

MARTIN ANDERSEN v. DEPARTMENT OF DEFENSE
Docket # DC-1221-19-0058-W-1
Evidence-based Pleading on Personnel Actions and Contributing Factors
Summary Page

Case Title : MARTIN ANDERSEN v. DEPARTMENT OF DEFENSE

Docket Number : DC-1221-19-0058-W-1

Pleading Title : Evidence-based Pleading on Personnel Actions and Contributing Factors

Filer's Name : Martin Andersen

Filer's Pleading Role : Appellant

Details about the supporting documentation

#	Title/ Description	Mode of Delivery
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2	My effort to reach out to new CHDS Director	Uploaded
3	Corruption as a way to "negotiate"	Uploaded
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Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

2. Does your pleading assert facts that you know from your personal knowledge?

Yes

3. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

PLEADING
Partial Response to Order on Jurisdiction for IRA Appeal
Pleading on Personnel Actions and Contributing Factors

November 15, 2018

Dear Judge Cioffalo,

The following is a continuation of my Response to questions raised in your Order of October 25, 2018.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Martin Edwin Andersen', with a long horizontal flourish extending to the right.

Martin Edwin Andersen

*Personnel Actions and Contributing Factor Before Signing of Contract of
Adhesion / Illegal Nondisclosure Agreement (NDA)
(2006-2011)*

Personnel Actions and Contributing Factor No. 1

1. What was my disclosure and what proves that I made it? Married CHDS Dean Craig Deare (later a short-lived political appointee to the National Security Council) affair with civilian contractor directly under his control, a violation of rule/regulation and creating deeply divisive controversy among and between CHDS staff. (2013-2015) Proof in numerous contemporaneous emails, third-party testimonies, and unchallenged journalistic accounts.

2. What were the adverse actions against me? On-going and unpunished character assassination campaign by Deare and his close friend Dean Thomaz Costa, both protected by Center Director Richard D. Downie; CHDS renewing my three-year Title X contract by only two years, despite "Outstanding" annual evaluations.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes, clearly, as shown by the emails, third-party testimonies and newspaper accounts.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? My conduct was beyond reproach, leading to colleagues referring to me as Mr. Ethics (see letter of recommendation to that effect from Dean Bruce Burslie; attached). During this time, I received Excellent/Outstanding annual performance reviews. The motive for the RMO(s) to reprise includes what was shown in the emails I submitted, the story about Deare--a close friend and mentor to Downie, who was one of two people who decided on my rehiring--was very embarrassing to the Center. There were no other employees who were not whistleblowers who were treated in a like or similar manner.

Personnel Actions and Contributing Factor No. 2

1. What was my disclosure and what proves that I made it? As shown by emails I provided to the OIG, I sought to create an anonymous system for employees to make complaints about misconduct/wrongdoing at the Center. Despite the palpable fear expressed by colleagues about the existing lack of safe avenues and the fact that an independent consultant who

found serious concerns about the possible violation of rules, regulations and/or law, the idea was unceremoniously shot down by Center Director Downie. Proved by independent consultant's report and email coverage.

2. What were the adverse actions against me? CHDS renewed my three-year contract by only two years, despite "Outstanding" annual evaluations; attitude of Downie and LaPlante in claiming that I was unnecessarily promoting "disgruntled" behavior.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes, my communication on the proposal was with Downie and LaPlante, who renewed my three-year Title X contract only for two years.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)?

My conduct was beyond reproach, leading to colleagues referring to me as Mr. Ethics (see letter of recommendation from Dean Bruce Burslie). During this time, I received Excellent/Outstanding annual performance reviews, although later LaPlante claimed that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file 'if necessary.' The motive for the RMO(s) to reprise includes the fact that Downie accepted no challenge to his narcissistic and controversial "administration" of the Center and was protected by his deputy, Ken LaPlante. The failure to protect the anonymity of possible truth tellers and its contribution to gross malfeasance at the Center fully demonstrated in subsequent AR 15-6 carried out in 2011-2012. The snowball effect is clear. There were no other employees who were not whistleblowers (or senior staff like Dean Dennis Caffrey, whose public servant example stood in stark contrast with Downie, LaPlante and Deare) who were treated in a like or similar manner.

Personnel Actions and Contributing Factor No. 3

What was my disclosure and what proves that I made it? Rampant homophobia at the Center, against specific CHDS employees as well as senior DoD staff (and at least one prominent Latin American Defense Minister), to the point it possibly created a security concern; extensive email coverage.

2. What were the adverse actions against me? I was publically mocked by Richard D. Downie and told that I should never use "pink" stationery; the issue served as background/motivation for my receiving only a two-year renewal of my three-year Title 10 contract. Sexual innuendo

was allowed to become commonplace by senior staff, with Downie crony Deare actually pretending to masturbate when I spoke at senior staff meetings.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Absolutely.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)?

My conduct was beyond reproach, leading to colleagues referring to me as Mr. Ethics (see letter of recommendation from Dean Bruce Burslie). During this time, I received Excellent/Outstanding annual performance reviews, although later LaPlante claimed that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file if necessary. The motive for the RMO(s) to reprise includes the fact that the Center for Public Integrity later characterized as a “sort of frat-house atmosphere” was against rules and/or regulations, as well as possibly embarrassing to the Department as a whole. Therefore, those who challenged it were labeled as “disgruntled” and humiliated internally by those who led the organization. There were no other employees who were not whistleblowers, or other ethical people like Dean Caffrey, who were treated in a like or similar manner.

Personnel Actions and Contributing Factor No. 4

1. What was my disclosure and what proves that I made it? Phony speakers linked to gross human rights violations, one of the people whose selection was of personal benefit of senior Center staff Craig Deare; extensive email coverage.

2. What were the adverse actions against me? Despite it being central to my role as chief of strategic communications as well as an assistant professor and recognized expert (including in *The New York Times*) in human rights in Latin America, the issue served as background/motivation for my receiving only a two-year renewal of my three-year Title 10 contract. *It was, as I repeatedly stated then, a gross violation of public education ethics as well as a potential threat to national security.*

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? My conduct was beyond reproach. During this time, I received

Excellent/Outstanding annual performance reviews, although later LaPlante claimed that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file if necessary. The motive for the RMO(s) to reprise includes the fact that Center Director Downie sought always to protect his patron and close friend, the serial wrongdoer Craig Deare, and that public discussion would underscore senior staff private support for illegal dirty “war” tactics, such as that expressed by Ken LaPlante and partially revealed in subsequent news coverage. There were no other employees who were not whistleblowers who were treated in a like or similar manner.

Personnel Actions and Contributing Factor No. 5

1. What was my disclosure and what proves that I made it? Professor Jaime Garcia Covarrubias and credible allegations of torture, murder and membership in what the Central Intelligence Agency said was an international terrorist organization that murder two people in Washington, D.C.; emails and subsequent media coverage.

2. What were the adverse actions against me? Downie mockingly told me I should ‘get back to work’, that I was not an investigative reporter. LaPlante set me up to head a Potemkin-like investigation, then warned me that if I did not stop probing, senior staff would find a way to fire me.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes. Both LaPlante and Downie did, as the email trail shows; LaPlante’s declarations to me suggest that Garcia Covarrubias friend/ally Deare may have been involved as well.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? My conduct was beyond reproach, leading to colleagues referring to me as Mr. Ethics (see letter of recommendation from Dean Bruce Burslie). During this time, I received Excellent/Outstanding annual performance reviews, although later LaPlante claimed that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file if necessary. The motive was seen in a) the support given to other alleged (and convicted) dirty “warriors”; LaPlante’s continued vindication of the notorious School of the Americas, and his private advocacy that death squads be used in Mexico, and Deare’s very close friendship with Garcia Covarrubias, among others. As seen in later press reports on the Garcia Covarrubias case, whistleblower reprisal was central to the highly negative strategic communications and human rights challenges faced by U.S. Southern Command. There were no other employees who were not whistleblowers who were treated

in a like or similar manner, although women, gays (real and imagined), and darker skinned Latin Americans were treated without proper respect.

