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(U) Before the Inspector General of the Intelligence Community

(U) WASHINGTON, D.C.

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)	(U) Directorate for Intelligence Community
(U) Appeal to the External Review Panel)	Whistleblowing & Source Protection, IC Forum
)	ICW&SP2014 - ____
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i.c.o.)	
)	(U) Appeal of John A. Reidy
)	
(U) Central Intelligence Agency, Agency.)	
)	(U) October 21, 2014
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(U) STATEMENT OF APPEAL

(U) I, John Anthony Reidy declare as follows:

(U) I am an appellant with direct or indirect evidence in the above-captioned appeal to the External Review Board.

Introduction

(U) This document serves as my appeal of the Central Intelligence Agency's (CIA) decision in regards to my Presidential Policy Directive-19 (PPD-19) complaint filed with the Director of National Intelligence's (DNI) Inspector General's Office on January 27, 2014. (attachment 1 CIA PPD-19 decision) (attachment 2 PPD-19 Complaint to DNI) The Intelligence Community Inspector General transferred the matter back to CIA on February 10, 2014. (attachment 3-ICIG transfer to CIA) The CIA re-opened my previous complaints and claimed to investigate the PPD-19 issues as well as all previous decisions.

(U) My appeal will be broken down into five sections. Section I will be a comprehensive background (timeline) detailing my knowledge of intelligence failures at CIA and the pertinent facts regarding my whistle blowing and attempts to bring to light these failures as well as significant fraud, waste, abuse, misconduct and mismanagement at CIA. Section II will describe in detail all the acts of retaliation and intimidation I have incurred as a result of my whistle blowing activities. Section III will



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document shortcomings in the CIA Inspector General investigations and the adjudication status of my security clearance. Section IV will document incorrect data contained in investigative files. In Section V, I will provide reasons why the protection of whistle blowers is paramount in safeguarding the United States and insuring that any fraud, waste or abuse is immediately remedied.

(U) I have written this appeal in a classified secured compartmented information facility (SCIF) with the intention of providing classified information to the Intelligence Community (IC) Inspector General (IG). I also would like this document sent over secure channels to the CIA's Publication Review Board (PRB) for approval for public dissemination.

(U) There is no doubt that what I have reported has been critical and embarrassing to CIA. I would have been able to provide more evidence to back up my appeal but CIA holds all the cards in this matter. After 2 years, I have not been provided a single document pursuant to my Freedom of Information and Privacy Act requests. There is more information I could provide in this appeal but I need the assistance of an attorney which I have been denied. This complaint will consist of a laundry list of allegations simply because I have no one to turn to for guidance. I will include all my arguments and documents simply so this will be the one source for all information. I understand that this approach is a waste of the IC IG's resources but without an attorney, I am limited in my ability to properly file an appeal.

Section I Background Facts

(U) Intelligence Failure and Whistle Blowing Timeline

(TS) From January 2005 until January 2009, I worked as a government contractor at the CIA. I was assigned to [Directorate] (ledger item 1) in the [Division] (ledger item 2). I served as a [job] (ledger item 3) whose responsibility was to facilitate the dissemination of intelligence reporting to the Intelligence Community. I also served as a [job 2] (ledger item 4) whose responsibility was to identify Human Intelligence (humint) targets of interest for exploitation. I was assigned the telecommunications and information operations account.

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(U) At the time, [Division] (ledger item 6) was critically short staffed so I assumed the role of a [job 3] (ledger item 7) whose responsibility was to handle the daily administrative functions of running a human asset. As a result of my wearing many hats and having many responsibilities, I was given complete access to all operations

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(TS) The primary goal of [Division] (ledger item 8) is

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(TS) As our efforts increased, we started to notice anomalies in our operations and conflicting intelligence reporting that indicated that several of our operations had been compromised. The indications ranged from

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to sources abruptly and without reason ceasing all communications with us.

(TS) These warning signs were alarming due to the fact that our officers were approaching sources using [operational technique] (ledger item 16)

[Redacted] Our attempts to decipher these mysterious events were further compounded by resistance from Headquarter's elements as well as our officers abroad.

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While our counter intelligence officers raised concerns about the falsity of these reports, no justification for the reporting was given, no corrective action was ever taken. The senior CI officer requested a transfer over these obvious cover-ups.

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(TS) [redacted] operations were conducted in tandem by [Division] (ledger item 17) and [Center]. (ledger item 18) When our efforts began, ultimate operational authority rested with us. The other component provided the finances for the operation while we gave the operational guidance and the country specific knowledge. The [Center] (ledger item 19) provided the [job type 4] and [job type 5] (ledger items 20 and 21). That eventually changed to the point where we offered "guidance" but the final word rested with the [Center]. (ledger item 22). [Division 2] (ledger item 23) also provided the same officers.

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(TS) During my tenure, there was a program named [program] (ledger item 24). [redacted]

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[redacted] Much of the reporting collected was titled "atmospherics" that did not meet the standard of reportable intelligence. [redacted] Atmospherics generally consisted of scuttlebutt you could hear on the streets. We still counted this reporting to bolster our metrics – because it was how productivity was determined.

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knew we had a massive intelligence failure on our hands. All of our assets [redacted] were in jeopardy. My boss knew I would say this, he totally agreed but was alarmed I came to the conclusion so quickly. He tasked me with determining what had gone wrong and to devise a plan to mitigate the damages.

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(TS) To give our compromise context, the U.S. communications infrastructure was under siege.

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(TS) Once we understood this compromise several of the mysteries we had encountered in our operations came sharply into focus. Our operational interests were known.

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(TS) The damage did not stop with the identification of our humint assets.

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operation made no sense but now it placed our officers in jeopardy.

Our method of

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It was a recipe for disaster. We had a catastrophic failure on our hands that would ensnare a great many of our sources.

(TS) After I concluded my research, my boss and I informed senior management that several of our cases had been compromised. We indicated that it could spread [redacted]

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[redacted] All this is codified in internal cable traffic. [Center] (ledger item 43) insisted that we document the most damaging information in restricted handling channels – [source cryptonym 1]. (ledger item 44). While restricted handling provides greater protection for certain cases, it is a widely known practice to “hide” damaging information in these files due to their restricted access and limited number of people who can view the files. This information was intentionally meant to be buried by the individuals who had the most to lose by their blundering.

