005 (Exhibit 1).

[2] Amit R. Paley, Key Initiative Of 'No Child' Under Federal Investigation, *Washington Post*, April 21, 2007 (Exhibit 2).

[3] Marilyn W. Thompson, Bush Brother's Firm Faces Inquiry Over Purchases, *New York Times*, November 7, 2007 (Exhibit 3).

[4] Pascopella, *District Administration*, Nov. 1, 2005.

[5] Id.

[6] Id.; *Denver Post*, Apr. 25, 2005.

[7] *Denver Post*, Apr. 25, 2005.

program under the No Child Left Behind Act.[8] In one report, Mr. Higgins disclosed that some officials within the Reading First Program had improperly steered states to certain tests and textbooks produced by companies with which the officials had economic ties.[9] These officials included the former director of Reading First, who improperly coerced schools to use products made by a company that employed his wife.[10] Of the 24 tests approved by the Reading First committee, seven were tied to members of the panel.[11] Mr. Higgins made numerous referrals to the Department of Justice based on his findings of conflicts-of-interest within the Reading First program and Congress conducted its own investigation.[12] In 2008, the Department of Education created a new ethics training program as a result of the conflict-of-interest problems identified by Mr. Higgins.[13]

Mr. Higgins is currently investigating possible improprieties in the use of No Child Left Behind funds to purchase products from Ignite! Learning, which is owned by the president's brother Neil Bush.[14] School districts have purchased Ignite's products, despite the fact that they do not appear to meet standards for financing under the No Child Left Behind Act.[15]

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[8] Ed. Dept's Ethics Are Praised Amid Disclosure Conflict, *Education Week*, May 14, 2008 (Exhibit 4).

[9] Maria Glod, Study Questions 'No Child' Acts Reading Program, Lauded Program Fails to Improve Test Scores, *Washington Post*, May 2, 2008 (Exhibit 5).

[10] Paley, *Washington Post,* Apr. 21, 2008.

[11] Id.

[12] Glod, *Washington Post*, May 2, 2008.

[13] *Education Week*, May 14, 2008.

[14] Thompson, *New York Times*, Nov. 7, 2007.

[15] Id.

CAPTAIN KEVIN JARVIS, *U.S. Coast Guard*

Captain Kevin Jarvis commanded the Coast Guard's engineering and logistics center until his retirement in the fall of 2006.[1] As a chief naval engineer, Captain Jarvis pressed his concerns about the fatal design and implementation flaws in Deepwater, the Coast Guard's fleet modernization program.[2] The Coast Guard's acquisition team ignored his calls for more design specifics and enhanced oversight of Deepwater contractors.[3] Captain Jarvis's testimony in February 2007 before a Senate committee helped bring to light the contract abuses and contract performance problems that have pervaded the Deepwater initiative.[4] Deepwater continues to be subject to congressional oversight.[5]

[1] Steve Kroft, Deepwater; Scandal Involving Cost of Coast Guard's Deepwater Project, *CBS 60 Minutes*, May 20, 2007; Angie C. Marek, Deep Trouble for Deepwater, *U.S. News & World Report*, March 12, 2007 (Exhibit 1).

[2] Kroft, *CBS 60 Minutes*, May 20, 2007; Marek, *U.S. News & World Report*, Mar. 12, 2007.

[3] Kroft, *CBS 60 Minutes*, May 20, 2007.

[4] In Deepwater; The Coast Guard, *Economist*, April 21, 2007 (Exhibit 2).

[5] See General Accounting Office, Coast Guard Change in Course Improves Deepwater Management and Oversight, But Outcome Still Uncertain, GAO-08-745 (June 2008) (Exhibit 3).

DAVID KUO, *White House Office of Faith Based and Community Initiatives*

David Kuo is a former deputy director of the White House Office of Faith Based and Community Initiatives, which directs federal funds to religiously affiliated charities.[1] In his tell-all book, "Tempting Faith: An Inside Story of Political Seduction," Mr. Kuo revealed how the Bush administration manipulated and politicized the faith-based initiative to garner votes among conservative religious organizations and solidify Republican control of Congress in 2002 and 2004.[2]

President Bush created the Office of Faith Based Initiatives in the early day of his administration, making good on campaign promises and his slogan of compassionate conservatism. But, as Mr. Kuo's book makes clear, the administration never took the effort seriously;[3] senior White House officials, including Karl Rove, openly mocked religious leaders as "the nuts."[4] Mr. Kuo described how the White House used the aura of the Oval Office to win religious voters over to endangered Republican congressional incumbents by holding round table events between the members of Congress, representatives of the office of Faith Based Initiatives and religious community leaders.[5] Ostensibly nonpartisan, these meetings specifically targeted 20 at-risk GOP candidates in 2002, 19 of which won their re-elections.[6] The scheme was so successful that the White House duplicated it in 2004.[7]

The Office of Faith Based Initiatives has been less successful in increasing the number of religious nonprofit organizations it has funded. In 2002, federal grants were awarded to 665 faith-based organizations, while in 2004 that number had increased to only 762.[8] Every nonpartisan study of the initiative has concluded that it has not delivered on the president's original promise.[9]

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[1] Chris Cuomo and Jake Tapper, Did White House Use Religious Right; Did they Mock Evangelicals, *ABC News*, October 16, 2006 (Exhibit 1).

