

I, Professor *Martin Edwin Andersen* (Andersen/MEA), petition the Court *pro se* to reverse the derogatory, purposefully misleading & demonstrably false, “Nonprecedential ... Final Order” (NFO, attached) made by the U.S. Merit System Protection Board (MSPB) on 11/17/2022. MEA provided the MSPB more than sufficient information to permit a legally sophisticated reader to understand his retaliation charges & need to investigate further. *Delgado v. Merit Sys. Prot. Bd.*, 880 F.3d 913, 927 (7th Cir., 2018). MEA’s disclosures shed light on the history, pattern & practice of federal employment at the William Perry Center for Hemispheric Defense Studies (CHDS)/Defense Security Cooperation Agency (DSCA) & National Defense University (NDU) proper, in Washington, D.C. Guilty of more than just dishonorable common crimes & false federal statements, those MEA blew the whistle on trivialized, justified and even participated in neo-Nazi crimes, diluted the moral awfulness of clandestine death camps, & engaged in other barbarousness & corruption, including the reprehensible promoting of palpable traitors & narcotics traffickers. The case before you focuses on the harmful errors & prejudice (§1201.4 (r)) created by MSPB et. al regarding MEA’s rights, as well to underlying disclosures he made about DSCA/NDU emanating

from their knowing and shameless embrace of those criminally involved in dirty 'secret wars' in Latin America.

The Petition before you comes as a stench of scandal permeates the MSPB, its motives and operations crying out for public interest attention. No wonder that MSPB curiously dismissed MEA's appeal in a specious review of the documentary record, in which an arms-length view as a whole of all non-frivolous allegations of violations of U.S. and international law was AWOL. Nor does it honestly render the *unique circumstances* MEA confronted in offering a public face to three classified Congressional Disclosures he gave to Intelligence Community Office of the Inspector General (IC OIG). MEA's allegations are fully supported through his personal knowledge and that of others on record; are supported by contemporaneous documentary evidence in the record and are material to legal issues in this appeal.

On 01/13/2023, the U.S. Supreme Court, on *Universal Health Services v. United States ex rel. Escobar*, agreed to weigh a key standard with which private actors shielded themselves from whistleblower lawsuits, this by bandying about "objectively reasonable" interpretations supporting their conduct, regardless of whether they believed that interpretation in good faith at the time. In the 7th Circuit of the U.S. Court of Appeals, companies that overcharged the federal government were shown to consciously intend to

deceive. MEA respectfully asks that his 2012 Title X employment contract & “contract of adhesion,” as well as NDU/DSCA violations of rule, regulation & law, be the focus of the same measure: *What is good for dishonest private geese should also be good for corrupt federal ganders.*

Background: A recognized investigative journalist, historian, & Department of Defense (DoD) Title X federal employee, MEA was 1st nat’l security whistleblower to receive the 2001 U.S. Office of Special Counsel (OSC) Public Servant Award. In 2005, he became an Assistant Professor & Strategic Communications (StratComm) chief at CHDS/DSCA at NDU, in Washington, D.C. There he disclosed information concerning, *inter alia*, gross mismanagement, specific dangers to public health & safety, & the violations of rule/regulation/law of DoD contracts, by current/former senior staff at the Western Hemisphere Institute for Security Cooperation (“WHINSEC,” a repackaging of the notorious School of the Americas, or SOA, shut down by Congress), CHDS, DSCA & NDU, including retired vice ADM. Ann E. Rondeau, the former head of NDU & now head of the Naval Postgraduate School (NPS). MEA’s NDU/DSCA tenure lasted until 2012.

After MEA’s May & June 2011 protected public disclosures (& those private dating back more than three years), Rondeau baldly counterclaimed MEA was a “security threat.” This as she protected various corrupt courtiers

(including Lt. Col. Craig Deare, later appointed to the National Security Council [NSC] & fired for indisputable cause by President Donald Trump; Deare claimed Rondeau as his “mentor”), as well as far-right foreign denizens guilty of, *inter alia*, crimes against humanity. *The vicious reprisals of Rondeau et. al came as MEA told NDU that he was going to a DoD Office of Inspector General (OIG).* (Rondeau’s bogus claim momentarily disappeared, followed by a “Letter of Recommendation” purposefully phrased to associate MEA with gross and illegal misconduct by her calculating minions who were MEA’s senior raters & colleagues; *this as MEA was cornered into signing a 12/11 non-disclosure agreement stipulating that he would never go to an OIG, to Congress, or to the OSC about NDU gross misconduct and illegality.*) Since 2011, MEA used legal channels via the OIGs of the DoD & the Intelligence Community (IC), as well as to Members of Congress, on the illegality & to the OSC & the ‘*collaborationist*’ MSPB seeking redress for the continued reprisals. (He also edited a supposedly confidential—and never acted upon—2009 OIG investigation request written by NDU/DSCA Oxford educated Dr. James Zackrison).

Due to MEA’s disclosures & despite an unbroken record of “Outstanding” & “Excellent” annual job evaluations, his Title X contract was only speciously renewed in 2011, leading to his departure from NDU.