(TS) I personally crafted several cables detailing the threat we discovered. I provided at least 25 recommendations that we had to impose immediately to mitigate a total collapse of our [redacted] intelligence collection efforts. While we were on high alert, [center] (ledger item 46) refused to acknowledge there was a problem due in part to their documented incorrect evaluation of events. They did not want to admit the obvious because it was their funding, their platforms, their officers and their unwillingness to change course that lead to future compromises. Just after my recommendations were released, operational authority switched. Now [the center] (ledger item 47) had final say in all matters and we were reduced to the advisory role. The [center] (ledger item 48) did not implement a single recommendation suggested. They buried their collective heads in the sand.

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(U) The individuals most responsible for the cover-up were government employees [government employee 1], [government employee 2] and [government employee 3]. (ledger items 49, 50, and 51).

(TS) All of this information was collected under the project cryptonym [cryptonym] (ledger item 52) for easy reference. There were also dozens of emails outside of officially documented material and dozens of meetings. This information is still available. We did go to our counterintelligence office several times but they did not have the resources to investigate the matter.

(U) In September 2008, I was notified by my government managers that they wanted me to take on new responsibilities. As a result my subcontract with SAIC had to change. There were problems with the change of position contractually. What I found out in arbitration documents was that [government manager] (ledger item 53) had complained that my work was an issue. This is important because this particular manager was new to the office and he had called me into a meeting a few weeks prior mandating that I “get along” with the other office. I stated in no uncertain terms that the office was

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covering up intelligence failures and that I did not think the problem would go away. I asked to be assigned another account away from that office. My request was denied. Three months later, I was informed by SAIC that they would not be renewing my subcontract. My work product was never an issue. The office involved with the cover-up complained and it led to my change of position and eventual removal. While there were contract issues that I had with SAIC, it did not warrant a removal of a subcontracting company from a contract. My company and I were then banned from participation on the government contract for a year even though the provisions requiring a 365 ban did not apply to me nor my company.

(U) After I was notified by SAIC that my subcontract would not be renewed, I went to the IG Office and registered a complaint of anticompetitive, unethical and illegal practices with the duty officer. No action was taken. Of importance to national security was the fact that I was given 2 week notice before my removal from government projects. I spent nearly a week trying to resolve the issues contractually. I had only a few days to try and bring people up to speed on the projects they would have to continue working on. There was no time for a good turnover of operations. I had been running projects for 4 years and it is impossible to prepare another to take over the workload in a few days. Ultimately, the intelligence failures that ensued are evidence why contractors should not be removed as retaliation. I was forced to bring the contractual issues to arbitration. Arbitration is not like a court case. Discovery documents (evidence) were given to me 2 weeks prior to the hearing. The documents I received demonstrated that government had been an active participant in the unethical and illegal practices.

(U) In March 2010, I contacted the IG's office. I supplied them with approximately 80 emails containing the law and details explaining how individuals broke the law. I backed up each claim with documents. The IG's office was given 53 documents. I was never asked any follow-up questions. I was never interviewed. The main focus of the complaint had to do with unethical bias in federal contracting. Government officials are not allowed to show the perception of favoritism towards any corporate entities. It was clear that [government contracting officer] (ledger item 54) overstepped his authority by giving SAIC guidance and instructions in how to deal with a problem between two corporate entities. Federal Acquisition Regulations as well as the government agency regulations prohibit "the appearance of favoritism" while in my instances there was blatant documented proof of actual favoritism

(U) After months, I asked for a status on my complaint. I received an email from [government investigator] (ledger item 55) stating that the office did not have the time or the resources to investigate my claims. I have requested this email in my Freedom of Information Act request and I have not received it. I re-explained the seriousness of the violations and eventually had to contact the IG Ombudsman. The IG "opened an investigation." I was informed that no government official did anything wrong. That was the extent of my feedback. No analysis of facts or the law, simply we did nothing wrong. The IG did nothing to stop the practice or hold the contractor or government officer accountable.



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(U) At that point, I contacted the Office of Congressional Affairs (OCA) and requested permission to discuss my concerns with my Congressman, Frank Wolf. I was informed that since I was a member of the Intelligence Community, I had to bring my concerns to the House Permanent Select Committee on Intelligence (HPSCI). In late 2010, OCA sent HPSCI 2 complaints describing my federal contract concerns to HPSCI. I did not hear back from them.

(TS) Meanwhile throughout 2010, I started to hear about catastrophic intelligence failures in the government office I formally worked for. More than one government employee reached out to me and notified me that the "nightmare scenario" I had described and tried to prevent had transpired. I was told that in upwards of 70% of our operations had been compromised. During this time, a member of the government's counter intelligence unit had specifically asked me if I had been involved in the [cryptonym] (ledger item 56) case. I was involved briefly. I was asked what I remembered and if it related to the other intelligence losses. I described that the compromise [redacted]

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[redacted] I did provide documents and emails to the counter intelligence center [redacted]

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[redacted] it is not just a potential compromise in one country, it effects every country [redacted]

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(U) In April or May 2011, by chance, I contacted a [government employee] (ledger item 57) on a project we had been working on together. I was informed that the employee would be leaving her current position in days to work for the newly created [government task force]. I asked her if it had anything to do with the compromise [redacted]

[redacted] She asked how I knew. I told her that I was intimately involved in those programs for years. We met. I showed her all the documents I had written and where to find them in the databases. She was shocked because up until then it was believed that the problem was recent and it did not go back years. I told the federal employee that my former government boss was very knowledgeable of all the events leading up to the compromise and that the Task Force should interview him.

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(U) Shortly thereafter, the Task Force met with my government boss. He showed them all the emails and cables demonstrating that the threat was known and that no active measures were taken to mitigate the damages. The Task force told my boss that they would not be including this information in their report because it appeared that senior management was aware of the pending disaster and did not prevent it. My boss told them it appeared that way because that is exactly what transpired. My boss notified me that he intended to go to the IG. I told him that going to them would be a waste of time because they did not look into the matter I previously reported to them. I told him that I would include this item in my complaint to HPSCI.

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(U) Once again I worked with OCA to communicate with HPSCI. I tried to send HPSCI the exact cables and emails detailing the threat to our officers and our intelligence assets. OCA would not let me send the items to Congress. In the end, I merely asked for HPSCI's assistance in aiding the Task Force in their investigation. I wanted HPSCI to intercede before the junior officers lied in an official report to Congress. I was told that my complaint was not an urgent concern because the Director of the CIA had already notified HPSCI of the intelligence failures. I was later informed that HPSCI sent staff members to CIA to investigate portions of my claim – only the potentially lying to Congress. HPSCI did not participate in the whistle blower investigation. I cannot tell if they did anything related to my federal fraud, waste, abuse, mismanagement and misconduct contract complaint.