[2] Id.; Bob Boston, Loss of Faith, *Church and State*, December 2006 (Exhibit 2).

[3] Boston, *Church and State*, Dec. 2006; David Kuo and John Diiulio, Jr., The Faith to Outlast Politics, *New York Times*, January 29, 2008 (Exhibit 3).

[4] Cuomo and Tapper, *ABC News*, Oct. 16, 2006.

[5] Boston, *Church and State*, Dec. 2006; Peter Steinfels, The Disillusionment of a Young White House Evangelical, *New York Times*, October 28, 2006 (Exhibit 4).

[6] Boston, *Church and State*, Dec. 2006.

[7] Id.

[8] Kuo and Diiulio, *New York Times*, Jan. 29, 2008.

[9] Id.

J. WILLIAM LEONARD, *Information Security Oversight Office, National Archives and Records Administration*

J. William Leonard served as director of the Information Security Oversight Office (ISOO), a division of the National Archives and Records Administration (NARA), from June 2002 until December 2007.[1] In that capacity Mr. Leonard challenged Vice President Cheney's refusal to comply with an executive order governing the handling of classified information.[2] After filing yearly reports in 2001 and 2003 concerning its possession of classified data, the Office of the Vice President refused to disclose the required information thereafter and in 2003 blocked a routine on-site inspection by the ISOO, claiming that because the vice president has a legislative status under the constitution his office is not subject to the executive order.[3] In a series of letters to Vice President Cheney's legal counsel David Addington and Attorney General Alberto Gonzales, Mr. Leonard argued that the vice president's office is part of the executive branch and therefore subject to the classification requirements.[4] Thereafter, the vice president's office proposed eliminating appeals to the attorney general -- the route Mr. Leonard had followed to challenge the vice president's refusal to comply with the executive order -- as well as eliminating the ISOO.[5] The ISOO continues to exist within NARA.[6]

In 2006, Mr. Leonard worked to promote government transparency after meeting with a group of historians who were alarmed at the removal from public access of more than 55,000 pages of historical documents previously available.[7] Mr. Leonard directed a National Archives audit that revealed that the CIA and other agencies had improperly withdrawn public records by reclassifying them as secret.[8]

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[1] U.S. National Archives and Records Administration, Press Release, Director of National Archives Information Security Oversight Office Retires, September 28, 2007 (Exhibit 1).

[2] Peter Baker, Cheney Defiant on Classified Material; Executive Order Ignored Since 2003, *Washington Post*, June 22, 2007 (Exhibit 2).

[3] Scott Shane, Agency is Target In Cheney's Fight on Secrecy Data, *New York Times*, June 22, 2007 (Exhibit 3).

[4] Id.

[5] Id.

[6] See http://www.archives.gov/isoo/index.html (Exhibit 4).

[7] Scott Shane, Archivist Urges U.S. to Reopen Classified Files, *New York Times*, March 3, 2006 (Exhibit 5).

[8] Christopher Lee, Some Archives Files Wrongly Kept Secret, *Washington Post*, April 27, 2006 (Exhibit 6).

BRIAN MILLER, *General Services Administration*

Brian Miller has served as Inspector General of the General Services Administration ("GSA") since July 2005, following a 12-year stint as a federal prosecutor and nearly two decades in senior-level positions in the federal government.[1] GSA manages over $56 billion in contracts for the Departments of Defense and Homeland Security as well as other agencies.[2] Due to his aggressive efforts to reduce fraud and waste in the government contracting process, Mr. Miller clashed repeatedly with former GSA Chief Lurita Doan, who responded by attempting to cut funding for the Inspector General's office before her forced resignation in May 2008.[3]

Under Mr. Miller's watch, GSA obtained the largest settlement ever of a False Claims Act suit involving GSA's Multiple Award Schedule ("MAS") program.[4] GSA uses the MAS program in negotiating contracts for services provided to the government and must rely on the honesty of vendors in disclosing their commercial pricing policies to create a single contract for hundreds of government purchasers.[5] In October 2006, working with the Department of Justice, Mr. Miller helped the government obtain a $98.5 million settlement of a suit against PeopleSoft Inc., which had been charged with making defective pricing disclosures during the negotiation of a contract with GSA.[6]

Mr. Miller also launched an investigation into charges that Sun Microsystems was overcharging the government by not giving government customers its lowest prices, as GSA schedules require, and was negotiating in bad faith.[7] Notwithstanding Mr. Miller's conclusion that the company had overcharged government agencies by more than $25 million and the

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[1] See http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=19173&noc=T (Exhibit 1).

[2] Scott Higham and Robert O'Harrow Jr., GSA Chief Seeks to Cut Budget for Audits; Contract Oversight Would Be Reduced, *Washington Post*, December 2, 2006 (Exhibit 2).