Personnel Actions and Contributing Factor No. 6

1. What was my disclosure and what proves that I made it? Illegal Honduras military coup and hands on CHDS senior staff support for it; emails and subsequent media coverage.

2. What were the adverse actions against me? Although I was the first senior staff person who first brought up the illegality of the coup and possible strategic communications concerns about links to CHDS, I was told to leave senior staff meeting(s) in which senior staff hands on support for the coup was discussed. In 2010, this resulted in my receiving just a one-year renewal of my original three-year Title X contract; following my June 2011 public statement that it would be included in my disclosures to an Office of the Inspector General, I was first threatened that I must remain silent, then accused of being a security threat who needed to be kept off the NDU grounds, and then told—more than a month after legal requirements—that my Title X contract would not be renewed.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes. The order to get out of at least one of the senior staff meetings in 2009 was made by LaPlante in the presence of Downie; the 2011 reprisals were orchestrated by Downie, LaPlante, the hands-on Honduran coup supporter John Thompson, and others.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? My conduct was beyond reproach. During this time, I received Excellent/Outstanding annual performance reviews, although later LaPlante claimed that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file if necessary. As seen in later press reports on the Honduras coup-CHDS case, whistleblower reprisal was central to the highly negative strategic communications and human rights challenges faced by U.S. Southern Command. In fact, Commander-in-Chief Obama had immediately declared the coup illegal and the support by Thompson et. al for the coup mongers continued. It should be also noted that about the same time, as an already decorated national security whistleblower, on my own time I was the author of a petition signed by some 20 other national security whistleblowers asking President Obama to ensure greater protection for federal truth tellers. As a result I was warned by LaPlante that that was the last work I was to do involving whistleblowing, implying that I would be punished if I continued to do so, even though my activity was off the

It should be noted that this “testing” me was carried out in the context of the Garcia Covarrubias death squad/terrorist accusation/conundrum and the knowing promotion at CHDS speakers of dirty “war” figures. In addition, LaPlante was a well-known defender/proponent of the old notorious School of Americas shut down by Congress, where LaPlante used to work (http://articles.dailypress.com/2001-06-16/news/0106160210_1_western-hemisphere-institute-army-school-torture-manuals / (Please see also the *Washington Post* article @ <https://www.washingtonpost.com/archive/local/2009/03/27/local-03-27-2009-03-27/>).

2. What were the adverse actions against me It was clear that when LaPlante and one of his deputies--who just days before screamed in the hallway that he was going to "beat the sh__ out" of me--made the case for dirty "war" tactics, I was the specific target that they were seeking (unsuccessfully) to provoke into an argument; thus setting me up for future punishment if I challenged their (illegal) views.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? My conduct was beyond reproach. During this time, I received Excellent/Outstanding annual performance reviews. I am also the author of a book on the Argentine dirty “war,” publicly praised by Senator Edward M. Kennedy and called a “tour de force” on a military run amok in a full-page review in the *Sunday New York Times* (<https://www.nytimes.com/1993/05/09/brooks/when-thousands-vanished.html>).

Personnel Actions and Contributing Factor No. 9

1. What was my disclosure and what proves that I made it? Specific threat related to my outside whistleblower / employee free speech promotion. In mid-2009, although I received the Office of Special Counsel’s “Public Servant Award” in 2001, the first national security whistleblower ever to receive it, I was warned by LaPlante that I should never again be associated in public with anything having to do with whistleblower rights; this after having authored a petition to the recently-inaugurated President Barack Obama that was signed by more than 20 national security whistleblowers

(<https://www.whistleblowers.org/resources/press-room/in-the-news/907>).

2. What were the adverse actions against me? Coming around the time I found out about CHDS and the Honduras coup, and when I was warned that if I continued to seek information about Garcia Covarrubias senior Center staff would find a way to make me

lose my job, I believe this helped former OIG official LaPlante plan his future reprisals against me. Meant to keep me on a "short leash," it also contributed to my contract being renewed in 2010 for only one year, unlike those of my colleagues, despite my "Outstanding" annual job evaluations.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)?

My conduct was beyond reproach. During this time, I received Excellent/Outstanding annual performance reviews, although later LaPlante warned me that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file, if ‘necessary.’

Personnel Actions and Contributing Factor No. 10

1. What was my disclosure and what proves that I made it? Among the racist and sexist commentary/emails that were passed around at CHDS in the Spring of 2011, an e-mail was circulated around CHDS portraying First Lady Michelle Obama as a monkey. About the same time, a CHDS Assistant Professor used a slide that showed a woman's derriere covered by a thin Brazil-type thong morphing into a Polish sausage. One of the students was an attractive Polish Mexican who was then "teased" and asked by other students if she had a derriere like that; women in the class were appalled by this and other, frequent, incidents of sexism. I have provided the DoD OIG with contemporaneous documentation.

2. What were the adverse actions against me? I met several times behind (necessarily) closed doors with Ambassador Cris Arcos to discuss how to end such racist behavior at CHDS.. When I mentioned the racist email to LaPlante he countered by saying that it might just be a "cultural" misunderstanding and that while his own mother used the "N" word and did not "like" black people, that did not mean that she was a racist. In addition, Downie told me that LaPlante had already told him that he did not support the renewal of my contract, although Downie did not say that he agreed and I did not receive formal notice until months later.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? My conduct was beyond reproach. During this time, I received Excellent/Outstanding annual performance reviews, although LaPlante had already warned me that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file, if ‘necessary.’

Personnel Actions and Contributing Factor No. 11

1. What was my disclosure and what proves that I made it? Among the racist and sexist commentary/emails that were passed around at CHDS in the Spring of 2011, an e-mail was circulated around CHDS portraying First Lady Michelle Obama as a monkey. About the same time, a CHDS Assistant Professor used a slide that showed a woman's derriere covered by a thin Brazil-type thong morphing into a Polish sausage. One of the students was an attractive Polish Mexican who was then “teased” and asked by other students if she had a derriere like that; women in the class were appalled by this and other, frequent, incidents of sexism. I have provided the DoD OIG with contemporaneous documentation.

2. What were the adverse actions against me? Met several times behind (necessarily) closed doors with Amb. Arcos to discuss how to end such racist behavior at CHDS. When I mentioned the racist email to LaPlante he countered by saying that it might just be a “cultural” misunderstanding and that while his own mother used the “N” word and did not “like” black people, that did not mean that she was a racist. In addition, Downie told me that LaPlante had already told him that he did not support the renewal of my contract, although Downie did not say that he agreed and I did not receive formal notice until months later.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? During this time, I received Excellent/Outstanding annual performance reviews, although LaPlante had already warned me that he maintained two sets of books—the public evaluation and a far-more negative one that he kept on file, if ‘necessary.’

for creating inclusive environments," the former Chairman of the Joint Chiefs of Staff has said. By that measure, Downie, LaPlante, Deare and Thompson would have been cashiered from the service.

