THE WHISTLEBLOWER

The Man Who Told the Truth and Paid the Price

BY TAMAR SULLIVAN
“Richard, you are a national embarrassment for the government because you were right, and they all know it. And the view of the CIA, the DOD, and the White House is that if any action is taken for you, it will become public, and it will be an admission that mistakes were made. [Government recompense] is never going to happen, unless it is done secretly.”

—Suzanne Spaulding, former assistant general counsel at the CIA and a personal friend

Richard Barlow was simply doing his job when he uncovered an illegal network of Pakistani procurement agents acquiring US components to build a nuclear bomb. But his irrefutable intelligence and his intention to go after the criminals were politically problematic, so his rivals sought to discredit him with one of the most dishonest smear campaigns in this nation's recent history. Despite overwhelming evidence in his favor and President Bill Clinton's full support while in office, Barlow has never been compensated for sacrificing his career by exposing the facts that could have prevented the bomb from falling into Pakistani hands, leaving us in the precarious global situation in which we find ourselves today.

Barlow's last request for personal restitution from the White House in 2009 was probably his last. President Obama's silence in Barlow's case follows the latter's two decades of failed attempts to clear his name and receive his pension. After years of backstabbing sabotage and dashed hopes, Barlow laments the reality of this last shot at compensation.

“That was the end of it for me,” Barlow, 60, quietly acknowledges. He now lives in a motor home with his dogs and barely a penny to his name.
his early twenties, Richard Barlow was already a gifted expert on proliferation intelligence. In 1980, he was accepted for a highly competitive professional internship at the State Department’s Arms Control Disarmament Agency (ACDA). However, in 1982, shortly after he became the action officer for Pakistan, the Reagan administration felt that arms control was outdated, and neutralized the agency. Out of a job during a climate of pervasive unemployment, Barlow had to drop out of Georgetown University two years into his master’s degree. He left Washington and went to Connecticut, where he got married and lived modestly until the mid-1980s, when he found a marketing job in Washington State.

To his surprise, the CIA located Barlow and recruited him to return to the nation’s capital in 1985. He was ecstatic. He went straight to work and confirmed what he already knew—that Pakistan had a covert nuclear program. He also learned that the Pakistani procurement agents and their clandestine methods of acquiring nuclear components in the US were far more complex than he had previously believed.

In the mid-’80s, Pakistan was of great strategic importance to US interests because of the threat of escalating Soviet socialist domination beyond the Eastern bloc. In a watershed event of the Cold War, the USSR invaded Afghanistan in December 1979. Moscow engaged in a decade-long attempt to set up a pro-Soviet regime in Kabul, but the United States undermined Soviet deter-mination by covertly channeling money and weapons through Pakistan to the Afghan mujahideen rebels. An alliance with Pakistan was vital to hindering a Soviet advance in the middle of the Cold War, US officials believed, and an admission that Pakistan was developing the bomb would be a huge political problem, so they looked the other way. The Soviets did not pull out of Afghanistan until 1988.

“During the Afghan war,” Barlow says, “a lot of people felt that if you were not a Communist, you were our friend. Pakistan was funneling covert CIA dollars and weapons to our mujahideen allies, like Osama bin Laden. My bosses at the CIA and I tried to argue that Islamists would later become a serious threat [because they would possess nuclear technology], but the cold warriors in the CIA and the State Department laughed in our faces. They only cared about the Soviets. They didn’t see this, or Pakistan possessing nuclear weapons, as a threat.”

According to the 1985 Solarz Amendment, the US was required by law to terminate all military and economic aid to any non-nuclear nation that attempted to illegally export nuclear material out of the US. Also relevant was a separate law, the 1985 Pressler Amendment, that required the president to certify annually that Pakistan did not possess a nuclear explosive device or else all assistance would have to be terminated immediately, a move that politicians feared would threaten the critical US-funded Afghan war against the Soviets.

But Barlow says that fear was unfounded. “We could have seri-ously sanctioned Pakistan because of their nuclear program but still relied on their support in the Afghan war. The Pakistanis were terrified the Soviets were there, and they wanted the Soviets there less than we did.”

Barlow was assigned to work full time on the Pakistan problem by the CIA’s Office of Scientific and Weapons Research (OSWR). He began working with federal agents to arrest Pakistani operatives, including those who worked for Dr. Abdul Qadeer Khan, who later spread nuclear weapons technology to Iran, North Korea and Libya.

In 1987, Barlow received a tip about two Pakistani procure-ment agents, Arshad Pervez and Inam ul-Haq, arriving in the US to acquire nuclear components illegally. Barlow determined that these men worked for Dr. A. Q. Khan, and he approached federal agents. US Customs helped Barlow set up a trap to catch them red-handed. Ul-Haq didn’t show because Pakistan was illegally tipped off by two US officials, but Pervez was duly arrested in one of our nation’s most significant nuclear criminal busts.