Documented reprisals—character assassination, threats of legal action, & even public assault—rendered him unemployable in an area he invested decades of professional effort & experience (i.e. *blackballing*).¹ Myriad federal false statements made to, & parroted by, MSPB include *claims MEA had promoted “damaging conspiratorial theories of wrongdoing by the agency,”* echoing those of Rondeau, Col. (ret.) Richard D. Downie, NDU lawyer Mollie A. Murphy, et. al when orchestrating their reprisals & federal false statements. Overwhelming & incontrovertible evidence provided to a corrupted DoD OIG, the IC OIG, & to the MSPB, shows MEA’s allegedly “conspiratorial, derogatory, & offensive” disclosures are ‘the whole truth & nothing but the truth.’² Violating public trust, the MSPB in its NFO foments “*coincidence theories*” that leave untouched those federal workers guilty of gross wrongdoing.

As a Title X federal employee MEA exercised a right supported by public policy in his whistleblower resistance; NDU/DSCA thereafter even

¹ On 07/21/18, OSC’s Disclosure Unit sent MEA a final determination closing his case because, *inter alia*, he had not been a federal employee since 2012 & certain allegations occurred after the end of MEA’s federal employment status, allegedly rendering them not actionable although several were committed by wrongdoers (Murphy, Downie, Deare) still in federal service as employees or contractors.

² In a 07/09/21 Pleading, MSPB was told, in addition to the extensive contemporaneous documentation and declassified information offered by MEA, written testimony, ideas & recollections of a dozen federal officials from U.S. Southern Command, Naval Special Warfare Command, FBI, as a DEA/CIA liaison, Defense Intelligence Agency, and NDIA enriched key aspects of MEA’s already proven national security disclosures.

breached a **purposefully vitiated** set of employment agreements—the shameless 2011 Title X employment contract & a “contract of adhesion” the same year—to circumvent rules/regulations/law. These were fundamentally violated when they did not tell MEA six months before his contract ended that it would not be renewed (they did so nearly two months late). MEA was then told his contract would be “extended” by three months—during an economic turndown—*if* he ‘agreed’ not to go to Congress, an OIG, or the OSC; *forcing MEA to seem a gagged accomplice in covering up violations of rules, regulations & law.* The NFO levy against MEA rested in particular on misleading analyses of a contract of adhesion (*41 U.S. Code § 6503*). (The attached **APPENDIX** and substantive **APPENDICES** offer cogent timelines & chronologies of pre- & post-adhesion contract reprisals.) MSPB also failed to hold an essential and lawful evidentiary hearing (*40 CFR § 78.14*).

Re: “damaging conspiratorial theories.” This Petition will demonstrate how the above—about which *key details were provided by MEA in three classified Congressional Disclosures IC OIG*—directly relates to the clandestine and bloody efforts that are the focus of the Brennan Center for Justice’s Liberty & Nat’l Security Program. In a very detailed, thorough examination, it found **22 examples of U.S. secret wars “contraven(ing) our constitutional design ... invit(ing) military escalation that is unforeseeable**

to the public, to Congress, & even to the diplomats charged with managing U.S. foreign relations.” Congress, it concludes,

“should ... repeal or reform the Defense Department’s security cooperation authorities. Until it does so, the nation will continue to be at war – without, in some cases, the consent or even knowledge of its people. ... Despite a series of Cold War–era executive orders that prohibit assassinations, (a) covert action statute has been used throughout the war on terror ... But there is a third class of statutory authorities that enable undisclosed hostilities yet have received little public attention: security cooperation authorities. Congress enacted these provisions in the years following September 11 to allow U.S. forces to work through and with foreign partners. One ... now codified at 10 U.S.C. § 333, permits the Department of Defense to train and equip foreign forces anywhere in the world. Another, now codified at 10 U.S.C. § 127e, authorizes the Department of Defense to provide “support” to foreign forces, paramilitaries, and private individuals who are in turn “supporting” U.S. counterterrorism operations³. (Italics added.)

Fake news is broadly defined as false or misleading information. It peppers the ersatz foundation given by the MSPB on Page 2 of its “Nonprecedential... Final Order” & its scope & alleged purpose. Below is a representative sample of facts brushed out and myriad errors contained in the work of MSPB’s Harris et. al in making their judgment. The examples herein will show how the derogatory, purposefully misleading, demonstrably false, & self-interested narratives they offer sustains a clearly synthetic set of

³ Katherine Yon Ebright, “Secret War, Summary: Security cooperation programs have l U.S. forces into unauthorized hostilities alongside foreign partners. Congress must cu this dangerous and undemocratic practice.” Brennan Center, 11/03/22, pp. 8-22.

findings. The six unclassified keys offered here are just some of the most important about a still-smoking 5 *U.S.C. 2302(b)* gun.