Personnel Actions and Contributing Factor No. 13

1. What was my disclosure and what proves that I made it? It was on June 16, 2011, that I sent out an email about wrongdoing at CHDS, which SOUTHCOM IG Glenn Olate was forwarded.

2. What were the adverse actions against me?

A plethora of reprisals--failure to renew my contract for 12 months despite being legally required to do so, campaign of libel and slander, etc.--was conducted against me by Downie, LaPlante, et. al from that point forward.

Very early the morning of June 16, 2011, the morning of the day that I arrived at CHDS to do my sick leave paperwork--and was then framed as a security risk by those involved in wrongdoing who (as Ambassador Cris Arcos foresaw in a May 30, 2011) were going to seek my "blood"--I sent out an email in which SOUTHCOM IG Glenn Olate was included. The subject line of my e-mail sent out that morning and cc'd to Olate was precisely "Inspector General Offices, CHDS and Prospects for Justice and Change." While at CHDS on June 16, 2011, LaPlante confronted me in the hallway, demanding that I meet with him alone in an office. I refused. My offense? I told people I met at NDU/CHDS on June 16th, that "justice will return" in early August, when I would no longer be taking sick leave and when, according to what Ambassador Arcos told me at the time, the U.S. Southern Command Inspector General would start an investigation. Late the afternoon of June 17, 2011, I received the following hopelessly pretextual email message from LaPlante:

... as your supervisor and at the request of the NDU-GC and with the concurrence of the Director, CHDS, I forward to you the attached Notice Of Revocation of Access to Facilities of the National Defense University, Fort McNair, Washington, D.C. signed by the President of the National Defense University (NDU). You will also receive a copy via FEDEX.

A CHDS memorandum dated October 31, 2011, seeking to justify CHDS executive actions, makes reference to my "unannounced visit" in June--there was no reason why I should have announced I was planning to come in to take care of my own sick leave

paperwork—one that allegedly had a "terrifying effect on several people of CHDS" (sic). The original position taken in that memo that "to date, nothing presented by me would justify modification of this ban"—this despite the fact that, according to my own doctor's letter to them--any residual effects of the medication (which caused me to send out the e-mails)--definitely ended by early to mid-July.

Not only was I prohibited from returning to National Defense University; I was also blocked from sending any emails using my NDU.edu account, or trying to reach those with NDU.edu accounts. All work conducted until the end of my Title X contract was to be done from home or a non-government site.

In addition to maintaining slanderous/libelous charges (*about which I was never able to confront my accusers*) in any administrative proceeding, the Center's "bargaining position" was that, despite by rule and regulation them having to give me a contract for at least one additional year, they were offering a "one pay period (80 hours) extension" past Christmas Eve, 2011. As Tom Devine (my pro bono lawyer from the Government Accountability Project) tried to negotiate my return to work in the summer and fall of 2011, I was repeatedly threatened by LaPlante by email; my duties were changed significantly, effectively demoting me, and my annual evaluation downgraded to less than "Outstanding," despite my unimpeachable and impeccable service.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? Even while under medication and under attack from malfeasant Center senior staff, I did not act in an unlawful or physically threatening manner, as did other CHDS employees, whose contracts were renewed, or re-employment sought, even after breaking rules, regulations and/or laws, and even screaming at senior staff that they would beat the "sh__" out of them, or throwing chairs at them. *Not to mention the solicitude given to non-American fellow Professor Jaime Garcia Covarrubias, a former member of a state terrorist organization that killed 10 people in Washington, D.C., and who himself was later indicted in a civilian court for his alleged role in the torture and murder of seven detainees.*

Personnel Actions and Contributing Factor No. 14

1. What was my disclosure and what proves that I made it?

In August-September 2011 my protected disclosures about wrongdoing were again sent through the (corrupted) chain of command. Proof lies in emails—previously forwarded to the DoD OIG—that had been sent by me and in the response(s) LaPlante.

2. What were the adverse actions against me? Acting under Downie's authority, in the fall of 2011 LaPlante attempted to launch a phony ethics inquiry against me and against a fellow professor with whom I worked closely. While completely unsuccessful as it was not based on a real concern (as evidenced no less by the response of the DoD ethics official LaPlante was trying to enlist unbeknownst to him), the move helped instill fear in the fellow professor (as expressed in an email to me) as well as in other CHDS employees (as evidenced in the ersatz AR15-6).

As there was no action taken against LaPlante for his palpable misconduct in trying repeatedly to use perhaps legitimate rules and regulations for the personally-tainted purpose of foiling any outside oversight of CHDS senior management, it showed the complete impunity he could employ against other potential truth tellers, who then had even more reason to not accompany me—despite my previous broad-based acceptance/popularity among my U.S. Southern Command and National Defense University colleagues. This fear was clearly demonstrated later during the phony AR 15-6 "investigation."

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? There is no record of LaPlante ever seeking any ethics inquiries—much less publicizing them while doing so to a group of Center colleagues—of those senior CHDS staff demonstrably shown to be ethically challenged or even morally and/or statutorily corrupt. LaPlante even read me the riot act for allegedly not having shown up at a mandatory ceremony featuring none other than Craig Deare. Given that LaPlante and Downie were planning to launch a supposedly exculpatory AR 15-6 in the face of my substantive disclosures, such behavior was clearly meant to further intimidate those who might plan to speak truth to power.

Personnel Actions and Contributing Factor No. 15

1. What was my disclosure and what proves that I made it?

Continued efforts to enlist colleagues to come forward with evidence of ill deeds, sharing the information with me or with Members of Congress; emails to colleagues and senior-most officials in the (corrupted) chain of command from the period June 2011 to December 2011.

2. What were the adverse actions against me? I was required to sign a demonstrably illegal "Settlement Agreement" (nondisclosure agreement; NDA) that shielded unlawful behavior at U.S. Southern Command and/or the National Defense University or lose the entirety of the year-long contract to which I was entitled by rule, regulation and/or law during 2012 (possible blackmail). In addition to maintaining slanderous/libelous charges (*about which I was never able to confront my accusers in any administrative proceeding*), the Center's "bargaining position" was that, despite by rule and regulation their having to give me a contract for at least one additional year, they were offering a "one pay period (80 hours) extension" past Christmas Eve, 2011. Although by law I was entitled to another one-year Title X contract (Downie and LaPlante had forgotten to advise me that my contract would not be renewed at least six months before the one in 2011 ended), CHDS senior management—having already engaged in a campaign of intimidation, slander and libel—required me to sign the notorious "Agreement" in which my contract would be extended only for three months, "negative" information about me would be removed from my file, and I was given a revised, abbreviated (and suspiciously constructed) 2011 "Outstanding" annual performance evaluation, rather than the original even more problematic rating given to me as part of their reprisals.

In exchange, according to the illegal agreement shepherded and promoted by NDU legal counsel Mollie Murphy, I was forced to sign a publicly distributed "Apology." The "Settlement Agreement" also sought to make me a party to an illegal violation of the Lloyd-LaFollette Act, which attempted to restrict me from going to Congress, an Office of the Inspector General, or to the Office of Special Counsel about any past or current violations of rule, regulation and/or law by those still at the Center or elsewhere—"past or current" personnel (for example, the Intelligence Community scofflaw Craig Deare at NDU). *By its very nature and purpose it deepened a sense of imminent reprisal against anyone considering the lawful exercise of free speech against such practices, given this supposedly "confidential" settlement's public requirements.*

The so-called "Agreement" was repeatedly used—by Murphy in representing Downie, LaPlante, Deare and CHDS, as well as by a private attorney representing Downie and

LaPlante—to intimidate, or to attempt to intimidate, me in an effort to keep me from making my supposedly protected disclosures. All of these efforts occurring *AFTER* the Contract of Adhesion was signed, supposedly (according to the text) leaving me with no effective ability to appeal or redress their multiple failure to live up to their end of the bargain to end their misconduct against me and to restore my professional reputation. (Please see definition of “contract of adhesion.”) The employment by Downie and LaPlante of the previously planned out AR 15-6 “investigation” was meant to cover up wrongdoing and to discredit my truth telling (see Disclosure “P”) occurred within 48-72 hours of the contract of adhesion being signed.

