GOVERNMENT ACCOUNTABILITY PROJECT
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May 1, 2019

Honorable Henry Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, #300
Washington, DC 20036
Attn: [redacted]

Re: OSC File Nos. DI-06-1098, DI-18-1075

Dear Mr. Kerner:

[redacted] and [redacted] submit this comment on the September 6, 2018 response (Report) by the U.S. Department of Justice (DOJ) Drug Enforcement administration (DEA) to their whistleblowing disclosures of illegality, abuse of authority, gross mismanagement and a substantial and specific danger to public health or safety at the DEA's Port-au-Prince Country Office. (PAPCO) [redacted] and [redacted] specific remarks are enclosed as Attachments (Att.) 1 and 2.

The whistleblowers disclosed evidence demonstrating that for a decade PAPCO had not actively trained or overseen Haiti's (BLTS) drug police on how to investigate and act against seaport smuggling, specifically illicit drugs such as heroin and cocaine often bound for the United States. Second, they disclosed that DEA personnel were complicit with BLTS in obstructing the seizure and investigation of some 700-800 kilos of cocaine and 300 kilos of heroin discovered by accident in April 2015 on the cargo ship Manzanares when it docked at Port-au-Prince.

On balance, they exposed extremely serious damage from the mission breakdown in Haiti: despite a steady high volume flow of drugs, for over a decade there has neither been proactive BLTS training for seaport smuggling, nor until Manzanares a significant seaport smuggling arrest at Port au Prince, Haiti. More specifically, their evidence demonstrates that former Country Attaches (CA) Shawn Alexander and Michael Wilhite, with passive and active support from current Caribbean Assistant Special Agent in Charge James Doby and others within DEA Caribbean Division management, have been responsible for the DEA mission breakdown.

[redacted] and [redacted] made a high stakes disclosures with serious consequences for United States citizens. The impact is that because DEA has been looking the other way, for over a decade Port au Prince has been a safe port to ship heroin and cocaine without interference through Haiti, generally destined for Florida in the United States.

Unfortunately, DOJ did not treat the issues with respect, either for its responsibilities under the Whistleblower Protection Act (WPA), or for the associated threat to public health and safety. Instead of taking responsibility as required by 5 USC § 1213(c), the Attorney General delegated the issue to hopelessly-conflicted DEA staff whose Report was forwarded by an Acting DEA Administrator. DEA avoided even mentioning Mr. Doby's name, although he was the active or passive decision-maker for ongoing alleged misconduct.

The Report is fundamentally incomplete. It did not make bottom line conclusions about either of the two issues referred for investigation. It skipped sub-issues in the referral. It skipped making conclusions required by the WPA in 5 USC § 1213(d) and unavoidable from the record, such as apparent illegality. When it made conclusions, without exception the Report rejected allegations of misconduct, generally with unsupported references to evidence neither presented nor summarized. At the same time it ignored and repeatedly denied the existence of probative, specific evidence from the whistleblowers that contradicted its conclusions. It disclosed no institutional corrective action, even failing to Report accountability that the agency has taken secretly.

The message of this Report is that Whistleblower Protection Act disclosures are irrelevant. The Report is only significance as a resource to shield those responsible for the wrongdoing. This is almost ironic to the point of embarrassment, because DEA has become the lone holdout defending its record. Through [redacted] persistence, a new, public-spirited Country Attaché, congressional pressure and in-depth investigative journalism, the tide appears to be turning in the Manzanares investigation. With the new CA's support, [redacted] has been able to secure critical evidence, and the US Attorney's Office (USAO) in Miami is actively investigating the case.[1]

Yet the DEA's Caribbean management remains in denial and to date continues to undermine and obstruct the progress of the on-going investigation. This is unacceptable. The point of WPA disclosures is enabling agency leadership to take responsibility, not to deny the obvious. The Special Counsel should not accept this Report as complete or reasonable, and should send it back to the Attorney General with specific guidance for a genuinely independent investigation.

[1] [1] Senators Rubio, Nelson, and Grassley and the House Oversight and Government Reform Committee all intervened. Senator Rubio's letter is enclosed as Attachment 4. A *Miami Herald* article reflected in-depth investigative reporting and confirmation of the whistleblowers' concerns. https://www.miamiherald.com/news/nation-world/world/americas/haiti/article215793990.html.

BACKGROUND TO THE REFERRAL

Below is a summary of the evidence in the whistleblowers' disclosure to the OSC.

THE SEAPORT INITIATIVE: DRUG SMUGGLING ENFORCEMENT VACUUM

Upon his 2014 arrival in Haiti, [redacted], a seaport smuggling expert, discovered that there had not been any law enforcement program over the previous ten years, a vacuum unlike any he had seen in his thirty years of law enforcement experience. There were no regular inspections, and the DEA was not even training local the Haitian national police narcotics unit (BLTS) on procedures to secure drugs seized from inadvertent discovery. Correspondingly during that decade PAPCO had not made a single, significant seaport smuggling arrest. [redacted] began a Seaport Initiative to assess the scope of and prepare for necessary corrective action. After five months effort, when new CA Michael Wilhite took office, [redacted] was reassigned off the project. [redacted] attempted to continue the work, but Mr. Wilhite ended the program after complaints by the corrupt head of DEA Haiti local vetted Drug Unit/BLTS Joris Mergelus. The CA's, later with approval by Caribbean Division Assistant Special Agent in Charge (ASAC) James Doby, had concealed for four years that Mr. Mergelus twice failed polygraph examinations about his ties to drug traffickers. Under agency policy, that should have disqualified him as the head of the US funded DEA local Drug Unit/BLTS.

MANZANARES CASE: MICROCOSM OF THE CONSEQUENCES

On April 7, 2015, the Colombian sugar cargo vessel MV Manzanares stopped in Port-au-Prince. When a container broke, a fight among the crew led to discovery of what witnesses later testified were over 700 kilograms of cocaine and some 300 kilograms of heroin. [redacted] led the investigation, working with [redacted] the FBI, Coast Guard and BLTS. The probe blossomed with expanding witnesses, including testimony that Manzanares was only an example of a smuggling channel that had been operating unimpeded for some ten years -- the period of the law enforcement vacuum. He also obtained solid evidence that members of one of Haiti's main financial families and owner of the port controlled the Drug Trafficking Operation (DTO). All experts connected with the case outside current Caribbean Division management, as well as local media, have confirmed the case's significance.

MANZANARES CORRUPTION

Unfortunately, only 107.6 kilograms of cocaine were secured, and 12.6 kilos of heroin. Roughly 85% of the seized cocaine and 96% of the seized heroin slipped the noose and successfully reached the underground market. Even that contraband may not have been secured. [redacted] provided testimony from reliable witnesses that Mr. Wilhite paid the BLTS Chief taxpayer funds to destroy the evidence. Compounding the corruption, witnesses testified that while taking the money the BLTS chief did not destroy the evidence, but rather routed the drugs back into commerce to potentially reach the US therefore, causing a greater threat to public health and safety of US citizens. Most discouraging, in a surprise August 2016 decision, the

Haitian investigating judge absolved all defendants except a few low-level employees, while the primary Cooperating Defendant was threatened to facing twenty-six years in prison – a virtual death sentence.

Despite steady, ongoing obstruction by Mr. Doby, incoming [redacted] and [redacted], with reinforcement from a new Country Attaché, Congress and the media, the case has not been squashed. The Report confirms that it has been referred to the USAO, which is seeking the Cooperating Defendant's extradition and working actively with [redacted] assistance when Mr. Doby does not intervene.

The disclosures included detailed examples of the Manzanares corruption and obstruction, including evidence of the following: The investigating judge and police were packing drugs into their car trunks. During the 28 days of processing, security for the seized drugs was part-time, limited to a six day, fifty-four--hour week instead of 24/7. BLTS chief Joris Mergelus received a photographed $18,000 bribe from the DTOI chief. The judge assigned to certify the seizure of the drugs seized from the Manzanares conceded receiving plane tickets and gifts from the family running the DTO "as the cost of doing business in Haiti." The BLTS chief openly dined with investigative targets from the Manzanares crew. The head of a former Haitian President's security team was part of the DTO.

When the investigation began leading to Mergelus, he protested to PAPCO CA Wilhite, who reprimanded [redacted] for threatening relations with local police partners. Wilhite began to engage in passive aggression such as denying travel and resource requests to pursue leads in the Manzanares investigation. Wilhite also "delisted" Confidential Sources exposing them to danger and causing one witness to flee the island with family for his/her safety. As discussed more below in the section on retaliation, PAPCO and Caribbean management then forced [redacted] to leave Haiti and has ordered [redacted] reassignment with instructions to close the case.

PAPCO CORRUPTION[2]

Overzealous law enforcement diplomacy may not be the only relevant factor in the resistance to investigating BLTS. Both [redacted] and [redacted] found that records for expenditures such as expenses and CS payments were an unsupportable "train wreck." For example, they found double billing, amounts multiples over norms without documentation; and insupportably exorbitant cash sums going to BLTS for routine expenditures with cash returned to DEA agents, specifically former CA Shawn Alexander. There even was evidence of kickbacks to DEA agents from Confidential Sources. (CS) The whistleblowers were disturbed to receive CS Reports of then Country Attaché Shawn Alexander socializing with DTO suspects that were named as a significant target in multiple DEA Haiti drug investigations to include Manzanares; and of Alexander making CS payments to a prostitute who allowed him unrestricted access to her facility with a gun.

[2] The OSC did not include this issue in the referral, because DEA already has internally investigated, reportedly confirmed misconduct and imposed disciplinary suspensions on Messrs. Doby and Wilhite.

RETALIATION[3]

[redacted] and [redacted] both protested within the chain of command, specifically to Mr. Doby, with [redacted] also to the DEA Office of Professional Responsibility (OPR). Sustained retaliation ensued. The hostile working environment became so ugly tha[redacted] had to leave the island through reassignment on doctor's orders. In response to [redacted] disclosures of corruption, the OPR and his supervisors placed him under open-ended investigation for over two years, on heavily rebutted, outlandish charges devoid of independent support beyond those targeted by his whistleblowing. Throughout 2017, the agency has been attempting to reassign [redacted] off the island and close the case, an outcome only prevented by informal OSC intervention.

RESPONSIBILITIES OF AGENCY LEADERSHIP

MULTIPLE PASSING THE BUCK

5 USC § 1213(c)(1) authorizes the Special Counsel to refer disclosures evidencing a substantial likelihood of misconduct to "the appropriate agency head." Section 1213(d)(1) requires that "[a]ny Report required under subsection (c) shall be reviewed and signed by the head of the agency….: The agency head must include his or her findings from the Report. 5 USC §1213(c)(1)(B). OSC website guidance further explains,

> Should the agency head delegate the authority to review[4] and sign the Report, the delegation must be specifically stated and include the authority to take the actions necessary under 5 USC § 1213(d)(5).

The Department of Justice did not comply. The Special Counsel properly assessed responsibility on May 15, 2018 by referring the issues to the Attorney General. The Attorney General did not respond. Instead, on September 5 DEA's Acting Administrator submitted a response, without commenting on or applying an attached Report of Investigation. (ROI, or

[3] While an important aspect of what went wrong in Haiti, the Special Counsel did not refer the retaliation issues for DEA investigation, because they have been handled through independent procedures as OSC prohibited personnel practice investigations, which led to relief by settlement with each whistleblower.

[4] There is no statutory authority under § 1213 for an agency chief to pass the buck to subordinates when responding to an OSC order to investigate after finding a substantial likelihood of illegality or other serious public policy misconduct. Nor is this accountability loophole consistent with legislative intent. In 1978 when Congress passed the bi-partisan Leahy Amendment that created this structure, the point was that agency chiefs must take personal responsibility to clean their own houses of misconduct that betrays the public trust. Congress reasoned that agencies bury problems within bureaucratic ranks. In a 1978 Dear Colleague letter a bi-partisan group of 17 senators explained that the point of their proposed amendment, which was adopted as part of the Civil Service Reform Act -- to ensure that agency chiefs are aware of serious misconduct, and exercise leadership to address it. (*Reprinted in* 124 *Cong. Rec.* S14302-03. (daily ed. Aug. 24, 1978) Allowing the buck to stop below the top circumvents the point of §1213 and accepts agency failure to respect the seriousness of OSC investigative referrals. In this case, there is no hint that the Attorney General even has read the Report, let alone taken responsibility for corrective action.

Report) The ROI is only the raw material for an agency chief to take responsibility based in an investigative record. Rather than taking responsibility, DOJ leadership has abdicated it. The Special Counsel should enforce this requirement of § 1213.

CONFLICT OF INTEREST

While the agency head must delegate fact-finding, it is imperative that the process be objective and free from conflict of interest. Generally, agency chiefs delegate to the Office of Inspector General. (OIG) In this case the delegation institutionalized conflict of interest, with buddies in the buddy system investigating each other. One of the two investigators was a personal friend and long-time colleague of Caribbean SAC Matthew Donohue. The supervisor and editor for the Report was a close personal friend of ASAC James Doby. They both Reported to an official whom [redacted] has charged with retaliation for his whistleblowing. (Att. 1, at 2, 18) The record needs to be developed by credible investigators for the assignment.

THE MISSING ELEPHANT IN THE ROOM: JAMES DOBY

Not surprisingly, the Report does not include the words "Matthew Donohue" or "James Doby." Mr. Donohue was the CD Special Agent in Charge when the Division failed to address [redacted] repeated pleas for intervention from from CA Wilhite and ASAC Doby's harassment. SAC Donahue consistently sided with ASAC Doby, who was often delegated as the Acting SAC. In that role he regularly was an active or passive decision-maker, because [redacted] regularly appealed CA misconduct and obstruction to him. [redacted] submitted extensive evidence of Mr. Doby's role to the DEA investigators, who in the Report did not recognize its existence.

5 USC § 1213(d)(3) requires that an agency Report include "a summary of any evidence obtained from the investigation." The DEA Report is unacceptably incomplete, because it did not recognize the existence of or respond to any of the evidence [redacted] presented about Mr. Doby's misconduct. An illustrative list of missing issues and supporting evidence includes –

* [redacted] August 16, 2015 notification to Mr. Doby that BLTS chief Mergelus twice had failed polygraph examinations on his ties with suspected Haitian drug traffickers. Mr. Doby did not act on the evidence, and shielded Mr. Mergelus until 2018 when he unsuccessfully tried to block the BLTS chief's removal. (Att. 1, at 9-11)

* Mr. Doby's role approving elimination of the Seaport Initiative to train BLTS. (Att. 1, at 13)

* multiple specific examples of Mr. Doby backing Mr. Wilhite's refusal to let [redacted] pursue leads in the Manzanares case. (Id., at 3-4)

* Mr. Doby's role approving denial of funding and delisting for Confidential Sources (CS) (Att. 1, at 15)

* Almost two weeks after the DEA sent its Report to the Special Counsel, Mr. Doby's September 18 announcement as follows to all PAPCO personnel and in the presence of the Caribbean Division SAC AJ Collazo: "The SAC, the Chief of DEA OPR and I have all reviewed the MV Manzanares case extensively and found no ties, references or nexus to the United States." This is inconsistent with the ROI reassurance that the case has been referred to the US Attorney's Office. If Mr. Doby truly was speaking for agency leadership, its Report not only is incomplete but deceptive.

In short, issues in the whistleblowers' disclosure cannot be responsibly resolved without examining the actions and role of Mr. Doby. He was the primary senior supervisory official and decision-makers for the alleged misconduct. He played an active role in the covering up of the misconduct and reported corruption at the DEA Port au Prince office in Haiti. Over the past 4.5 years, Mr. Doby continued to mislead DEA senior leadership and DEA Office of Chief Counsel.

MISSING CONCLUSIONS AND ISSUES

The Special Counsel referred the whistleblowers' charges for investigation after finding a "substantial likelihood" that they had disclosed illegality, gross mismanagement, abuse of authority and a substantial and specific danger from alleged misconduct in Haiti. Under § 1213(d)(4), the agency must list "any violation or apparent violation of any law, rule, or regulation." As illustrated below, the agency withheld comment even for illegality confirmed by the Report.