[3] Id.; Robert O'Harrow, Jr. and Scott Higham, Doan Ends Her Stormy Tenure as GSA Chief; Resignation Comes at White House's Behest, *Washington Post*, May 1, 2008 (Exhibit 3).

[4] Press Release, Justice Department, Oracle Agrees to Pay $98.5 Million for False Pricing Information Provided by PeopleSoft to Obtain Government Contract; Firm Allegedly Misrepresented Its Discounting Practices, October 10, 2006 (Exhibit 4).

[5] Id.

[6] Id.

[7] Letter from David C. Williams, Inspector General, United States Postal Service, to Brian D. Miller, Inspector General, General Services Administration, May 16, 2008 (hereinafter "Williams Letter") (Exhibit 5).

Department of Justice's subsequent False Claims Act suit filed against Sun in April 2007,[8] then-GSA Chief Doan intervened in the contracting process in an effort to renew GSA's contract with Sun.[9] Although Sun Microsystems ultimately withdrew the contract,[10] Mr. Miller faced criticism for his findings until an investigation by the Inspector General for the Postal Service verified the accuracy and appropriateness of Mr. Miller's conclusion that Sun Microsystems had overcharged the government.[11]

Mr. Miller also scrutinized Ms. Doan's conflicts of interest[12] and her lack of candor in responding to questions from his office.[13] Ms. Doan responded by cutting the budget for his office and labeling him a "terrorist."[14] Mr. Miller's investigations led to a House Oversight and Government Reform Committee hearing on a GSA contract Ms. Doan had given to a friend without receiving bids as GSA protocol required.[15] That hearing also exposed Ms. Doan's misuse of her authority for political ends, which included conducting a partisan meeting within GSA offices during office hours in violation of the Hatch Act.[16] In May 2008, Ms. Doan resigned at the request of the White House.[17] Several weeks later, the Inspector General of the U.S. Postal Service made public the results of his investigation into Ms. Doan's charges that GSA contracting officers had been subject to intimidation by auditors from GSA's Office of Inspector General. Mr. Miller and his officer were applauded for their "robust oversight," while Ms. Doan's leadership was condemned.[18]

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[8] Matthew Weigelt, Grassley to GSA: Nix Sun Deal; Vendor Refuses to Provide Audit Information, *Washington Technology*, August 27, 2007; Williams Letter at p. 2 (Exhibit 6).

[9] Julia Malone, GSA Chief Takes Heat for Politics in Agency, No-Bid Contract, *Cox News Service*, March 28, 2007; Hardy, *Washington Technology*, Sept. 14, 2007 (Exhibit 7).

[10] Michael Hardy, Sun Withdraws From GSA Schedule, *Washington Technology*, September 14, 2007 (Exhibit 8).

[11] Williams Letter.

[12] O'Harrow, Jr. and Higham, *Washington Post*, May 1, 2008.

[13] Malone, *Cox News Service*, Mar. 28, 2007.

[14] Higham and O'Harrow Jr., *Washington Post*, Dec. 2, 2006.

[15] Ted Mckenna, GSA Reputation Takes Hit Amid Contracting Impropriety Charges, *PR Week*, April 2, 2007; O'Harrow, Jr. and Higham, *Washington Post*, May 1, 2008 (Exhibit 9).

[16] Mckenna, *PR Week*, Apr. 2, 2007.

[17] O'Harrow, Jr. and Higham, *Washington Post*, May 1, 2008.

[18] Williams Letter.

DR. ROBERT MISBIN, *Federal Drug Administration*

Dr. Robert Misbin has worked as a medical officer at the Federal Drug Administration ("FDA") since May 1995. In October 2000, he tendered his resignation after being threatened with dismissal for his whistle blowing actions.[1] He subsequently rescinded that resignation and still works at the FDA.

Dr. Misbin was closely involved with the FDA's initial decision to approve the diabetes pill Rezulin in 1997 after a priority review process.[2] Thereafter Dr. Misbin assumed responsibility for overseeing the drug's safety risks and supported the agency's two subsequent endorsements of a wider use for the drug.[3] In January 2000, in the face of mounting evidence that Rezulin caused liver failure and death, Dr. Misbin recommended that the drug -- which had generated sales of $1.8 billion since its initial approval -- be withdrawn from the U.S. market.[4] In an internal email in January 2000, Dr. Misbin noted the consensus of specialists at FDA's drug-review center that "continued marketing of Rezulin was not justified."[5] When the FDA ignored his concerns Dr. Misbin went to Congress, where he shared internal emails reflecting the FDA's handling of Rezulin as well as correspondence from a physician who had conducted early research on the drug.[6]

In response, the FDA subjected Dr. Misbin to an internal-affairs investigation for allegedly disseminating confidential agency materials.[7] Despite a warning from a senior FDA official that he was required to cooperate with the investigation or face disciplinary action, including possible dismissal, Dr. Misbin insisted that investigators' questions be put in writing.[8] Ultimately, when faced with continuing pressure from Dr. Misbin and others within the agency,

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[1] David Willman, The Rise and Fall of the Killer Drug Rezulin, *Los Angeles Times*, June 4, 2000; Fast-Track Approval, Slow-Motion Recall, *Straits Times* (Singapore), January 23, 2005 (Exhibit 1).