3. *Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)?* Yes

4. *Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)?* As even the AR 15-6 later reported (although it was kept from the public and, to the best of my knowledge, even my Center colleagues, until pried loose (much later and as a result of my specific recommendation) by a Center for Public Integrity FOIA), many of those interviewed said they believed there were two standards of conduct at CHDS, one for Downie and his favored colleagues (read: corrupt crew and their willing subordinates/accomplices), and another for truth tellers such as fellow whistleblower James Zackrison and myself.

*Disclosures during the time between the signing of the contract of
adhesion/nondisclosure agreement and the end of my service at CHDS
(March 2012)*

Personnel Actions and Contributing Factor No. 15

1. *What was my disclosure and what proves that I made it? The imposition of an AR 15-6 in a civilian DoD institution that resulted in my having to receive “permission” from Mollie Murphy (who negotiated the contract of adhesion on behalf of serial wrongdoers Downie, LaPlante, et. al and someone who had knowledge of my disclosures about wrongdoing since at least June 2011) in order to meet with the military procedures’*

"investigator" (Saul Bracero), who admitted (even before he finished) to my fellow whistleblower Jim Zackrison that effort's instigators (Downie and LaPlante) would not act honorably on its findings. An essential whitewash if my earlier disclosures that was conducted unethically did not even find those senior officials accused of wrongdoing/reprisal of "conduct unbecoming," despite being a military model of "investigation" that was imposed on a civilian DoD institution. The signing of the contract of adhesion meant that I found it necessary to ask Mollie Murphy, an architect of that contract, if I could even answer questions that were posed regarding my earlier disclosures. LaPlante's December 21, 2011 email announcing the creation of an AR 15-6, to be supervised by himself and by Downie and carried out by a senior official of a sister institution itself recently "helped" by CHDS in a thorny EEO complaint (and thus not having a necessary "arms length" perspective required to investigate wrongdoing), listed exactly those concerns found in my initial disclosures. These were:

1. Hostile Work Environment involving but not limited to:
 - a) Supervisory/Management Misconduct/Mismanagement
 - i. Constant Reorganization
 - ii. Dual Standards
 - iii. Discouraging Efforts to Succeed
 - iv. Changing Process and Procedures
 - b) Ethics Violations
2. Resource Mismanagement
3. Racial Prejudice

(Although the Honduras scandal was mentioned by me in a June 2011 email, it was not included, nor was that involving Garcia Covarrubias, for reasons I have already explained as a tactical decision by myself—the Al Capone paradigm, which I have previously explained to DoD OIG.) According to an entry in the documentation I possess...

(JS IG) provided an email with the following information: "I was finally able to speak with the informed me that to _____ *knowledge no corrective action was taken* WRT the AR 15-6, (b) (7)(C)
(Italics/BoldFace added by me.)

2. What were the adverse actions against me? Downie and his deputy, retired Col. Kenneth LaPlante, initiated the *deliberately ersatz* AR 15-6 "investigation" meant to effectively cover up wrongdoing by themselves and their Southern Command cohorts, while discrediting me as a whistleblower and intimidating any others wishing to speak truth to power.

The adverse actions include LaPlante later bragging to me and to others that the AR 15-6 found nothing to substantiate my allegations, implying that this was proof of my own unprofessional posture and/or conduct. The fraudulent "oversight" effort also instilled even more fear in those who 1) knew of wrongdoing, and/or 2) were concerned about how reprisals against them could affect their reputation and their ability to feed their families. Thus, even those wishing to show support for me and for fellow whistleblower Jim Zackrison found it necessary to whisper that support out of range of senior staff wrongdoers and other passively complicit NDU and U.S. Southern Command personnel.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)?

The motive for the RMO(s) to reprise includes the fact that the Center for Public Integrity later characterized CHDS under Downie and LaPlante as having a "sort of frat-house atmosphere," which was against rules and/or regulations, as well as possibly embarrassing to the Department as a whole. Therefore, those who challenged it were labeled as "disgruntled" and humiliated internally by those who led the organization. There were no other employees who were not whistleblowers, or who were not potential whistleblowers, who were treated in a like or similar manner.

*Disclosures that came after my leaving CHDS (March 2012)
and which contributed to ongoing reprisal.*

Personnel Actions and Contributing Factor No. 16

1. What was my disclosure and what proves that I made it? Disclosures to the head of U.S. Southern Command, Gen. Doug Fraser; multiple emails to and from Gen. Fraser, the up to that point MIA (missing in action/inaction) Southern Command IG Glenn Olate, Jim Zackrison and myself. Given Gen. Fraser's suggestion that we work through the seemingly uninterested and/or compromised Olate, I decided not to go forward with that. Instead, I chose to ask the office of Representative Steny Hoyer to request that the Secretary of Defense initiate a DoD OIG investigation.

Background: In the approximate period March-May 2012, fellow whistleblower Jim Zackrison and I tried to convince the then-head of U.S. Southern Command, Maj. General Doug Fraser, to have a real investigation conducted. Zackrison specifically pointed out that to Fraser the AR 15-6 "investigator" admitted to him that he was just going through the motions in taking on the case and that no real change would be implemented by Downie. Fraser then kicked our protected disclosures to Southern Command's IG Olate, who had done nothing about my disclosures when I offered them to him in June the previous year. Olate contacted me by email, saying that he "look[ed] forward to discussing or receiving via email any specific allegations [I] may have." Given Olate's previous lack of action on my disclosures made in June 2011 and his friendship with several of CHDS's leadership (he had previously served in Panama, a favored Downie watering hole, I declined to move forward.

2. What were the adverse actions against me? Warning shots by LaPlante, citing illegal contract of adhesion signed in December 2011, and transmitted by NDU counsel Mollie Murphy, as well as LaPlante attempting to shoot down my previous disclosures by dishonestly citing the meager and secretive (not shared with me, Zackrison or, to the best of my knowledge, any honest CHDS staff) AR 15-6 as having disproved my previous disclosures. Also, *I have been told by Jim Zackrison that there exists first-person knowledge by someone willing to talk to the DoD OIG of LaPlante trying to kill my chances of employment outside CHDS.*

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? There were no other employees who were not whistleblowers, or who were not potential whistleblowers, who were treated in a like or similar manner. The public disclosure of the failure of the Southern Command leadership to take effective action in

favor of rules and/or regulations would have been / is embarrassing to the Department as a whole.

Personnel Actions and Contributing Factor No. 17

1. What was my disclosure and what proves that I made it? Extensive documentation of disclosures regarding gross malfeasance and other violations of rule, regulation and/or law were given to the office of Representative Steny Hoyer, who then wrote to the then-Secretary of Defense Leon Panetta on May 23, 2012 to ask that the DoD OIG carry out a real investigation. "It is my hope that your office and the Department's Office of the Inspector General will carefully investigate this matter," Mr. Hoyer wrote. "I am very troubled about Mr. Andersen's allegations that the leadership of CHDS have actively worked to thwart recent and ongoing investigations."