The agency's findings also must be reasonable. 5 USC § 1213(e). An agency response cannot reasonably resolve issues such as abuse of authority, mismanagement or threats to public health and safety if it does not mention them. In some cases, the Report recognizes significant facts but does not apply them to WPA standards. Examples below illustrate why the Report's scope and findings are unreasonable incomplete.

ISSUE 1: LACK OF APPROPRIATE SUPPORT FOR HAITIAN LAW ENFORCEMENT

Training:

* While the Report lists various training activities, it does not draw any conclusion whether DEA had provided "appropriate support and resources to Haitian law enforcement." That was the issue referred for investigation. It remains unanswered.

* The Report does not deny or otherwise comment on [redacted] testimony that the U.S. has been funding training for ten years, with no proactive program despite annual appropriations. (Att. 3, at 17) Indeed, the Report, at 4, only references one hands-on training of BLTS staff, done with the Coast Guard, for seaport smuggling over eight years during the terms of prior Country Attaches Alexander and Wilhite. Again, there is no comment whether this level was "appropriate." In addition to violating appropriations law, there should have been a finding of "gross waste."

* The Report does not deny or otherwise comment on [redacted] disclosure affidavit (enclosed as Att. 3, at 15-18), in which he listed the nearly comprehensive ignorance of BLTS staff to conduct seaport smuggling investigations, from entering and inspecting a vessel to securing evidence. He concluded that "even the most rudimentary knowledge concerning seaport law enforcement was lacking in Haiti." This is the bottom line: Despite any listed DEA activities, they had failed. Haitian BLTS staff was not qualified for the smuggling mission. There should have been a finding of "gross mismanagement."

* The Report does not deny or otherwise comment on [redacted] testimony that when he arrived in 2014 there had not been a significant Port au Prince seaport smuggling arrest in roughly ten years. (Id., at 15.) This in part is the consequence of not training law enforcement to catch it. There should have been findings of "gross mismanagement" and "substantial and specific danger to public health or safety."

Vetting:

* There are no findings on DEA's failure to act for four years after learning that BLTS chief Mergelus twice had failed polygraph exams. At a minimum under agency policy he therefore could not continue to be a U.S. liaison. The Report, at 8, confirms that six witnesses had warned of Mr. Mergelus' corruption, and the current CA acted successfully after receiving warnings. They are the same warnings [redacted] had provided to the prior CA's. (Att.1, at 8-9)

* Mr. Mergelus' polygraph lies did not occur in a vacuum. The context was long-term, associated corruption that DEA chose not to discuss. The Report does not discuss the evidence in [redacted] original disclosure that Messrs. Wilhite and Doby failed to act on evidence he obtained of Mr. Mergelus' corruption, such as a photo of Mr. Mergelus receiving an $18,000 bribe from the DTO head. With respect to DEA, at a minimum there should have been a finding of abuse of authority and gross mismanagement.

* The Report does not discuss the evidence that Mr. Mergelus had been laundering cash payments and kickbacks for years in connection with PAPCO expense accounts for both CA's who covered up his polygraph lies. Putting the polygraph failure in context, it shielded a long term partnership of corruption between PAPCO and BLTS, and should be part of a conspiracy criminal investigation. 5 USC § 1213(d)(5) requires referral of such evidence for criminal investigation. DEA failed to honor this requirement, because it only discussed a legal technicality about whether the laws for mandatory polygraphs apply. At the same time, it ignored a conspiracy of corruption. Furthermore, after CD SAC Donahue and ASAC Doby were informed that BLTS Commander Mergelus had failed to meet the Leahy Vetting requirements to continue as the head of BLTS, they ordered a payment of US government funds for Mergelus travel to the US so that he could receive an audience to plead his case. The above actions were in violation of US government vetting policy.

Retaliation: Retaliation was not a mere personnel issue, but another means used to obstruct the investigation. For example, as an attempt to derail OSC ongoing inquiry into [redacted] claim, he in collusion with CA Wilhite prepared and disseminated a DEA Wide cable

falsely alleging that [redacted] life was in danger as a deliberate attempt to remove him from Haiti and block the Manzanares investigation. The DEA Report should have but failed to consider the impact of harassment on the investigation.

ISSUE 2: FAILURE TO PROPERLY INVESTIGATION THE 2015 MANZANARES CARGO SHIP DRUG SEIZURE

* The Report references but then fails to discuss [redacted] fundamental charge -- "[The DEA] did not pursue appropriate leads about corruption contributing to drug smuggling through Port-au-Prince." The heart of his disclosure is that the DEA obstructed the Manzanares investigation at Mr. Mergelus' urging. The Report covers some specific issues such as resource approval and protection of sources, but fails to comment on direct obstruction of the investigation by refusing [redacted] permission to pursue evidence.

* The Report fails to recognize, deny or otherwise comment on the loss of 600-700 kilograms of cocaine and 288 kilos of heroin, after it was seized. At a minimum, there should have been a finding of gross mismanagement, and substantial and specific danger to public health or safety.

* The Report does not recognize, deny or otherwise comment on evidence from [redacted] that CA Wilhite conspired with Mr. Mergelus in an attempt to destroy the Manzanares evidence which had been seized, to the extent of paying $1,500 for the destruction with U.S. taxpayer funds. Nor did it deny or otherwise comment on the evidence [redacted] presented that Mergelus failed to destroy the narcotics and may have allowed them back into commerce for the U.S. (Att. 1, at 8, 10, 28) There should have been investigation and a potential finding of criminal misconduct for Mr. Wilhite's efforts to finance destruction of evidence, as well as findings of abuse of authority, gross mismanagement and substantial and specific threats to public health or safety.

* The Report does not deny or otherwise comment on [redacted] testimony that Mr. Wilhite refused to process a Haitian prosecutor's request to extradite the key Cooperating Defendant and witness in the case, whose life was in danger in Haitian prisons. The witness had been the senior lieutenant in the Drug Trafficking Organization, whom [redacted] had convinced to "flip" and provide critical testimony detailing the smuggling operation. (Att. 1, at 24)

* The Report references interviews with [redacted] and [redacted] as well as [redacted] and [redacted]. However, other than referencing the Coast Guard's role in Haiti, DEA did not discuss the substance of their testimony. That is unfortunate. Based on their prior affidavits to the Office of Special Counsel, if asked the right questions their testimony significantly advanced the record by affirming that –

- Mr. Mergelus had been receiving DTO bribes for an extended period.

- Early in the investigation, Mr. Mergelus dined with targets and defendants of the Manzanares investigation who had been released from prison without knowledge of U.S. law enforcement.
- (Contrary to Mr. Doby's assessment), successful resolution of the Manzanares case would be a breakthrough in stopping the flow of narcotics to the United States.
- There was evidence of collusion by former CA Alexander with the DTO, because he often socialized with a high ranking DTO leader closely related to Haiti's former President. Furthermore, there are multiple allegations of former CA Alexander accepting bribes from the aforementioned target who is also names as a target in the Manzanares investigation.
- There was evidence that the Haitian investigating judge who imprisoned the key Cooperating Defendant and released the other Manzanares suspects was alleged to have accepted bribes from the DTO chief responsible for the drug shipment.

Quite clearly, there was no excuse to interview these key witnesses and then fail to disclose or even summarize their relevant testimony.

UNREASONABLE CONCLUSIONS BASED ON GHOST RECORD

In addition to summarizing evidence obtained and presenting reasonable findings, an agency Report must credit the information "the information with respect to which the investigation was initiated." 5 USC § 1213(d)(1). This Report flunks all three. For issues addressed, it includes non-credible assertions based on sweeping references to the record. The supporting evidence neither is disclosed, cited, nor even described with specificity. By contrast, the Report ignores or even denies the existence of voluminous, specific evidence contradicting its conclusions, which the whistleblowers provided as part of their initial disclosures or during the investigation. Beyond failing to withstand scrutiny, this Report does not even permit its findings to be subjected to scrutiny. As a result, the whistleblower's un-contradicted rebuttal evidence renders the Report incomplete and unreasonable *per se*. Examples are below.

* With respect to training, the Report, at 3-7, explains that assessing port security was not DEA's responsibility, there were plans for extensive training programs, the ports are privately owned so BLTS was limited, BLTS and Haitian Customs did not work well together, and the whistleblowers had not requested formalized training programs. Most of these responses are irrelevant to the investigative issues. DEA was funded annually to improve port security, not diagnose it. There is no claim that the plans were implemented, outside one Miami training session. There the Report ignores [redacted] evidence that the Miami program was limited and only occurred after he successfully appealed Mr. Wilhite's denial. (Att. 1, at 5-6) Privately owned ports are not an exception to the rule of law for drug smuggling.

The most audacious omissions concern the Report's assertion that the whistleblowers did not request training programs. They not only requested, but on their own initiative began a Seaport Initiative for training. The Report simply ignores [redacted] extensive description of the effort in his initial disclosure. (Att. 3, at 15-18) It ignores the existence of emails and other records that [redacted] provided with specific proposals and arguments to continue the

Seaport Initiative. It ignores both whistleblowers' testimony of Mr. Wilhite canceling their work on training, in the end after complaints by BLTS chief Mergelus [redacted] repeated attempts to obtain the vetted unit members seaport/maritime training were often denied with no intervention by Mr. Doby or Caribbean Division leadership despite his appeals. (Id., Att. 3, at 5-6)

* With respect to vetting, the Report, at 8, asserts without any support that the BLTS was not a "vetted" unit which under the Leahy Amendments in U.S. statutory law require Haitian law enforcement staff to pass polygraph tests. The assertion is not credible. It ignores [redacted] initial and rebuttal testimony that BLTS performed the duties of and was treated like a vetted unit. Congress annually financed the polygraphs, and all BLTS personnel were required to take them. (Att. 2, Att. 3, at 3, 15, 18) The law was violated, and findings of illegality must be included in the Report. Further, even if there were no technical violation, it would be an abuse of authority and threat to public health and safety to sustain a close law enforcement partnership with a foreign senior law enforcement official repeatedly caught lying about his ties to drug traffickers.

* With respect to Manzanares, the Report opens by emphasizing that DEA did not have official advance warning of the cargo ship's arrival with drugs. It skips the relevant question: Why? It fails to recognize the existence of evidence supplied by [redacted] that answers the question. As documented in his initial disclosure, Mr. Mergelus regularly socialized with DTO targets and obtained bribes from them, and Mr. Wilhite worked in partnership with Mergelus. Mr. Alexander also had a history of socializing with DTO targets. (Att. 1, at 25) The vetting corruption and ignorance about Manzanares cannot be compartmentalized. The explanation for DEA's ignorance is the "don't want to know" syndrome.

* While the Report covers delisting and failure to fund Confidential Sources, it asserts the action were acceptable because the record demonstrates they only were making "minimal," insignificant contributions to the case. The Report only can present that assertion by ignoring [redacted] testimony that they were adding significantly to the record in multiple investigations, contributions which he detailed extensively in investigative case file reports and a memorandum to Messrs. Wilhite and Doby that they ignored. Indeed, Mr. Wilhite previously had showcased their contributions. (Att. 1, at 3-4) Again, the assertion cannot withstand scrutiny when compared to the undisclosed record.

CORRECTIVE ACTION

5 USC § 1213(d)(5) and 1213(3) require the agency to present reasonable corrective action. The agency did not comply with this requirement, because it did not offer any in a case where it failed to deny that drug traffickers have been smuggling large volumes of heroin and cocaine through Haiti for over a decade with impunity. At the same time, DEA did not even spend annually appropriated funds to train the Haitian drug police and concealed the host country's corruption.

DEA offered no commitments or plans to upgrade training. It asserted that enforcement guidelines have changed after the Manzanares case. But it offered no documentation presenting the new guidelines, summary of their contents or even citations that they exist. [redacted] who should have received and been operating under the new guidelines, testified to clarify the reality between the false assertion: the only change is that an effective, honest CA does business differently from the two corrupt, ineffective CA's whose actions were the point of the referral. It is unreasonable that with this record, the agency has not taken any institutional corrective action.

CONCLUSION

The only rational conclusion from this Report is that the DEA did not take § 1213 seriously. That is completely unacceptable at the Department of Justice, the agency charged with upholding the rule of law. The OSC should establish accountability by – 1) failing this Report; 2) seeking referral to the DOJ Inspector General for investigation of issues where even this Report establishes apparent criminal violations; and 3) instructing the Attorney General to assign the issues to a legitimate investigative team and to take responsibility by making decisions and taking corrective action based on the ensuing record.

Respectfully submitted,

_____
Tom Devine
Counsel for [redacted] and [redacted]

ATTACHMENT 1

The Honorable Henry J. Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W. Suite 300
Washington, D.C. 20036-4647

RE: OSC File No. DI-16-1098

Dear Honorable Kerner:

I am in receipt of the Report of Investigation (ROI) presented by the [redacted] to the Office of Special Counsel (OSC) regarding OSC whistleblower claim file number DI-16-1098. I have read the ROI, thoroughly and respectfully disagree with [redacted] Report of Investigation of no findings relative to my OSC complaint file No. DI-16-1098.

After thoroughly reviewing the DEA's ROI submitted by [redacted] to OSC, and subsequently speaking with several supporting witnesses whom were interviewed by the FFT, it became apparent to me that the DEA Caribbean management, the DEA Fact Finding Team (FFT) and others within DEA Headquarters office had withheld important facts from incoming [redacted] regarding the misconduct, corruption and cover up at the DEA Port au Prince Country Office/Haiti. **NOTE: The witnesses all stated that the interviews were recorded by the FFT.**

In response to OSC's referral to former [redacted], DEA assigned a Fact-Finding Team (FFT) to investigate the allegations of the above OSC claim. The FFT consisted of the [redacted] an Inspector assigned to the Office of Global Enforcement Operations and an Inspector from the DEA Office of Inspection.

According to the ROI, ***"DEA's Office of Global Enforcement, in coordination with assistance from the Office of Chief Counsel and Inspection Division conducted a factfinding inquiry that included interviews of individual with information bearing on the allegations as well as review of relevant documents and reports of investigations"***

The objective of the FFT inquiry was to conduct an investigation into [redacted] and my OSC Disclosures which alleged the following:

1. ***"DEA failed to provide appropriate support and resources to Haitian law enforcement to implement effective seaport security in Port au Prince"***

2. "***DEA has failed to properly conduct an investigation of a 2015 Drug Seizure aboard a Merchant Vessel in Haiti".***

On July 12, 2018, I was interviewed by members of the DEA FFT in the presence of my legal team, Government Attorney Project (GAP)Legal Director Tom Devine and Samantha Feinstein. The FFT was spearheaded by DEA Office of Chief Counsel attorney. During the interview, I learned that the DEA Inspectors assigned to OGL is a good friend and was a former partner at the DEA Bogota office of former Caribbean Division Special Agent in Charge Matthew Donahue.

I was informed by the OGL Inspector assigned to the Fact-Finding Team that his immediate supervisor/Unit is [redacted]. [redacted] is a good friend and a was a former subordinate supervisor of Caribbean Division (CD) Assistant Special Agent in Charge (ASAC) James Doby while she was assigned to the San Juan Division office. I was also informed that the [redacted] is responsible for reviewing the OGL Inspectors reports and investigative case files relative to the above OSC's fact finding inquiry. I was also informed that by the OGL Inspector that he along with [redacted] also reports to the [redacted]

I am not implying wrong doing on the part of [redacted] and [redacted] but I must highlight the fact that from the very beginning of the Fact Finding inquiry, I had concerns regarding the objectivity of this investigations because of the conflict of interest and the individuals involved. For example, the very same week [redacted] called for a formal OIG investigation into my WB complaint in Haiti, [redacted] suddenly announced his sudden retirement. On the very same date, the [redacted] sent a letter to my residence denying my request to rescind the disciplinary action taken against me based on false and fabricated allegations initiated by former PAPCO CA Michael Wilhite and ASAC James Doby.