[2] David Willman, Physician Who Opposes Rezulin is Threatened by FDA With Dismissal, *Los Angeles Times*, March 17, 2000; David Willman, Key Physician Urges Rezulin be Withdrawn, *Los Angeles Times*, February 19, 2000 (Exhibit 2).

[3] Id.

[4] Willman, *Los Angeles Times*, Mar. 17, 2000; Willman, *Los Angeles Times*, Feb. 19, 2000.

[5] Willman, *Los Angeles Times*, Feb. 19, 2000.

[6] Willman, *Los Angeles Times*, June 4, 2000.

[7] Id.

[8] Id.

the FDA agreed in March 2000 to with draw Rezulin.[9] By that time, the FDA had tied 63 liver failure deaths to Rezulin.[10]

More recently, Dr. Misbin has called for major changes in the way the FDA reviews diabetes drugs, advocating for judging new drugs against drugs already in use rather than placebos and requiring additional safety trials.[11]

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[9] Id.

[10] How a New Policy Led to Seven Deadly Drugs, *Los Angeles Times*, December 20, 2000 (Exhibit 3).

[11] FDA Official Calls for Additional Studies for New Diabetes Drugs, *Clinical Trials Advisor*, January 10, 2008 (Exhibit 4).

RICK PILTZ, *U.S. Climate Change Science Program*

Rick Piltz is a former senior associate for the U.S. Climate Change Science Program ("CCSP") who resigned in protest in 2005, following the administration's systematic manipulation of scientific data on the threat of global warming.[1] Among his responsibilities as a senior associate was the compilation of periodic assessments of government climate research to present to Congress.[2] As part of that process, Mr. Piltz witnessed the administration's tampering with the work of government climate scientists, significantly altering the meaning and tone of scientific data regarding the threat of global warming.[3] In testimony before the House Committee on Oversight and Government Reform, Mr. Piltz described the significant extent of political interference from the White House.[4]

In particular, Mr. Piltz saw the significant changes that White House Counselor on Environmental Quality Philip Cooney made to decrease the impact of the reports on climate change.[5] Before joining the White House, Mr. Cooney was an oil industry lobbyist for the American Petroleum Institute.[6] Mr. Piltz testified that Mr. Cooney altered and removed parts of an Environmental Protection Agency report to downplay the threat of global warming after CCSP scientists had completed their final review of the data.[7] In another instance, Mr. Cooney demanded 400 last-minute changes that significantly altered the tone and meaning of another climate change report.[8]

After resigning from his position with the CCSP, Mr. Piltz joined Climate Science Watch, an environmental watchdog group within the Government Accountability Program.[9]

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[1] Robert Siegel, Interview with Rick Piltz, All Things Considered, *National Public Radio*, June 8, 2005; Cornelia Dean, Scientists Criticize White House Stance on Climate Change Findings, *New York Times*, January 31, 2007 (Exhibit 1).

[2] Dean, *New York Times*, Jan. 31, 2007.

[3] Suzanne Goldenberg, Bush Administration Accused of Doctoring Scientists' Reports on Climate Change: Inconvenient Conclusions Censored, Hearing Told; Researchers Warned Not to Talk About Global Warming, *Guardian* (London), January 31, 2007 (Exhibit 2).

[4] Id.; Dean, *New York Times*, Jan. 31, 2007.

[5] Siegel, *National Public Radio*, June 8, 2005.

[6] Id.

[7] Goldenberg, *Guardian* (London), Jan. 31, 2007.

[8] Id.

[9] Lauren Morello, Democratic Probe Finds 'Systematic' WH Censorship of Scientists, *Greenwire*, December 10, 2007 (Exhibit 3).

Climate Science Watch has, among other things, publicized a confidential government report detailing how America will lose its ability to monitor global warming from space unless funding is restored for the next generation of climate instruments.[10]

[10] John Johnson Jr., Climate Change Program in Peril, *Los Angeles Times*, June 5, 2007 (Exhibit 4).

COLEEN ROWLEY, *Federal Bureau of Investigation*

Coleen Rowley, a career FBI special agent, served as Chief Division Counsel in the Minneapolis field office of the FBI from 1990 until her retirement at the end of 2004.[1] In May 2002, Ms. Rowley wrote a detailed letter to FBI Director Robert Mueller outlining her criticisms of how FBI headquarters had mishandled the pre-9/11 terrorist investigation of Zacarias Moussaoui and the Director's post-9/11 defense of the FBI as being unable to prevent the attacks because it had no advance warning.[2] Despite Mr. Mueller's initial decision to classify the letter to keep it out of public view,[3] much of its contents were published in *Time*, revealing the degree to which FBI headquarters had suppressed field office attempts to more thoroughly investigate Mr. Moussaoui prior to 9/11,[4] and the "climate of fear" at the FBI "which has chilled aggressive . . . law enforcement action."[5]