(U) I believe in late September or October, 2011, I reported to [government contracting officer technical representative] (ledger item 58) that Raytheon was intentionally trying to get me fired by my employer Mantech. My complaint was ignored. I took my complaint to the [contracting officer]. (ledger item 59) I added additional complaints against Raytheon and most significantly I informed the government that the COTR and Raytheon were involved in a conspiracy to take contract positions away from a company and give them to Raytheon. This was a conspiracy involving multi-millions of dollars. This is a clear violation of the law. An overnight investigation was conducted by the government and I was told that "the government did nothing wrong" and that if I intended to sue – all information is classified. I have requested copies of all these emails through the Freedom of Information Act and I have not received any after 2 years. Later, I was informed that the contracting officer gave my complaint to the COTR to investigate himself. I had informed the government that both the COTR and Raytheon had bragged to another government employee about their illegal activity. The COTR ask the individual why I had reported he said that and the COTR was told it was reported that way because that is exactly what occurred. You will see in my complaint that often times when the CIA is conducting an investigation they have those accused of misbehavior conducting the investigation. This is an asinine practice. I was told by several government employees to "watch out" because the COTR had it in for me.

(U) On November 9th, 2011, OCA indicated that HPSCI Senior Counsel Katie Wheelbarger was looking to contact me. We had a brief discussion in which Ms. Wheelbarger informed me that it appeared I had done the necessary steps to qualify for whistle blower protection and that she would like to talk to me about my complaint. I told her I desired to provide my story to HPSCI. After the call, I was not sure what the proper procedure in talking to Congress entailed. I immediately went looking for my corporate and government management seeking guidance. It was late in the day and the office was practically empty. I spoke to a former manager [covert employee] (ledger item 60) and asked him what I should do. He told me to send out an email to the program managers telling them about my intent to speak to Congress.

(U) When I arrived at work the next day, I was met by [government employee contract officer technical assistant] (ledger item 61), Raytheon Program Manager Kelly Cole, Raytheon Assistant Program Manager Jack Fullerton, and a Mantech employee. We went into a conference room and I



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explained to them why HPSCI wanted to talk to me. They were clearly unnerved by the subject matter. They were visibly upset that I would be reporting that Congress was lied to by CIA and they noticed that the federal contract unethical and illegal practices were the same ones I reported that they had committed. I was told that it was a "witch hunt" by Congress and that they did not need my testimony because they had access to all the government documents anyways. HPSCI later informed me that they did not have access to CIA documents.

(U) After this meeting, I felt very uncomfortable. Both the government and contracting officers brought up the fact that my meeting with HPSCI could not be billed to the government. I told them I would do it in my free time. I knew that going forward would jeopardize my continued employment. I immediately called HPSCI and told them that I would not need to speak to them and the information that they needed was all codified in government channels that they could access. Ms. Wheelbarger asked if I had been threatened with reprisal about my talking to HPSCI and I said "no." I honestly thought HPSCI would get all the documents in an investigation.

(U) I finished work that Thursday. Friday was a holiday. On Monday, November 14, 2011, I was called in Mantech and fired. I was told that I was being fired for owning my own company and it was a conflict of interest. Upon leaving the facility, I called Ms. Wheelbarger. She was alarmed at the timing of my termination and we agreed that I would come down and provide testimony. On the 23rd of November 2011, I provided sworn testimony to HPSCI in regards to a whistle blower retaliation concern as well as the intelligence failures. The meeting lasted approximately 3 hours. My testimony was provided in a SCIF. HPSCI checked my clearance status with CIA, and HPSCI recorded my entire testimony for the record.

(U) HPSCI decided that CIA had more resources to investigate my whistle blower, intelligence failure and contract claims. I informed HPSCI that I was very leery of CIA investigating themselves but I was assured that if I was unsatisfied with the investigation, HPSCI would assist me in getting the matter reviewed by the Intelligence Community IG. That never occurred. In many respects, after I provided testimony, I was abandoned by HPSCI. I did not realize at the time that HPSCI was instrumental in removing whistle blower protection language for contractors in the Intelligence Community in previous iterations of the law.

(U) HPSCI later clarified its promise of whistle blower protection by saying that I had complied with the correct process to talk to an intelligence committee. I understood whistle blower protection to be a shield against retaliation and not permission to talk to HPSCI simply because that was understood by the Office of Congressional Affairs setting up the meeting. HPSCI should have made it clear that I was not being protected from retaliation but only from disclosing authorized information to Congress. The distinction may have been clear to HPSCI attorney Wheelbarger but it was not to me. I was never covered as a contractor from government retaliation. My sworn statement to HPSCI was never provided CIA for the investigation into intelligence failures. It was the most accurate and timely detailing of events

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to date and because of "policy reasons" it could not be given to CIA. This practice is not conducive to protecting the American public.



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(U) In August 2013, I was notified that I needed to come in for my final adjudication meeting before my clearance access would be determined. I met with 2 adjudicators. The intelligence failures and my whistle blowing activities took center stage once again. The male security officer stated that in all his time handling security clearances, he had never seen anyone file as many "complaints" as I had. He asked me why I went outside agency channels and communicated with Congress. Finally, he asked me what I would do in the future if I was aware of any intelligence problems or contract concerns. He asked if I would keep concerns within Agency channels in the future. His behavior was totally inappropriate. First, the focus of a security clearance should be on my ability to protect classified information not on my whistle blowing activities. Asking me "why" I went to Congress when I went through appropriate channels is an implied threat. I have every right to report matters to the Intelligence Committees. I informed the officer that I went through the Office of Congressional Affairs and they set up my communications with Congress. That should have been the end of the discussion. Instead, I was grilled about HPSCI protocol and how they safeguarded information and under what circumstances I provided my testimony. The female officer snidely commented that HPSCI has "its own agenda" in these types of matters. Asking me what I will do in the face of further threats to the United States and to improper fraud and waste of government contract funds improperly implies that I did the wrong thing in the first place and that I should choose another course of action the next time. I did exactly what I was supposed to do. I reported the matters internally to government officials. I then used proper channels to Congress. When government officers question you in this manner they are actively participating in a cycle of retaliation and intimidation used to prevent contractors from reporting concerns. The retaliatory animus by every government employee who hears about the improper



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behavior by its agency is inherent and self evident. This behavior needs to be stopped and those who continually use these tactics need to be held accountable.

(U) After my adjudication meeting was finished, I asked how long until a determination on my clearance would be reached. The male officer said that he would not be able to finish his report by the end of the week but he would by the following week and that I should have a determination on my clearance by the first week of September 2013.