Key 1: The DSCA is a critical player in the conduct of those secret wars⁴ cited above for which Congressional oversight is badly lacking.⁵ So credible were MEA's IC OIG disclosures that Daniel Meyer, the former IC OIG's whistleblower liaison, once back in the private sector not only asked MEA for help in the case of Joseph Carson, a celebrated whistleblower for whom he was legal counsel, by submitting a statement (dated 06/10/19) pursuant to 28 *U.S.C. § 1746*. In an email the same day, saying "Will circulate the signed copy; thanks", Meyer asked if he could send it out to the truth-telling community "as a sample." The IC whistleblower attorney also shared a byline with MEA in a *Just Security* article on federal whistleblower rights, & assisted him in reporting on a celebrated former FBI agent who went missing & is now presumed dead, in Iran, due in part to U.S. government negligence. On 11/07/22, Carson posted on *MSPB Watch*: "The lawyer-leaders of... (MSPB)

⁴ "Security Cooperation Programs" Handbook, Defense Security Cooperation Agency Fiscal Year 2022, pp. 32-33.

⁵ "The ... report underscores the need to shine a light on our defense activities that have been cloaked in secrecy. At bare minimum, the public & Congress need to know where we're sending our service members into harm's way," Rep. Sara Jacobs, D-Calif., said. "I hope this report strengthens the urgency of Congress taking back its war power by eliminating existing loopholes in security cooperation programs, and ensuring our strategies match our values, goals, and commitment to our service members." "New Report Sheds Light on Secret Wars Playbook," *The Intercept*, 11/03/22.

—a threat to American health, safety, security and welfare?” The whistleblower with a high-level security clearance skewered MSPB leadership, saying they “twist legal ethics...to justify putting the interests of their client, MSPB, above American health, safety, security ...”⁶ *Sound familiar?*

Key 2: MSPB’s push of the DSCA/NDU hot potato off its lap came as Robert MacLean, a key MEA supporter—he wrote a fulsome letter of praise about MEA’s whistleblowing & was a signatory of a whistleblower protection petition to President Barack Obama authored by MEA & signed by more than 20 nat’l security truth tellers⁷—was betrayed by the MSPB. MacLean was the 1st truth teller to win his own whistleblower case before the U.S. Supreme Court⁸. He was also in 2022 the victim of documented MSPB subterfuge in coordination with the federal agency that he blew the whistle on; that in a case in which he had already become an international legend. He discovered that the MSPB associate director of appeals counsel who was in that position when MacLean filed his *Petition for Review (PFR)* with the Office of Appeals was

⁶ The article can be found at https://whsknox.blogs.com/mspb_watch/.

⁷ In mid-2009, MEA was warned by serial liar LaPlante that he should never again be associated in public with anything having to do with whistleblower rights; this after co-authoring the petition to President Obama and already tasked with the (ersatz) Garco Covarrubias probe.

⁸ “Air Marshal Whistleblower Wins Supreme Court Case,” *Government Executive* 01/21/15.

none other than Melinda Holiday McDonald, the hostile attorney (he called her “crooked”) in the federal agency that he blew the whistle in 2003-2006. As Thomas Devine, MacLean’s attorney, & that of MEA in his DoJ & pro bono DoD cases, noted,⁹ “Robert right now is before an administrative judge who used to be part of the team that tried to fire him the first time. And now is the judge for when they’re firing him the second time.”¹⁰

MacLean’s sleuthing forced the MSPB on 08/06/22 to reassign his case to another regional office. (Copy found in the **Appendices**.) Asked if MEA’s friendship with him “helped tank my (MSPB) case” as well as MEA having mentioned him in his pleadings, MacLean replied, “Ya...that was not smart.” In the written conversation on the NFO issued by Acting Chair Cathy A. Harris, et. al, he added: “The MSPB leadership hates me for refusing to settle and exposing my judge.”

Key 3. In a 08/04/20 letter (found as an **Appendix**), with MEA’s case already before the MSPB, Devine wrote that MEA’s “rights protections ... should have been extended by the (DoD) and other United States federal agencies to (MEA) ... but were in fact purposefully and systematically denied.

⁹ MEA’s continued relationship with GAP evidenced in article published with them, “Robert F. Kennedy, Whistleblower Champion,” on the 50th Anniversary of the martyred former Attorney General’s death.

¹⁰ “Whistleblowers; Featuring Special Guest Tom Devine,” *Project Censored; The News that Didn’t Make The News*, 06/29/13 (at 51:30).

In doing so, evidence indicates that ... Rondeau et. al violated the most minimum standards of integrity, transparency and accountability.” Devine also took aim at what happened *immediately after* the 2011 capricious, deviant & retaliatory contract of adhesion (“Murphy’s law”) was signed, *using an AR 15-6 process in a way later explicitly banned by then Army chief Gen. Mark A. Milley, now chairman of the Joint Chiefs of Staff.*

I believe it is important to point out that senior officials at the DoD Center at the National Defense University ... publicly boasted about the influence and reach it had in the countries of Latin America and the Caribbean. ... Significantly, (MEA) also points to a conflict of interest... Rondeau... oversaw the use of what is called an AR 15-6 military “investigation” into a DoD civilian institution. However, *those whom (MEA) accused of the wrongdoing ... ‘oversaw’ the probe into issues with the whistleblower disclosures.* (Italics added.)