It needs to be stressed that, following Rep. Hoyer's request, I was told by the DoD OIG that I had to allow my name to be used in an "investigation", even as they knew the reprisals continued and as my pro bono lawyer tried to "negotiate" CHDS/NDU/MollieMurphy compliance with my rights as both a citizen/taxpayer as well as their backing off from current and possible future reprisals.

It should be also pointed out that, at this juncture, Murphy should have been fully aware of the CHDS senior staff "conduct unbecoming" behavior as well as the palpable fear of senior staff reprisal experienced by many of my colleagues, who saw what Downie, LaPlante, et. al did to quash employee First Amendment rights. These were even the findings contained in the ersatz AR 15-6 wielded by the wrongdoers to cover up even graver behavior (connivance with foreign state terrorists, unpunished hands-on support for the illegal 2009 military coup in Honduras, violations of the Federal Code, etc.).

2. What were the adverse actions against me? One was the continued ban on my visiting/using the NDU campus in the same fashion accorded other taxpayers. Mollie Murphy admitted to my lawyer that she could not/would not do anything until Downie left CHDS, even though she claimed it was an NDU (who she also represented), rather than a CHDS, *decision*. It needs to be pointed out here that what was at issue was my being able to have access to the rest of the NDU campus, NOT the corridors housing CHDS.

So why then was the approval of CHDS Director Downie, a focal point of the disclosures by Zackrison and myself, needed at all?

Reprisals also included my inability to be able to communicate with colleagues using their NDU.EDU email addresses; LaPlante's grossly unprofessional "poll" of my former colleagues as to whether the physical ban should be retained (their provable support for my return was ignored), showing that the maneuver was nothing more than an effort by Downie and LaPlante to keep my colleagues on a short leash, effectively giving additional internal publicity to my being banned for speaking truth to power.

Also taking place, LaPlante calling around town telling people not to hire me, as well as Downie and LaPlante keeping my path-breaking academic work off the Center's Web site and/or, unlike that of other (their favored and frequently complicit) colleagues, hidden away from outside access.

Finally, my pro bono lawyer repeatedly told me of his own reluctance to engage in necessary legal "saber rattling," given his extended and necessarily preferential commitments to paying clients and his serious concern that, in the way Downie, LaPlante, et. Al, had carried out a sustained campaign of libel and slander (artfully brandished by Molly Murphy), continued disclosures and/or a frontal campaign to have my rights respected would result in their engaging in strategic lawsuit against public participation (SLAPP) intended to censor, intimidate, and silence me by burdening me and my family with the cost of a legal defense until I abandoned my criticism and opposition. This was even more a concern given the precarious financial situation my family and I suffered for which they were responsible. In September 2012, my pro bono attorney warned Murphy (representing Downie, LaPlante, et. al) that, *"if we're still twisting in the wind I'll start preparing the next round of legal filings after Congress adjourns next week."*

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? **Yes.**

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? There were no other employees who were not whistleblowers, or who were not potential whistleblowers, who were treated in a like or similar manner. Hoyer made the request after LaPlante, a central focus of my whistleblower complaints, gloatingly if erroneously informed me that none of my protected disclosures had in fact upheld in the phony AR 15-6. *A later FOIA by the Center for Public Integrity showed, out of the whitewash of Bracero "investigation" comes little FOIA pearls ... "... many employees did want to remain anonymous for fear of retribution ... because they believe that the Center has shown a propensity to retaliate against employees*

that speak out or against the Center's leadership. ... "There is also a very real feeling among the women that borderlines on discrimination; however, the women in the organization feel very apprehensive about raising specific allegations in fear of retribution."

Personnel Actions and Contributing Factor No. 18

1. What was my disclosure and what proves that I made it? Disclosures made to the news media, ie., *Best Defense*, *McClatchyDC/Miami Herald*, and the *Center for Public Interest*. Although I disagreed with the approach taken by the *Center for Public Interest* reporter and did not agree with their slant, I sent the articles published in the other media to numerous Congressional offices (and to others) to enlist their support in putting an end to gross malfeasance and impunity at U.S. Southern Command and the National Defense University. In doing so, I also sought to repair the damage done to my professional reputation (including having been an already decorated national security whistleblower). This continued to be harmed by DoD OIG lack of action and misrepresentations to Congress about the genesis for the need for extensive reform, or whether that in fact existed, as well as a meaningful reckoning on the fate of truth-tellers and gross miscreants/criminals like. As a/the main source, in addition I allowed *McClatchyDC/Miami Herald* to identify myself in their two-part investigative series. I ensured that they contacted Senator Patrick Leahy, the author of the Leahy Law prohibiting U.S. assistance to military units and members of foreign security forces that violate human rights. (Leahy's comment: "Reports that NDU hired foreign military officers with histories of involvement in human rights abuses, including torture and extra-judicial killings of civilians, are stunning, and they are repulsive.")

Shortly before the *Best Defense* article appeared, Jaime Garcia-Covarrubias had been indicted in Chile in a civilian court for his alleged torture and murder of seven detainees. Garcia-Covarrubias had been previously shown to have belonged to an international terrorist organization that the CIA and the FBI had much earlier found had carried out the murder of two people, including an American, not far from the White House.

Garcia Covarrubias was purposefully protected by Downie and his School of the Americas proponent and former lecturer LaPlante, extending to the Chilean far greater consideration of his rights than that offered either to myself or to my Oxford-educated whistleblower colleague Zackrison, both Americans.

2. What were the adverse actions against me? They include the continued ban on my being able to contact colleagues using their NDU.EDU email addresses. My academic work was still hidden from view on the CHDS Web site, which damaged my ability to seek work based on my erstwhile recognized accomplishments, which made it necessary for me to post copies of my CHDS work on other Web sites, something that nevertheless was never provided as forceful an image as being on one operated by, and identified as belonging to, DoD. As my work as the Editor of the CHDS academic publication, the *Security and Defense Studies Review*, was my crowning professional achievement during my last years at the Center, the fact it was no longer published on the CHDS Web site strongly detracted from my ability to obtain work in my field of interest and expertise. I was also unable to attend an NDU event to which I had previously been invited; the explicit reason for the written dis-invite was the Downie, LaPlante and Murphy-imposed and maintained ban.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? There were no other employees who were not whistleblowers, or who were not potential whistleblowers, who were treated in a like or similar manner.

Personnel Actions and Contributing Factor No. 19

1. What was my disclosure and what proves that I made it? Continued disclosure to Members of Congress of the truth telling by Zackrison and myself, including of the failure of the DoD OIG to investigate violations of rules, regulations and/or law. A highly public stance was meant to help keep other potential whistleblowers from being intimidated (as well as to help restore my Downie, et. al-damaged professional reputation), despite the lid on wrongdoing having been dramatically, if partially, lifted by the Garcia Covarrubias stories. The efforts to inform Congress resulted in a September/October 2014 request by the then Senate Armed Services Committee (SASC) Chair Carl Levin to the Secretary of Defense, asking that the DoD OIG conduct a real investigation. Senior SASC staff said the Committee's willingness to go forward was based in part on worries about a resuscitated "School of the Americas," a notorious entity closed by Congress in 2000.