Although, I had concerns and reservations about the objectivity of DEA's Fact-Finding Team (FFT) inquiry, my legal team recommended that I allow the fact-finding process to take its course with the hope that the FFT would conduct a fair and an unbiased inquiry into the merits of my OSC claims. However, after my legal team and I had presented the FFT with a volumes of supporting documentary evidence and witnesses to support my claim and later carefully reviewing the DEA's Report of Investigation (ROI) presented by [redacted], I realized, just as [redacted] and I had predicted, DEA failed to acknowledge and accept responsibility that the merits to my claims were accurate and that former Port au Prince CO employee [redacted] and I were both victims and retaliated by corrupt and terrible supervisors that failed to carry out their responsibilities as law enforcement officials and DEA managers.

The following is a summary of my rebuttal to the DEA Report of Investigation to OSC:

REBUTTAL TO FFT SUMMARY OF FINDINGS/INQUIRY

The FFT reviewed "relevant documents and reports of investigations".

REBUTTAL: Subsequent to the aforementioned interview with the FFT, my attorneys and I had provided the DEA Chief Counsel attorney with the names and contact number for a variety of supporting witnesses (2 US Coast Guard Officers, 2 FBI Special Agents and 4 Confidential Sources) along with supporting documentary evidence (email correspondences, documentation) that supported my claim that my efforts in the Merchant Vessel (MV) investigation were sabotaged by CD management specifically by former Port au Prince Country Office (PAPCO) Country Attaché Michael Wilhite (CA#2) with no support or intervention by Caribbean Division Assistant Special Agent in Charge (ASAC) James Doby, [redacted] and later CD SAC Matthew Donahue. **However, unfortunately, based on information presented in the ROI and my subsequent conversations with several witnesses interviewed by the FFT, I realized that the supporting documentary evidence and supporting witness statements were withheld by the FFT. Moreover, several of the witnesses mentioned to me that they had reported the incidents of serious misconduct by CA Wilhite, ASAC Doby and [redacted] to the FFT but the above information were not mentioned in the ROI. NOTE: The witnesses informed me that the aforementioned interviews were recorded by the FFT.**

For example, my legal team and I provided the DEA FFT with emails that I had sent to Caribbean Division (CD) Assistant Special Agent in Charge (ASAC) James Doby to support my claim that early in the MV investigation I had requested permission from CD management to go to the Santo Domingo Country Office to pursue a US nexus lead in the MV investigation. However, my request to pursue the leads were denied by CA Wilhite with no intervention by ASAC Doby who was notified of the lead with US nexus but refused to intervene. **Reference emails provided to the FFT.** Additionally, ASAC Doby often defended and covered up the unlawful actions of CA Wilhite. On numerous occasions, I pleaded for the intervention of Special Agent in Charge (SAC) Matthew Donahue, however; he often relied on the advice of ASAC Doby by refusing to intervene to discipline CA Wilhite for his destructive behavior.

Furthermore, based on the written responses in DEA's ROI, on numerous instances, the DEA FFT failed to mention the supporting documents and coberating statements provided by the multiple witnesses to include the 4 Confidential Sources my attorney and I had presented to support our claim. The FFT referenced partial statements provided by the 4 Confidential Sources **but withheld the fact that the CSs were suddenly Deactivated without just cause by former CA Wilhite in response to my complaints to CD management.** The FFT failed to note the fact that at the time the CSs were unjustly deactivated all 4 CSs were all actively involved in multiple active DEA and Regional Security Office (RSO) investigations. **NOTE: Reference Memo March 30, 2016 dated by** [redacted] Additionally, the FFT failed to highlight the fact that several days after I had filed a formal complaint with the CD management [redacted] regarding the hostile work environment, misconduct and corruption at the Port of Prince Country Office, CA Wilhite with the assistance of [redacted], retaliated by deliberately

deactivating the two CSs. **NOTE: Reference Letter to [redacted] dated February 8, 2017.**

"The ROI stated that the case remains in an open and active case status with investigative leads being pursued as appropriate."…"A review of the investigative files does not support the allegations that the DEA denied resources on the investigation".

REBUTTAL: The DEA FFT withheld in its ROI the fact that my legal team and I had provided with the FFT with multiple e-mail memo of complaints to [redacted] Former SAC Matthew Donahue and ASAC Doby of my efforts to pursue leads were being obstructed and sabotaged by CA Wilhite with the support of CD managements especially ASAC Doby. NOTE: Reference emails, memo of complaints. Additionally, the DEA FFT failed to note my statement as well as the statements given by the 4 confidential sources who claims were that CA Wilhite with the assistance of [redacted] denied their ability to provide assistance to DEA in furthermore of MV case/DEA PAPCO seaport program.

"WB#1 alleges that three of his confidential sources which provided information on the 2015 MV investigation were deactivated by CA #2 in an attempt to thwart the investigation."

REBUTTAL: The DEA FFT ROI withheld the fact that in February of 2016 while I was on an extended sick leave due to work related illness caused by CA Wilhite and the CD management, CA Wilhite in retaliation summoned the CS to the PAPCO and suddenly and unjustly ordered their Deactivation without just cause. Additionally, the DEA FFT failed to disclose in its ROI that on Feb 11, 2016, CA Wilhite/CA#2 had showcased two of 3 CSs as the most productive CS for PAPCO. At the time of the CSs unjust Deactivations, the CSs were involved in active DEA and Department of State investigations as I had clearly documented in memo to ASAC Doby dated 3/30/16 and Dept of State Letter provided by [redacted] dated 8/11/2017 and [redacted], date 10/25/2017.

The DEA FFT failed to note in the ROI that because I had filed a complaint with [redacted] CA Wilhite retaliated by immediately deactivating the Confidential Sources. The FFT failed to note that subsequently after the unjust Deactivation of the Confidential Sources, I wrote a detailed memo to then Acting SAC James Doby requesting permission to Reactivate the CSs. In the aforementioned letter, I highlighted the contributions of the CSs to ongoing DEA and Department of State investigations. Acting CD SAC James Doby supported CA Wilhite malicious actions and failed to intervene to reactive the CSs. **NOTE: Referenced DEA Memo dated 3-30-16.**

"WB#1 alleges that three of his confidential sources which provided information on the 2015 MV investigation were deactivated by CA #2 in an attempt to thwart the investigation."

REBUTTAL: The DEA FFT ROI withheld the fact that in February of 2016 while I was on an extended sick leave due to work related illness caused by CA Wilhite and the CD management, CA Wilhite in retaliation summoned the CS to the PAPCO and suddenly and unjustly ordered their Deactivation without just cause. Additionally, the DEA FFT failed to disclose in its ROI

that on Feb 11, 2016, CA Wilhite/CA#2 had showcased two of 3 CSs as the most productive CS for PAPCO. At the time of the CSs unjust Deactivations, the CSs were involved in active DEA and Department of State investigations as I had clearly documented in memo to ASAC Doby dated 3/30/16 and Dept of State Letter provided by [redacted] dated 8/11/2017 and [redacted], date 10/25/2017.

The DEA FFT failed to note in the ROI that because I had filed a complaint with Acting SAC [redacted], CA Wilhite retaliated by immediately deactivating the Confidential Sources. The DEA FFT also failed to disclose that CA Wilhite tour was curtailed from 6 years to only18 months because of his destructive behavior and poor performance as a DEA manager. The ROI failed to disclose that CA Wilhite and ASAC Doby both received disciplinary action of multi-day suspensions for their misconduct as managers at the Port au Prince Country office.

TRAINING OF HAITIAN LAW ENFORCEMENT

"Whistleblower #1 was able to recall that on one occasion he had requested to send members of the Haitian Law enforcement to formalized Jetway Training that was scheduled to be held in St Thomas, USVI sometime in June of 2016. Although, the original request was denied the training was subsequently authorized shortly thereafter"

REBUTTAL: The FFT withheld the fact that CA Wilhite/CA#2 without cause and justification had initially denied my request to escort 5 host nation counterparts that had been approved by INL. The FFT failed to note the fact that had it not been for [redacted] swift intervention by overruling CA Wilhite decision, no member from the host nation counterparts would have attended the Jetway training. The FFT was provided email correspondence to support the above statement but failed to mention this fact in the ROI. Additionally, the FFT failed to note that CA Wilhite had initially refused to send any of the 5 candidates that were selected and later chose two candidates that spoke very little or no English. Furthermore it was my opinion that the candidates selected by CA Wilhite did not benefit from the course.

"Whistleblower #1 responded that there were some emails and verbal communications that had occurred but could not elaborate further "

REBUTTAL: The above statement provided by the FFT is not accurate after the aforementioned interview, my and attorneys and I provided the [redacted] multiple supporting emails, affidavits and the names and contact numbers of multiple witnesses/confidential sources that would support my claim that CD management specifically CA Wilhite took extreme steps to block my effort in enhancing the Port au Prince Country Office Seaport/Maritime Program. The FFT withheld referencing the supporting evidence/documents that my attorneys and I had presented in its ROI.

"Investigators asked Whistleblower#1 to identify additional examples of training resources and support that he felt were deficient and Whistleblower #1 simply responded that management did not support his requests for training and resources and was otherwise nonspecific in his response"

REBUTTAL: The above statement written in the FFT ROI was inaccurate. I referenced the INL training as an example and my attorney and I subsequently provide follow up emails with details to support my claim.

"CA #2 also facilitated training that was being coordinated with BLTS and a US based airline at the airport"

REBUTTAL: CA Wilhite/CA#2 failed to highlight the fact that it was my idea to hosting a townhall style meet and greet conference inviting airline and port officials to implement PAPCO's Seaport Airport initiative. This was identical to what I had initiated in Jamaica with the support of [redacted], Jamaica Country Office Country Attaché [redacted]. [redacted] was also interviewed by the Fact-Finding Team but unfortunately, his supporting statements of my efforts at the DEA Kingston Country Office but was not mentioned in the FFT ROI.

"CA#2 and the current CA explained since their, arrival, BLTS has a presence at the Port au Prince seaport 24 hours a day 7 days a week. Further, CA #2 stated that while he was in Haiti, he verbally requested INL to provide resources for scanning and X-Ray machines for use at the seaport which were currently not present at the seaport"

REBUTTAL: CA Wilhite/CA#2 failed to note that I was the driving force behind a real presence at the Seaport/MV investigation. Unfortunately, former CA Wilhite and ASAC Doby felt my persistence in enhancing the Seaport/Maritime programs ruined the relationship between DEA PAPCO and former BLTS Commander. The FFT failed to note in its ROI, that while the BLTS Commander was serving as the head of DEA Drug unit/BLTS multiple Confidential Sources came forward and alleged that the BLTS Commander was a corrupt official on the payroll of a dangerous DTO. The FFT failed to note that CA Wilhite viewed me as a "troublemaker" because the corrupt BLTS Commander had complained to him about my aggressiveness in the MV investigation. The BLTS Commander was the only Haitian official who complained about my effort in the MV investigation and the Maritime Program. **Reference Memo to ASAC James Doby dated 8/24/15.**

As of the date of writing this letter, I confirmed that BLTS has approximately 8 personnel assigned to work a 24 hour shifts to cover 23 miles of ports in Port au Prince, Haiti. There have been no substantive changes at the ports. To date, cargo vessels from South American drug source countries continue to arrive in Haiti unchallenged by BLTS port group.

During the interview, I highlighted the success of the Maritime/ Seaport initiative I had started while assigned to the Kingston, Jamaica Country Office. I identified the cases and the dividends (confidential sources, arrests, seizures) that the program had yielded in Jamaica. I provided the name of the [redacted] as a reference to support the aforementioned claim. The FFT interviewed [redacted] but failed to mention [redacted] supporting statement in its report.

The FFT withheld the fact that I informed that CA Wilhite/CA#2 had initially supported my proposal to implement an identical Seaport/Maritime program identical to Jamaica; however,

after CA Wilhite/CA#2 learnt that the BLTS Commander was implicated in the MV investigation and that the BLTS Commander had complained to him regarding my persistence in the MV investigation, CA Wilhite subsequently withdrew his support of the PAPCO Seaport/Maritime program and the MV investigation.

"Haiti was an independent nation and did not fall under the authority or direction of the United States"

REBUTTAL: Having worked in Haiti for 4.5 years, based on my experience the government of Haiti/counterparts are usually receptive and accommodating to the US request in terms of implementing counter drug initiatives such as Maritime/Seaport program. Furthermore, when I initially proposed and attempted to implement the PAPCO Maritime/Seaport program I received a wide range of support from both Haitian private and government sectors. **To my recollection the only Haitian government official that openly objected to me investigating the MV investigation was the BLTS Commander whom I later learned that he was being paid by the very same DTO to stand down on the MV investigation.**

To date, the Seaports in Port au Prince, Haiti continues to be dysfunctional with no emphasis on enhancing the Seaport/Maritime Interdiction program. Unlike, neighboring countries (Jamaica, Colombia, Santo Domingo and Panama) in the region almost on a weekly/monthly basis large cargo vessel from South American source countries continue to arrive in Port au Prince, Haiti transporting large shipments of heroin and cocaine destined for the United States.

The ROI stated ***"Efforts have been made by DEA to improve Haitian port security as it relates the investigation of drug related matter"…***The ROI went on state ***"CA #2/CA Wilhite stated that while he was in Haiti, he verbally requested INL to provide additional resources for scanning and X-ray machines for the use at the seaport, which were currently not present at the seaports"***

REBUTTAL: The FFT referenced the above comments by former PAPCO CA#2/CA Wilhite but failed to reference or present any documentary evidence that such a request was made by CA Wilhite. The PAPCO and INL have no record of such request (Inter-Agency Agreement) being made by CA Wilhite. Moreso, the aforementioned "X ray" and "scanning" equipment requested by CA Wilhite have yet to be acquired by INL. Matter of fact, during CA Wilhite's 18 months tenure as Country Attaché for the Port au Prince Country Office, (January 2016 thru September 2017), his action as PAPCO Country Attaché was counterproductive in terms of the enhancement of the Seaport/Maritime program and the MV investigation. Furthermore, as the Country Attaché for the Port au Prince Country, CA Wilhite priority and emphasis was to obstruct, sabotage or undermine the efforts of subordinates/whistleblower who attempted to implement a viable Seaport/Maritime program to include the strides in the MV investigation. The counter productive and destructive actions by CA Wilhite and lack intervention by Caribbean Division management specifically ASAC Doby to intervene or curb his destructive behavior only enabled DTO's to traffics more drugs through the Port au Prince to the US during CA Wilhite tenure as Country Attaché for Haiti.

This was certainly evident, in May of 2017, while serving as PAPCO's Country Attaché, CA Wilhite knowingly colluded with the BLT Commander to destroy the drug evidence in a significant ongoing MV investigation. Two veteran BLTS agents have since come forward as witnesses and reported that the BLTS Commander did not destroy the drug evidence as reported by the BLTS Commander and former PAPCO CA Wilhite. As a direct result of the actions of former CA Wilhite and BLTS Commander, the deliberate destruction of the drugs may possibly impact the successful future prosecution of the MV investigation. Furthermore, the return of the drugs to the DTO may have resulted with the drug **reaching its original intended destination in the US therefore creating a risk to health and public safety of US citizens.**

For example, in July 2016 the Port au Prince country have received in formation from South America DTO involved in the MV investigation was expecting to receive a multikilogram transshipment of cocaine on a vessel at Port au Prince port. I coordinated the 28-day search operation with US Coast Guard Law Enforcement Tactical Team. This required working long tedious hours every day in the hot sun without regular day off; however, when I attempted to request compensation for working on the weekends CA Wilhite refused my request. I later complained to ASAC Doby with no intervention. This was another glaring example of how CA Wilhite failed to support my efforts at the Seaport/Maritime program.