(U) The following is a list of items that I wish to report but I am not sure where they fall in this complaint.

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[Redacted]
[Redacted] CIA is aware of this. The design and maintenance of the system is flawed.

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[Redacted]
[Redacted] In a panic, a call was placed that disclosed the relationship between CIA and several covert facilities and people. [Redacted]

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[Redacted] The three individuals are federal employees and contractors.

(U) Several months after I was interviewed for the whistle blower investigation the government contracting officer and both Raytheon employees were "moved" from their previous assignments. It is clear that my "allegations" were proven. However, it is still waste and abuse to have these individuals still being paid (or charged to the government) after they have been implicated in massive contractual abuses and intelligence failures. These individuals are still allowed to work, their clearances remain intact meanwhile whistle blowers are punished for brining issues to light.

(U) I have no insight into whether the items reported above have been investigated by CIA or whether the information is known by the Intelligence Committees.

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(U) CIA has several policy and guidance in place that increases the likelihood of employees and contractors being retaliated against for doing the right thing. These practices hit whistle blowers especially hard and are contrary to Congress's desire to have whistle blowers protected for the public service they provide.

(U) In this section I will describe ever retaliatory act or act of intimidation since I disclosed an intelligence failure, became a certified whistle bower, and since I reported instances of fraud, waste abuse, misconduct and mismanagement at CIA.

(U) 1. Immediately after I reported intelligence compromises, the individuals who were implicated in the cover-up complained to my management about my performance. This was not a problem until my management changed. These complaints in part lead to my company losing a corporate sub-contract and me losing my job. I was effectively silenced after reporting problems.

(U) 2. The CIA's denial in letting me access a SCIF to provide classified information is an act of retaliation. (attachment) I was instructed to write the information on my home computer and forwarded it to the CIA's Publication Review Board. The material I am reporting is not protected on my home computer, an unclassified system. If the IC IG did not let me access their SCIF, I have no doubt my security clearance would have been affected.

(U) 3. CIA closed its initial investigation into my whistle bower complaint only after it was pressured by HPSCI to interview me. I never saw any of the evidence collected and I was never given a chance to rebut any derogatory information collected. CIA gave a curt explanation of its findings but there is no evidence they conducted a thorough investigation. There is no evidence they understood all the allegations or the pertinent legal issues. (attachment).

(U) 4. CIA took over the PPD-19 investigation. I was never interviewed. No evidence was collected from me. I was not notified that the investigation had been completed until months later.

(U) 5. CIA took active measure to obstruct a HPSCI investigation into intelligence failure. Within one business day of providing my knowledge of the failures to CIA, Raytheon and Mantech management, I was fired from my job. Those individuals also "persuaded" me not to talk to HPSCI.

(U) 6. CIA has not finished my Freedom of Information Act or Privacy Act requests after almost 2 years. I have not received any interim responses, no updates and CIA has not answered my attorney's request for information. My requests are simply "still in process." In all likelihood, my FOIA and Privacy Act requests are being sent to the very individuals I have registered grievances against. I request that the IC IG obtain all the documents detailing the processing of this request. If this is a typical delay, I have no qualms, however, if the delay is abnormal – it is another act of retaliation. The CADRE system will



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have extensive notes on where my request is at and it will detail to whom the request for documents went out to. I was very specific on what documents I was looking for and where they could be found. In most cases, the incriminating evidence is in the possession of those who have done the actual misconduct.

(U) 7. The CIA's Publication Review Board has improperly redacted items in documents I provided for their approval to disseminate. By law, the CIA is allowed to redact references that are 1) classified in nature or 2) harmful or embarrassing to the CIA when the request is made by an employee of the government. When a non employee (i.e. a contractor) is involved, the second caveat is eliminated. CIA is only allowed to redact classified information and it bears the burden of proving the information is classified. PRB has attempted to redact information that while potentially embarrassing, it is not classified. CIA has every right to redact the names of covert employees but it cannot redact the names of defense contractors and their employers. CIA has inappropriately and illegally redacted names and here is an example. (attachment).

(U) 8. Most disturbing is the CIA's handling of my request for cleared legal counsel. CIA plays a lot of games. They are deliberately "gaming" the system to the detriment of whistle blowers. I initially asked CIA for the policy in getting an attorney cleared. After months and only with the assistance of HPSCI was I able to get a response. CIA said it was waiting on me to provide information. (attachment). There is no way to know this unless they tell you and they request the attorney contact them. My attorney Kel McClanahan of National Security Advisors contacted CIA. He was told that he must get authorization from the Office of Congressional Affairs, the Litigation Division, and finally the Office of the Inspector General. Only the Office of Congressional Affairs responds. CIA ultimately declines to grant a clearance for several reasons that I will document below, the most ludicrous of the rational being that they were not given sufficient facts. It is IMPOSSIBLE to give CIA sufficient facts if they ignore all your attorney's emails and voice mails.

(U) The Office of Congressional Affairs decided that an attorney was not needed to speak to the Intelligence Committees. When a whistle blower is to meet with policy makers then need assistance. The government does not have any department to provide these services. People who meet before Congress routinely have the advice of counsel who can help them navigate the process. This entails help in crafting arguments, aid in talking to the proper people. Having whistle blowers have to tackle the complexity of the current system alone defeats the entire purpose of collecting information seeking to safeguard the public and report instances of fraud waste and abuse.

(U) CIA also claimed that since I was not the subject of a "current" investigation, I did not need an attorney. This is a weak argument for several reasons. First, I requested an attorney before CIA initiated its PPD-19 investigation and they closed it without responding to my request. Second, while I am not the subject of a "current" investigation, that may not be the case in the future. For example, the CIA officers who conducted advanced interrogation techniques were told they had legal approval and



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years later, they were the subject of a criminal investigation. I have a right not to make incriminating statements. I have a right to legal counsel to prevent me from providing any potential damaging information both now and in the future. The CIA retaliated against me in not allowing me legal counsel. It is a perversion of the process to make a false distinction between defending oneself from an investigation and fixing a broken system. You need an attorney to navigate through both.

(U) From the onset, I have notified the CIA that I might have to file a lawsuit to get matters resolved. One of my intended filings is a qui tam lawsuit brought against CIA contractors for providing products whose maintenance and design are inherently flawed and yet they are still charging the government for these products. The law allows me to file this type of suit and seek the Department of Justice's assistance. I need an attorney to help me decide what to disclose and what is classified. I have no experience with qui tam filings. I must have a classified complaint filed or a motion to file in camera testimony. I need a cleared attorney to do both. Since CIA will be one of the defendants it makes little sense for them to decide if my attorney needs a clearance. Also, CIA wants all your legal arguments beforehand which defeats the purpose of going to the Department of Justice.