These efforts were reinforced by CHDS Professor Evan Ellis' email suggesting that, despite an official public posture that continued to suggest that there was nothing wrong, those responsible for overseeing the Center had engaged in institutional efforts to contain the damage done to its public mission. For my part, I made (ultimately unsuccessful) efforts to reach out in a positive fashion to the incoming replacement of LaPlante.

2. What were the adverse actions against me? The adverse actions included threats of a SLAPP suit by a private attorney representing Downie and LaPlante, citing provisions of the illegal "Settlement Agreement" facilitated by Downie and LaPlante cohort Mollie Murphy.

It also included the case of assault (inflicting immediate offensive physical contact) against me by Downie at a seminar at the Center for Strategic and International Studies (CSIS).

Meanwhile, the ban on my sending emails to those having a NDU.EDU account continued. The Center furthermore failed to acknowledge, either publicly or (to the best of my knowledge) to assembled CHDS faculty and staff, my vindicated disclosures and my ethical/legal role in them. I remained unable to obtain one of the scores of federal jobs for which I applied, was highly qualified, and *for which I received not even an interview*. Other adverse actions came due to the failure of the DoD OIG to conduct anything resembling a real investigation, failing to even interview me in person, and arguably spending more time and resources in thinly-disguised misrepresentations to Members of Congress and the public than anything else. Nor was I invited, despite my vindicated disclosures (even in the functional AR 15-6 cover up, and certainly in the U.S. media coverage on the case of Garcia Covarrubias, as well as in classified feedback to my Intelligence Community Congressional Disclosures), to NDU/Southern Command events, including the William J. Perry Award presentation to Richard Millett, even though I was a friend of Millett's since 1989 and since that time a co-author with him of academic publications. This is dispositive particularly given that I had been—as the award coordinator since its inception until I left CHDS—a primary proponent of Millett receiving it, an initiative mocked by Downie's patron Craig Deare.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? There were no other employees who were not whistleblowers, or who were not potential whistleblowers, who were treated in a like or similar manner. The

tenor of the continued reprisals include those focused on Downie and the continued risk of a SLAPP.

Personnel Actions and Contributing Factor No. 20

1. What was my disclosure and what proves that I made it? Disclosure to a current employer whose public reputation is paramount of the recurrent and highly problematic wrongdoing of a senior CHDS/NDU officials in areas directly contrary to the declared mission/values (these include human rights, ethics and free speech). The official, Craig Deare, had just announced that he was publishing a book on the Mexican military with them. Deare had also just been appointed by the then-National Security Council Adviser, General Michael Flynn to the most senior Western Hemisphere slot at the National Security Council. It should be pointed out that national security scofflaw Deare received his appointment from someone who has since pleaded guilty of making a false statement to the FBI in relation to an investigation into a Russian dictatorship that was at the same time making a concerted effort to gain influence and public presence in the Western Hemisphere, in real or suspected alliance with Cuba, Venezuela, Nicaragua and Bolivia, among other authoritarian regimes.

The publishing house was one where I was nominally employed and which had published one of my books (on the indigenous peoples of Latin America; racism against Native Americans was rife at CHDS, and my work warned of inroads being made with some 15 percent of the Hemisphere's people by those same regimes). The book's Forward was written by the highly respected former National Security Adviser Robert Pastor.

2. What were the adverse actions against me? Despite all this, or perhaps because of it, after expressing my concerns to the publishing house (which gave me a 1099 for filing for 2017), warning them of the likely strategic communications nightmare publishing a Deare tome could mean, my now former pro bono attorney received an intimidating email from Murphy, representing Deare. In it she claimed, based on partial information about which she did not even seek "clarification," that I was in likely violation of the "Settlement Agreement." It needs to be emphasized that the document she invoked was not only a violation of the Lloyd-LaFollette Act but is also arguably a violation of the American Bar Association's ethics rules.

(See, for example, Vince Farhat and Calon Russell, “‘Houston, We Have a Problem,’ Clients Who Engage in Unlawful Conduct During Your Representation,” in the Winter-Spring edition of its Criminal Justice Section’s White Collar Crime Committee: “In general, if a client is engaged (or plans to engage in criminal/fraudulent conduct, the lawyer often may and sometimes must take remedial measures, including withdrawing from the representation.

@ https://www.americanbar.org/content/dam/aba/publications/criminaljustice/wcc_newsletter_unlawful_conduct.authdcckckdam.pdf)

Just two days after I wrote an Op-Ed for McClatchyDC/Miami Herald on how Deare should follow General Flynn out the door the CHDS/NDU/NSC miscreant was fired for cause by Commander-in-Chief Trump.

Deare’s gross misconduct as a “Fellow” working on the Senate Intelligence Committee, for which he lost his security clearance, should have been enough to keep him from seeing our nation’s most sensitive classified information. This all the more so given his serial misconduct and a dire lack of a positive record of respect for women and minorities, so at odds with that spelled out by General Martin E. Dempsey, the former Chairman of the Joint Chiefs of Staff in his highly-praised *Radical Inclusion: What the Post-9/11 World Should Have Taught Us About Leadership*.

3. Did the alleged responsible management official (RMO) doing number (2) have knowledge of number (1)? Yes.

4. Why would the alleged RMO in number (3) not have taken the adverse actions in number (2) absent the disclosures in number (1)? There were no other employees who were not whistleblowers, or who were not potential whistleblowers, who were treated in a like or similar manner.

Among the unfounded and insulting criticism in Deare’s book was that directed against former NORTHCOM/NORAD Commander Gene Renuart, an Iraq war hero. Nonetheless, the serial wrongdoer was never to the best of my knowledge brought to heel for his narcissistic and discourteous outbursts—at CHDS, up to and including masturbatory gestures at staff meetings—with the nothing more than self-promoting bile in his book going unpunished. Compare this to how I was treated amidst a culture of lawlessness and impunity at NDU and U.S. Southern Command, due to my disclosures of violations of rule, regulation and/or law, including international law.

<moralsolvency2.0@gmail.com>

Date: Wed, Jan 25, 2012 at 9:41 AM

Subject: Re: Downie's Informal Inquiry

To: "Bracero, Saul (COL USA NDU/ACSS)"

<saul.bracero@ndu.edu>

Col. Bracero,

To follow up, I have not yet heard back from Ms. Murphy, nor have been able to consult in a meaningful way with my attorney, Tom Devine.

This means that I have had to ponder how to answer your request without getting into a "damned if I do, damned if I don't" situation.

This is for two reasons.

From: Martin Edwin Andersen
Date: Fri, Jul 4, 2014 at 9:12 AM
Subject: William Perry CHDS
Cover Up (8)
To: Mark Wilkins, "Earle, Walter,
CIV, OSD-POLICY"
Cc: Tom Devine

Former Ambassador Cris Arcos was, at the time, the CHDS political advisor and was actively encouraging me to have an IG investigation launched, particularly after a racist e-mail comparing First Lady Michelle Obama to a monkey was being passed around the Center ...

The "Howard" listed in the e-mail is the late Howard Wiarda, the same person who once told me that, although he would likely not step forward to help clean up CHDS, he would brandish his knowledge of wrongdoing by senior officials when negotiating for a better salary and perks.

From: Martin E. Andersen

<martinedwinandersen@gmail.com**>**

To: Cris Arcos <arcoscs@yahoo.com>

Sent: Mon, May 30, 2011 10:01:06 PM

Date: Mon, Oct 16, 2017 at 12:32 PM

Subject: National Security / For your Southern Command timeline

To: David Kersey

<David.Kersey@dodig.mil>

Cc: ... ICIGHOTLINE@dni.gov ...