PROPER VETTING OF HAITIAN LAWENFORCEMENT

"Throughout this investigation (MV Manzanares) several witnesses to include four (4) Confidential Sources and (2) two US Coast Guard officials expressed their concerns for the commander as well. All six stated that they heard of corruption allegations surrounding the commander, however they did not have direct evidence of such. The CSs alleged that they reported their allegations to WB#1 who alleged that he reported to CA#1"

REBUTTAL: The FFT omitted the fact that in September of 2015, during the height of the MV investigation, it was reported by two US Coast Guard officers assigned to the US Embassy Haiti that the DEA Vetted Unit/BLTS Commander was observed at a local hotel having lunch with two drug targets of the MV investigation along with several MV investigation crew members after it was alleged that money was paid by the same two drug targets to corrupt Haitian officials to secure the release of the crewmembers from custody. The FFT failed to note that it was also reported early in the MV investigation (8/15) to DEA and FBI by a very reliable source that the BLTS Commander had accepted a bribe from the Drug Trafficking Organization (DTO) to stand down on the MV investigation.

"Whistleblower #1 and Whistleblower #2 also alleged that the DEA has not ensured that its Haitian law enforcement partners are properly vetted and that DEA has taken sufficient action to investigate and combat corruption". They further alleged that the DEA has allowed Haitian officers in senior command to remain working with the DEA even after failing the polygraph examinations and that the DEA has failed to follow up on the investigative leads related to corruption resulting in continued smuggling through the Port au Prince seaport".

REBUTTAL: The FFT failed to disclosed in the ROI, the fact that I had informed the FFT that over the past 4 years I had made multiple disclosures of corruption and misconduct to several members of Caribbean Division management (CA Wilhite, ASAC Doby, SAC Donahue etc.).

The FFT withheld the fact that I had immediately notified DEA CD managers CA Wilhite (CA#1) and ASAC Doby of that multiple sources had alleged that the BLTS Commander was corrupt and was seen by two USCG officers having lunch with targets/defendant in the MV investigation. The FFT omitted the fact that as a result of me being vocal about the allegation, I was subsequently viewed **by the CD management as *"causing trouble and ruining relationship between DEA and host nations counterparts".***

The ROI acknowledged that in 1998 and again in 2008, the former BLTS Commander had failed two polygraph exams and was allowed to remain as the head of the DEA Drug Unit/BLTS. While at that same time, subordinate BLTS agents were held to a much higher standard than their superior BLTS Commander. For example, BLTS subordinate agents assigned to DEA Vetted Unit/BLTS specialize team are polygraphed almost annually. If the BLTS agent fails the polygraph, he/she is immediately removed from the specialized team and sent to the regular BLTS. The above is a clear example of CD management made exception to the vetting policy when it comes to BLTS Commander suitability.

Furthermore, the FFT team further noted that "***the CA presented the information to INL".*** However, the FFT failed to disclose the timing of the action taken by the [redacted] to remove the BLTS Commander as head of BLTS. Moreso, it was not until December of 2017, approximately 3 years later after the arrival of incoming [redacted] I, again had brought the above allegations to incoming [redacted]' attention which prompted [redacted] to take the appropriate action by corroborating the above allegations and subsequently requesting the immediate removal of the BLTS Commander as the head of the DEA Drug Unit/BLTS. The FFT failed to disclose that had it not been for new incoming [redacted] refusal to ignore BLT Commander repetitive allegations of corruptions and his failure of the polygraph exams twice in violation of the US vetting policy, under the current Caribbean Division management, the BLTS Commander would have today continued to head the DEA Drug Unit/BLTS. The FFT failed to report that [redacted], with the concurrence of [redacted], requested the immediate removal of the BLTS Commander as head of BLTS; however, Caribbean Division ASAC Doby subsequently intervened and convened a conference call with [redacted]. During the conference call, ASAC Doby attempted to convince [redacted] to disregard US government policy by continuing to allow the BLTS Commander to remain as the head of BLTS regardless of the fact that he had failed to polygraph examinations and the looming allegations that he was a corrupt official. [redacted] denied ASAC Doby's request to allow the BLTS Commander to remain as the head of BLTS. The above is another glaring example of CD management ignored US government policy concerning the BLTS Commander.

In January of 2018, shortly after the removal of the BLTS Commander as the head of BLTS, he complained to CD ASAC Doby that he felt he had been abandoned by DEA. The BLTS Commander requested a meeting with the Caribbean Division management ASAC Doby and

SAC Donahue. In response to the BLTS Commander complaint, ASAC Doby subsequently directed [redacted] to make a cash payment of US government/tax payers funds to the BLTS Commander to cover his travel expense to the US to meet with ASAC Doby and SAC Donahue. **NOTE: The aforementioned payment of US government funds to the BLTS Commander was in violation of DEA/US government policy because the BLTS Commander had been removed as head of DEA Drug unit and no longer was authorized to receive government funding.**

Thankfully, for the quick intervention of the Government Accountability Legal Director Tom Devine, who subsequently notified [redacted] of the planned meeting in the US, the aforementioned meeting was subsequently canceled and DEA has since severed its ties with the BLTS Commander. NOTE: The above action by ASAC Doby is another glaring example of CD management disregard for US government rules/policy for a corrupt unqualified foreign official. **NOTE: Reference January of 2018 cash payment to BLTS and privileged email from GAP Devine to** [redacted]

The FFT inaccurately noted in its ROI that ***"after the removal of BLTS Commander as the head of BLTS, he was reassigned to HNP Headquarters."*** The aforementioned information presented in the ROI is inaccurate. The fact is after the BLTS Commander was removed as the head of BLTS in January 2018, he was reassigned as the 2nd in command of the Haitian National Police Intelligence Unit located in Tabaurre, Port au Prince, Haiti not the HNP Police headquarters as noted in the ROI. Furthermore, it was not until 9 months later (September of 2018), after I had reported that the evidence in the MV investigation was **"alleged to have been ordered destroyed/stolen"** by the BLTS Commander with the approval of PAPCO CA Wilhite in May of 2017. [redacted] subsequently reported the incident to the Haitian National Police Commissioner [redacted] In turn, HNP Police Commissioner [redacted] subsequently took decisive action by ordering an internal HNP investigation on former BLTS Commander. The BLTS Commander was immediately reassigned to modified desk duty at HNP Internal Affairs office pending the outcome of HNP's internal investigation for destroying the drugs in an active investigation/the MV investigation. Additionally, the FFT failed to include in its ROI that in May of 2017, BLTS Commander with the approval of PAPCO CA Wilhite both sanctioned, approved and participated in the destruction of the drugs/drug evidence seized in the MV investigation. CA Wilhite (CA#2) and BLTS Commander are both veteran law enforcement officials whom at the time were aware that the MV investigation was a significant investigation still actively being investigated by DEA and local authorities with multiple defendants still in local custody awaiting the Haitian judicial process; however, unknown to me the primary case agent/lead investigator, in May of 2017, BLTS Commander with the support and approval of PAPCO CA Wilhite suddenly sanctioned for the destruction of the MV drug evidence (approximately 107 kilograms of cocaine and approximately 13 kilograms of heroin). The DEA FFT withheld the fact that former CA Wilhite not only concurred with the destructive of the drug evidence in a significant active DEA investigation but he personally participated and approved US government/taxpayers' funds ($1500 US cash payment) to pay for the destruction of the drugs seized in the MV investigation.

IMPORTANT NOTE: The FFT failed to disclose the fact that at the time of destruction of the drug evidence, the Office of Special Counsel had requested a Temporary Stay on my behalf in Haiti and was in the process of conducting an inquiry into my OSC claim that the DEA CD management *"had failed to properly conduct an investigation into the only significant drug seizure in Port au Prince in the past 10 years"*.

IMPORTANT NOTE: The above is another glaring example of deliberate steps taken by CA Wilhite with the support of CD ASAC Doby, to undermine and derail OSC's support of my Temporary Stay in Haiti and as well as OSC ongoing inquiry into my OSC claim that my efforts in the MV investigation were deliberately and maliciously sabotaged by DEA CD management (CA Wilhite, ASAC Doby and others) in collusion with corrupt BLTS Commander.

The FFT failed to include in its ROI, that over the 3 years period, on multiple occasions, I had notified DEA CD management CA Wilhite, ASAC Doby, [redacted] former CD SAC Donahue and DEA OPR of the above allegations made against the corrupt BLTS Commander, but unfortunately no action was taken until the arrival of incoming [redacted] in December 2017. The DEA FFT failed to include in the ROI, that despite the fact that on two separate occasions, BLTS Commander had failed the polygraph examination along with the fact that multiple credible allegations of corruption were made against the BLTS Commander, the Caribbean Division management former PAPCO CA Alexander, CA Wilhite, ASAC Doby and SAC Donahue were all aware of the aforementioned allegations; however, ignored US government vetting policy by refusing to looking into the corruption allegations nor, at a minimum in the best interest of US mission in Haiti, request the immediate removal of the corrupt BLTS Commander as the head of the DEA Drug Unit/BLTS in Haiti. **NOTE: Reference my email to CD ASAC James Doby 8-25-2015**.

In addition to covering up the failing of the two polygraph examinations, the FFT ROI failed to note the CD management took deliberate steps to cover up the allegation of corruption made against the BLTS Commander. On multiple occasions the CD management were notified of the multiple allegations of corruption was made by at least 4 credible sources; however, the CD management chose to ignore the aforementioned misconduct and corruption by covering up for BLTS Commander by certifying he had passed the Leahy Vetting and the DEA Annual Suitability check.

Over the 4 years period, ASAC Doby deliberately misled DEA senior leadership by presenting the BLTS Commander as a corrupt free law enforcement official that can be trusted when in fact ASAC Doby was aware that the BLTS Commander had looming allegations of being a corrupt official and had engaged in the theft and misappropriation of US government funds. Furthermore, the FFT ROI failed to note that I was responsible for the initial disclosure of misconduct/wrongdoing by CA Alexander/CA#1 and former BLTS Commander who were both engaged in the misappropriation and theft of INL directed Inter Agency Agreement (IAA)funds. Furthermore, the CD management specifically ASAC Doby were notified, witnessed and aware of evidence of theft and misappropriation of US government funds.

The FFT ROI failed to mention the fact that former BLTS Commander along with CA Alexander are suspected of engaging in the theft and misappropriation of US government/taxpayers' funds given by INL to DEA PAPCO for the Drug Unit/DEA for mission-oriented items/operations. The FFT ROI omitted the fact that I had first reported the misconduct to DEA OPR and later to CD management CA Wilhite and ASAC Doby who both personally witnessed volumes of documents of misconduct and theft of US government funds by former CA Alexander, BLTS Commander and others. For example, On June 17, 2015, ASAC Doby directed me to retrieve copies of BLTS financial logs. The BLTS Commander refused to comply with the request and ASAC Doby knowing that stated ***"we don't want to make them nervous".*** **NOTE: Reference email dated 6-17-2015** Later that date, (June 17, 2015), I was told by [redacted] that he had had been contacted by ASAC Doby regarding the allegations made by DEA CS against BLTS Commander as being a corrupt police official that was involved in the illegal arrest, search of the suspected drug defendant and theft of drug defendants' valuables. **Furthermore, in 12/2014, during an office audit/Self Inspection, ASAC Doby, who personally witnessed volumes of evidence of theft and misappropriation of US government funds involving misconduct at the BLTS office, failed to exercise his responsibility as a DEA senior supervisor and failed to take decisive action by to date demanding full accountability for the expenditure of US government funds.**

Over a 4 years period, despite credible allegations of corruption were mounting against the BLTS Commander, ASAC Doby, CA Wilhite and later SAC Donahue placed their friendship with the BLTS Commander above their responsibility as US law enforcement officials sworn to uphold the law and safeguard the health and safety of US citizens who are the intended recipients of the dangerous drugs that enter the US via Haiti. CA Wilhite and ASAC Doby having personally witnessed the volumes of documentary evidence of financial improprieties misconduct/wrongdoing refuse to hold the BLTS Commander and others accountable for the theft and unauthorized expenditures of $100's of thousands US taxpayer's dollars. The disregard of the credible allegations ultimately compromised DEA mission in Haiti with the return/theft of drugs seized in the MV investigation which ultimately shipped by the DTO to its intended destination in the US.

On the other hand, the above members of the CD management, often took deliberate steps to cover up the multiple allegations of corruption against the BLTS Commander by retaliating against me for openly voicing my concerns about the allegations and their refusal to ask for accountability for the US government funds expended to BLTS. The retaliations ranged from creating a hostile and threatening working environment, deliberate downgrade of my Annual Performance appraisals, denial of my tour extension in Haiti to the to deliberate black listing of well deserving promotions. Despite, the fact that the Caribbean Division managers (CA Wilhite, ASAC Doby and SAC Donahue) were presented with evidence that the BLTS Commander was a corrupt official, they ignored allegations and misled DEA senior leadership [redacted] and others into believing that the BLTS Commander was a corrupt free official who was supportive of US government mission in Haiti when the mounting evidence certainly proved otherwise.

"Whistleblower #1 was able to recall that on one occasion, he had requested to send members of the Haitian Law Enforcement to formalized Jetway Training that was scheduled to be held in St Thomas, USVI sometime in June 2016, Although the original request was denied the training was subsequently authorized thereafter."

REBUTTAL: The FFC was subsequently provided with supporting email which supported my claim that my request to provide training to multiple counterpart was denied without cause by CA Wilhite/CA#2. However, the DEA ROI withheld the fact that DOS/INL had previously approved funding for 5 Haitian counterparts assigned to Seaport and Airport Groups. The ROI omitted the fact that I had coordinated with INL who approved funding for the 5 Haitian Law enforcement personnel. Furthermore, DEA ROI omitted the fact that after, I had again pleaded for reconsideration for the Haitian Law enforcement officials to attend, CA Wilhite denied my request. The ROI withheld the fact that had it not been the direct intervention for [redacted] who overruled CA Wilhite, the Haitian law enforcement officials would not have been able to attend the Jetway training. The FFT failed to include in its ROI that CA Wilhite retaliated by discarding the list of 5 suitable candidates I had provided and instead chose two candidates that either spoke no English or very little English. **NOTE:** It is my belief that neither of the two candidates gained from the course because of their limited language capabilities. The above action by CA Wilhite/CA#2 was another clear and glaring example of the sabotage of my efforts in furtherance of PAPCO Seaport/Maritime Program.

IMPORATANT NOTE: The above statement as well as supporting emails were provided to the DEA FFT, however, the FFT withheld these facts in my statements as well as the supporting documentary evidence/emails. For example, I provided the DEA FFT with emails which clearly proved that DEA management (ASAC Doby) was informed and aware earlier in the MV investigation of the investigation's nexus to US as well as CA Wilhite's effort to sabotage my effort in the case to pursue leads. Unfortunately, the FFT failed to disclose this information in the ROI. **NOTE:** Subsequently to July 12, 2018, meeting with the DEA FFT, my attorney GAP Legal Director Tom Devine and I provided a series of emails and supporting evidence to support my claim that my efforts in the Seaport/Maritime program/MV investigation was maliciously sabotaged by PAPCO Wilhite with no intervention by CD management ASAC James Doby. Unfortunately, the supporting information/evidence were not mentioned in the ROI.

In January of 2015, I had arrived at the PAPCO to commence my assignment at the Port au Prince Country Office. At the time of my arrival, I had approached CA Wilhite to implement similar Maritime Seaport program identical to what I implemented in Jamaica which had proven to be a successful program. Initially CA Wilhite was in support of my effort to implement seaport Maritime program; however, months later after the BLTS Commander was implicated in the MV investigation, CA Wilhite withdrew his support and denied my repeated request to implement a Seaport/Maritime program in Haiti. The BLTS Commander who later became a subject of the MV investigation felt uncomfortable with my dogged and aggressive approach in the MV investigation. The BLTS Commander often complained to CA Wilhite and CD management about my efforts in the MV investigation. I later concluded that his complaints to management were an effort to block me from continuing with the MV investigation. Despite the

over whelming allegations and evidence of corruption that surfaced against the BLTS Commander, the Caribbean Division management CA Wilhite and ASAC Doby refused my multiple requests to polygraph the BLTS Commander.