Key 4: MSPB made its capricious, arbitrary decision even though MEA’s case involved hiring of foreign far-right torturers & murderers (later convicted in their own countries’ civilian courts) who belonged to international terrorist organizations, & other NDU hires of a neo-Nazi hue. (On 12/02/22, Commander-in-Chief Biden’s flatly said that silence is complicity.) Regarding MEA’s classified IC OIG disclosures, about which he cannot go into in this Petition, to the best of his knowledge & belief these were amply substantiated within the IC itself.

An example of the challenges faced herein: Former Ambassador to Honduras Crescencio Arcos, a senior NDU official, a member of the

President's Foreign Intelligence Advisory Board, and a U.S. "secret wars" veteran, gave MEA the identities of specific CIA covert operators who, he said, were "furious" when they heard of the role played at NDU in support of the illegal & highly counterproductive 2009 coup.¹¹ MEA did not have necessary security clearances to receive such information; he has never heard that Arcos has ever been officially sanctioned for that leak (Intelligence Identities Protection Act—*50 U.S.C. 421.*) When MEA began to make his strictly non-classified public disclosures in 2011, Arcos allied himself with the serial wrongdoers against the whistleblower to save his own job.

Two of the central figures in MEA's disclosures, Deare & Rondeau, worked for the Defense Intelligence Agency (DIA), with Deare most recently working at the NSC until he was fired for cause (right after his boss, Lt. General Michael Flynn, whose alliances with extremist paramilitary groups, such as QAnon, have come to light.) The intelligence roles played by Rondeau & Deare render absurd any claim they "did not know" about the real backstory of NDU/DSCA subsidized neo-Nazi death squad leaders they promoted & protected. MEA's immediate superior, Col. (ret.) Kenneth LaPlante, in private often said that as a military attaché, his favorite leader was Paraguay's

¹¹ "How Pentagon Officials May Have Encouraged a 2009 Coup in Honduras; Military officers at the Center for Hemispheric Defense Studies helped coup leaders – at cross purposes with other U.S. government agencies," *The Intercept*, 08/29/17.

murderous dictator Alfredo Stroessner, whose regime harbored narcotics traffickers and senior German Nazi leaders. LaPlante also repeatedly stated in front of witnesses that his most important job was keeping Richard D. Downie, the CHDS director “out of jail,” and that, as ex-Army Inspector General senior staff, he knew how to keep “outsiders” (ie: investigative authorities) at bay. LaPlante hid behind his claim that CHDS Professor Jaime Garcia Covarrubias, a former senior leader in the Chilean state terrorism unit responsible for the worst modern terrorist attack in the U.S. capital before 9/11, was protected against supposedly mere “allegations,” and should enjoy “all the rights of a U.S. employee.” LaPlante ensured these elemental rights were absolutely denied to MEA.

Key 5: *Lies, lies, & more lies equals military impunity.* The MSPB deliberately misstates the chronology regarding MEA’s hospitalization after a near-fatal May 2011 car crash & two subsequent brain surgeries; MEA’s disclosures to OIG of gross, unrelenting wrongdoing at the NDU/DSCA, & his physical return to the campus of the Pentagon’s university on 06/16/11 to do his health-related paperwork—the latter as MEA could not trust in any way his supervisor, the death squad promoting LaPlante, to take care of MEA’s needs. Page 3 of the NFO claims that (having just announced that he was going to an OIG), “according to the agency” (serial wrongdoers) on 06/16/11

MEA allegedly “transmitted what were interpreted as verbal threats of an ambiguous nature” which caused an accusatory *femme fatale* (who MEA does not recall ever meeting, despite the small CHDS/NDU/DSCA staff) to feel threatened & concerned for her safety.

Her morality aside, the NDU/DSCA’s banning MEA from returning to NDU was due to a purposeful, demonstrably false, & unequal campaign of defamatory slander & libel. Favored wrongdoers at NDU/DSCA could hysterically scream obscenities & that they would “beat the sh_t out of” other staff; they were never sanctioned in any way. Another CHDS employee who threw a chair at an NDU/DSCA Academic Dean was not punished and still worked there during Rondeau’s reign. Yet action against MEA was done unilaterally, based on documented falsehood, with no real chance of appeal to a truly independent authority on the ground.

On 08/02/11, a month after MEA’s framing, Deare was one of those involved in the criminal assault of another NDU professor, according to an official Military Police Report (No. 00589-2011/MPC041; as it contains Deare’s SSN as well as that of cohorts & victim Brett Steele, MEA does not submit the report here.) This is what total impunity of DSCA/NDU scofflaws meant to Steele, “The injury I endured back then took me more than seven years to fully recover from. And despite a military police investigation

recommending criminal prosecutions of [...] and Deare, they walked away scot free, and even got promoted at NDU.”