“I was a hero, a golden boy,” Barlow says. “This was front-page news. My bosses were patting me on the back. I was on my way to getting promoted.”

But instead of earning him a promotion, Barlow’s feat was about to ruin him.

The news of the operatives on American soil enraged many in Congress, and they began to call for a termination of aid to Pakistan under the Solarz Amendment. Democratic Congress-man Stephen Solarz called for an immediate hearing to ascertain the truth about Pakistan’s nuclear program. Barlow, as the CIA’s top expert on Pakistan, was called to the hearing along with a national intelligence officer, David Einsel. Because Einsel’s priority was to keep intelligence regarding Pakistan from interfering with the Afghan war, his testimony was expected to be purposely deceitful. Barlow’s supervisors and attorneys instructed him to tell the truth when asked.

When the hearing began, Solarz asked Einsel and Barlow if Pervez was a Pakistani government operative. Einsel responded that it wasn’t clear. Barlow answered that he was.

Solarz then turned to Einsel and asked him if there had been any other cases of clandestine nuclear purchasing in the US involving Pakistani government operatives. He responded, “No.”

Solarz then turned to Barlow with the same question, and Barlow answered truthfully, “Yes. Scores.”
Upon Barlow’s arrival back at CIA headquarters, the phones were ringing with calls from Congress seeking to terminate aid to Pakistan and complaining that Einsel had been misleading them for years. Einsel and others in the CIA Directorate of Operations made Barlow’s job a nightmare after that, and Barlow eventually resigned under duress.

After a brief stint as a US Customs special agent, Barlow went to work for the Office of the Secretary of Defense at the Pentagon in 1989 as its first intelligence officer in weapons of mass destruction. He once again found reams of intelligence about Pakistan’s continuing illegal nuclear purchases in the US and began working with federal agents in the FBI and Customs to stop them, while President George H. W. Bush continued to mislead Congress by failing to inform them that Pakistan possessed nuclear weapons. Barlow took it to his bosses and told them it was a complete lie. The F-16s Pakistan possessed had already been reconfigured for the nuclear weapons it had already manufactured. And it was only a matter of time, he knew, until Pakistan would begin selling its nuclear weapons technology to its Islamist brethren.

The next day, he was given a firing notice. A few days after that, his security clearances were suspended. The evidence against him: “Classified.”

Barlow spent the next nine months under a humiliating investigation for egregious allegations that had no basis. He was accused of being a security risk, an alcoholic, a psychiatric patient and a tax evader. When their marriage suffered, Barlow’s wife packed her bags and moved out.

In 1990, all these allegations were found to be false, but Barlow’s reputation was destroyed. “I was clean. They had nothing on me. But they ruined my marriage and my chances at any meaningful work as a federal employee.”

Paul Warnke, a top Washington lawyer, agreed to represent Barlow pro bono in settlement negotiations with the OSD. At first, the OSD offered Barlow a small settlement of $20,000 on condition that he would never discuss what had occurred with law enforcement officials or Congress. Warnke advised him not to accept; it was hush money for a criminal matter. In 1993, they won a combined inquiry by three inspectors general from the CIA, OSD and DOD, two of whom agreed that Barlow’s case was “an error not supported by a scintilla of evidence… it was unfair and unwarranted.” But when the report was formally published, it had been entirely rewritten by Derek Vander Schaaf, the acting DOD inspector general, who wrote that the DOD was absolved of wrongdoing.

Staying in Washington was too much for Barlow. Destitute, he moved out to Santa Fe, New Mexico, where he had a few friends, and drove a tour bus to make a few dollars. Meanwhile, his lawyers handled an invasive seven-year government probe into his personal life and government career.

After a brief project for an OSD inspector general investigating potentially illegal military shipments by the State Department to Pakistan, Barlow became a self-employed contractor for the FBI and CIA working out of his Santa Fe home and later at Sandia National Laboratory, creating the FBI’s analytical and operational counter-proliferation program.

In 1998, a private relief bill was introduced by Senator Jeff Bingaman (D-NM) on Barlow’s behalf. Barlow approached the NSC legal advisor to brief President Bill Clinton about it. Clinton sent a message to Congress to send the bill up; he would sign it.

The bill promised Barlow $1.1 million in compensation for losses incurred by personnel actions against him by the DOD and had the support of a unanimous bipartisan majority. But a single Republican senator from Virginia, John Warner, objected, the Senate broke promises, and the bill was put to a federal court for review, which led to another four and a half years of congressionally driven Justice Department and DOD investigations and invasions of Barlow’s privacy.

“They deposed my ex-wife, invaded my privacy, spoke to my

A truck-mounted launch system (TEL) armed with 4 Babur cruise missiles on display at the IDEAS 2008 defence exhibition in Karachi, Pakistan.
doctors, attacked my character again and put the burden of proof on me.” CIA director George Tenet and NSA director Michael Hayden blocked all intelligence documents that proved Barlow’s case by claiming state secrets privilege. Barlow had had prior access to all the documents in question while at the CIA and DOD.