Mr. Kersey,

The following, supposedly written by the then-Senate Intelligence Committee Chair Bob Graham, but found (unsigned) in CHDS Director Richard D. Downie's computer file at National Defense University.

You will remember that in May 2011

Downie honored Deare in an



DEPARTMENT OF THE ARMY
ARMY MANAGEMENT STAFF COLLEGE
5500 21ST STREET (SUITE 1206)
FORT BELVOIR VA 22060-5934

Letter of Recommendation for Martin Edwin "Mick" Andersen

To Whom It May Concern:

For nearly three years I worked with Martin Edwin "Mick" Andersen in my capacity as Assistant Dean for Management and Education Services at the Center for Hemispheric Defense Studies (CHDS) at the National Defense University. I processed Mick's hiring action and was pleased to see him added to the staff and faculty. He was exactly what the Center needed.

Within a short time, Mick brought a wide array of critical talents to the Center as both chief of strategic communications and as an assistant professor of national security affairs. His expert knowledge in the field of strategic communications and in several key areas of Latin American studies, such as civil-military relations, the administration of justice, and ethno-nationalism added greatly to the Center's educational venue. He is a scholar and a published academic.

Mick consistently received "outstanding" performance reviews. A key attribute is Mick's integrity. He has personal fortitude and principles needed by every organization. Being a former Army chaplain, Mick and I had many discussions on issues having to do with ethical behavior and ways to improve interpersonal relations and the working environment at the Center. Mick doesn't just talk the talk, he is a role model for doing the right thing.

Mick's expertise, excellent work ethic and professionalism make him a vital asset for any organization. I highly recommend him to you and am willing to answer any additional questions you may have.

Sincerely,

A handwritten signature in cursive script, reading "Bruce L. Burslie".

Bruce L. Burslie
Director, Advanced Course
Army Civilian Education System
Army Management Staff College
(703) 805-3652
Bruce.Burslie@us.army.mil

MAR 27 2017

Martin Edwin Andersen
5547 Harford Street
Churchton, MD 20733

Reference: ODNI Case DF-2017-00183

Dear Mr. Andersen:

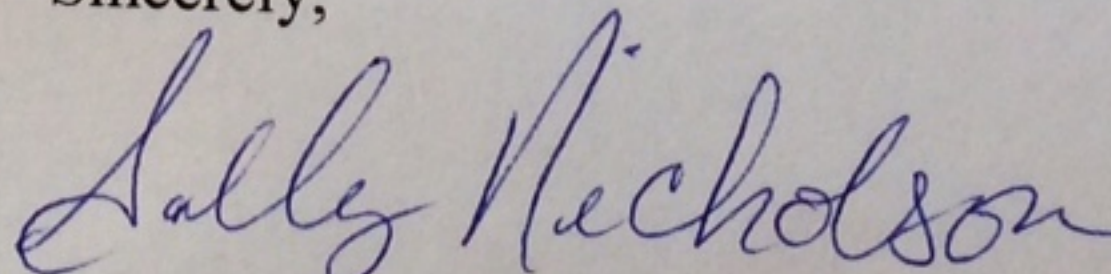
This acknowledges receipt of your email dated 28 February 2017 (Enclosure), received in the Information Management Division of the Office of the Director of National Intelligence (ODNI) on 28 February 2017. Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, you requested "a non-classified copy of my Congressional Disclosure #1703 and all related Tabs (or "Annexes," or "Addendums") forwarded by the DNI to the HPSCI and the SSCI, including any information/observations by the DNI in sending it to the Congressional Committees."

We have initiated searches and will contact you as soon as possible if additional information or clarification is needed to process your request. **All fees associated with the processing of this request have been waived.**

We may be unable to provide a response within the 20 working days stipulated by the FOIA. If we have not responded to you by the 20th working day, you have the right to consider our inability to meet the 20 day requirement for a response as a denial, and may appeal to the ODNI, Information Management Division, Washington, DC 20511 within 90 days of that date. **It would seem more reasonable, however, to allow us sufficient time to continue processing your request and respond as soon as we can.** You will have the right to appeal any denial of records/information at that time.

If you have any questions, please feel free to email our Requester Service Center at DNI-FOIA@dni.gov or call us at (301) 243-1499. You can also contact ODNI's FOIA Liaison at DNI-FOIA-Liaison@dni.gov.

Sincerely,



Sally A. Nicholson
Chief, FOIA Branch
Information Management Division

Enclosure

ndersenM@ndu.edu

nal culpability"?

, martinedwinand

office, shut the doo

in Edwin Andersen informed me recently that, according to C
office has planned to issue a final determination on our comp
sance by the former administrators of the Center for Hemisph
atedly over the years. While it is potentially gratifying to receiv
that no one from your office has made any contact with me, ex
tial complaint a number of years ago. I was interviewed durin
mitted was a blatant effort to whitewash the entire problem, th
y to Mr. Andersen's situation.

omplaint was twofold: first, that the CHDS administration allow
allowed to ignore the Center's mission and do things to their
es and regulations. Second, that the administrators explicitly
e clique to continuously block me from doing what they had

Hill staff that your Congressional office is telling them that the
later than the first part of next month, I would appreciate hea
e interviewed and to discuss the outlines of a settlement.

From: [Andersen, Martin Edwin](#)
To: [LaPlante, Kenneth](#)
Cc: [Spencer, David](#); [Downie, Richard](#)
Subject: RE: Closed Door Session w/ Mario Montoto
Attachments:

Sent: Fri 10/24/2008 6:31 PM

Ken,

Two things stated below were not correct.

I was not privy to any conversation about Montoto speaking to the TCI before 11 o'clock this morning, when I found out quite by accident. Also I was not at the APR for the advanced course; perhaps it happened on a day I was out sick, or not invited, or had a schedule conflict. (Please see Craig's message--which was sent out yesterday and pasted below--which makes no comment about Montoto speaking to the class--just to a private CHDS group.)

However, I did question Mike Borders about why Montoto was "stopping by to see the director" the minute I heard about it--it was either yesterday or the day before--and Mike told me what a great guy Montoto was and how he'd been at his house in Argentina. I told him then and there that he was disreputable and as a "Montonero" was chief of staff to an Argentine army penetration agent.

Also, I did give everyone at CHDS who I knew was invited to the lunch "Behind Closed Doors" session a copy of my FBI correspondence about the Argentine Army's infiltration at the highest levels of the Montoneros as soon as I got out the 8:00 meeting and could get the xeroxes I ran off before the eight o'clock (some having been delivered even before we meet with the director). In addition, my October 23 e-mail was replete with information about Montoto's boss--Mario Firmenich--working for army intelligence as a penetration agent. What was different today is that, last night, I fished through my files to be able to bring to work FBI agent Robert Scherrer's extensive correspondence as proof. I should add that Scherrer was legendary in intel circles and those who worked with him in our embassy in Buenos Aires believed he was worth more than a dozen of your run-of-the-mill CIA types.

Thus my concerns were mentioned before, not after, the event.

My objection to Montoto's presence is two-fold.

First, I don't hold myself up as a judge for "truth"--when what is at issue are questions of opinion. That to my mind is academic freedom is all about.

However, when someone is portrayed as something they are not--and Montoto's clownish rendition of the tragic events of the 1970s did not mask the fact he was making major stuff up out of whole cloth--I worry his presence as an "authority" offered up by us affects CHDS's credibility.