Key 6: 11/09/22, MEA clearly informed the MSPB that,

another Pleading will be submitted shortly that shows how a... U.S. Secretary of State who received the NDU Foundation’s prestigious American Patriot Award in 2008 (the ... year the Petitioner began investigating my NDU colleagues guilty of torture, murder and association with international terrorist in their previous roles as senior officials in the Argentine and Chilean military dictatorships promoted by the American), can in fact ... be accused of treason. New revelations show how Ph.D dissertation research based on (MEA’s) insider knowledge (and paid for as part of my NDU/DSCA stipend) was close to uncovering critical evidence.... No wonder vice ADM. Ann Rondeau... angling for appointment as the head of U.S. Southern Command, rushed to falsify the case against me.¹²

The official in question was a private citizen when he engaged in this arguably treasonous behavior. In addition, he not only suggested to Chile’s far-right military dictatorship (for which Garcia Covarrubias worked) that President Carter’s crusading female State Department human rights champion was “stupid.” He also said that MEA’s friend “should receive rough treatment.” This after the regime killed two people with a car bomb less than a mile from the White House, an act Secretary of State George Shultz & the CIA later called international terrorism. A far-right dictatorship in Uruguay, also supported by the treasonous official in federal

¹² Andersen, “The Ultimate Unmasking of Henry Kissinger,” *A Contracorriente*, 10/26/

service & later as a private citizen, planned to assassinate Congressional critic & later New York City Mayor Ed Koch (a story MEA broke in 1992.)¹³

Before the twice vitiated set of employment agreements: In 2008, MEA sounded the alarm about Garcia Covarrubias, a foreign hire, being a torturer & murderer for what former Secretary of State George Shultz & CIA called an int'l terrorist organization, one that had even committed a fatal attack in our nation's capital as well as in Italy, a nation for whom I served as an expert witness in the case of the attempted assassination of an exiled political leader in Rome & the disappearance and murder of Italian citizens living in Chile. (The Italian public prosecutor, Giancarlo Capaldo, was a guest of honor in a dinner at MEA's home.)

Following MEA's internal disclosures, SOA passionate apologist & supervisor LaPlante, put him at the head of a Potemkin-like "investigation" of the charges against Garcia Covarrubias, in which the provably well-connected MEA was told he was not allowed to do anything other than Google searches about news about the Chilean, & to use information LaPlante claimed he was receiving from the DIA and the U.S. military attaches in the U.S. embassy in

¹³ Andersen, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War,"* Westview Press, 1992, pp. 228, 231.

Santiago, Chile. In addition, while LaPlante purposefully used MEA (& his human rights & nat'l security background) as a foil in his efforts to shield Garcia Covarrubias, MEA was hypocritically told by Downie, "I have been involved in situations involving unproven allegations before—& the potential of harming the reputation of a person who may be wrongfully accused is also a major consideration that weighs heavily with me." Downie then ordered MEA to back off. A NDU/DSCA strategic communications chief, Downie said, MEA was "not hired to be an investigative journalist." After more than a year of hopeless official "investigation," coordinated by LaPlante, MEA was told that he must write a statement in which he—a life-long human rights activist & decorated whistleblower—found that no credible evidence existed that supported charges that Garcia Covarrubias committed heinous crimes, the implication being that *if MEA did not do so* his Title X contract would be at risk.

In 2008, MEA also challenged feting a neo-Nazi Argentine death squad chief & another person who had been a leader in a terrorist organization that killed a U.S. diplomat. In 2013 the former, Julio Cirino, a leader in the notorious Argentine 601 Intelligence Battalion, was convicted of crimes against humanity. Declassified U.S. records show Cirino admitted that Argentina's military *had killed people with no relationship to armed groups*,

to keep them from identifying himself & other members of the 601 & other repressive units. (The National Defense Authorization Act of 2008 added, for the first time, protections for defense contractors for whistleblowing on information employees reasonably believe evidenced gross mismanagement of a DoD contract/grant, gross waste of DoD funds, substantial & specific danger to public health/safety, or violation of law related to a DoD contract/grant. It did not contain protections for challenging abuse of authority.)

***Re: Voluntariness.** Though duress and misinformation were necessary midwives to the adhesion contract, despite ongoing prior coercive conduct MEA never intended to violate the law, which is precisely what NDU/DSCA got away with then & seeks to continue to do now. The NFO was issued just days after MEA sought to submit additional evidence on incontrovertible information tied to his unfinished NDU/DSCA financed doctoral dissertation (this involving the treasonous behavior of a public figure who in 2008 NDU honored with a coveted award). An enforceable agreement requires a minimal certainty—“definiteness”—as to what the parties are going to exchange (and do exchange); in practice this was NOT the case. Pre- and post-, the NDU/DSCA actions against MEA were prohibited personnel practices, which MSPB failed to truthfully & non-frivolously address. The Agency*

(NDU/DSCA) sought to bury reprehensible violations of law, including hate crimes, & cement even further the nigh impossibility of Constitutionally mandated oversight. The final unconscionable, grossly unfair contract in December 2011 meant to take advantage of the far-weaker party (MEA). Its adhesive quality adds to its excessive, unreasonable, unfair & shocking ramifications.