"The current CA stated that upon his arrival to Haiti, he was warned about the trustworthiness of the commander."

REBUTTAL: The FFT team failed to highlight the fact that I was responsible for initially warning to [redacted] that the BLTS Commander was a corrupt official. As a direct result of the information that I had presented to [redacted], he was able to follow up on the information by speaking with multiple Confidential Sources and officials from other law enforcement agencies.

The FFT failed to note that CA Wilhite, ASAC Doby and former CD SAC Donahue were all notified of by me of the BLTS Commander corrupt activities but instead chose to ignore it and cover up for the BLTS Commander and give the appearance to DEA HQTS senior leadership that the BLTS Commander was a corrupt free ally of the US mission in the Haiti when in fact the volumes of evidence proved that he was a corrupt official on the payroll of a violent and dangerous drug trafficking organization.

The FFT omitted the fact that a credible source provided supporting evidence to members of PAPCO and FBI that BLTS Commander was a corrupt official and had received a large cash payment to stand down on the MV investigation.

The FFT failed to include that in February of 2016, I had taken extended sick leave due to the work-related stress caused a hostile work environment caused by CA Wilhite's daily harassment. Furthermore, while I was on extended sick leave, I filed a complaint with [redacted] In retaliation, CA Wilhite with the assistance of [redacted] summoned the two CSs to Port au Prince CO and unjustly deactivate the CSs without cause.

The FFT failed to report that at the time the CSs were unjustly deactivated both CS were actively engaged in active investigations with DEA PAPCO as well as the Dept of State Regional Security office (Reference DOS Supporting Letters). When I returned to Haiti from sick leave, I attempted to reactivate the CSs and was denied by CA Wilhite supported by ASAC Doby. **Reference memo dated 03/30/2016.**

Over the past 4 + years, CA Alexander, CA Wilhite and ASAC Doby were all aware that that BLTS Commander was a corrupt official that had not met the USG Dept of State Vetting requirement, however; they chose to look the other way and disregard my plea for exercising good leadership and intervention by taking decisive action in removing the unqualified BLTS Commander.

Furthermore, since Dec of 2014, CA Wilhite and ASAC Doby were both notified, aware and personally witnessed evidence (financial documents improprieties) that implicated former CA Alexander, the BLTS Commander and others had engaged in the theft and misappropriation of US government funds. Yet, they choose to ignore or cover up the misconduct and corruption in Haiti. CA Wilhite and ASAC Doby both knowing that BLTS Commander had engaged in the

theft and misappropriation of US government funds continued to approve payments (US taxpayers funds) to the BLTS Commander knowing that most of the funds were not being expended for mission-oriented items. Although, former CA Alexander, CA Wilhite and ASAC Doby were aware that the BLTS Commander did not meet DEA Annual suitability requirement, CAs Alexander and Wilhite prepared and filed documents certifying that the BLTS Commander had met all suitability requirements knowing in fact that the information was not accurate.

"Whistleblower #1 alleges that three of his confidential sources, which provided information on the 2015 MV investigation, were deactivated by CA#2 in an attempt to thwart the investigation. This was in fact not the case. CA#2 requested the confidential sources disactivated since they were not providing actionable information. It is DEA policy that a confidential source be deactivated when it is determined that the confidential source no longer has potential to furnish information or services that can lead intervention of drugs" …. "If sufficient information or reasons existed to re-activate them, the steps could be taken to do so."

REBUTTAL: The FFT withheld the fact that at the time of the sudden and unjust deactivation of the CSs, the CSs were engaged in the MV investigation as well other active Maritime Seaport investigation/operations. The FFT failed to highlight the timing of the sudden deactivation of the CSs and the fact that all 3 CSs were deactivated by CA Wilhite not because of lack of productivity or ***"potential to furnish information of services that can lead to significant prosecution"*** but solely out of retaliation by CA Wilhite because I had complained to CD Acting SAC [redacted] days before regarding the hostile work and threatening work environment at PAPCO under CA Wilhite and ASAC Doby.

Furthermore, the FFT omitted the fact that upon my return from stress related extended sick leave I had provided CA Wilhite and Acting CD SAC James Doby a detailed memo delineating all of the active cases the CSs were engaged in. However, out of malice CA Wilhite with the support of ASAC Doby denied my request to reactive the CSs. The aforementioned memo was provided to the DEA FFT and they failed to mention it in the ROI. **NOTE: Reference Memo to ASAC James Doby dated 03/30/16.**

IMPORTANT NOTE: The FFT team withheld the fact in its ROI that as a direct result of my recommendation, incoming [redacted], personally assessed the abilities and contributions of the 4 CSs unjustly deactivated by former PAPCO CA Wilhite and determined that the CSs were of value to DEA/US government mission in Haiti. [redacted] immediately supported my recommendation to immediately reactivate all 4 CSs. Furthermore, since the reactivation of the CSs, the CSs have assisted US law enforcement (DEA/DSS) in Haiti in apprehending multiple fugitives wanted in the US, the Bahamas and Haiti for multiple murders and other felonies. Unfortunately, the FFT failed to disclose the above information in its ROI. **Reference letter by [redacted] date 10/25/17 and RSO Supervisor [redacted] dated 8/11/2017.**

The FFT was provided with multiple documentation dating back to August 2015 thru present of multiple complaints that I had filed with the CD management (ASAC James Doby, [redacted]

[redacted] and former CD SAC Matthew Donahue) regarding the harassment and retaliation by CA Wilhite and his obstruction of the MV investigation; however, the FFT failed to mention this in the ROI. Additionally, both ASAC Doby and SAC Donahue ignored my pleas for their intervention.

The FFT is fully aware of the multiple incidents of misconduct by CA Wilhite to include his track record of deliberately providing misleading information. Yet, the flawed statements of CA Wilhite was used to defend DEA position that the MV investigation was not sabotaged by CA Wilhite with the support of ASAC Doby. The FFT failed to mention in its ROI that in January of 2017, based on my OSC Whistleblower complaint, OSC intervened and secured a Temporary Stay of my unjust and punitive reassignment to the United States.

CA Wilhite, ASAC Doby with the support of CD SAC Donahue attempted to derail OSC support of my Temporary Stay in Haiti, deliberately provided false and misleading information to DEA senior leadership and DEA Chief of Counsel office that a threat was made against my life in Haiti as a result of my involvement in the Guy Phillipe arrest. CA Wilhite and ASAC Doby, with the support of SAC Donahue, prepared and disseminated a false and misleading internal DEA Worldwide Cable ***"Security Threat against [redacted]"*** as an attempt to undermine and derail OSC ongoing inquiry into my WB claims. GAP Legal Director Tom Devine subsequently interviewed the [redacted] who provided a supporting witness statement that the allegations made by CA Wilhite and ASAC Doby were not accurate and that CA Wilhite had previously attempted to recruit him to give a false statement that there were threats made against my life as a result of my involvement in the arrest of [redacted] **NOTE: Reference voluntary witness statement by [redacted]**

Additionally, the FFT also failed to disclose in its ROI the fact that in May of 2017, during OSC inquiry to my OSC claims, CA Wilhite in collusion with corrupt the BLTS Commander, funded and participated in the destruction of the drug evidence in the MV investigation. **NOTE: According Haitian and US Law which requires that all evidence seized in an ongoing investigation/ trial proceeding must me maintained pending the conclusion of court proceedings/investigation. CA Wilhite and the former BLTS Commander are both veteran law enforcement officials that certainly aware that evidence in an open investigation and ongoing court proceeding should not be destroyed pending the outcome of the investigation/court proceedings. However, unknown to me the case agent, CA Wilhite and the BLTS Commander kept the destruction a secret and took deliberate actions to destroy the evidence.**

VERY IMPORTANT NOTE: ***The above two incidents are two glaring examples of many by CD management attempts to undermine MV investigation and also derail OSC' inquiry into the my OSC claims.***

In June of 2017, DEA and my legal team settled my pending OSC WB claims via mediation/Alternate Dispute Resolution. In retaliation for DEA decision, CA Wilhite supported by ASAC Doby and CD Donahue retaliated by giving me an ***"Acceptable"*** rating for my 2017

Annual Performance Appraisal. Knowing that the aforementioned annual appraisal was unfair and retaliatory, I immediately submitted a request for Reconsideration to CD SAC Donahue to change the aforementioned Unfair and Retaliatory Annual Performance Appraisal. CD SAC Donahue supported CA Wilhite unjust and retaliatory annual performance appraisal by responding by stating that I had performed at a ***"barely acceptable level"***, when in fact the supporting evidence I had presented for my 2017 performance appraisal reconsideration package had proven that I had performed beyond ***"barely acceptable level"***. The aforementioned Annual Performance rating was used to retaliate and punish me for settlement my attorneys and I had negotiated with DEA.

I must highlight the fact that from 2004 thru 2014, I had received continuous performance ratings of "Outstanding" by 6 different supervisors (Country Attaches/Resident Agent in Charge/ASACs) all within the Caribbean Division. However, after I blew the whistle on the misconduct/corruption at the PAPCO/Haiti, I received downgrades on my annual performance ratings of 2015- Significantly Exceed, 2016 – Significantly Exceed and 2017 – Acceptable. However, since the departure of CA Wilhite in September of 2017, incoming PAPCO CA Williams has accurately assessed my performance and contribution to DEA's mission in Haiti and has given an "Excellent" rating for my 2018 Annual Performance rating.

"DEA has ceased its relationship with the former BLTS Commander accused of corruption"

REBUTTAL:

The FFT failed to disclose that for approximately 4 years period, I had reported multiple allegation occasions In September of 2017, was given an ***"Acceptable"*** rating on his 2017 Annual Performance rating. I found it ironic that throughout the course of my career I was once regarded as a seasoned hard working highly dedicated agent that consistently performed at an "Outstanding" level, however, as a result of having the courage to come forward to report misconduct, corruption and cover up I am now viewed by the same CD management (CA Wilhite, ASAC James Doby and SAC Matthew Donahue and others) as ***"barely performing at an "Acceptable level"***. While at the same time, the BLTS Commander who has looming allegations of being a corrupt official by multiple sources, failed multiple polygraph exams and refused to date to account for the expenditure of thousands of dollars in US government funds given by DEA PAPCO to BLTS is held in high regards by Caribbean Division management (specifically CA Wilhite, ASAC Doby and SAC Donahue)to include a personal invite to DEA HQts to receive an award from the DEA senior leadership and [redacted]

<u>3 Miami Herald Articles on DEA PAPCO</u>

"What's going on in the DEA office in Haiti? House Oversight wants DOJ investigation" is published on May 17, 2018.

"Florida Sen. Marco Rubio joins call for investigation into DEA office in Haiti" published June 20, 2018.

IMPORTANT: On June 18, 2018, the very same week the above article was released ("Florida Sen. Marco Rubio joins call for investigation into DEA office in Haiti") [redacted] announced his sudden retirement from DEA. On June 18, [redacted] 'coincidentally' sends his decision regarding Grievance/Appeal request to my residence in [redacted]. According to [redacted] he decided to upheld the Deciding Official decision of "Letter of Reprimand for Conduct unbecoming of a DEA Agent". The aforementioned false and retaliatory Disciplinary charges/allegations charges were sanctioned and concocted by CA Wilhite with the support of ASAC Doby in retaliation for my WB disclosures. The [redacted] did not afford me due process of a hearing as requested by my attorneys. Unfortunately, my attorneys were not afforded a hearing to refute the above false and retaliatory Disciplinary Charges filed against me by CA Wilhite and ASAC Doby. What's even more troubling, DEA leadership was fully aware that I was posted in Haiti and should have followed the normal protocol by taking normal steps to forward the letter to PAPCO/Haiti. Unfortunately, instead, the DEA elected to send the disappointing letter to my residence therefore further disrupting the order of my good household.

IMPORTANT NOTE: As noted above [redacted] is responsible to oversee the FFT inquiry. The above action was not coincidental but in my view deliberate. This was another glaring example of retaliation against me for going to Congress/OSC/OIG to report misconduct, cover up and wrong doing that impact the health and safety of the US citizens.

How the DEA let one of Haiti's biggest drug busts slip through its fingers" published on August 17, 2018.

VERY IMPORTANT NOTE: CA Wilhite suspiciously slips into Haiti 3 Days after Miami; Florida article is published. NOTE: On Monday August 20, 2018, approximately 3 days after the release of the aforementioned Miami Herald article, CA Wilhite was observed by the [redacted] at a local hotel near the US Embassy in Haiti. This was the second incident involving CA Wilhite secretly returning to Haiti without authorization. CA Wilhite suspicious presence in Haiti raised serious concerns with the US Embassy front office [redacted] The US Embassy front office immediately contacted the DEA PAPCO to find out the purpose of CA Wilhite trip to Haiti especially immediately following the release of the aforementioned Miami Herald article. The US Embassy front office inquired if DEA PAPCO or DEA HQTs were notified or are aware of CA Wilhite unauthorized visit or activities in Haiti. The DEA PAPCO to include [redacted] nor DEA HQTS were notified or aware of CA Wilhite travel nor the purpose of this trip to Haiti. Since, CA Wilhite departure in September 2017, this was the second unauthorized and secretive trip he has taken to Haiti. To date, the purpose of CA Wilhite two unauthorized trips to Haiti still remains a mystery to all.

NOTE: It is ironic because during OSC inquiry CA Wilhite and ASAC Doby provided misleading information stating that I had travel to Dominican Republic without authorization. The above claim was immediately debunked by GAP Legal Director Tom Devine. On the other

hand, CA Wilhite commits the very violation and it is not dealt with the same seriousness by the Caribbean Division management.

On September 17, 2018, ASAC Doby and [redacted] visited the PAPCO/Haiti. During their visit, [redacted] convened an office meeting with all personnel assigned to PAPCO (SAs & Admin Staff). During the office meeting, ASAC Doby, holding the MV case file in his hand, openly stated in the presence of [redacted] and PAPCO personnel, the following ***"the SAC, the Chief of DEA OPR and I have all reviewed the MV Manzanares case extensively and found no ties, references or nexus to the United States".*** I respectfully disagreed with ASAC Doby statement. I respectfully requested to review the MV case file and highlighted at least 3 DEA investigative reports prepared early in the investigation which clearly states that the drugs on the MV investigation were destined for the US. ASAC Doby appeared to be embarrassed and red faced was not pleased that I had highlighted the above facts. Furthermore, ASAC Doby as a senior DEA official assigned to the Caribbean Division for a number of years is certainly aware that a vast majority of the drugs that are transshipped through Haiti are destined for the US. However, instead he chooses to continue to mislead DEA senior leadership that the MV investigation is an insignificant investigation with no nexus to the US when in fact he knew this is not be accurate. Additionally, throughout the course of the MV, I often kept ASAC Doby and CA Wilhite abreast of all the developments in the case. However, because the BLTS Commander was implicated in the case, I received no support and was often obstructed in my efforts to further the case. For example, in addition to the reports in the case file which clearly document that the drugs seized on the MV were destined for the US, my efforts to pursue leads relative to US nexus were always blocked by CA Wilhite with no intervention by ASAC Doby. **NOTE: My legal team and I provided the DEA FFT with email correspondences to support the aforementioned statement. Unfortunately, this information was never mentioned in DEA's ROI.**

IMPORTANT NOTE: The Cooperating Defendant, an active member of the DTO, statement supports the fact ***"the drugs were destined for the United States, Florida"***. The Cooperating Defendant statement coincides with the DEA reports that I had written early in the investigation. However, all along former PAPCO CA Wilhite and ASAC Doby both deliberately misled DEA leadership, to include the Office of Chief Counsel, that the drugs (cocaine/heroin) were not destined to the United States and that the investigation had no nexus to the US. According to the above Miami Herald article, [redacted] provided the Miami Herald a statement claiming that the US(DEA) did not have a case and he believe that the case was only a local investigation. Based on [redacted] statement, it appears that ASAC Doby continues to mislead the DEA management and senior leadership on the facts/particulars of the MV case.

