

(REVISED AND REDACTED VERSION)

Date: January, 20 2005

April 2, 2002

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

To the Inspector General:

For information of the Inspector General, the classified contents of this letter have been redacted and the enclosures are classified "SECRET" unless otherwise marked.

I am writing to make "protected disclosures" concerning mismanagement, abuse of authority and a violation of regulation and rule as committed by employees of the Federal Bureau of Investigation (FBI). Pursuant to Title 28, Code of Federal Regulations, Part 27, I am requesting special (whistleblower) protection.

The "protected disclosures" pertain to the mismanagement of the FBI, Washington Field Office (WFO) Squad NS-24; the abuse of authority and violation of regulation in the conduct of an administrative inquiry; and violation of the Foreign Intelligence Surveillance Act (FISA) in conducting electronic surveillance as a subterfuge to acquire evidence of criminal activity.

MISMANAGEMENT OF SQUAD NS-24

As stated in the enclosed signed sworn statement and letter of appeal, the mismanagement of Squad NS-24 created a situation where some Special Agents were assigned a comparatively minimal caseload and the complainant was over assigned, predicating his inability to effectively and efficiently conduct investigative and administrative responsibilities.

An example of this management anomaly is mentioned in the enclosed letter of appeal. This example pertains to a female Special Agent who was assigned **one** primary espionage investigation. At the direction of the Squad Supervisor, the overall responsibilities for investigation and administration were relegated to the entire squad. Moreover, the supervisor assigned another Special Agent to manage the electronic surveillance (ELSUR) coverage regarding the subject of this case.

At the same time, the complainant was responsible for **two** espionage investigations and did not receive the same management assistance from the Squad Supervisor - a precursor to the alleged potential Intelligence Oversight (IOB) violation for which the complainant received the most deleterious punishment.

Further corroborating facts in support of this claim shall be disclosed by reviewing the Automated Case Support System (ACS) and by interviewing Special Agents who were assigned to Squad NS-24 between circa 1997 and 1998.

ABUSE OF AUTHORITY

During the time period in question, the arbitrary mismanagement of Squad NS-24, as it relates to the reporting of potential IOB violations, can be equated with an abuse of authority.

An example of an unreported potential IOB violation involved an espionage investigation, codename, "REDACTED." In this investigation, a request for authority to conduct ELSUR activity was based on unreliable source information. Due to the sensitive nature of this investigation, a Department of Justice (DOJ) Attorney instructed Squad NS-24 to minimize all non-intelligence information that did not specifically pertain to the subject, and to only maintain intelligence information that directly involved the subject's alleged espionage activities. Contrary to DOJ instructions, it is my understanding that the case file contains a significant amount of non-intelligence information.

On April 14, 1999, a Special Agent assigned to the WFO Technical Operations Squad drafted an electronic communication (EC) to provide notification of complainant's possible IOB violation. During subsequent discussions concerning this report, a WFO Telecommunication Technicians (TCT) advised that other potential violations have occurred and were not reported.

Based on the selective and disparate reporting of the complainant's alleged IOB violation, it is my reasonable belief that this action represents an abuse of authority. As stated in the enclosed letter of appeal, the resultant administrative inquiry conducted by the FBI, Office of Professional Responsibility (OPR) was conducted with total disregard to procedural due process. The manner in which OPR handled this personnel action also represents an abuse of authority.

VIOLATION OF REGULATION AND RULE

The enclosed EC drafted by John G. Raucci advised FBI Divisions of proposed changes to the National Foreign Intelligence Program Manual (NFIPM) concerning the details required in notifications regarding IOB matters. In reporting the potential IOB violation concerning the complainant, WFO did not comply with the procedures set forth in the NFIPM.

The investigative program where the potential IOB violation occurred involved several ELSUR operations to collect foreign intelligence and counterintelligence information. It is the complainant's reasonable belief that the request for ELSUR coverage was a subterfuge to collect evidentiary information concerning a public corruption matter. Further evidence of this allegation is set forth in the enclosed blind memorandum.

The allegations set forth herein are submitted in accordance with existing whistleblower regulations. The Department of Justice, Office of the Inspector General is requested to take the appropriate action as required by law.

Sincerely,

Gilbert M. Graham
Special Agent
Washington Field Office

Enclosures: 4

December 17, 2002

Senator Charles Grassley
135 Hart Building
Washington, D.C. 20510-1501

Dear Senator Grassley:

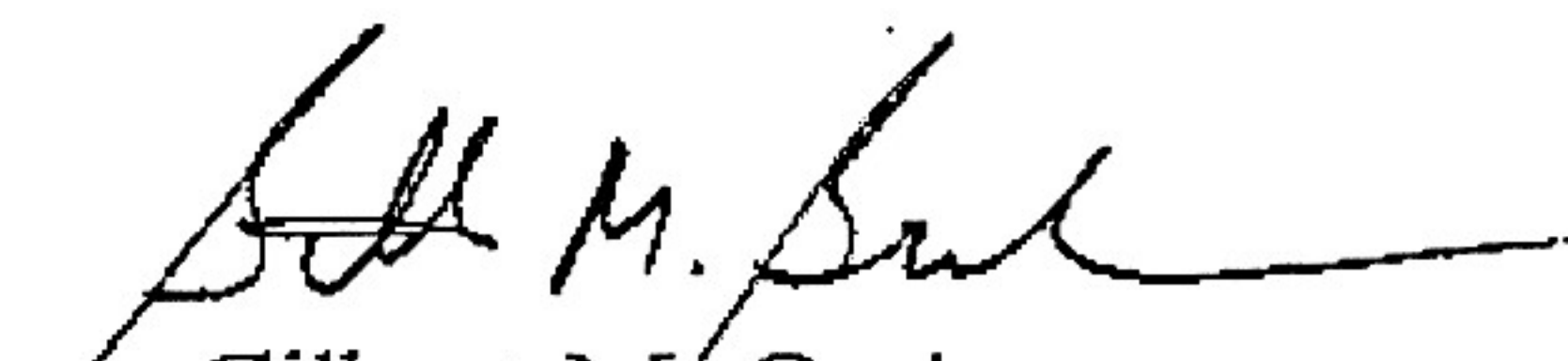
On April 2, 2002, pursuant to Title 28, Code of Federal Regulations, Part 27, I delivered a letter to make "protected disclosures" to the Department of Justice, Office of the Inspector General (OIG). On August 6, 2002, Suzanne K. Drouet, Director, Office of Oversight and Review, advised that after carefully reviewing my allegations and consideration of the allocation of resources, it was determined that an OIG investigation was not warranted. Ms. Drouet stated further that the OIG would normally refer such allegations to the FBI, Office of Professional Responsibility (FBI,OPR), but would not do so absent my permission.

It is difficult to comprehend how the OIG determined that the allegations did not warrant investigation, and yet, consideration would have been given to refer the same to the FBI, OPR. In accordance with the definition of a "protected disclosure," the allegations pertained to mismanagement, an abuse of authority and a violation of regulation. It is my reasonable belief that the allegations are indeed warranted and should have been investigated by the OIG.

The purpose of this letter is to request the assistance of the Honorable Senator Charles Grassley to look into this matter, and to determine if an OIG investigation should have ensued based on the allegations submitted on April 2, 2002.

Thank you for giving consideration to this matter.

Sincerely,


Gilbert M. Graham
Special Agent, FBI