Also, if Montoto--who said he was with the Montoneros from the beginning--was Mario Firmenich's chief of staff, and Firmenich was a penetration agent, then the question becomes: to what purpose?

Andersen

5am



n soldier be so base and infam
t earnestly enjoin you to bring
t as the enormity of the crime
it will not be disproportional to
. for by such conduct they brin
d their country." – George Was

ment



Share

ter, Karen DeWitt and 5 others



Kim Thachuk

Senior Analyst



Today

https://www.academia.edu/25856284/Unpunished_U.S._Southern_Command_role_in_09_Honduran_military_coup

You were so lucky to get out when you did. Best,

12:41 PM

Thanks Martin: Yes. It was an exercise in hideousness each and every day. I make a lot less money but I am finally regaining my health and my sanity. I hope you are hanging in there.

Kim

Nick Schwellenbach [update...](#)**Nick Schwellenbach**

1/2/12

NS

To: Martin Cc: Danielle

[Details](#)

Mick,

I hope this investigation will get to the bottom of things, but I'm not confident it will. 15-6 investigations are not independent of the chain of command.

Nick

On Mon, Jan 2, 2012 at 4:16 PM,
Martin E. Andersen

<[martinedwinandersen@gmail.co](mailto:martinedwinandersen@gmail.com)

[m](#)> wrote:

Danny (Cardin) <Danny_Evans@cardin.senate.gov>

Wed, Jul 11, 4:38 PM



has been forwarded to the FBI and DOJ's Deputy Attorney General offices. Both agencies should respond.

in Edwin Andersen [mailto:martinedwinandersen@gmail.com]

esday, July 11, 2018 3:03 PM

Andersen <andersenwordworks@gmail.com>

Danny (Cardin) <Danny_Evans@cardin.senate.gov>

: Letter (attached) for Special Counsel Robert S. Mueller

oon. Did the letter go out? The CIGIE hearing is tomorrow. Turns out the public cannot attend.

y iPhone

018, at 9:08 AM, Martin Andersen <andersenwordworks@gmail.com> wrote:

morning. I will be on the road most of the day. When it is sent, please let me know using the
inEdwinAndersen@gmail address. Thank you.

FINDINGS

Hostile Work Environment:

Many current and former employees feel that a hostile work environment is an underlying atmosphere of favoritism (addressed below) towards certain current employees that causes and has caused unhealthy competition among the faculty. Additionally, this atmosphere of favoritism may have a negative impact on achievement of the Center's goals and objectives as faculty members may be assessed on friendships and existing relationships rather than expertise and academic achievement. Favoritism was cited by all former employees and more than half of those currently interviewed as the most pressing need that should be addressed. Many employees feel that the Center's leadership is either unaware or unwilling to effect change to a perceived hostile work environment.

The range of responses concerning a hostile work environment varied greatly among those interviewed. It was clear that those in leadership, both academic and non-academic, felt the Center did not have a hostile work environment while non-leadership faculty and staff felt in varying degrees that a hostile work environment does exist. Many employees outside of leadership positions felt that there was not an appropriate mechanism for filing complaints. Most employees felt that to raise any issues would result in retribution or termination. However, when pressed for specific examples of instances that illustrate a hostile work environment most employees stated that there was not a specific example of favoritism or retribution among the leadership. Several employees pointed at [REDACTED] as an example of a hostile work environment and the consequences he has faced as an example of a hostile work environment.

Howard J. Wiarda, the William Perry Center (CHDS Online) associate director for research and publications and a noted critic of activist U.S. human rights policies, wrote in his book, *Exploring the World* (<http://bit.ly/2xChiZZ>), that retired General John Thompson "sometimes (often!)" let politics get in the way of doing his job properly.

January 21, 2011

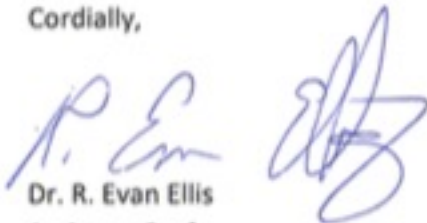
To Whom it May Concern:

I am writing to offer my strong professional recommendation for Martin Edwin Andersen and his work. I have known and worked with Mr. Andersen for two years in my capacity as Assistant Professor with the Center for Hemispheric Defense Studies, National Defense University. During that time, Mr. Anderson served as the chief of Strategic Communications for our center.

I wish to particularly emphasize Mr. Andersen's productivity and the quality of his work. I observed Mr. Andersen organize and put out multiple, high-quality academic and professional publications, including his work in launching, and serving as the editor, publisher, promoter for, and on occasion, contributor to the Center's professional journal, the *Security and Defense Studies Review*. Although in most institutions, such a task is the full-time project of a small team, Mr. Andersen performed this work virtually single-handedly, while also coordinating various other books and publications for the center, as well as managing the Center's website, researching and producing a daily news summary that kept the Center connected to its community of interest on a daily basis, editing documents and translating material between English and Spanish, and playing a key role representing CHDS in the almost continuous stream of conferences and other events.

At a personal level, I also found Mr. Andersen to give an unflinching attention to ethics, while also being an enjoyable colleague to work with. I believe that Mr. Andersen has a great deal to offer any organization, whether within government, or in the private sector. In addition, if you have any questions regarding what I have written here, please feel free to contact me.

Cordially,



Dr. R. Evan Ellis

Assistant Professor

Center for Strategic and Defense Studies

Abraham Lincoln Hall

260 5th Avenue, Bldg 64

Fort McNair, DC 20319-5066

202-685-4195

Ellisr9@ndu.edu



1,478

3 Messages

The Pinzon Seminar



----- Forwarded Message -----

From: "Cope, John" <CopeJ@ndu.edu>

To: martinedwinandersen@yahoo.com

Sent: Friday, April 26, 2013 4:19 PM

Subject: The Pinzon Seminar

Mick,

In reviewing the attendance list for Monday's seminar with MOD Pinzon, I saw

your name. While you are still on my master invitation list for INSS events, I had to check on the status of your relationship with NDU/CHDS and discovered that issues about

returning to the University have not yet been resolved. In this situation, it is best for you and for NDU that you not attend Monday's seminar. Authorities here have seen this email.



LinkedIn: Bill Eliason, Director, NDU Press;
Editor in Chief, Joint Force Quarterly ...

Martin "Mick" Andersen is a recognized expert on Latin American affairs who has repeatedly demonstrated his ability to engage at the national strategic level, often directly interviewing and challenging national leaders to explain their policies. His recent article in our journal, Joint Force Quarterly, showcases both his critical thinking and writing talents as well as his wealth of knowledge of his area of expertise. See it here: <http://www.ndu.edu/press/latin-america-transnational-criminal.htmlless>



Mark Feierstein

Political strategist,
commercial diplomat,
communications adviser,
pollster, foreign policy
analyst and commentator

October 9, 2011

Whether as a foreign or homeland security reporter, an NGO advocate and organizer, a senior Congressional advisor, or government official, Mick Andersen has relentlessly pursued ethics, inclusiveness, empowerment, lawfulness and democratic development, making use of his strong strategic and analytical skills, as well as first-rate abilities in oral and written communications. He remembers those working in the back room, as well as the ones occupying the front.

Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and all of the Parties.

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Washington Regional Office	Evidence-based Pleading on Personnel Actions and Contributing Factors	e-Appeal / e-Mail
Mollie A. Murphy Agency Representative	Evidence-based Pleading on Personnel Actions and Contributing Factors	e-Appeal / e-Mail