Noted in the above article, the honorable Senator Marco Rubio acknowledged that drugs are transiting through Haiti destined for the United States. On the other hand, [redacted] downplays MV investigation as an investigation that had no standings. I must highlight the fact that contrary to the ROI presented by [redacted] to OSC ***"DEA continue to support MV investigation"***, as of the date of preparing this rebuttal report, the

DEA CD management continues to display a lack of support for this investigation to include providing conflicting statement that the MV investigation case did not have a nexus to the US or the drugs seized on the MV vessel was not destined for the US when in fact statistic prove that almost 85% of the drugs in Haiti is destined for the United States or Puerto Rico. The above view held by ASAC Doby and others, clearly contradicts the written position held by [redacted] Although, I agree that [redacted] fully supports the success of the MV investigation.

On the other hand, I do not believe the present management at the Caribbean Division support the success of the MV investigation. My personal assessment is based on the Caribbean Division management statements, actions and their repeated obvious display of lack of support and hinderance for the MV investigation.

Although, the OSC found that there is a strong likelihood that present Caribbean Division manager Assistant Special Agent in Charge James Doby and others either engaged or facilitated the misconduct/wrongdoing, today he is still assigned to the Caribbean Division and is often delegated as the Acting Special Agent in Charge of the Caribbean Division country offices. ASAC Doby is fully aware of the wrongdoing/misconduct and corruption in Haiti. He was complicit and played a major role in covering up the misconduct and allegations of corruption.

Furthermore, had it not been for the swift intervention and support from Honorable Senator Marco Rubio, House Committee Chairman Honorable Elijah Cummings and former Committee Chairman Trey Gowdy, Senator Chuck Grassley and members of the Government Reform and Oversight Committee and House Judiciary Committee and the Office of Special Counsel, the corruption, misconduct and cover up at PAPCO/Haiti would have been allowed to continue unimpeded with no accountability.

The FFT ROI stated that *"**Although the DEA can make recommendation to the host nations with respect to the reassignment of host nation personnel, there is no evidence that such a request occurred in either 1998 or 2008, As a result the BLTS commander remained in the unit working with the DEA until 2018 when he has removed from that position on the recommendation of the current CA."***

REBUTTAL: The FFT ROI acknowledged that since 1998 the 2018 CA Alexander and CA Wilhite were both aware that the BLTS commander had failed two polygraph exams. Both were aware that Mergulus did not meet the DEA Annual certification requirements as a protected price Agency signatory to receive us governments funds and we training the continued to falsify documents by certifying the BLT Commander as meeting all the requirement when they were aware that he in fact did not meet the requirements. Moreover, on multiple occasions CA Wilhite and ASAC Doby were informed by me that BLTS Commander did not meet the Vetting requirements, however, CA Wilhite took extra step of falsely preparing a memo that the BLTS Commander had met all criteria for DEA Annual Suitability requirements. **NOTE: Reference Memo prepared by CA Wilhite in file.** Furthermore, in December of 2014, CA Wilhite and ASAC Doby both witnessed volumes of documents of misconduct theft US government funds committed by the BLTS commander in collusion with CA Alexander and others. However, CA

Wilhite and ASAC Doby both continued to approve payments of US government funds to BLTS Commander clearing knowing that he was under the cloud of multiple allegations of misconduct and corruption.

The ROI state the following: "t***he current CA was asked why he sent a letter to the Haitian National Police requesting that the BLTS commander be removed from the Unit working with DEA". The CA stated that upon his arrival to Haiti he was warned about the trust worthiness of the commander the CA stated that these warning came from other agencies with in the US Embassy as well as from confident sources of information."***

REBUTTAL: The FFT ROI withheld the fact that I was responsible for disclosing the details of the allegations against BLTS Commander. I was also responsible for arranging the interviews with the various sources who came forward with the allegations against the BLTS Commander. **NOTE: Reference e-mail dated December 2017.**

The FFT ROI failed to note the fact that the CD management along with HNP senior leadership were also aware of multiple allegations of corruption by BLTS Commander, but no action was taken to remove the BLTS Commander until the arrival of incoming [redacted] who refuse to ignore the allegations and look the other way like his predecessors.

PROPER VETTING OF HAITIAN LAW ENFORCEMENT

The FTT noted the following in the ROI ***"Although it is true that former Commander of BLTS failed a polygraph examination on two separate occasions, once in 1998 and again in 2008, the only requirement at that time for a host nation member to pass a polygraph examination and continue to work with DEA was if they were assigned to SIU. Since 2017, new standard operating procedures have been implemented and guidelines continue to be enforced"***

REBUTTAL: The FFT failed to cite the **"new standard operating procedures"**. However, since the arrival of [redacted] and the subsequent removal of the BLTS Commander the working environment and productivity at the PAPCO have changed significantly. Had CA Wilhite continued as CA for PAPCO, the BLTS Commander would continue to remain the head of the DEA Drug Unit/BLTS regardless of the fact that members of the Caribbean Division management were aware that he had failed two polygraph examinations and had multiple allegations of being a corrupt official.

Since 2008, DEA country CA Alexander and CA Wilhite along with some members of the CD management were aware that BLTS commander had not meet the requirement for INL and DEA Suitability Requirement criteria to receive US government funds but they continued to falsify DEA/Dept of state and DEA vetting requirement by certifying that BLTS Commander had met all vetting requirement. DEA FFT acknowledged that an Inter-Agency Agreement (IAA) was established to "establish an Anti-Corruption Unit". However, contrary to the IAA funding agreement established between INL and DEA, the cash dispersed by DEA PAPCO to BLTS was being utilized by former CA Alexander, the BLTS Commander and others for personnel use in violations of US government policy. The FFT ROI failed to disclose, that fellow whistleblower [redacted] and I had both uncovered and reported theft and misappropriation of the US

government IAA funds by CA Alexander, the BLTS Commander and others but to date DEA fail to investigate the misconduct/allegation.

However, instead the CD management retaliated and punished whistleblowers [redacted] and I for coming forward to report the above misconduct and unfair treatment. For example, on several occasions, PAPCO CS Coordinator and I notified CA Wilhite that BLTS Commander is listed in DEA internal database as a corrupt Police official. In turn, CA Wilhite aware of BLTS Commander questionable background, took steps to cover up for BLTS Commander, by preparing a DEA memo **certifying that BLTS Commander Mergulus met the CS suitability required for DEA Protected Police Agency signatory. NOTE: SA Wilhite completed the above memo one week prior to Caribbean Division office Port au Prince Country Office headquarters Inspection/audit.** ASAC Doby and CA Wilhite are aware that BLTS Commander was engage in the theft/mismanagement of funds allocated by Congressionally allocated INL funds paid by DEA PAPCO to BLTS. To date, BLTS Commander has yet to provide full accountability for the INL funds given by DEA PAPCO to BLTS.

"The ROI stated that the case remains in an open and active case status with investigative leads being pursued as appropriate." … "A review of the investigative files does not support the allegations that the DEA denied resources on the investigation".

REBUTTAL: The DEA FFT withheld in its ROI the fact that my legal team and I had provided with the FFT with multiple e-mail memo of complaints to [redacted] Former SAC Matthew Donahue and ASAC Doby of my efforts to pursue leads were being obstructed and sabotaged by CA Wilhite with the support of CD managements especially ASAC Doby. **NOTE: Reference emails, memo of complaints**. Additionally, the DEA FFT failed to note my statement as well as the statements given by the 4 confidential sources who claims were that CA Wilhite with the assistance of [redacted] denied their ability to provide assistance to DEA in furthermore of MV case/DEA PAPCO seaport program.

<u>LACK OF SUPPORT FOR MERCHANT VESSEL (MV) INVESTIGATION</u>

"Whistleblower #1 alleges that DEA has failed to properly conduct it investigation of the MV drug seizure such that the case while still officially open has not led significant results. Whistle blower #1 further alleges that the DEA has failed to devote sufficient resources to the case; improperly deactivated confidential sources; did not pursue appropriate leads about corruption contributing to drug smuggling through Port au Prince; and failed to appropriately protect confidential sources."

"Since 2017 new standard operating procedures have been implemented and guidelines continue to be enforced."

REBUTTAL: The DEA ROI failed to cite the new guidelines that were implemented at the PAPCO. The only change made by DEA that impacted the efficient operation of the PAPCO was that DEA removal of CA Wilhite as Country Attaché and the promotion of [redacted] as the new Country Attaché for Haiti. Since December of 2014, the DEA CD management (CA Wilhite, CA Alexander, ASAC Doby, SAC Donahue and others) specifically CA Wilhite and

ASAC Doby were all aware of the misconduct and the corrupt activities of BLTS Commander in Haiti. However, they chose to disregard the misconduct and corruption by covering up the misconduct of the BLTS Commander and others. On the other hand, [redacted], ever since taking the helm as the new CA for Haiti, unlike the aforementioned predecessors and senior managers (CA Wilhite, CA Alexander, ASAC Doby, SAC Donahue and others), refuse to look the other way to corruption and misconduct in Haiti. [redacted] maintained his integrity and enforcing the rule of law by not putting his personal friendship with a corrupt Haitian police official above DEA/USG mission in Haiti.

"The CS all edged that they reported their allegations to WB#1 who alleged that he reported them to CA#1 "

REBUTTAL: The above statement is inaccurate. In 2014 [redacted] had requested a tour curtailment due to financial hard ship. [redacted] departed Haiti in September of 2014 and the MV vessel case was not open until April of 2015, long after the departure of [redacted] from Haiti.

"The investigation remains in an open active status with investigative leads being pursued as appropriate" …"Investigative findings may be presented to the US Attorney's Office for the Southern District of Florida in the near future. "A review of investigative file does not support the allegation that the DEA denied resources for the investigation"

REBUTTAL: The FFT reviewed the investigative file but failed to disclose the supporting statements from the 4 Confidential Sources who all stated that they were all unjustly deactivated in the middle of active investigations by CA Wilhite. The FFT provided partial statements from the 4 Confidential Sources that were interviewed but fail to disclose the fact how the were unjust deactivated by CA Wilhite with the assistance of [redacted]. The FFT failed to disclose the multiple allegations of corruption and misconduct the 4 CSs had reported DEA PAPCO personnel and the BLTS were engaged in. The FFT failed to disclose the supporting evidence that I had presented which supported that as a direct result of the hostile daily work environment under CA Wilhite I was not afforded the opportunity to develop and cultivate the MV investigation to its full potential; therefore, denying me the opportunity to properly document strides made in the MV vessel investigation/Seaport Maritime Program. For example, in furtherance of the MV investigation, on September 14, 2016, I along with two agents assigned to the PAPCO met with Haiti's Chief Prosecutor regarding the verdict in the MV investigation. During the meeting, I informed the Chief Prosecutor that the Cooperating Defendant's life had been threatened on numerous occasions (before and while in incarcerated). At that time, I was informed that I was reassigned from Haiti to the Atlanta Division. I made a request to the Chief Prosecutor that the Cooperating Defendant could be given consideration for his overall cooperation in the MV investigation. **NOTE: I felt it was my obligation as a law enforcement professional that at a minimum, at least, secure the freedom of the Cooperating Defendant with either a reduction in future sentence or time serve for all his/her cooperation in the aforementioned investigation.** This also could save his life, and keep him available as a witness in the DEA investigation. The CD was an easy target if kept in prison. The Chief Prosecutor agreed that the verdict was unfair and offered to release the Cooperating Defendant on time

served provided he receives a letter from DEA outlining the threats made against Cooperating Defendant's life. On the following day, September 15, 2016, I met with CA Wilhite. During the meeting, I briefed him on the details of the above meeting and the above request made by the Chief Prosecutor. CA Wilhite declined my request to provide the aforementioned letter. CA Wilhite stated he wanted to talk to the BLTS Commander first to get his opinion on the above matter. I reminded CA Wilhite that this was the same DTO for which multiple sources had alleged that the BLTS Commander had received bribes. CA Wilhite directed me to prepare a letter to his attention, and said he would discuss the matter with the head of DCPJ. At least once a week, I receive a phone call from the Cooperating Defendant's ailing mother begging him to intervene on her son's behalf. The CD mother along with the Cooperating Defendant have been receiving death threats from gang members hired by the DTO. On October 24, 2016, I provided CA Wilhite with a 2-page memo delineating the threats that were made against the Cooperating Defendant's life. **SEE MEMO DATED 10/24/16 TITLED "IMMINENT THREAT TO COOPERATING DEFENDANT [redacted]".** However, instead of doing the right thing by assisting the Cooperating Defendant, CA Wilhite responded by sending the following email response ***"let's not create an atmosphere of embellishment by using trigger words to promote hidden agenda."*** CA Wilhite refused to act on the aforementioned request. **SEE E-MAIL BY CA WILHITE DATED 10/25/16 @ 11:13 A.M.**

The CD was subsequently violently assaulted in prison requiring hundreds of stiches in his head, neck, shoulder and back areas. The refusal of CA Wilhite to intervene to resulted in the violent assault on the Cooperating Defendant. Had CA Wilhite taken the appropriate action to assist the CD, the assault on the CD would not have taken place. **NOTE: Since the CD's incarceration June of 2015 to date, there have been a total of at least 6 or more documented attempts on the CDs life.** In March of 2017, due to the change in Haitian government, [redacted] was later replaced with a new Chief Prosecutor. As a result of CA Wilhite's refusal to provide support in securing the release of the CD, the aforementioned opportunity to gain the CD's release from prison was lost. The above is an undeniable example of the CA Wilhite's determined effort to block and undermine my investigative efforts in the MV investigation. On September 19, 2016, I was notified by Caribbean Division ASAC James Doby that per DEA Headquarters that I was reassigned back to the US (Atlanta Division office). Several days later, I was summoned to the office of PAPCO CA Wilhite. During our meeting, CA Wilhite directed me to close all investigations assigned to me, including the MV investigation prior to my departure from Haiti. This was the week after my disclosure of evidence that the Haitian Judge assigned to investigate the case had been bribed and I had sought CA Wilhite's assistance in ensuring the safety of a Cooperating Defendant/star witness in the investigation. It was very clear that at that point that I was being removed from Haiti to kill the case. The above are undeniable example of DEA, CA Wilhite's and ASAC Doby's determined effort to block and undermine my investigative efforts in the above investigation. Additionally, throughout my tenure at PAPCO and during the above investigation, both Caribbean Division managers ASAC Doby, PAPCO CA Wilhite (good friends) and others were notified by me (via emails and verbally) of the corrupt activities committed by former members of PAPCO and BLTS Commander as explained in my December 3, 2015 prohibited personnel practices complaint. Both managers refused my requests for intervention or to take any action. When I attempted to pursue numerous investigative leads

my requests were denied by CA Wilhite with the support of ASAC Doby and later incoming CD SAC Donahue.

"Whistle blower #1 alleges that three of his CSs were deactivated by CA#2 in an attempt to thwart the investigation this was in fact not the case"

REBUTTAL: The FFT ROI presented the statements of former PAPCO Country Attaches CA #1/CA Alexander and CA #2/CA Wilhite as its star witnesses.

The ROI failed to disclose in the ROI, that on August 24, 2015 and again April 6, 2016, when I attempted to document the corruption in the MV investigation case file, CA Wilhite confronted me by threatening me with disciplinary charges for refusing his unlawful order to unlawfully omit information received from a Confidential Source that the head of the DEA Drug Unit/BLTS was corrupt and was receiving bribes from a local drug trafficker. The FFT failed to note that CA Wilhite, CA Alexander and ASAC Doby all have serious and questionable integrity issues that should certainly impact their credibility as sworn US law enforcement officials with DEA. The FFT omitted the fact that CA Alexander/CA #1 and CA Wilhite/CA #2 both have multiple allegations of misconduct and corruptions filed against them that range from theft of significant USG taxpayers/funds to the destruction of drug evidence in the MV investigation.

