

August 15, 2023

WHO IS THE WHISTLEBLOWER:

I have over 45 years' experience with the Department of Defense, from flying Cobra Ball and Rivet Joint reconnaissance missions in the late 1970s through the 1980s, to observing the launch-to-destruct of Soviet SS-20 intermediate-range ballistic missiles in-country in the USSR, to two tours as an attaché at US Embassy Moscow, then Chief of Transnational Threats and later Chief of OSINT for European Command. I made it to GG-14-equivalent (NSPS) and then downgraded to GG-13 (to accept the OSINT chief position) and finally to GS-12 to accept my current position and to follow my son's medical issues back to the States (and remain outside the Beltway) while he attended college. I have worked at Detrick Earth Station as a Russian language specialist from March 2013 to the present.

My awards and decorations include: Defense Meritorious Service Medal with two oak leaf clusters; Air Force Meritorious Service Medal; Air Medal with three oak leaf clusters; Joint Service Achievement Medal with three oak leaf clusters; Air Force Achievement Medal; and Combat Readiness Medal with two oak leaf clusters. Authorized wear of the Office of the Secretary of Defense badge. My civilian awards include the National Intelligence Meritorious Unit Citation (as part of a team credited with stopping a terrorist attack in Germany) and the Army Civilian Service Commendation Medal (for work at Fort Detrick).

I retired from the Air Force in 2002 as a Senior Master Sergeant with 24 years of service.

BACKGROUND:

Detrick Earth Station (DES), often referred to as the DCL (Direct Communications Link), is the United States satellite earth station component of the Washington-Moscow Hotline. We are in constant communication with Russian technicians to keep the satellite links in operation. The DCL, born out of the Cuban Missile Crisis, serves US Senior National Leadership, including the President, as an immediate and direct link to Russian Federation leaders for crisis communications during events that may escalate to nuclear warfare. Other communications circuits at DES link the Secretary of Defense, Secretary of State, and the Nuclear Risk Reduction Center with their Russian Federation counterparts.

It is important to note that during the September 11, 2001 terrorist attacks, Detrick Earth Station was the only Washington-Moscow Hotline link in operation after other overseas communications pathways were cut when the World Trade Center collapsed.

DES was converted from contractor (Honeywell) operation to Army operations (civilians only at first, now military and civilians) in March 2013. During the conversion, the Army "forgot" to convert the Honeywell Information Assurance plan into an Army Information Assurance plan (IAW DoD Instruction (DoDI) 8500.01).

THE ALLEGATIONS:

Quoting from the June 10, 2020 report of investigation:

"Specifically, the Whistleblower alleged that in 2015, when the Detrick Earth Station and the Gateway Telecommunications Center were consolidated and became a remotely operated facility, the following wrongful actions took place:

- (1) Despite the requirement for a Configuration Control Board (CCB) in the 2008 Information Assurance Plan for the C-Band Satellite Transmit and Receive Systems Direct Communications Link Earth Station (Information Assurance Plan), the Defense Information Systems Agency (DISA) has not established a CCB for the management of the Detrick Earth Station;
- (2) Since the 2015 reorganization and consolidation of Detrick Earth Station there has not been full review of the Information Assurance Plan under the Risk Management Framework established in 2014;
- (3) Security and operational deficiencies attributable to remote operations persist at the Detrick Earth Station, including poor security monitoring leaving the facility vulnerable; and,
- (4) The lack of a fire suppression system required by the Information Assurance Plan and a lack of a 24/7 personnel presence has led to security and operational deficiencies."

WHERE WE ARE TODAY:

Allegation (1) Configuration Control Board (CCB) – **Substantiated** and remedied in August 2020. DES was without CCB oversight from March 2013-August 2020 (station remoted "under cover of darkness" in 2015). No Pentagon oversight for seven years (crazy things can happen).

Allegation (2) Risk Management Framework (RMF) – **Substantiated** and actions underway to remedy later this year (2023 – **over ten years late**); DES remains a facility with manual fire extinguishers with no 24/7 staffing to operate them to this day.* RMF controls soon to be in place should mandate 24/7 staffing at DES for fire suppression (see currently unsubstantiated Allegation (4) if you want your mind blown).

Allegation (3) Security and operational deficiencies caused by remote operations – Not substantiated. RMF controls cannot be violated if for ten years there are no RMF controls in place. Would the lack of such controls be a deficiency? DES went from 10-15 seconds response time before remote operations to "whenever we get across the street." Presidential?

