



[REDACTED]
(A) Special Counsel
U.S. Office of Special Counsel

RE: OSC No DI-20-001009

From the desk of:
(RET) Deming Air Unit Director, Supervisory Air Interdiction Agent [REDACTED]
Department of Homeland Security, Customs and Border Protection, Air and Marine
Operations

I write to express my concerns regarding the recent supplemental investigative report issued by U.S. Customs and Border Protection. After a careful and thorough analysis, it has become abundantly clear that the writers and agency behind this report have engaged in a disturbing level of deception and bias, thereby undermining the integrity of their findings. The report findings are unreasonable and did not satisfy the requirements that were tasked to the agency to report.

The Agency's report is an unreasonable and deceptive attempt to cover up its gross mismanagement and negligence by CBP Air and Marine Operations, and CBP Senior Management; [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] rather than serving as an impartial fact finder. Rather than be transparent, they choose to use deceptive techniques in an unreasonable attempt to persuade the public that these bad actors did not contribute in the deaths of several persons including a CBP Border Patrol Agent and continue to put the public and its own Agents in harms way.

One of the most glaring issues with this report is the failure to conduct comprehensive interviews or seek input from individuals who may hold dissenting viewpoints or possess contradictory information. The report fails to demonstrate due diligence in completing a comprehensive investigation and so is unreasonable in any findings. A genuine and unbiased investigation should be comprehensive, ensuring that all relevant perspectives are heard and considered. This report falls woefully short in this regard.

The absence of interviews with opposing voices or individuals who may challenge the claims made in the report raises serious questions about its credibility and objectivity. To present a one-sided narrative without seeking alternative viewpoints not only compromises the report's integrity but also calls into question the investigators' commitment and directives to uncovering the truth.

The report selectively presents information that supports its predetermined conclusions while neglecting to acknowledge any evidence to the contrary. This biased approach is evident in the way the report frames its findings, using language and tone that subtly reinforces its perspective while ignoring any conflicting evidence. Even as going as far as stating no untrue statements were found during the investigation, while they had multiple examples in their very own investigative transcripts. The Agency supplemental report finding that no untrue statements were made is unreasonable.

Additionally, the report lacks transparency in its methodology and data collection process. It fails to provide adequate details about how information was gathered and how witnesses were evaluated and how they selectively decided not to interview key witnesses, constructing the agency version of the truth, while leaving readers in the dark about the reliability and validity of the findings. A truly credible investigative report should be transparent about its research methods and data sources to allow for independent verification.

Furthermore, in regards to the corrective Actions the Agency was to take against ██████████ it was a complete farce and did not serve the intent and was not completed. He never received any retraining or punitive actions and his violations weren't even mentioned in his performance review. ██████████ was unprofessional, reckless and careless in his actions, with flagrant disregard of Agency policy and a complete failure to maintain situational awareness in an Agency aircraft that could have resulted in many more deaths at the hands CBP.

Director ██████████ was responsible for completing ██████████ corrective actions that were to include a review of professional aviation topics; invulnerability, resignation, anti-authority, and impulsivity.. ██████████ is not an instructor, he is not a pilot. Same in regards to ██████████, he is not a pilot, and actually would be consider a pilot trainee failure, as he failed repeatedly throughout his career, he was not able to complete his pilot training as a student pilot. Maybe that shows bigger problems within the Agency, placing leaders in positions they are not qualified for, it is not a recipe for success. It is unreasonable to believe that ██████████ or ██████████ have any technical knowledge or competence to complete or guide any pilot training.

The Agency supplemental report responses are unreasonable and a deliberate attempt to deceive the public and protect the guilty. Congressional action is a necessity to dismantle this den of corruption and restore accountability.

/s/ Deming Air Unit Director
Supervisory Air Interdiction Agent ██████████
Department of Homeland Security
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Ensuring Accountability: Denying Federal Retirement Benefits to Managers Violating Whistleblower Protections

Whistleblower protections are the cornerstone of a transparent and accountable government. Federal managers entrusted with positions of authority must uphold these protections, ensuring a safe environment for employees to report wrongdoing without fear of retaliation. To reinforce accountability and deter violations of prohibited actions against whistleblowers, it is imperative to disallow federal managers fired for such offenses from collecting federal retirement benefits. Additionally, imposing fines sourced from their pension contributions and withholding all government benefits, including social security, is a crucial step in upholding public trust.

1. Upholding Public Trust and Ethical Standards:

Managers in federal positions are held to higher ethical standards due to their pivotal roles in governance. When these individuals violate whistleblower protections, they breach the public's trust and undermine the foundation of transparent governance. Denying them federal retirement benefits upon termination for violating these protections is a critical measure to restore confidence in government institutions. It serves as a stern reminder that betraying the trust placed in them carries substantial consequences.

2. Imposing Financial Accountability and Restitution:

Legislation should stipulate that federal managers fired for violating prohibited actions against whistleblowers forfeit their entitlement to federal retirement benefits accrued during their tenure. Furthermore, imposing fines sourced from the contributions made into their pension fund would not only act as a punitive measure but also ensure a form of restitution. These fines would be reflective of the severity of their actions and serve as a deterrent against future misconduct.

3. Comprehensive Ban on Government Benefits:

In addition to withholding federal retirement benefits and imposing fines, legislative action should mandate the cessation of all government benefits for these individuals. This includes denying access to social security payments, healthcare benefits, or any other form of governmental assistance. Such comprehensive measures are necessary to underscore the severity of violating whistleblower protections and emphasize the government's commitment to safeguarding these rights.

4. Legislative Action for Enactment:

To implement this law effectively, legislative action must be taken to define clear parameters for prohibited actions against whistleblowers. The law should establish a framework that outlines specific violations, the forfeiture of retirement benefits, the calculation of fines, and the cessation of government benefits for offenders. Additionally, it's crucial to establish an impartial body outside of the Agency in question for reviewing the accused and imposing action, ensuring due process and eliminating the corruption within.

The current laws and processes make it difficult to punish federal employees for wrongdoing let alone terminate them. Legislators therefore must consider codifying and making mandatory disciplinary action part of federal law. Denying federal retirement benefits, imposing fines from their pension contributions, and withholding all government benefits for federal managers fired for violating whistleblower protections is essential in upholding the integrity of public service. Legislative action to enforce these measures would reinforce the importance of ethical conduct, restore public trust, and send a strong message that breaching whistleblower rights carries severe consequences.