(U) Without a cleared attorney, whistle blowers are forced by their non disclosure agreement to provide all documents to the PRB for review. When this occurs, the attorney/client privilege disappears. It is retaliation by CIA to force individuals to provide all their legal arguments to PRB prior to an attorney. CIA gets to review all the material prior to an attorney. They know all the arguments and you surrender your attorney/client privilege.

(U) Finally, the Office of the Inspector General has the opportunity to decide whether I needed an attorney when many of my allegations and retaliation claims are about their behavior.

(U) 9. CIA has retaliated against me in regards to my security clearance in several ways. For starters, after I my employment was terminated by Mantech, I simply applied for new jobs. While my clearance investigation was 8 years old, many contractors were going well over a decade between re-investigations. I had several employment offers and my company was awarded a small subcontract. However, instead of having my clearance crossed over in 3-5 days which had been done several times in the past, I was required to go through a brand new initial investigation. I contacted CIA security and was told "there were unresolved adjudication issues." I can only surmise that someone had "flagged" my security file triggering a reinvestigation. I have reason to believe it was [contracting officer technical representative] (ledger item 70), the COTR I reported had committed unethical and illegal behavior. I cannot prove this simply because CIA has not provided the documents under my FOIA request.

(U) According to my attorney, Kel McClanahan, loss of jurisdiction in a contractor clearance case is very rare with CIA. CIA, unlike the DoD, has an excellent reputation for continuing the clearance process to fruition once it has been initiated. It is a waste of company money and government time otherwise. My attorney asked several attorneys who handle security issue lawsuits and none of them



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can cite a single instance where a loss of jurisdiction occurred. I have been treated differently in having my clearance reach the loss of jurisdiction status.

(U) 10. During my security clearance process I was told by a male adjudicator [redacted] that in all his years of investigation he had never seen someone make so many complaints against the CIA. I was asked why I took things outside Agency channels. He also asked me what I would do in the future if I were to witness wrongdoing. These comments are designed to curtail whistle blowers. They are implied threats. A portion of my clearance decision was made by an individual clearly opposed to the concept of whistle blowing.

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(U) 11. In 2010, I brought to the inspector general several instances of misconduct and illegal activity by CIA officers and corporate officers. I provided CIA with over 80 emails detailing the infractions coupled with the legal citations and wording of each and every violation. The IG never had me make a statement. I was told by [government investigator] (ledger item 71) that they did not have the time or resources to look into my complaint. I pressed the issue to the IG Ombudsman and an "investigation" was conducted. I was simply told that "our employees did no wrong." All of this is codified in unclassified emails that I have requested in my FOIA and Privacy Act request. I have not received those documents. My allegations show a pattern of CIA IG not investigating issues adequately unless they are forced to by the likes of HPSCI. They do the bare minimum and close the case with little to no investigation simple because they are protected from outside scrutiny by their own policies.

(U) 12. During the whistle blower investigation conducted in 2012, CIA IG selectively recorded portions of my interview and turned the recorded off during others. CIA was selective in what it wanted recorded for the official record. In comparison, HPSCI recorded the entire testimony I provided from beginning to end.

(U) 13. McClathcy News Services reported that the CIA IG had taken steps to curtail the IC IG investigations into whistle blower retaliation claims. Due to the reported time frame in which surveillance of IC IG communications occurred, I believe my correspondence to the IC IG was monitored. I consider this an act of reprisal and retaliation. Furthermore, my case was summarily closed without a real investigation. While I cannot confirm my whistle blower case was the subject of communications to Senator Grassley, I have grave reservations that CIA's "bullying" of individuals who are trying to protect whistle blowers remains in effect. Dan Meyer and Senator Grassley should not come under scrutiny simply because the CIA does not wish me to report on intelligence failures. CIA should not be allowed to exert pressure on any intelligence entity who is authorized to investigate their misdeeds.

(U) I consider every shoddy, semi professional action taken by CIA's IG after I had to file my initial complaint to HPSCI in 2010 to be an act of retaliation. All investigations were lacking in the appropriate collection of evidence, the taking of relevant statements, the analyzing of facts, and final determinations.

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Section III Investigative Sufficiency Failures

(U) All CIA IG investigations are insufficient in that they all are in conflict with basic due process rights. I was never given the opportunity to see or refute any evidence collected in the course of the investigation. I was never afforded the ability to provide evidence refuting any claims because I never saw a single shred of evidence. The investigations and their conclusions should follow the spirit of the law intended in the implementation of whistle blower protection laws. CIA cannot ignore government required standards of evidence due to their controlling the evidence nor the ability of the whistle blower to provide rebuttal evidence. IG investigations must realize that direct evidence is typically unavailable (no one will admit to retaliatory acts against whistle blowers) and that circumstantial evidence can and must be used to prove a wrongful retaliation. The IG investigations show a lack of investigative professionalism and a lack of understanding the law.

(U) The IG did not investigate my claims in 2009. There was no apparent investigation in 2010. I was never interviewed or asked any follow-up questions. I have never received any confirmation that the CIA IG investigated its own misconduct as an act of reprisal against me. I have raised complaints against the IG in all my whistle blower complaints.

(U) Without being able to view the information collected by CIA during the course of their initial whistle blower retaliation investigation in 2012, it is difficult to point out investigative insufficiencies. I do think the fact that the IG had to be "pestered" by HPSCI to interview me is problematic. CIA had no intention of doing so. Any investigation that does not collect all the facts is suspect. Second, during my interview, IG officers selectively decided which portions of my interview were recorded and when the tape was turned off. When an investigating office only records the answers to questions it wants documented in their favor and not the derogatory information, it is easy to conclude that the investigation will not reach an accurate conclusion.

(U) I am aware that CIA was provided testimony indicating that I was treated differently by Mantech in my termination. I was informed that both the government contract officer I raised a complaint against as well as the Raytheon program manager removed me from the contract prior to my termination by Mantech. CIA IG did not properly understand the legal significance of these facts as it pertains to my whistle blower claims.