In the month leading up to 9/11, FBI agents in Minneapolis identified Mr. Moussaoui as a terrorist threat and sought to investigate him further, based on his confirmed affiliations with radical fundamentalist Islamic groups connected to Osama Bin Laden and the fact that he was learning to fly a 747 jumbo jet at a Minnesota flight school.[6] The agents took Mr. Moussaoui into custody on overstay charges, then contacted FBI headquarters for approval to seek a criminal search warrant from the U.S. Attorney's Office in Minnesota to search Mr. Moussaoui's home and laptop.[7] The FBI headquarters refused the request despite its knowledge of French reports linking Mr. Moussaoui to terrorism and its possession of a July report from the Phoenix FBI field office regarding al-Queda agents training in flight schools.[8] Immediately after the 9/11 attacks, Ms. Rowley and the Minneapolis agents again sought FBI headquarters' approval for a

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1 Coleen Rowley, Memo to FBI Director Robert Mueller, *Time*, May 21, 2002; Greg Gordon, Coleen Rowley Retires From the FBI: Whistle-Blower Spoke Out About Sept. 11, Iraq, *Star Tribune (Minneapolis)*, January 1, 2005 (Exhibit 1).

2 Rowley, *Time*, May 21, 2002.

3 Jonathan Alter, Between the Lines Online: Who Let the Terrorists Succeed?, *Newsweek Web Exclusive*, May 28, 2002 (Exhibit 2).

4 Rowley, *Time*, May 21, 2002; Alter, *Newsweek Web Exclusive*, May 28, 2002; Dan Eggen and Bill Miller, FBI Flaws Alleged by Field Staff; Moussaoui Probe Lapses Blamed on Headquarters, *Washington Post*, May 24, 2002; Bill Miller and Dan Eggen, FBI Culture Blamed for Missteps on Moussaoui; Agent Says 'Climate of Fear' Hurt Probe, *Washington Post*, May 25, 2002 (Exhibit 3).

5 Miller and Eggen, *Washington Post*, May 25, 2002.

6 Rowley, *Time*, May 21, 2002; Gordon, *Star Tribune (Minneapolis)*, Jan. 1, 2005.

7 Rowley, *Time*, May 21, 2002.

8 Id.; Where Gumshoes Fear to Tread, *Economist*, June 1, 2002 (Exhibit 4).

search warrant for Mr. Moussaoui, and again headquarters denied the request.[9] Later in the day on September 11, FBI headquarters approved the warrant, based on substantially the same evidence initially submitted by the Minneapolis field office.[10] The search uncovered the phone number of another terrorist involved in the 9/11 attacks on Mr. Moussaoui's laptop.[11] Ms. Rowley's revelations about the FBI's pre- and post-9/11 missteps were included in the 9/11 Commission Report, which also included further failures of the FBI leading up to 9/11.[12] The Commission Report noted that Ms. Rowley and the Minneapolis agents attempted to circumvent the roadblocks from FBI headquarters by turning to British Intelligence and attempting to alert the FAA.[13]

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9 Rowley, *Time*, May 21, 2002.

10 Id.

11 *Economist*, June 1, 2002.

12 Tom Webb, Moussaoui in on Plot; Minneapolis FBI was Stymied by Bureaucratic Roadblocks in Case, *St. Paul Pioneer Press*, July 24, 2004 (Exhibit 5).

13 Id.

CHARLES M. SMITH, *U.S. Army*

Until his sudden transfer, Charles M. Smith was a senior civilian U.S. Army official overseeing the Pentagon's largest contract in Iraq with Kellogg Brown & Root (KBR), the former Halliburton subsidiary.[1] In 2004, based on findings of the Defense Contract Audit Agency (DCAA) that KBR had failed to adequately justify or document over one billion dollars of claimed expenditures, Mr. Smith refused to authorize the payments and advised KBR that unless the company improved its operations, the Army would impose escalating financial penalties.[2] In response, KBR told Mr. Smith it was going to fight this action and two days later, the Army transferred Mr. Smith from his job supervising current contracts to a new position planning future contracts.[3] With the transfer Mr. Smith no long had authority to withhold payments from KBR.[4] The Army then hired yet another contractor, RCI Holding Corporation, to review KBR's expenses.[5] Ignoring Mr. Smith's objections and recommendations as well as the findings of the DCAA, RCI Holding Corporation recommended paying KBR in full, which the Army promptly did.[6] In addition, the Army awarded KBR high performance bonuses and in the spring of 2008, the Army awarded KBR a share in the new 10-year Iraq contract.[7]

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[1] James Risen, Army Overseer Tells of Ouster Over KBR Stir, *New York Times*, June 17, 2008 (Exhibit 1).

[2] Id.

[3] Id.

[4] Id.

[5] Risen, *New York Times*, June 17, 2008.

[6] Id.

[7] Id.