Allegation (4) Lack of fire suppression required under RMF – **Substantiated** on March 22, 2021 (supplemental report); substantiation overturned on February 28, 2022 (supplemental report: "...the technical/operational mission equipment of the DCL no longer resides in the DES.") due to false report by the Army on the physical location of DCL equipment. The Army claims the DCL equipment was moved into the Gateway Telecommunications Center across the street from DES. No such move occurred. The equipment at DES is not only heavy, it has electricity and communications circuits flowing through it.

* NIST SP 800-53, Rev. 5, PE-13, Fire Protection, (2)(b): "Employ an automatic fire suppression capability when the facility is not staffed on a continuous basis."

PE-13 Fire Protection

(2) FIRE PROTECTION | SUPPRESSION SYSTEMS — automatic activation and notification (a) Employ fire suppression systems that activate automatically and notify; and (b) Employ an automatic fire suppression capability **when the facility is not staffed on a continuous basis.**

[This was originally PE-13 (3), but that control was withdrawn and incorporated into PE-13(2) in the latest NIST Special Publication 800-53, Revision 5, September 2020]

MORE BACKGROUND:

In October 2015, I sent a "white paper" to the commanding general at 7th Signal Command disclosing security and operational deficiencies (among them, the allegations in this case) caused by gross mismanagement and the local decision to convert DES to remote operations. The commanding general kicked it up to NETCOM for a standard Army AR 15-6 investigation. I was promised an unlimited-duration, on-site investigation. NETCOM then changed that to a two-week investigation with the investigating officer not leaving Fort Huachuca (very funny when I first talked to him on the phone, thinking he had arrived at Fort Detrick to help me out). The AR 15-6 report of investigation (ROI), which I had to get through FOIA because the Army would not provide me with a copy, was a success for the major "risk" issue: NETCOM instructed the battalion to complete "a full DIACAP review" in December 2015 (I don't know where the investigating officer was in 2014 when RMF launched to replace DIACAP). I was told in early 2016 that the Battalion had been given 60 days to fix things. The Battalion civilian executive officer, appearing to not understand the acronym BLUF in the ROI, reported some of the corrective actions complete. The investigating officer told me to "wait for the dust to settle."

I saw no dust. In June 2016, I gave a copy of the "white paper" to the commander, 21st Signal Brigade. She said she would get a copy of the AR 15-6 ROI from NETCOM. She did not seem to take any real action and eventually retired. She once asked me with whom she should consult about the CCB – I informed her that the person to consult would be her civilian deputy sitting in the office next to her at the Brigade. He also took no action that I could discern (renewal of the CCB would wait till 2020, as fallout from the later OSC-directed investigation).

So, I turned to the Office of the Special Counsel in 2017 to make the "white paper" disclosures. The Signal Corps has had the "white paper" since October 2015.

OFFICE OF THE SPECIAL COUNSEL (OSC):

The disclosures, as captured by the DI-17-2168 case number, were submitted to OSC in February 2017. It took OSC over 860 days to make the decision to forward the allegations to the Secretary of Defense for investigation (unfortunately then passed to the Army for self-investigation). Overall, what should have been a 60- to 90-day investigation has taken six and a half years to reach this point. The Army spent a year to produce the initial report, dated June 10, 2020, with apparently only one three-hour on-site visit to Fort Detrick. The Army then issued three "supplemental" reports (one- to three-page memos) at the rate of one per year – March 22, 2021, February 28, 2022, and March 17, 2023. So, the Army has taken three years to investigate what should have been a no more than three-month investigation.

Throughout the six-and-a-half-year ordeal, the "risk" in Risk Management Framework has been running in the background, unmitigated.

The need for fire suppression was substantiated on March 22, 2021 (issue date of Army supplemental memorandum) with no action taken or notification to Fort Detrick to address the issue. The need for fire suppression was bizarrely overturned **a year later**, February 28, 2022, by the false Army claim that DES no longer houses the DCL equipment – a false claim. I work with the DCL equipment during every one of my shifts at Fort Detrick.

Attempts to have OSC contact the Army for clarification on the DCL equipment location/RMF issue, with detailed information included, were met with responses such as:

June 1, 2023, OSC: "We will not be contacting the Office of General Counsel in response to your inquiry. Please let us know if you will be providing comments."

July 27, 2023, OSC: "We have determined that we will not request additional information from the agency. Therefore, your comments are due on August 15, 2023."

