



## Retribution Turns A Whistleblower's Life 'Upside Down'

By Keith Epstein

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WASHINGTON Nevermind the FBI substantiating his story.

Nevermind its conclusion that an Army intelligence agency improperly spied on its own.

Nevermind that the military's inspector general is taking his claims seriously, or that Steve Jenkins still feels that speaking out was the right thing to do.

Would the intelligence analyst blow the whistle again?

He isn't sure.

Certainly not without more protections for people willing to put conscience before career.

Although he has joined an emerging, post-Sept. 11 movement among whistleblowers seeking more safeguards from retaliation, the personal cost has been high.

"It's turned my life upside down," he said.

The ordeal has split his family between Virginia and Florida, cut his income and cost him friends and colleagues, he said. And it has diminished his chances of using his expertise where it matters most, saving soldiers' lives by keeping military leaders informed of the strengths and vulnerabilities of foreign enemies.

"I never dreamed it would be as severe as this," he said.

It all began in 1997, when Jenkins says he first spoke up in support of a black co-worker's complaints of discrimination and then about the Army's National Ground Intelligence Center spying on him and his colleagues.

The agency, in Charlottesville, Va., is supposed to help military leaders and tacticians by analyzing data on foreign military equipment.

The classified efforts of its employees rarely make news, though one high-profile misjudgment that Iraq had aluminum tubes useful for rockets — helped lead to war.

President Bush's commission on intelligence, in a March 31 report, concluded that NGIC's failure to pursue "basic information" had contributed "crucially to the Iraq WMD debacle" — the belief that President Saddam Hussein had weapons of mass destruction.

Meanwhile, the agency evidently has a history of keeping tabs on its own employees.

The FBI substantiated Jenkins' claim that, in the 1990s, it was illegally wire-tapping its own

people.

### Inspector General Investigates

The office of the Defense Department's inspector general has taken depositions. An investigation is ongoing.

"All I can tell you is there's an open investigation into the matter, and we at DOD don't comment on open investigations," said Dan Meyer, Defense Department Inspector General Joseph Schmitz's investigator of reprisals on civilian employees.

Punishment of Jenkins — now 48, living in Valrico and working for a government contractor for \$13,000 less than his \$83,000 NGIC annual salary — is one of Meyer's cases.

Results of the investigation may be known within a month.

A deputy defense secretary then would decide what steps to take, if any.

Deborah Parker, spokeswoman for the U.S. Army Intelligence and Security Command, which oversees NGIC, said Monday that the military considers Jenkins' assertions, which were investigated by several agencies, "unsupported or unfounded."

She said there had been no illegal wiretapping.

Meanwhile, Jenkins has been summoned to war.

Just as the case was winding down, word came: The Reserve officer is being called up.

Fear prevents many people from speaking out. Among the reasons some officials in Washington did not disclose the torture of Iraqis at Abu Ghraib prison when they found out was fear of retaliation.

Even in an age of disturbing revelations by whistleblowers, fewer protections exist than many Americans might suspect.

Experiences related by Jenkins and more than 50 whistleblowers, who have formed a coalition to seek new safeguards for federal national security workers who dare to disclose wrongdoing, sound straight out of Hollywood screenplays.

Some are well-known, such as former FBI agent Colleen Rowley, who criticized officials in Washington for not allowing Minneapolis agents to follow terrorism leads before Sept. 11.

In 2002, Time magazine named Rowley and two other whistleblowers — people who spoke up at Enron and WorldCom — "persons of the year."

But those with access to national secrets have less protection from retaliation than corporate whistleblowers. Most, like Jenkins, are less known.

They have been transferred to meaningless jobs. They have been stripped of their security clearances. They have lost jobs for trumped-up reasons. They have been shunned by colleagues and friends.

"We have suffered divorces, miscarriages, personal bankruptcies, chronic insomnia, severe depression and even suicide," said Sibel Edmonds, a former FBI language specialist fired after alleging mismanagement, security breaches and possible espionage within the bureau's translation service in 2001 and 2002.

Edmonds organized the National Security Whistleblowers Coalition to lobby for tougher protections, starting last week in meetings on Capitol Hill.

Coalition members come from the CIA, the National Security Agency, Transportation Security Administration, Defense Department, U.S. Customs Service and Federal Aviation Administration.

About 16 of them are from the FBI.

Conscience Or Career?

"Government employees should not have to choose between their consciences and their careers," said Josselyn Radack, a coalition member and former lawyer in the Justice Department's ethics office. She said she faced just that option when challenging her bosses over the legality of military interrogation tactics.

She leaked e-mail to Newsweek magazine.

The whistleblowers coalition also intends to hold specific bosses accountable for wrongdoing by publicizing their names.

"The biggest and most important thing is individual accountability," Edmonds said

U.S. Rep. Edward J. Markey, D-Mass., said he intends to introduce a new whistleblower law.

It would extend to federal employees and contractors the same whistleblower protections granted private employees in 2002 by the Sarbanes-Oxley Act after corporate accountability scandals.

Under the proposal, any complaints of retaliation could be filed with the Labor Department and taken to federal court within six months.

"These people should be rewarded, not punished," Markey said. "Instead, these latter-day Paul Reveres who patriotically serve their country are punished. They're blackballed, they go broke and their lives are ruined."

Few seem to have expected it.

"I was just doing my job," Rowley said last week. "I didn't realize telling the truth would put me at that kind of peril."

An advocacy group, the Project on Government Oversight, contends that nearly 50 percent more whistleblowers are surfacing each year since Sept. 11.

"We're getting their stories out publicly to change the hard hearts of Congress," said the project's director, Danielle Brian, who complained that the federal whistleblower protection law contains "more holes than it is cloth."

Jenkins and his wife, Barbara, who works for U.S. Central Command at MacDill Air Force Base in Tampa, have three children. Two of them stayed in Charlottesville to attend college.

When their parents needed to leave, the family split up. Friends and family are still in Virginia.

"I had no alternative," Jenkins said. "I had to get out of there. Otherwise, I would have been fired."

He said NGIC had reassigned him to a meaningless position. Other workers who knew less about a database that he had created were given the task — potentially putting U.S. soldiers overseas

at risk, he said.

### Lighting Some Candles

"They can say I'm a malcontent ... But how much sense does it make to put young kids, 19 or 20 years old, in positions that might be more dangerous because I'm not doing that job?"

"No U.S. soldier should be put in harm's way because someone has a grudge against me," he said.

As for the black woman he tried to help in her discrimination complaint, he still thinks it was the right thing to do.

Jenkins said that he joined the group because of "the romantic side of me. You know, 'Man of La Mancha.' "

"You don't just want to curse the darkness," he said. "Maybe if you light some candles, there'll be some change later on. I may not benefit, but maybe someone else will."