BRUCE C. SWARTZ, *U.S. Department of Justice*

Bruce C. Swartz is a career deputy in the Criminal Division of the Department of Justice with responsibility for international issues.[1] Mr. Swartz attended meetings of a special group charged with deciding detainee matters that included representatives from the Pentagon, the State Department and the CIA.[2] At those meetings Mr. Swartz was often the lone voice of dissent in his criticism of the military's interrogation methods.[3] As documented by an investigative audit conducted by the Department of Justice's inspector general, Mr. Swartz warned that harsh interrogation tactics would do "grave damage" to the United States' global image and taint any criminal proceedings brought against the detainees.[4] According to the Inspector General audit, Mr. Swartz's objections got a frosty reception from other Justice Department officials, including then-Office of Legal Counsel attorney John C. Yoo who was working in close consultation with Vice President Cheney's then-counsel David S. Addington.[5] Mr. Swartz also separately expressed his concerns to the Pentagon's general counsel.[6]

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[1] Carrie Johnson and Josh White, Interrogation Tactics Were Challenged at White House, *Washington Post*, May 22, 2008 (Exhibit 1)

[2] Id.

[3] Id.; David Johnston, More of F.B.I. Memo Criticizing Guantanamo Methods is Released, *New York Times*, March 22, 2005. Also voicing their objections were then-FBI assistant general counsel Marion "Spike" Bowman and FBI Assistant Director for Counterterrorism Pasquale D'Amuro. Johnson and White, *Washington Post*, May 22, 2008 (Exhibit 2).

[4] Johnson and White, *The Washington Post*, May 22, 2008.

[5] Id.

[6] Johnston, *The New York Times*, Mar. 22, 2005.

MAJOR GENERAL ANTONIO TAGUBA, *United States Army*

Maj. Gen. Antonio Taguba was charged with investigating the abuse committed by members of the 800th Military Police (MP) Brigade at the Abu Ghraib prison facility in Iraq in 2004.[1] He issued a report, which has come to be called the Taguba Report, detailing "sadistic, blatant, and wanton criminal abuses" at Abu Ghraib.[2] Although his investigation was officially limited to that brigade, Gen. Taguba found evidence that members of the military intelligence community, "other government agencies,"[3] government contractors and senior Army commanders in Iraq had knowledge of the torture perpetrated at Abu Ghraib.[4] Some of the contractors and intelligence officers were directly involved in the detainee abuse.[5]

Maj. Gen. Taguba's report details how, leading up to the detainee abuse at the prison, the Army changed how MPs across Iraq operated.[6] While they were formerly tasked with keeping prisons secure and orderly, after an up-tick in the Sunni insurgency in 2003, intelligence officers began to use MPs to "set the conditions" or loosen up detainees for questioning.[7] This was accomplished, in part, through the unapproved techniques depicted in the now infamous photos taken inside the prison.[8]

Maj. Gen Taguba supported his report with witness interviews and photographic evidence.[9] Sensitive to the inflammatory nature of the photographs, Maj. Gen. Taguba did not include them in his report, which was not originally meant for public consumption.[10] Despite being classified, the Taguba Report was leaked to the public, something Maj. Gen. Taguba has denied doing.[11]

Instead of turning a blind eye to the evidence of abuse as so many in the military and

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[1] Seymour Hersh, The General's Report, *New Yorker*, June 25, 2007 (Exhibit 1).

[2] Id.

[3] Id.; This has been interpreted to mean the CIA or other American intelligence agencies.

[4] Id.

[5] Seymour Hersh, Torture at Abu Ghraib, *New Yorker*, May 10, 2004 (Exhibit 2).

[6] Id.

[7] Id.; Hersh, *New Yorker*, June 25, 2007.

[8] Hersh, *New Yorker*, May 10, 2004

[9] Id.

[10] Id.

[11] Hersh, *New Yorker*, June 25, 2007.

Pentagon hierarchy had done,[12] Maj. Gen. Taguba, faithfully carried out his investigation and called for substantial punishments for those in charge of the Abu Ghraib MPs.[13] He recommended that eight soldiers be relieved of command including a Brigadier General, the highest ranking officer he was permitted to investigate.[14]

Of the 17 reports into the abuses at Abu Ghraib authored by the Pentagon, Maj. Gen. Taguba's drew the most attention due to its honesty and level of detail.[15] For his work, Maj. Gen. Taguba was given a lateral transfer to the Pentagon in June 2004 "to be watched."[16] While at the Pentagon, Maj. Gen. Taguba encountered hostility from Secretary of Defense Donald Rumsfeld and others.[17] In January 2006, he was asked to retire within 12 months, which he did.[18] After resigning, Maj. Gen. Taguba made public his belief, based on his investigation, that knowledge about detainee abuse had reached the highest levels of the Pentagon and the White House.[19]

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[12] Id.

[13] Hersh, *New Yorker*, May 10, 2004

[14] Joseph Galloway, Abu Ghraib: The Rest of the Story, *Miami Herald*, June 24, 2007 (Exhibit 3).

[15] Id.

[16] Id.

[17] Id.

[18] Hersh, *New Yorker,* June 25, 2007.