When I asked on August 14, 2023, for further clarification from OSC and provided even more information, I was met with:

August 14, 2023, OSC: "The August 15 date was for the submission of your comments. Please let us know if you intend to send comments." OSC included, "As always, I am available to speak with you about this matter." At this point, I do not trust OSC without written documentation.

Bypassing OSC and making direct contact with the Army Office of the General Counsel (OGC), **even providing a map with equipment locations**, was fruitless. The OGC would not reach back to the Army investigator(s) for clarification and declared for its supplemental report that "...[OGC] accurately relayed the information provided by the organization to OSC..." (July 6, 2023 email). So, the OGC has no concern as to whether or not false information is being transmitted to the President and Congress for this disclosure case, even when provided a map and the declaration of a subject matter expert (I have ten years at DES).

The OGC is the author of the supplemental reports for transmittal to the President. You would think that accurate information would be essential.

OSC has also expressed no interest in the location of the DCL equipment. The equipment location drives the implementation of NIST SP 800-53, Rev. 5, PE-13, Fire Protection, (2)(b) and re-substantiation of the arbitrarily overturned substantiation.

False statements in the supplemental reports that OSC refuses to address include:

FALSE: March 22, 2021 "... the investigating officer interviewed the personnel the whistleblower suggested..."

On August 25, 2019, I provided the investigating official with a list of persons for interviews. As can be seen in the original report of investigation, no interviews were conducted after September 17, 2019 (COL Parks, TAB G, original report of investigation). The key personnel I suggested were not interviewed. I have been requesting interviews for years.

The lack of interviews is apparent in the June 10, 2020 report of investigation:

"The draft AR 15-6 ROI was staffed within OGC for its completeness. **On November 26, 2019, the IO was provided very detailed comments regarding the need to expand her efforts and gather additional facts and interview statements** to ensure all relevant evidence had been tracked."

OGC was asking for more interviews!

FALSE: February 28, 2022 "... the technical/operational mission equipment of the DCL no longer resides in the DES. In other words, the concerns connected to Allegations 3 and 4 have been eliminated by the system modernization and relocation of the equipment." "With respect to the DCL, the modernized equipment is now housed in the GTC building..."

The "technical/operational mission equipment of the DCL" (above) continues to reside at Detrick Earth Station. I work there. I can touch it. Only remote monitoring and control equipment (computers), a multiplexer, and personnel were moved across the street to the GTC. The primary mission hardware remains at DES.

The only items of equipment "housed in the GTC building" are an old Newbridge multiplexer (3600 Mainstreet Bandwidth Manager, plus spares) and the four computers used for remote monitoring and control of the equipment at DES. The computers are simply clones of the four primary computers inside the two DES equipment shelters, two for network monitoring and control (NETMAC) and two orderwire computer workstations for direct communication (chat window) with the Russian Federation. Mission-critical DCL equipment inside DES Building 1650 includes the A & B Uninterruptible Power Supplies, two critical Static Transfer Switches, and the super-critical Demarcation room (known as the "telephone room") where the signals transmitted and received via the satellite antennas at DES enter and exit the station enroute to and from the Pentagon, State Department, the White House, the Kremlin, and the Russian Ministries of Defense and Foreign Affairs. Critical electrical power and all communications circuits connect to the DES/DCL satellite antenna systems through DES Building 1650. When DES was "remoted" to the GTC, some equipment was eventually moved from inside DES Building 1650 to two equipment shelters immediately outside DES (~40 feet away).

Mission critical equipment, including the UPS/STS/Demarcation/electrical power connections mentioned above, remains inside Building 1650. And will be there for the foreseeable future.

The OGC statement on DCL equipment location in the February 28, 2022 memorandum is false.

I am confident that the Special Counsel will identify the contested and potentially false information in his cover letter to the President for the final report.

WILL THE SECRETARY OF THE ARMY EVER SEE THIS:

The Designated Official to review and forward the Army's Report to OSC, on behalf of the Secretary of the Army, was Assistant Secretary of the Army Mr. E. Casey Wardynski, on June 10, 2020. He is long gone.

The "Designated Official" to both author, review, and forward the so-called supplemental reports is apparently an OGC attorney-advisor, who on February 28, 2022 overturned his own March 21, 2021 substantiation of Allegation (4) on fire suppression due to a relocation of DCL equipment that did not occur.

It seems that supplemental reports are not subject to review by the head of the agency. I view that as a violation of the spirit and intent of 5 U.S. Code § 1213 "(d) Any report required under subsection (c) shall be reviewed and signed by the head of the agency..."

I will do my best to make sure the Secretary of the Army gets a copy for review.

Hope this helps,