To compensate for the security block, his lawyers arranged an all-star lineup of Barlow’s former CIA bosses to testify on his behalf. After a million dollars in legal fees, Barlow felt victory was in the bag, but in 2002, the Republican judge determined otherwise. When his counterintelligence work came to an end a few years later, Barlow took what little money he had, bought a motor home and moved to Montana to spend some time outdoors.

After a 2007 amendment introduced by Senator Bingaman on Barlow’s behalf was also blocked, Barlow reached out to his state senator, Max Baucus, in 2008. He received the following email from Senator Baucus’s chief of staff, Jim Messina: “Mr. Barlow: I think what happened to you was awful and you deserve justice… But let me be clear, we…never will introduce a private relief bill for you. We don’t do that. And we surely aren’t going to start now and open up the door for the other 100 people who have asked us to do this.”

Just a few months later, Jim Messina became the White House deputy chief of staff for operations under President Obama.

When Obama took office in 2009, Barlow sent a direct request to him through Gary Samore, the president’s advisor on arms control and weapons of mass destruction, asking for White House action on his behalf independent of Congress. But Obama remained silent.

Another top advisor to Obama decided to link action for Barlow to the highly divisive Whistle-Blower Enhancement Act, which required an improbable passage by Congress. Barlow was made to wait indefinitely while the act, which excluded intelligence personnel, remained in limbo and while the Obama White House blatantly overlooked other avenues of finding compensation for Barlow.

In a condescending statement in 2011, a young White House lawyer informed Barlow that any action by the White House would constitute political influence and advised him to go back to the Justice Department and the DOD to seek justice.

The Obama administration still has ways to direct action on Barlow’s behalf, but Barlow is unsure if there is anything more he can do. There are too many people who do not want to admit wrongdoing, even decades after the fact. He now spends his days trying to live with what has happened and what may never be. The worst part of it all, he feels, was losing his wife.

Although he has been out of the intelligence community for close to a decade, Barlow’s continued observations make him believe the CIA has devolved into a group of extremely politicized yes-men and -women. The CIA and NSA institutions have become so dependent on massive surveillance and supercomputers to do intelligence analyses that they are no longer capable of performing basic intelligence themselves and connecting the dots before disaster strikes. Barlow has watched one intelligence failure after another—the Times Square Bomber, the Arab Spring, 9/11, the fabrication of WMDs in Iraq—and he believes that while the CIA remains embroiled in politics, our enemies take advantage.

Barlow blames the CIA’s cultural decline on the corruption of high-ranking officers who only tell the White House what it wants to hear, lack of congressional oversight, and failure to protect intelligence officers from “political retaliation” for doing their job. The Obama administration, he feels, is unprecedented in its “vicious treatment” of dissenting opinions among its employees.

In Barlow’s view, ignoring the proliferation of nuclear weapons in Pakistan might turn out to be America’s biggest foreign policy mistake. As Pakistan began to amass more and more nuclear weapons, the only solution was a bothersome and expensive military one, so the US government pacified Pakistan and allowed it to sell its WMD technology to Iran, North Korea, and Libya. Our country’s mishandling of Pakistan is directly responsible for Iran’s nuclear weapons program. If we had taken out A. Q. Khan’s network in the 1980s, Barlow argues, “we would not be facing an Islamist country with over 100 nukes.”

But it seems we haven’t quite learned our lesson. While Pakistan creates and funds terrorists like the Taliban, we ally ourselves with them in the war on terror. In Barlow’s view, it’s like joining forces with “an exterminator that runs a cockroach factory on the side.”

Now Washington’s greatest fear is that Pakistan will fall into the hands of Islamist radicals.

“Instead of dealing with it,” Barlow says, “we are paying nuclear blackmail to the tune of billions of dollars a year to keep the right people in charge. But that balance can tip at any moment. The problem is getting worse and the costs are getting higher.”

Asked about his political leanings, Barlow responded that he is an independent. He states that the Clinton administration, whose advisors were somewhat principled, can’t be compared to the Obama White House, whose advisors he says have been proven to be gutless and corrupt. “I tend to judge a person by the type of people with whom he surrounds himself,” he says.

Barlow’s story is that of a man who not only told the truth under orders, but also took action to try to stop the most serious national security threats the United States and Israel have ever faced.

In the aftermath of Edward Snowden, Barlow reflects, “The media loves whistle-blowers, but I am not technically one in the traditional sense. I never went outside of the executive branch. I was raising concerns to my bosses at the Office of the Secretary of Defense.”

Richard Barlow remains a stark reminder that had a small water leak been heeded years ago, the US could have prevented the largest flood the world might ever see.