That Orwellian panorama should be no surprise. Just five years after MEA's public NDU/DSCA whistleblowing began, the *Washington Post* reported, "The *Pentagon has buried an internal study that exposed \$125 billion* in administrative waste in its business operations. ... (A)fter the project documented far more wasteful spending than expected, senior defense officials moved swiftly to kill it by discrediting & suppressing the results." (Emphasis added.) In his pleadings, *MEA sought to show MSPB how torture & murder of U.S. & foreign nat'ls should never be considered to be "small change" in the Pentagon's arsenal of scandals.*

Given continuing investigative gaffes at the DoD OIG involving his underlying disclosures, in which recalcitrant and dishonest investigators and those they reported to did everything they could to not truly examine and assess critical national security information, MEA found that the DoD OIG shared jurisdiction with the IC OIG. In seeking to ensure lawfulness, MEA found that,

according to 50 U.S. Code // 3024: (4) *The Director of National Intelligence shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.* (Italics added.)

Key background is that those at all levels at the DoD OIG with whom MEA and Congressional staff had been in regular contact never allowed him to make his underlying protected disclosures in a secure area in which MEA could offer critical evidence in accordance with the Intelligence Identities Protection Act—50 U.S.C. 421(c). In fact, not only was MEA not asked anything involving that evidence when he was interviewed by two DoD OIG investigators. One of the investigators who was in the room and asked questions during MEA's deposition later offered by telephone that he in fact no longer possessed a valid security clearance.

Analysis of the Terms of the December 2011 Contract of Adhesion:

MEA asks consideration of: *Possibility of a surprise*, the position in which MEA was unexpectedly placed & that was detrimental to MEAs case; that MEA *could not reasonably have anticipated & that could not be guarded against or prevented. Inadequate notice requirements*, i.e: MEA was

informed about the non-renewal of his Title X contract months later than regulations then required. *Significant inequity*, which in & of itself disadvantages MEA as a truth teller. *Leverage balance*, the inherent inability of NDU/DSCA MEA to report any violation of federal rule/regulation/law. ***Other relevant factors***, i.e.: the filing of false federal statements by Rondeau, et. al, (18 U.S. Code § 1001).¹⁴

The December 2011 “Settlement Agreement” contains *the essential nature of the extraordinary circumstances in fighting the oldest federal agency* and the largest employer in the world. Not only was MEA was required to issue a “public apology” for his First Amendment disclosures (referred to as “negative public discussion”), he was required to agree that the adhesion agreement, whose provisions violated the Lloyd-LaFollette Act, would be kept “strictly confidential.”

Employee agrees not to file any new complaints, claims, grievances, proceedings, appeals, or lawsuits in any judicial or administrative forum whatsoever (*including the Merit System Protection Board, the Equal Employment Opportunity Commission, the Inspector General, the Office of Special Counsel* or any other agency or other official’s office) against the Agency, its employees or agents, arising out of his employment with the Agency, and *all related matters*. Employee agrees to withdraw any such complaints, grievances, proceedings, appeals, or lawsuits already filed within three (3)

¹⁴ Re: 04/14/19 MSPB Pleading, “Extraordinary Release of New and Material Evidence: Federal False Statements (18 U.S. Code § 1001).”

business days after this agreement is signed by both parties.
(Italics added.)

In addition, it stated: “Both parties agree not to disparage the other party. Any breach of this provision by the employee will result in the Agency being entitled to answer any such issues in a public forum” (*the “public forum” denied to MEA, lest it be considered a violation of the agreement*). This amidst a climate of great intimidation at NDU, fueled by the treatment of MEA and the criminally assaulted Steele, as well as the protection of wrongdoers who were part of NDU’s inner circle, and collateral damage done to those who remained friends with MEA. The "agreement" protected those who repeatedly violated rule, regulation and/or law, while by its very nature & purpose deepening a sense of imminent reprisal against anyone considering the lawful exercise of free speech against such practices, fueled the supposedly "confidential" settlement's public stipulations. Having knowingly bandied about--in a DoD *civilian* institution--the fact that the wrongdoers (once wore the uniform and therefore claimed they could face accusations of violations of rule, regulation and/or law using military procedures), purposefully manipulated the process in their favor, as one guilty of gross malfeasance (LaPlante) jauntily claimed beforehand he knew how to do. *Announcement of the AR 15-6 "investigation" & its supposedly confidential findings clearly indicate that this was in response to MEA’s whistleblowing.*

DoD OIG used its findings as justification for *not* advancing on MEA's whistleblower disclosures. Creation of the AR 15-6 was mutual backscratching with the NDU Africa Center (& Saul Bracero), with CHDS/NDU/DSCA hiring an African American official after his third racial discrimination (EEO) suit against the Africa Center. Many of those interviewed

outside of leadership positions felt that to raise any issues would result in retribution or even termination. ... Many employees did want to remain anonymous for fear of retribution, citing the examples of Mr. Martin Anderson (sic) and _____ from the Center's leadership because they believe that the Center's leadership has shown a propensity to retaliate against employees that speak out or against the Center's leadership. ... Several employees pointed at Mr. Andersen's allegation against the Center and the consequences he has faced as an examples of a hostile work environment" (pp. 6-7; italics added).