The DEA ROI failed to disclose the fact that there were multi allegations of corruptions and misconduct by former PAPCO CA Alexander as being corrupt DEA agent while assigned to PAPCO. The ROI failed to disclose the fact that my legal team and I had provided the FFT statements by [redacted] and [redacted] who both gave statements and a sworn affidavit of allegations that alleged that while assigned to Haiti, former PAPCO CA Alexander was engaged in misconduct and corrupt activities. Furthermore, the FFT failed to note in the ROI the multiple allegations included the fact that former CA Alexander was seen on multiple occasions in the presence of one of the MV investigation organization high level target and was alleged by more than a half dozen witnesses to have received a bribe from the target.

Reference statements from [redacted] and sworn affidavits from [redacted]

The FFT team withheld the fact that during OSC inquiry, on multiple occasions, CA Wilhite and ASAC Doby provided false and misleading information as an attempt to undermine and derail OSC inquiry into my WB complaints.

Moreover, the ROI failed to disclose the fact that in 2017, DEA took disciplinary action (multi-days suspensions) against CA Wilhite/CA #2 and ASAC Doby for their misconduct as managers of the Haiti. As a direct result of CA Wilhite behavior and poor performance as a DEA manager, his anticipated 6 years tour in Haiti was subsequently curtailed to 18 months Tour of Duty in Haiti/PAPCO.

<u>Closing Summary</u>

In total, I have approximately 28 years total in law enforcement. I have been employed with DEA as a Special Agent for approximately 20 years with an unblemished record. Over the course of my career with DEA, I was considered to be a hardworking, highly motivated, respected and productive Special Agent. Throughout my career with DEA, I have received numerous awards, citations and written and verbal acknowledgement for my Outstanding performance. More specifically, for 12 years (2003 thru 2014) of my career with DEA, up until I decided to come forward and "Blew the Whistle" on misconduct and corruption in Haiti, I have consistently received "Outstanding" on my Annual Performance Appraisal Ratings from 6 different DEA supervisors. Most notably, I was the primary undercover agent in approximately 150 or more documented undercover operations. My outstanding performance as undercover agent and case agent in both domestic and international investigations resulted with significant arrests and convictions of multiple defendants, seizures of significant quantities of drugs (marijuana, cocaine, heroin etc.) and significant quantities of currency and assets.

In addition to the above enforcement experience/accomplishments, while assigned to the DEA Jamaica, DEA St Thomas and the DEA Haiti offices, I often volunteered and participated in various Community Outreach initiatives. While I was assigned to the DEA St Thomas office, I participated in over 30 Demand Reduction and Community Outreach presentations. As a direct result of my attributes and community outreach efforts, I was often invited by local government and community organizations (USAO/PSN, USVI Board of Education, churches) to participate in public service presentations coordinated by these community organizations. These specific invitations were a direct result of the relationship I had fostered with the various community organizations. As a direct result of my outstanding performance in community service and outreach efforts, I often received accolades from the various community organization leaders. In January of 2015, I was reassigned to Haiti/PAPCO. Since my reassignment to Haiti thru present, I continued my community outreach efforts in Haiti. I unselfishly contributed my personal funds and time in support of two local orphanages (SDMT/Hands together to Defend the Children & Foundation Pierre Toussaint Pour Les Orphelins et Les Demunis) in Port au Prince, Haiti. Almost on a weekly basis, I purchase and deliver desperately needed food and personal items (meat, rice, etc.) to approximately 110 orphans at two orphanages in the Port au Prince, Haiti area. However, over the past 4 years while assigned to the Port au Prince Country Office, I have uncovered and personally witnessed evidence of misconduct, corruption and cover up involving members of DEA and host nation counterpart local DEA Drug Unit/BLTS. The misconduct and corruption ranged from theft, waste and misappropriation of $100's of thousands to millions (approximately $800,000 - 1.2 million + USD 2012 thru 2014) of USG taxpayers funds disbursed to the Haitian National Police Narcotics Vetted Unit (HNP/BLTS) to the deliberate sabotage and destruction of financial records and drug evidence by members of DEA Caribbean Division to undermine DEA Seaport/Maritime program/MV investigation and OSC investigation as a means to conceal their misconduct and retaliation against me for coming forward and reporting misconduct, corruption and cover up at the Haiti/PAPCO. At the time, I believed I was fulfilling my duties and obligation as a DEA Special Agent, I came forward and reported the above misconduct and wrongdoing to the past/present Caribbean Division managers and DEA OPR. In turn, I was retaliated against and punished by DEA OPR and Caribbean Division management for making this brave decision. I am saddened that my fellow DEA who all swore

to uphold the US Constitution betray their oath by engaging in corrupt activities and taking the side of a corrupt Haitian official against me who they clearly knew was engaged in corrupt activities. What is even more troubling, the Caribbean Division managers specifically CA Wilhite and ASAC Doby, having both personally witnessed volumes of financial documents of improprieties at the BLTS office of criminal wrongdoing (theft of US government funds given to BLTS) between former members of DEA PAPCO and the BLTS commander deliberate took steps to cover up the misconduct. Additionally, CA Wilhite and ASAC Doby both were aware that the BLTS Commander was a corrupt official engaged in the theft of US government funds with former members of DEA PAPCO. However, they continued to approve government sponsored training in violation of Leahy Vetting requirements and make large cash payments of US government/taxpayers funds to the BLTS commander without any accountability. They neglected their responsibilities as DEA managers and US law enforcement officials and instead colluded with others (BLTS Commander, etc.) to cover up the misconduct and corruption while on the other hand retaliate and punish me a fellow agent for coming forward to report the misconduct at the Port au Prince Office. Over the past 4 years, Port au Prince Country Office Country Attaché Wilhite repeated actions have proven to him to be a destructive supervisor who lacks integrity as a DEA employee. CA Wilhite consistently displayed a pattern of sabotaging DEA/US mission in Haiti to settle personal vendettas against employees he may have disagreements with. I am saddened that the Caribbean Division management (ASAC Doby, , former SAC Donahue) DEA OPR and HQTS senior leadership were all aware of CA Wilhite destructive behavior; however, they were complicit and stood silent while CA Wilhite was allowed to run amuck violate DOJ policy by retaliating against subordinates whistleblowers (and I) to the level that he (CA Wilhite) felt emboldened that he can blatantly violate the law (destroy financial and drug evidence) without being held accountable for his unlawful acts. These acts include the following:

• Openly targeting and retaliating against legitimate Whistleblowers for reporting misconduct and corruption at PAPCO/Haiti.

• CA Wilhite consistently providing false and misleading information (Encouraging others to provide false and misleading statements to settle personal vendettas against employees he may have disagreements with) Ex. Filing of false allegation of misconduct against , attempting to recruit RSO and ORA Chief to provide false and misleading statements to OSC that life was in danger in Haiti as a result of arrest, Providing false and misleading statement in 2015, 2016, 2017 Annual Performance Appraisals for

• Collusion with host nation counterparts and Directing the Destruction of evidence

(Directing subordinate to Destroy Financial documents of misconduct at BLTS HQTs)

• Deliberate tampering and Attempt Obstruction of OSC investigation

(CA Wilhite in collusion with ASAC Doby and SAC Donahue provided generated false and misleading internal cable notifying members of DEA worldwide that my life was in danger in Haiti as an attempt to undermine and derail OSC ongoing inquiry

• Collusion and Deliberate Destruction of Drug evidence in active US/Haitian investigations. CA Wilhite authorizing the destruction of drug evidence in an active US investigation

• CA Wilhite authorization of US government funds ($1500) to pay for destruction of drug evidence.

Over the past 4 years assigned to the Port au Prince Country Office, I have personally witnessed evidence of misconduct/corruption and cover up involving members of DEA and host nation counterpart BLTS Commander. On numerous occasions, I have made multiple disclosures of misconduct and corruption to DEA chain of command Caribbean Division management, OPR and DEA senior leadership. However, instead of taking the appropriate action, some of the members of past and present DEA Caribbean Division management and DEA senior leadership ignored my misconduct/corruption claims and retaliated against me for "going outside the agency" to the Office of Special Counsel, Congress and Office of the Inspector General to report waste, abuse and wrongdoing at the DEA PAPCO/Haiti.

Over the past 4 years, Inspectors from the DEA OPR and Inspection Division traveled to PAPCO/Haiti on at least 4 occasions, and to date, the individuals responsible for misconduct remains immune from any meaningful disciplinary action. To date, DEA has refused to deploy a financial team to Haiti/PAPCO to look into the aforementioned financial improprieties. To date, the financial improprieties witnessed at the BLTS and PAPCO has yet to be seriously investigated or acted upon. DEA refusal and unwillingness to investigate the misconduct and potential criminal wrongdoing has allowed valuable potential evidence/financial documents to be later removed and destroyed by BLTS Commander in collusion with members of DEA PAPCO. Instead DEA focused its resources (OPR)on discrediting the me WB instead of investigating and uncovering the truth. Furthermore, it is my firm belief that there are senior members within DEA such as ASAC Doby, Caribbean Division management and others members of DEA senior leadership, except Acting Administrator Dhillion, do not want the exposure of the above misconduct and corruption in Haiti be another DEA Cartagena, Colombia office like scandal that may potentially bring negative publicity to the agency. These officials believe it is convenient to target and punish the Whistleblower (me) as a means of silencing me rather than investigate and undercover the truth that some members of the DEA Caribbean Division management participated in misconduct and were in collusion with the corrupt head of the DEA Drug Unit (BLTS) to cover up possible human rights violations, criminal misconduct (theft/mismanagement of US government Congressionally allocated funds) and local corruption.

What is even more troubling, it is my firm belief that there are some officials within DEA Caribbean Division, DEA senior leadership past and present and Office of the Chief Counsel, despite, knowing the all the facts to my claims, rather continue to deny, defend and justify the actions of the above terrible managers (ASAC Doby, former CA Wilhite/CA2, former CA Alexander/CA1) than publicly acknowledge that my claims were valid regarding the misconduct and working conditions at the PAPCO. To avoid a major scandal within DEA, it is convenient to punish, discredit and reassign the me the whistleblower so that the above significant misconduct can go unnoticed and that the guilty parties held accountable for the actions. Despite being provided with overwhelming evidence of wrongdoing (financial documents, multiple witness

statements etc.), DEA OPR focused its resources, manpower and efforts to attempt to discredit me to the Office of Special Counsel while at the same time ignoring my claims of retaliation, misconduct and cover up at the PAPCO/Haiti.

Despite being treated unfairly, I continue to believe in the USG/DEA's mission abroad. I continue to believe that a great majority of DEA employees and its senior leadership within DEA are hardworking, dedicated and honest people with the utmost integrity and believe in DEA's mission. To date, I still wholeheartedly continue to risk my life on a daily basis in the execution of DEA mission abroad. I continue serve, abide and believe in the core values of DEA. However, based on my experience as a Whistleblower, it is my firm belief that under the present environment in DEA, an agent who come forward to report wrong doing on fellow agent/employee credibility is challenged and ultimately end up being a subject of a DEA OPR investigation, while the agent/employee that is engaged in the misconduct is allowed to continue with his/her career with impunity. Therefore, in search of the truth and the interest of public health and public safety, I am pleading that the OSC and the honorable members of the US Congress disregard DEA's subjective Fact-Finding Committee's Report of Investigation and request that a formal investigation be conducted by the Department of Justice /Office of Inspector General into above misconduct/corruption/cover up at the DEA PAPCO/Haiti. I am requesting that all the audio tapes and transcripts of the witness interviews/statements conducted by the DEA Fact Finding Committee be immediately transferred to the DOJ/OIG so that the contents of the evidence gathered be compared with the evidence presented by my legal team (Government Accountability Project Legal Director Tom Devine) and I to substantiate the merits of my PPP and Disclosure claims. Also, I am also requesting that OSC recommend to the [redacted] an immediate change in the present management in the Caribbean Division office as well he personally monitor DEA's internal investigation relative to my claims of misconduct, corruption and retaliation made by the fellow Whistleblower [redacted] and I. I am also pleading for [redacted] immediate intervention to stop the deliberate and continuous blacklisting and sabotage of deserving promotion opportunities within DEA. It is my firm belief that it will take the divine intervention of OSC, the various members of Congress and DOJ/OIG to sanction for an official inquiry into above claims so that the truth can finally be uncovered and those individuals responsible for the wrongdoing (the theft of government funds, WB retaliation, collusion, cover up, destruction of evidence) be finally held accountable for their actions/inactions.

Thanking you in advance for your immediate assistance in this matter.

Sincerely,

[redacted]

ATTACHMENT 2

RESPONSE OF [redacted] TO DEA REPORT ON HIS WHISTLEBLOWING DISCLOSURE

February 20, 2019

Good morning, both you and Samantha sat in on my interview by DEA in July and can also attest to my rebuttal. I bring these following points to your attention specifically based on their memorandum:

DEA states they provided ad-hoc training to the BLTC with no email or memorandum to verify. This is the same conditions that they take issue with [redacted] and I. They cannot state we did not formally request or provide training or resources in writing and in fact make the same request themselves. If they state they did so on this condition, then they must accept that we did so as well.

DEA makes a claim that I did not request training from the Dominican Republic. I was never asked or answered such a question during my interview. I don't know how the statement is relevant nevertheless.

BLTS has an office physically located within the seaport. By location it is assumed they have a law enforcement mission and duty to perform based on an obvious physical presence.

CA#1 admitted they needed BLTS investigations and physical presence at the ports. CA#1 also admitted Haitian Customs did not investigate and the burden shifted to the BLTS. On paper they approved the assignment of personnel but did not offer task related training or mentoring so BLTS could succeed at that mission. The BLTS presence at the seaport was a paper tiger or ghost operation that I exposed as whole fully inadequate. Jungle training? This is the best they can offer as to providing training for seaport investigations?

CA#2 requested X-ray and scanning equipment from the INL orally. Again by DEA's own response they show and argue that verbal requests are appropriate. Specifically, a DEA supervisor or manager making a request to the State Department should be formalized in memorandum or email. A recommendation by a DEA employee to his supervisor orally is traditionally and even to a casual observer can perceived this as informal. When a request leaves the DEA office and is made to another agency, that is when a burden to show a formal request should attach. DEA management is trying to show the whistleblowers should make formalized requests internally within the DEA when the DEA cannot show any requests they made through management internally or to outside agencies in writing. The double standard is apparent. Again, they are trying to blame the whistleblower by shifting blame and the burden to where it does not belong.

DEA projects to itself and outside law enforcement agencies that the BLTS is a vetted unit. It conducts polygraph examinations and requests funding from INL and through DEA as if it is vetted. DEA is now stating the unit is not vetted. If it has the memorandum to show BLTS is not vetted, then there is an abundance of email, statements and interviews which can show until the publishing of their response, that DEA has presented the BLTS as a vetted unit. They are trying to hide from their responsibilities to keep the BLTS accountable by inventing a technicality. Simply put, there is no need whatsoever to conduct polygraph examinations on a unit which is not vetted. If they are saying BLTS is not vetted, they have created a totally new problem for themselves.

To be redundant, why were they conducting polygraph exams on BLTS personnel ? Because the unit is vetted. Finally, if and when BLTS personnel fail the polygraph the DEA did nothing based on the findings. It begs the question why they expend large amounts of money to polygraph and do not act on those failed polygraphs. At best, DEA was using the polygraph at their convenience and ignored blatant corruption which the whistleblowers exposed. It was more likely they were going through the motions of running a polygraph program as required for a vetted unit, but not completing the requirements resulting from BLTS failing the polygraph. On paper they had a polygraph program, just no Enforcement and DEA was purposefully ignoring the polygraph results when it was inconvenient. The did not want to fire Joris. Why that was the case is another can of worms.

They have no credible response.

MARCO RUBIO
FLORIDA

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

June 20, 2018

The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Suite 4706
Washington, D.C. 20530

Dear Mr. Horowitz:

I write in support of the House Committee on Oversight and Government Reform's leadership May 14, 2018 letter requesting a review of allegations of potential whistleblower retaliation and mishandling of personnel matters in the Drug Enforcement Administration's (DEA) Haiti Country Office.