(U) The biggest flaw in CIA's response to my PPD-19 complaint is the fact that the IG did not even respond to one of my major allegations. CIA never addressed the delay in the decision on clearance from the time of the final adjudication meeting in early August 2013 and when it was administratively closed without a decision being rendered on February 10, 2014. It is a retaliatory act to delay a decision (to not take an action). This allegation was completely ignored. My new investigation was started in February 2013, I was polygraphed twice in April 2013, and I was told in August by security officials that a decision would be made no later than the first week of September 2013. My clearance process was



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stopped on the exact day my PPD-19 investigation was transferred to CIA. I used to work in CIA security and I was told that when CIA did not want to clear an individual for any reason, they merely sat on it until the person gave up. Without a decision being rendered, I have been denied to appeal any decision.

(U) CIA never interviewed me nor asked a single question related to my PPD-19 investigation.

(U) CIA did not collect all the evidence pertinent to the issues.

(U)(a) IC IG email checking on the status of my clearance (attachment)

(U)(b) Abraxas email stating CIA COTR could no longer support the processing of my clearance which conflicts with CIA stating Abraxas asked them to stop the processing (attachment)

(U)(c) Abraxas security office stating that the way my clearance was being processed was "unprecedented" (attachment)

(U)(d) Abraxas email detailing that a month before IC IG asked about the status of my clearance, Abraxas still wanted to employ me (attachment)

(U)(e) CIA IG did not take into consideration that they do not stop processing clearances resulting in a loss of jurisdiction. An exception was made for me. It is accepted practice to complete investigations so as to not waste money and resources.

(U)(f) While CIA is not required to tell me that an investigation has started, they do have to notify me when it has ended so I can file an appeal if necessary. CIA notified DNI and then waited months to inform me.

(U) Currently my security clearance status remains in Loss of Jurisdiction. I have neither been granted nor denied a clearance. As a result I cannot be employed nor can I appeal an adverse decision. I am in limbo. I cannot stress enough that LOJ is practically unheard of at CIA.

(U) The questions I still have are whether my security file was "flagged" for a particular security reason. What was the nature of the allegation and why was I not afforded the opportunity to give my side of the story. Who placed the flag in my file and was it put there by someone I reported of a wrongdoing. Finally, I would like to know if any of my whistle blowing activities were the cause of my clearance having to be conducted entirely anew.

(U) In regards to the IG's initial investigation into my whistle blowing allegations, I suggested they talk to several contractors knowledgeable of the situation. Instead of merely contacting these contractors directly by email or phone, they notified the witness' government chain of command and their corporate management. This lead to these individuals being questioned about why they had to go to



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the IG and what they knew. I find this an act of intimidation but also a breach of basic investigative protocol. It makes people not want to get involved.

(U) It is painfully obvious that CIA's IG, its investigators and attorneys have very little understanding of whistle blower protection law and presidential policy. The spirit of the law, Congress' intent to protect whistle blowers, and basic investigative techniques, have been ignored.

(U) CIA has never provided one shred of evidence to support their conclusions.

(U) CIA's responses make it impossible to tell what was investigated. You do not know if they addressed all the legal issues. You do not know if all the facts were collected. You do not know if the correct law was applied. It's a virtual black hole and you have to "trust" their candor and professionalism when CIA's investigative judgment and candor is currently under scrutiny by the Senate Select Committee on Intelligence.

(U) CIA never provided any material to explain why my clearance took almost a year before being stopped nor did they explain the delay from September 2013 until February 2014 in making any decision in regards to my security clearance.

Section IV Data Sufficiency Failures

(U) In a letter dated 17 September 2012, [government attorney] (ledger item 72) states that "We have completed our investigation into your allegations that Mantech terminated your employment as a result of you informing them that you were meeting with members of the House Permanent Select Committee on Intelligence ("HPSCI"). Our investigation did not find support for your allegations. The investigation found that Mantech management was discussing your termination for other reasons prior to you notifying them of your meeting with HPSCI." (attachment) This information cannot be reconciled with several facts.

(U) My complaint alleged that I was retaliated against for providing a protected communication (not just to HPSCI but my complaints to the IG are protected). From the time I first reported concerns to the IG in 2009, throughout 2010 and into 2011, I was protected from retaliation. The investigation was supposed to cover all acts by the government as well as Raytheon and Mantech. CIA is silent on the government's participation in my removal from the contract prior to termination. The fact that I was treated differently by Mantech is completely ignored. The IG has testimony from my former Mantech manager that he was allowed to have his own company and he was not fired for a conflict of interest. In fact, he was given severance pay instead of being fired. After I was terminated, another Mantech employee was allowed to have his own company. CIA does not understand the legal significance of the evidence they collected.



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(U) The statement that Mantech management was discussing my termination prior to me notifying them of my intention of speaking to Congress is a convenient interpretation of the facts. First, I had informed my former Mantech manager George when I initially filed my complaint to HPSCI. Second, I had informed George that if the government created a new position, I would seek the position with my own company (the purported reason for my firing). He told me there was no conflict of interest – which I was ultimately fired for. Three, companies do not fire employees on short notice without a replacement so they continue to make a profit. Mantech ended up unable to fill this position and it reverted back to Raytheon. The facts do not support CIA's conclusions.

(U) Other than the single page "explanation" I received, I am unable to point out other inconsistencies and insufficiencies in the government analysis and reports because I have never seen anything in the files.

(U) In regards to the PPD-19 investigation, CIA states "CIA stopped the process of his clearance when the contractor involved notified the Agency it was withdrawing the request because they were not going to fill the position with Mr. Reidy." This conclusion cannot be reconciled with several facts. First, on September 12, 2013, the Abraxas security office stated in regards to my clearance that "There is no precedent for the process that you are going through. I ask weekly, but the answer is always 'in adjudication.'" (attachment) On December 23rd 2014, I asked for an update on my clearance status and Abraxas interest in having me cleared was evident. The security office stated "I just gave them a call and they said it was "still in process." (attachment) On January 28, 2014 Dan Meyer of the IC IG's office asked for information that he needed to check on the status of my clearance adjudication. I provided the information and he checked. On February 10, 2014, Abraxas security office stated that due to the position not being available, the government contracting officer could no longer support the processing of my clearance. My clearance was then administratively closed. It is unclear from CIA's evaluation of the facts and the evidence I have whether the facts have been correctly documented in the investigation. What is clear is that my clearance process was unprecedented, there was interest in hiring me a month before I filed a complaint about my clearance, the IC IG checked on my status, and my processing was stopped resulting in a loss of jurisdiction. The evidence suggests retaliation after the IC IG started asking questions about the status of my clearance. "Loss of jurisdiction" in security clearance cases is very rare and facts cannot be reconciled. The facts suggest retaliation.