Even the findings of the unethical AR 15-6—born of mutual backscratching by those seeking to hide their bamboozling & fashioned on MEA's (pre-contract of adhesion) disclosures and designed to keep humiliating MEA while putting his colleagues on notice not to tell truth to power—was quietly shelved & was not made public until, at the urgings of MEA, the Center for Public Integrity filed a FOIA several years later. The AR 15-6 in fact did not in any way address the knowing employment and promotion of non-national (un-American) far-right extremists later found

guilty of torture, murder and crimes against humanity, nor did it examine NDU promotion of the illegal 2009 military coup in Honduras, nor the several issues raised in three separate Congressional Disclosures before the IC OIG.

Continued reprisal against MEA by Downie & LaPlante continued, including “consulting” with NDU colleagues if MEA should be allowed to return to Ft. McNair (though not to the NDU/DSCA Center proper). Not only ridiculous in terms of MEA and who he is; this stunt obviously meant to remind colleagues still there what would happen if they challenged illegal and/or unethical behavior institutionalized from the top. A 09/17/12 conversation between lawyer Devine & that of NDU (& Downie & LaPlante) Mollie Murphy revealed that, until Downie left NDU in a few months, "the politics of formally restoring access aren't favorable." A list of many, but not all of purposeful, if artful, breaches of settlement / ongoing reprisals by senior CHDS officials are conservatively detailed in the **Appendices**.

MEA's 127 MSPB Motions & Pleadings: 'Beyond a reasonable doubt.' § 1201.4 (q). Reprisals include: NDU/DSCA protection & promotion of Federal (non-citizen) employees of a neo-Nazi stripe later convicted in civilian courts in their own countries, including *Garcia Covarrubias, who received full salary for nearly two years after his arrest*; banana republic-style

impunity for NDU/DSCA coup mongers, torture advocates & practitioners, foreign death squad leaders, narcotics traffickers & a palpable traitor. This in addition to racism; sexism; homophobia, & gross common corruption. Those who now claim they were ignorant of what it was that they were party to means they are fools; those who knew, but looked the other way, cowards, & those who knew, & took part, violated the law.

The most recent documented attempted reprisal (& there were many following adhesion contract signing), occurred in February 2017, six years after its signing, & was carried out by NDU's Murphy, who same person who wrote the rotten adhesion contract. The issue six years ago centered on a favored serial wrongdoer (& accused criminal assailant) Deare, who went on to publicly duel with the U.S. Drug Enforcement Administration (DEA) over efforts to have a Mexican general involved in gross violations of human rights & with drug cartels (& promoted by DSCA/NDU) brought to justice. (*Binational military impunity*). At issue was the fact that Deare was publishing a factually licentious book on Mexico with an academic publisher that had published MEA's latest book, and which had hired MEA to serve as an occasional advisor. *When MEA cautioned the publisher about taking on the highly questionable academic product of someone who had even forged the name of the U.S. Senate Intelligence Committee chairman for his own*

purposes, Murphy claimed that MEA had violated the 2011 contract of adhesion.

History repeats itself: In 2001, MEA, then senior adviser for policy planning at the Criminal Division of the U.S. Department of Justice—the world’s largest law firm—received the OSC Public Servant Award¹⁵ for his disclosures on DOJ failures to protect CIA classified information, senior Criminal Division management leaving itself open to blackmail in proto-Putin Russia, & myriad issues of financial mismanagement, visa fraud, employee pre-selection & favoritism, & the abuse of travel rules & regulations.¹⁶ After reporting a senior Criminal Division manager had given a DoD contractor CIA documents for her own purposes, MEA lost his security clearance, was relocated outside the office with virtually nothing to do the month of his annual performance evaluation, & ultimately lost his job.¹⁷

The George Santos model. Due to evasions & shabby justifications in the NFO, MEA seeks recognition for his *unflinching efforts to remove “the*

¹⁵ Please note that in their purposefully mendacious “Nonprecedential ... Final Order (page 7, footnote 3) Acting MSPB Chair Harris, et. al snottily referred to my supposed “application for an agency award;” in fact MEA was notified by OSC that he had been “chosen,” ie: won.”

¹⁶ The author of three books, one written in Spanish, as an investigative reporter, MEA’s hard-hitting stories have resulted in investigations by OIGs & FBI. A *Miami Herald* editorial noted MEA issued a prescient public warning on lax U.S. & Argentine government attitudes about possible terrorist attacks right before 85 people were murdered in the 1993 AMIA Jewish community center bombing.

¹⁷ “Fallout hits truth teller,” *Insight on the News*, Vol. 14, no. 4, 02/02/98, pp. 10+.