[19] Id.

ANNE WHITEMAN, *Federal Aviation Administration*

Anne Whiteman's career with the Federal Aviation Administration began in 1982 and included an 18-year span as an air traffic controller at Dallas-Fort Worth International Airport.[1] Ms. Whiteman first complained of serious safety lapses at the airport in a 1998 letter to then-FAA head Jane Garvey.[2] A seven-year cover-up followed, with air traffic controllers first under-reporting errors and later reporting more errors but systematically misclassifying them as caused by pilots, not air traffic controllers.[3] Over more than a decade of tracking pilot errors Ms. Whiteman observed the reported figures jump from an average of 10 to 12 pilot deviations a year to almost 200 a year in 2007.[4] Her claims that air traffic controllers were routinely covering up errors and unresponsive supervisors were failing to investigate instances of airplanes flying dangerously close to each other were vindicated by dual 2005 reports from the U.S. Office of Special Counsel and the U.S. Department of Transportation's Office of Inspector General.[5]

Ms. Whiteman's persistence in alerting investigators and officials to the dangerous culture that characterized the Dallas-Fort Worth Terminal Radar Approach Control elicited retaliation from colleagues and supervisors including threats to her personal safety, physical abuse, and an attempt to drive her off the road into a ditch during a morning commute.[6] She received the Special Counsel's 2005 Public Servant Award and was commended by Special Counsel Scott Bloch "for bringing to light these serious operational errors that threaten our very air safety and security."[7]

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[1] FAA Whistleblower Anne Whiteman Receives 2005 Special Counsel's Public Servant Award, *States News Service*, October 6, 2005 (Exhibit 1).

[2] Terry Maxon, Whistle-blower is Vindicated, But She Still Struggles with the Job, Friends She Lost on Her Journey, *Dallas Morning News*, June 24, 2005 (Exhibit 2).

[3] FAA Accused of Ignoring Safety Warnings, *National Public Radio (All Things Considered)*, April 23, 2008 (Exhibit 3).

[4] Id.

[5] Investigation Reveals Underreporting of Airplane Near Misses at Dallas-ForthWorth, *Associated Press*, June 24, 2005; Maxon, *Dallas Morning News*, June 24, 2005 (Exhibit 4).

[6] Maxon, *Dallas Morning News*, June 24, 2005.

[7] Id.; *States New Service*, Oct. 6, 2005.

AMBASSADOR JOSEPH C. WILSON[1]

Ambassador Joseph Wilson served in the United States Diplomatic Service from 1976 through 1998, and as deputy chief of mission at the U.S. Embassy in Baghdad, Iraq from 1988 to 1991.[2] In that position, he was recognized as "truly inspiring" and "courageous" by President George H.W. Bush after he shielded more than 50 Americans at the Embassy in the face of threats from Saddam Hussein to execute anyone who refused to turn over foreigners.[3] Ambassador Wilson later served as U.S. Ambassador to Gabon and Sao Tome and Principe under President George H.W. Bush and as Senior Director for Africa at the National Security Council under President Bill Clinton.[4]

In February 2002, the CIA sent Ambassador Wilson to Niger to investigate a report from British intelligence that Niger was involved in the sale of uranium to Iraq after Vice President Cheney's office raised questions about the report.[5] After eight days investigating and meeting with people in Niger, Ambassador Wilson concluded that "it was highly doubtful that any such transaction had ever taken place," particularly given the oversight the consortiums that operated the mines in Niger were subject to.[6]

Nevertheless, during his 2003 State of the Union address President Bush stated that "[t]he British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."[7] The specter that Iraq had acquired nuclear capability was central to the president's case for rushing to war.[8] In response to the president's false and misleading statement in his State of the Union address, Ambassador Wilson wrote an op-ed that was published in *The New York Times* explaining how his trip to investigate the British report revealed that Iraq was not seeking uranium in Niger.[9] A study of the pre-war intelligence

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[1] CREW serves as counsel to Ambassador Wilson and his wife, Valerie Plame Wilson, in their civil suit against I. Lewis Libby, Jr., Karl C. Rove, Richard B. Cheney and Richard L. Armitage.

[2] Richard Leiby, Man Behind the Furor, *Washington Post*, October 1, 2003; Joseph C. Wilson, What I Didn't Find in Africa, *New York Times*, July 6, 2003 (Exhibit 1).

[3] Profile: Joseph Wilson, *BBC News*, October 20, 2005 (Exhibit 2).

[4] Wilson, *New York Times*, July 6, 2003.

[5] Id.

[6] Id.

[7] Bush's State of the Union, *CNN News*, January 29, 2003 (Exhibit 3).

[8] See, e.g., Editorial, A Libby Verdict, *New York Times*, March 7, 2007 (Exhibit 4)..