(U) I am unable to provide the IC IG with any additional facts that are wrong simply because I have never seen any of the documents collected in the PPD-19 investigation. I have no idea what was said by anyone. I have not had the ability to refute any claims nor provide any evidence that would mitigate derogatory information. In whistle blower cases, there is a clear evidentiary standard that must be met by the government. It is impossible to tell if this standard was met absent viewing any evidence. Also whistle blowers can overcome the evidentiary standard by submitting information that undermines or directly renders the government's arguments mute. I was never given that opportunity.



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Section V Importance of Whistle Blower Protection in the Intelligence Community

(U) Until 2007 when I discovered, reported and documented intelligence operation compromises, I was extremely happy and satisfied doing good work on behalf of the CIA to protect Americans. I was proud to serve. I never took for granted the responsibilities I was entrusted with and I took everything seriously. Since that time, I have been "cursed." Everything dealing with my ability to work as a contractor has failed in large part due to me not being able to get this albatross off my back. I have a role in my plight. I have not let this matter go. I kept "complaining." I kept reporting problems. I did not let it go because it's important to national security. This is what the law expects of government contractors and government employees. We are obliged to point out wrongdoings. However, it seems that at every turn, the CIA is putting up road blocks. They clearly do not want their conduct scrutinized by "outsiders." I understand they do this to everyone but whistle blowers should (need) to be afforded more protection. Everyone knows the CIA plays "games." Everyone knows someone who has had a hardship or they have experienced it themselves. People are afraid to speak out. The culture of retaliation, the culture of remaining silent in the face of wrong doing has to be broken. That requires significant changes in government policy.

(U) The IC IG has a duty to intervene when it is apparent that an element within the IC is incapable of investigating itself and interpreting violations of federal law and regulations. In summary, I contacted the CIA IG in 2009 – they did not investigate allegations or take corrective action. I provided detailed evidence to the CIA IG in 2010 and they did not conduct an investigation and merely rendered a single line sentence saying the government did nothing wrong. In 2011, the CIA IG conducted a whistle blower retaliation investigation that indicates they have little to no understanding of current whistle blower laws nor case decisions that give guidance in determining if a violation occurred. I have reason to believe that the CIA IG investigation into my reported intelligence failures does not contain all the relevant data. Finally, the IG's investigation into my PPD-19 claim was insufficient because all the relevant facts were not collected and CIA had no intention of getting to the truth of the matter. With regards to every complaint I have brought before the IG and pertaining to all the investigations they were instructed to conduct, they are ultimately being asked to investigate their own misbehavior and shortcomings. The IC IG cannot expect the CIA IG to investigate themselves and report back accurately that they did not do their job.

(U) The IC IG must take steps to stem the corruption in federal contracting. It is systematic and pervasive at CIA since the dramatic increase in federal funding after the attacks of September 11, 2001. Individual contractors and small companies do not have a proper avenue of redress against government and large company misconduct.



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(U) CIA is establishing a very dangerous pattern of harassing and setting up roadblocks to frustrate and curb whistle blowing. (Attachment) The pattern of retaliation at CIA is particularly concerning due to it being at the forefront of American intelligence efforts and its role in acquiring human intelligence. I defy anyone to say that the intelligence information in this appeal is not critical to national security, that misleading Intelligence Committees is not unacceptable, and that the contractual misbehavior is not a misuse of government funds. If you have any additional questions about this statement, please contact my attorney Kel McClanahan of National Security Counselors.

(U) The ledger and attachments are to be included in this appeal.



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(U) Attachments

1. PPD-19 Complaint to ICIG
2. CIA Response to PPD-19 Complaint
3. (9) attachments of my Freedom of Information Act and Privacy Act Requests
4. CIA whistle blower investigation response
5. 5 documents related to my request for an attorney, CIA stalling and bogus denial of Kel McClanahan's LSA
6. HPSCI response thanking me for bringing issues to their attention but no indication as to the status of my initial contract claims
7. 10 documents detailing CIA IG's questions for their whistle blower investigation and my responses
8. My whistle blower legal analysis submitted to CIA
9. My fraud in CIA contracting document submitted to CIA
10. My due process document submitted to CIA
11. My anticompetitive business practices document submitted to CIA with all documentary evidence
12. My PPD-19 analysis submitted to CIA
13. Redacted resumes
14. Redacted unclassified corporate names
15. Timeline redacted to give to my attorney to show he needed a clearance
16. 5 documents with HPSCI Katie Wheelbarger showing disappointment in CIA investigation, her clarifying I had not reprisal protection
17. PRB documents questioning their redaction rational and request for legal justification
18. Dan Meyer recusal email
19. Marisa Taylor, McClatchy cleared questions
20. Whitmore v. Department of Labor
21. CIA IG statement in regards to SSCI Torture report showing CIA employees lie and that their attorneys file reports without verifying facts
22. PPD-19 legal analysis
23. Marisa Taylor article showing CIA pressures IC investigations and keeps tabs on whistle blowers
24. 2 CIA letters to Congressman Wolf
25. 2 emails showing my company lost contract due to clearance issue
26. Letter to CIA adjudicator
27. Asking CIA results of the tortuous interference with a contractual relationship investigation

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28. 4 documents showing Dan Meyer was checking on my clearance status, Abraxas thought CIA was treating me "unprecedentedly, Abraxas still wanted to employ me a month earlier, Abraxas closed clearance after CIA would not support it.
29. 3 documents asking CIA lawyer the status of the investigations and his curt responses
30. My response to CIA IG about their intelligence failure investigation
31. 5 more documents asking CIA lawyer the status of the contract infraction investigation.