*corpse in the cellar” hidden by NDU/DSCA, & those required by law to speak truth to power. If NDU/DSCA bureaucrats employing blatant lies & misrepresentations are victorious before the Court, the world’s greatest military power holds itself above accounting, making impunity in the oldest democracy seem that of a banana republic, an authoritarian regime run despotically for private interest & gain. *At barest minimum, MSPB, OSC, & other investigative agencies that supposedly “looked into” this case are guilty of what Hannah Arendt, a Holocaust survivor & fabled political theorist, called “a lack of criminal imagination.”* Gross, un-American & unaddressed NDU/DSCA wrongdoing in the case before you is of the sort that give U.S. enemies unique propaganda rights. NDU/DSCA’s anti-whistleblower weaponization offers the lawless—ie: National Security Agency leaker Edward Snowden, now Russian citizen¹⁸ —**the chance to say, “I told you so.”**”*

MEA’s disclosures additionally include hands-on NDU/DSCA support for the 2009 military coup in Honduras against a democratically elected government, a move then President Barack Obama said was “illegal,” and one betraying a public promise made by then-Secretary of State Colin Powell on

¹⁸ Please see my 11/17/14 National Press Club speech, “Edward Snowden: Leaker Extraordinaire in the Service of Putin’s Gulag.”

09/11/01. The military coup resulted in its eventual takeover by narcotics traffickers in Tegucigalpa (source: U.S. Drug Enforcement Administration). The move was just one of several involving NDU/DSCA support of military & far-right politicians involved in narcotics in Latin America, specifically in Mexico,¹⁹ Columbia, & Honduras.²⁰

Initial gaslighting ... & beyond. MEA asks the Court consider the analysis of two respected whistleblower advocates, Jacqueline Garrick & Martina Buck,²¹ on what happened at NDU/DSCA *even before* MEA went public with his disclosures, facts neatly obliterated in the MSPB hodgepodge of convenient suppositions & outright falsity. *Gaslighting* (a very effective tool for manipulation, deception & control) by complicit bosses results in a “*kind of psychological attack and the threat of future career blocking that could result in emotional and social damage to a whistleblower.*” Garrick & Buck identify MEA as truth teller with an exemplary case to tell. Gaslighting him accelerated following his car accident & two 2011 brain surgeries; being both made fun of &, until he went public, ignored & chastised.

In addition to the overt (verbal and formal) gaslighting tactics there is also the covert method of gaslighting, which can be to simply say or do nothing

¹⁹ Key information in my 11/18/20 “MSPB Pleading, 5 C.F.R. § 1201.114(a)(5), (k); Mexican military and drug cartel scandal.”

²⁰ “How Pentagon Officials May Have Encouraged a 2009 Coup in Honduras,” *T Intercept*, 08/29/17.

²¹ Garrick & Buck, *The Psychosocial Impacts of Whistleblower Retaliation: Shattering Employee Resilience and Workplace Promise*, Springer, 2022.

in response to a whistleblower's complaint, especially from agency officials who the whistleblower would have a reasonable expectation for them to act. ... [The wrongdoing, including covert torture and murder, outed by MEA] appear(s) to be as atrocious and vicious as Andersen recounts, while he notes that his pleas for protection from his leadership's admonishments and retaliatory acts were ignored. What Andersen describes as 'turning a blind eye' ...to be serious allegations of wrongdoing ... are not an uncommon covert gaslighting tactic to get employees to think that their complaints were not real, important, or as vital as those made by others.

The MSPB legal arguments are juridical fiction throughout the NFO.

Included in appendices to this Petition is a representative sample of fallacies that Acting Chair Harris et. al put forward. Facing a case rife with extortion, obstruction of justice, false federal statements, & "conduct unbecoming" (found in MSPB Pleadings listed above) *before the end of 2011*, NDU/DSCA engaged in nearly all the most toxic tactics of retaliation. MEA asks that the Court include these concurrent reprisals waged against him in its analysis, § 1201.4(q), documentary evidence for which can be found in the **Appendix: Gaslighting**, *challenging the whistleblower's memories or ethics*; **Mobbing**, *getting others to conspire against the whistleblower*; **Devaluing**—*demotions, poor performance reviews, detailed*; **Marginalizing**, *more meager space or assignments, administrative leave/suspension*; **Shunning**, *ostracized from team, isolated, not included in activities*; **Accusing**, *refocus on whistleblower as the wrongdoer*; **Blackballing**, *can't get another job*, & **Harassment & violence**—*physical & emotional abuse, humiliating, cyber bullying*

*MEA asks the Court for an injunctive remedy hearing (5 U.S.C. § 1221): He deserves compensation as a truth teller for each and every economic/non-economic/punitive damage caused by rageful NDU/DSCA wrongdoers & their MSPB advocates. The MSPB submissions & other information in MEA's **APPENDICES**, *steeped in contemporaneous documentation, highlight the web of lies sustained & MSPB-supported federal false statements.**

At NDU/DSCA & the MSPB, controlled stupidity—the refusal to see the consequences of what one does & what one stands for—reigns supreme. The losers? The moral majority standing heroic watch in uniform; U.S. taxpayers; friends & allies abroad, & those who attempt to warn, like Paul Revere of old, of the dangers to our people (& since the end of the 18th century & General George Washington's "Newburgh Address", to our Constitution) posed by lurking military impunity.