[9] Wilson, *New York Times*, July 6, 2003.

conducted by the Senate Select Committee on Intelligence confirmed Ambassador Wilson's assessment that Niger was Niger was "unlikely to be willing or able to sell uranium to Iraq."[10]

Top officials in the White House, including Vice President Cheney, his then-Chief of Staff Scooter Libby and Karl Rove, responded to Ambassador Wilson's article by orchestrating the leak to the press of false information about Ambassador Wilson and his wife, Valerie Plame Wilson, as well as her identity as a covert CIA agent.[11] The disclosure of Mrs. Wilson's covert identity put her, her family, and those who had worked with her in danger.[12] Ambassador Wilson refused to back down in the face of the administration's attack and published a letter in the *Washington Post* de-bunking the false rumors spread by the White House that it was his wife who was responsible for his trip to Niger.[13]

An investigation into the leak of Mrs. Wilson's covert identity led by Special Counsel Patrick Fitzgerald revealed the critical role that Scooter Libby, among others, played in the public disclosure of Mrs. Wilson's covert CIA identity. After lying to the grand jury about his role, Mr. Libby was convicted of perjury.[14] Subsequently, President Bush commuted Mr. Libby's sentence[15] despite the president's public claim when news of the leak first broke that he would punish anyone in his administration responsible for the very serious security breach.[16]

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[10] SELECT SEN. COMM. ON INTELLIGENCE, 108TH CONGRESS, U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ON IRAQ at 73 (Exhibit 5).

[11] *New York Times*, Mar. 7, 2007.

[12] Id.

[13] Joseph Wilson, Debunking Distortions About My Trip to Niger, *Washington Post*, July 17, 2004 (Exhibit 6).

[14] Jury Convicts Libby On Four Charges, *MSNBC News*, March 6, 2007 (Exhibit 7).

[15] Amy Goldstein, Bush Commutes Libby's Prison Sentence, *Washington Post*, July 3, 2007 (Exhibit 8).

[16] Joe Conason, It's Finally Time For Bush To Answer Questions About Libby, *Salon.com*, July 13, 2007 (Exhibit 9).

BASSEM YOUSSEF, *Federal Bureau of Investigation*

Bassem Youssef is a career FBI agent who has served as chief of the Communications Analysis Unit ("CAU") of the Bureau's Counterterrorism Division since 2005.[1] Mr. Youssef faced discrimination early in his career, and went on to make public revelations about the FBI's controversial use of national security letters and the extent to which the FBI has exceeded the scope of investigative authority granted it by the U.S. Patriot Act to obtain telephone and email records.[2]

Despite the fact that Mr. Youssef was the highest-ranking Arabic speaker at the FBI and had considerable experience in terrorism investigations -- including his infiltration of a radical Islamic group whose leader was responsible for the 1993 World Trade Center bombings[3] -- Mr. Youssef was cut out of terrorism cases post-9/11 and relegated to a document-processing unit after he brought his complaints of discrimination to Rep. Frank R. Wolf (R-VA).[4] His subsequent lawsuit challenging the FBI's retaliation brought to light the dearth of FBI agents with sufficient proficiency in Arabic, notwithstanding the Bureau's claim that it had made progress since 9/11 in increasing the number of translators who speak Arabic.[5]

In 2005, shortly after his promotion to the CAU, Mr. Youssef raised concerns internally about the Bureau's flawed procedures to obtain U.S. telephone records.[6] A March 2007 report by Department of Justice Inspector General Glenn Fine confirmed that the FBI's use of exigency national security letters "circumvented" the law.[7] A letter sent to Senator Charles E. Grassley (R-IA) in March 2008 by Mr. Youssef's lawyer provided further detail of the Bureau's abuses in making blanket records demands and Mr. Youssef's observation of the widespread practice of issuing emergency records demands in circumstances that lacked the requisite level of urgency.[8]

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[1] R. Jeffrey Smith and John Solomon, Amid Concerns, FBI Lapses Went On, *Washington Post*, March 18, 2007 (Exhibit 1).

[2] Eric Lichtblau, F.B.I. Made Blanket Demands for Phone Records, *New York Times*, March 13, 2008 (Exhibit 2).

[3] Edmund Andrews, Official Alerted F.B.I. to Rules Abuse 2 Years Ago, Lawyer Says, *New York Times*, March 19, 2007; Lichtblau, *New York Times*, Mar. 13, 2008 (Exhibit 3).

[4] Dan Eggen, Retaliation Case of Arab Specialist at FBI Advances, *Washington Post*, July 18, 2006 (Exhibit 4).

[5] Dan Eggen, FBI Agents Still Lacking Arabic Skills, *Washington Post*, October 11, 2006 (Exhibit 5).

[6] Smith and Solomon, *Washington Post*, Mar. 18, 2007.

[7] Smith and Solomon, *Washington Post*, Mar. 18, 2007.

[8] Andrews, *New York Times*, Mar. 19, 2007; Lichtblau, *New York Times*, Mar. 13, 2008.

In May 2008, Mr. Youssef testified before the House Judiciary Committee that "[t]he FBI counter-terrorism division is ill-equipped to handle the terrorist threat we are facing."[9]

[9] Richard B Schmitt, Agent Says FBI Is Not Prepared, *Los Angeles Times*, May 22, 2008 (Exhibit 6).