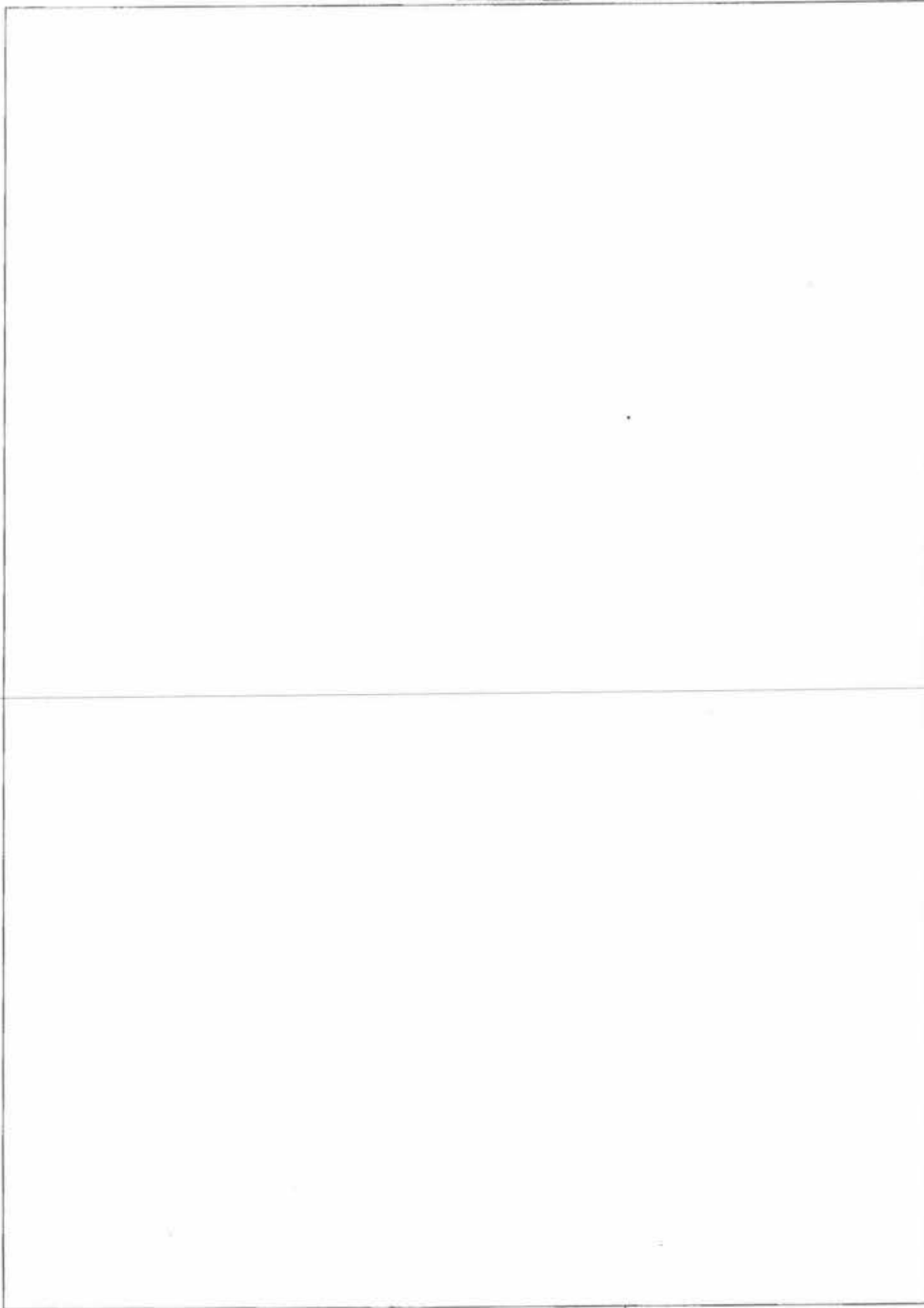


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(TS) Ledger



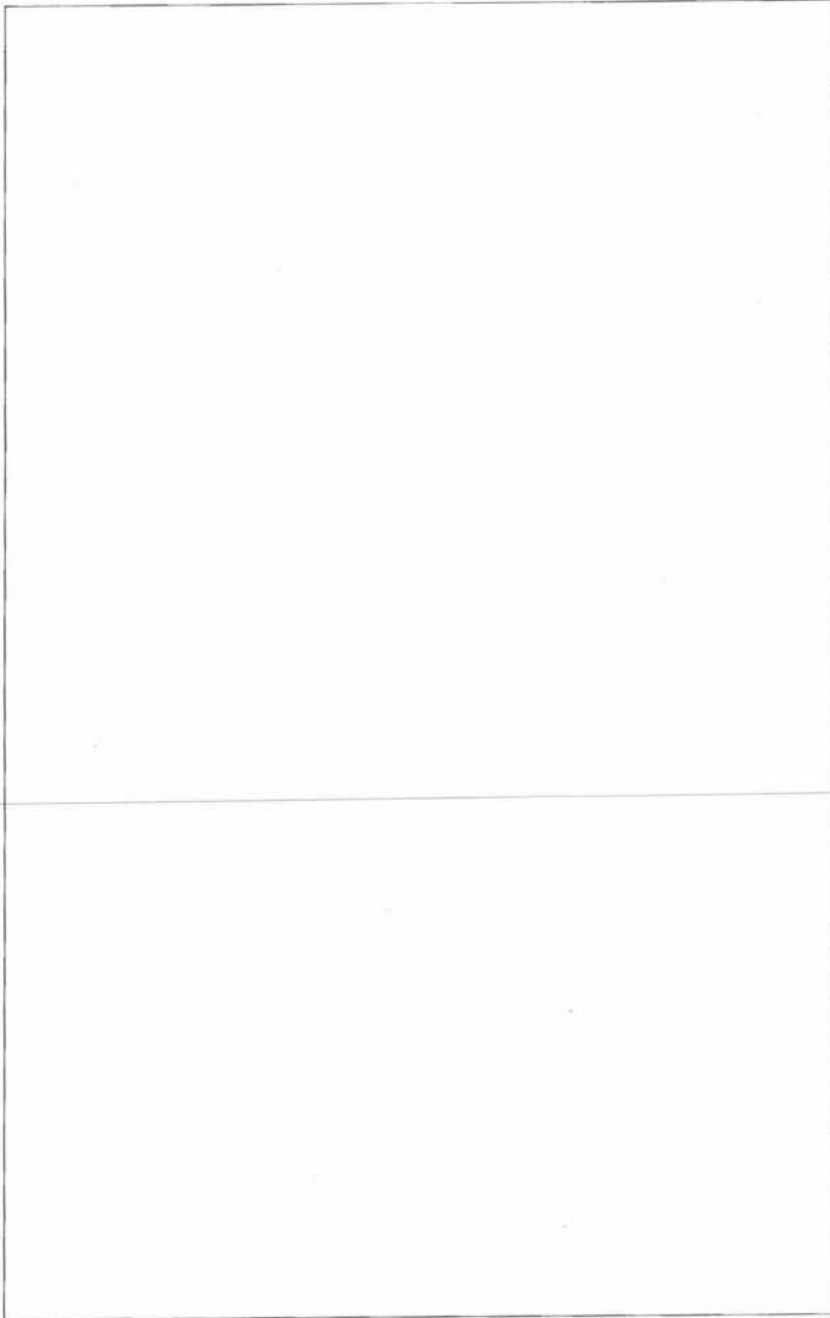
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Whistleblowing & Source Protection Appeal

I declare that the foregoing is true and correct.

Executed on *5* day of *Nov*, 20 *19*.



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