Allegations of whistleblower retaliation and personnel issues are extremely concerning and, if true, are counterproductive to the DEA's critical mission in the Caribbean. Substantial quantities of cocaine and other narcotics bound for Florida are trafficked through Haiti, and the interdiction of these illicit drugs before they reach our shores is imperative. As the Chairman of the Senate Foreign Relations Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues, I urge you to investigate these claims thoroughly and expeditiously.

DEA personnel risk their lives every day to prevent and interdict illicit narcotics, and the crimes that accompany them, from harming Americans. Any internal improprieties or bad actors that hinder this mission must be dealt with swiftly.

Thank you for your attention to this important matter.

Sincerely,

Marco Rubio
U.S. Senator

HAITI

VIDEOS

vitness in bungled Haitian sugar-boat drug case flown to Miami

BY JACQUELINE CHARLES AND JAY WEAVER
MAY 03 20 9 06 2PM

Haiti National Police Director Michel Ange Gédéon says he has confidence in the training of officers to take over once U.N. forces leave the island nation. BY

A key witness in a bungled U.S. narco trafficking case that prompted the Justice Department to investigate allegations of wrongdoing by U.S. drug agents in Haiti has been extradited to South Florida to face charges himself as the sole defendant accused of conspiring to distribute cocaine and heroin.

Gregory George, described as a lieutenant in a smuggling ring that operated out of Haiti's private Terminal Varreux, arrived in Fort Lauderdale Friday afternoon on a U.S. Drug Enforcement Administration's plane after Haiti Justice Minister Jean Roody Aly signed the extradition order.

George was indicted by a federal grand jury in Miami on April 30 on one count of conspiring to distribute multiple kilos of Colombian cocaine as well as heroin from July 2013 to June 7, 2015, knowing it would be imported into the United States.

The U.S. Attorney's Office declined to comment. George is expected to have his first appearance in Miami federal court on Monday before a magistrate judge. His case is being prosecuted by Kurt Lukenheimer, the deputy chief of the office's narcotics section.

The Miami Herald broke the story about the DOJ probe into the bungled DEA case in August of last year.

George, who was jailed in Haiti for three years before his extradition, is expected to play a central role in the widening investigation by the U.S. Attorney's Office into the Panamanian flagged MV Manzanares case. The boat arrived in Port au Prince from Colombia in April 2015 hauling bags of imported sugar and between 700 to 800 kilos of cocaine and 300 kilos of heroin with an estimated U.S. street value of $100 million.

Haitian migrants dead off Turks and Caicos after boat sinks

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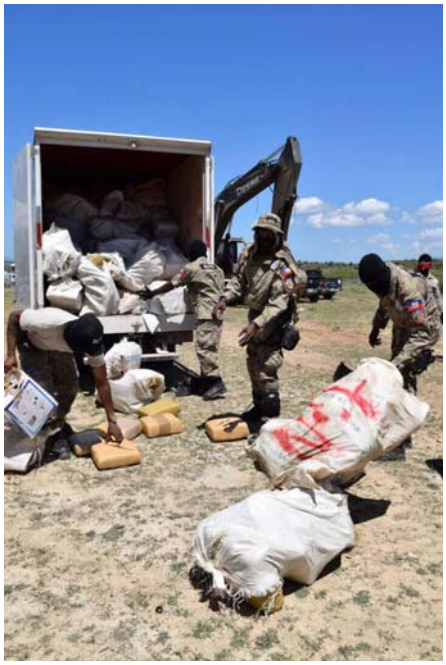
In a previous interview with the Herald, George said there had been multiple attempts on his life while inside the Croix-des-Bouquets civil prison, where he was sometimes kept in isolation for his protection.

Sources familiar with his case say the most recent attempt on his life occurred over a week ago when he was beaten up inside the prison. They told the Herald that there have been at least a half dozen attempts on his life, including one where he was locked in a van and tear-gassed during an authorized transfer. The incident occurred the same day, Aug. 17, 2018, the Herald published its investigation into the DOJ's probe.

While unloading the sugar from the Manzanares after its arrival in early April 2015, longshoremen stumbled across the hidden stash of drugs and a lawless free-for-all quickly unfolded. A host of people, including police officers assigned to Haiti's National Palace and a judge, have been accused of grabbing the drugs. Also implicated was the former commander of Haiti's anti-drug unit, Joris Mergelus. Mergelus was accused of taking bribes to hinder the investigation into the Manzanares case, which has become known as the "sugar boat" case. He has vehemently denied any links to drug traffickers.

Mergelus is also being accused of destroying evidence in the ongoing Manzanares drug smuggling investigation. Mergelus was removed from his post in 2017 by Haiti's police chief, Michel-Ange Gédéon, and has since been assigned to a desk job at the Haiti National Police pending the outcome of an internal investigation.

The bungling of the sugar boat investigation came to light after two veteran DEA agents filed whistle-blower complaints, which triggered the DOJ's investigation into the effectiveness of the DEA's drug-fighting efforts in Haiti. An initial review by the Office of Special Counsel found "a substantial likelihood of wrongdoing," in DEA's Haiti office.



Haiti's anti-drug brigade, known as the BLTS, prepares to destroy loads of marijuana and cocaine in 2017.
HAITI NATIONAL POLICE FACEBOOK PAGE

George allegedly was responsible for retrieving multiple kilos of cocaine and heroin from cargo vessels from Colombia that docked in Port-au-Prince. His nickname is Ti-Ketant, a nod to notorious Haitian cocaine kingpin Beaudouin "Jacques" Ketant, who had accused former President Jean-Bertrand Aristide of accepting drug-related bribes before having his 27-year sentence in a U.S. prison cut in half.

Of 16 individuals arrested by the Haiti National Police in the Manzanares case, only George remained in jail. He has come under fire from Haitian businessmen implicated in the case. They have accused him of lying.

Miami attorney Joel Hirschhorn, who represents a member of the Mevs family that owns Terminal Varreux, has said the port's security was not loose, and drugs had not been smuggled through the port. The family even paid to build a police narcotics substation at the port in 2017, he said. But that was two years after the Manzanares incident.

Samantha Feinstein, a senior legal analyst with the Government Accountability Project, which represents federal employees with whistle-blower complaints, said it was not easy getting George out of Haiti alive.

She credits one of the whistle-blower DEA agents but said he endured retaliation and blockade from within his own agency for helping George and keeping pressure on the Manzanares investigation.

"It is a miracle that Mr. George is alive after what he has been through and Government Accountability Project is pleased that he is now safe in U.S. custody and the Manzanares investigation has been preserved," said Feinstein, who also credited the U.S. Ambassador in Haiti, Michele Sison, and U.S. Sen. Marco Rubio, R Fla, for the latest developments. "We are talking about one of the biggest drug busts in Haiti and the only drug bust at the seaport in over a decade."

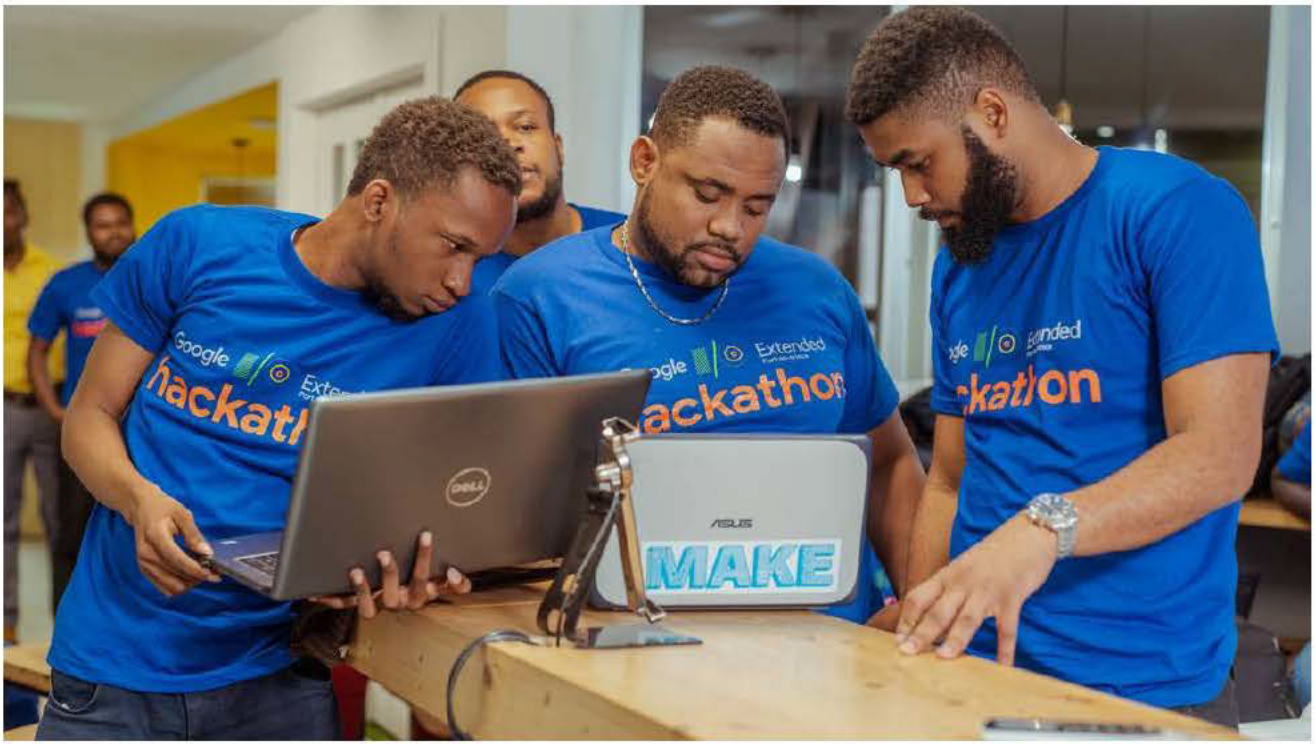
Last summer, the DEA's appointed special agent in charge of the Caribbean division, A.J. Collazo, downplayed the U.S. nexus in the case, telling the Herald the sugar boat case sounded to him like "something that was being prosecuted in Haiti and is going to end in Haiti."

Feinstein said while she not only found the comment troubling, George's indictment "demonstrates not only the merit of the nexus with the United States, but that the United States is committed to stopping the unobstructed flow of drugs through the Haitian seaport and it starts with investigating the Manzanares."

JACQUELINE CHARLES 305-376-3446

Jacqueline Charles has reported on Haiti and the English-speaking Caribbean for the Miami Herald for more than a decade. A Pulitzer Prize finalist in 1998 for her coverage of the 1991 Haitian coup, Charles was awarded a 2018 John S. Knight Fellowship for Professional Journalists at Stanford University. She was also a Pulitzer Prize finalist for breaking news in 2001. He and three Herald colleagues were nominated as a Pulitzer Prize finalist for explanatory reporting in 2019.

Comments



HAITI

GOVERNMENT ACCOUNTABILITY PROJECT
1612 K Street, NW, Suite #1100
Washington, DC 20006
(202) 457-0034 | info@whistleblower.org

August 10, 2020

Honorable Henry Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036

Attention: [redacted] and [redacted]

Dear Mr. Kerner:

Thank you for allowing this supplement to [redacted] and [redacted] comments on the Drug Enforcement Agency's (DEA) report into their whistleblowing disclosure that the Special Counsel referred under section 1213(c). As discussed, below is a checklist of issues in the disclosure that the DEA report did not address at all, or in other cases cannot pass minimum standards for reasonableness.

In overview, [redacted] has asked to share his appreciation with the Office of Special Counsel's shepherding of a settlement that allowed him to leave the Drug Enforcement Agency (DEA) on his own terms. Few whistleblowers in such heated conflicts are so blessed. He also appreciates [redacted] good faith negotiations and conscientious implementation of settlement terms.

Unfortunately, due to bad faith by the DEA, to date his whistleblowing has not made a difference except partially and temporarily at the most anecdotal level. The context for OSC's assessment of the DEA report into the [redacted] disclosure highlights why the Special Counsel may be the last chance for badly needed reform.

Initially, it appeared that the DEA's Caribbean program could be on the road to recovery. DEA reassigned Sean Alexander, the country attache at the root of sustained corruption, from Haiti to headquarters. A new country attache replaced Mr. Alexander's successors Michael Wilhite. Who aggressively had enforced concealment of the misconduct. The new country attache supported [redacted] investigation into the massive Manzanares heroin and cocaine seaport smuggling seizure. They accumulated significant additional evidence, and the US Attorney opened a case.

However, DEA successfully sabotaged channels for accountability. As the case climaxed, the agency exiled [redacted] to Columbia without any duties. This separated him from the network of witnesses, whose cooperation with the prosecution depended on their trust of [redacted] DEA's Caribbean management even canceled two trips requested by the U.S. Attorney's Office for consultations with [redacted], who was gagged from communicating with the USAO – an anti-gag prohibited personnel practice in its own right. The agency stalled until the statute of limitations had lapsed and all wrongdoers escaped accountability. If there were any doubt about the agency's failure to take meaningful corrective action, after a cooling off period at headquarters made Mr. Alexander the

group supervisor for the Homestead Office for South Florida, the destination for drugs he previously avoided interfering with as they passed through Haiti.

We hoped that the OSC's "substantial likelihood" finding of serious misconduct would convince the Attorney General to seriously address this mission breakdown. Instead, *the DEA defense counsel against* [redacted] *retaliation complaint* led the "investigation" and wrote the report on [redacted] whistleblowing disclosure. It was a direct conflict of interest, as even finding any protected activity would undercut his client's interests in the prohibited personnel practice case. Not surprisingly, the DEA report did not find any wrongdoing. In fact, as illustrated below, for most materials facts DEA did not even comment on the evidence of wrongdoing.

ALLEGATIONS OR MATERIAL FACTS NOT ADDRESSED IN THE DEA REPORT

Allegations concerning Mr. Doby

[redacted] charged that Caribbean Assistant Special Agent in Charge (ASAC) James Doby, with consistent approval by former SAC Matthew Donohue (now the agency's Deputy Chief of Operations), led obstruction of the Manzanares investigation in order to cover up prior corruption and collusion by DEA's Port-au-Prince Country Office (PAPCO) with the country's Drug Trafficking Organization. (DTO) [redacted] submission of evidence to the investigators, who were long time colleagues of Mr. Doby, focused on his key role in the alleged misconduct. Unfortunately, the DEA report did not even include Mr. Doby's (or Mr. Donohue's) names, let alone recognize the existence of the allegations or any of the extensive evidence. As a result, the DEA failed to address [redacted] allegations and evidence that with Mr. Donohue's approval Mr. Doby –

* failed to act on notification that BLTS Chief Mergules had failed two polygraph exams about ties with the DTO, and then unsuccessfully tried to block the BLTS Chief's removal.

* approved cancelation of the Seaport Initiative to train BLTS personnel;

* consistently approved refusals for [redacted] to pursue leads in the Manznares case;

* announced that DEA's internal fact-finding found no Manzanares misconduct, before the DEA conducted the internal investigation into [redacted] evidence of alleged Manzanares misconduct.

Bolstered by this lack of any accountability in the DEA report, Mr. Doby then forced [redacted] reassignment when needed most to act on the investigation, and even blocked any communications for [redacted] to assist in a prosecution until the statute of limitations had lapsed.

Allegations concerning relations with Haitian law enforcement

The context for the Manzanares investigation was a ten-year vacuum of support for and oversight of the Haitian BLTS drug police, despite steady taxpayer funding and strict legal requirements. As a result, other than the accidental Manzanares bust there had not been a seaport smuggling arrest connected with Haiti for a decade. During that time, a top DTO witness testified in the Manzanares investigation that there had been steady, multi-ton shipments of heroin and cocaine through Haiti, undisturbed by the DEA:

* The report does not include any conclusions on the issue that OSC referred, whether there was "appropriate" DEA training off BLTS staff.

* Other than noting one training event (forced by [redacted]), the report includes nothing on [redacted] disclosure that there had been no proactive BLTS training program in Haiti for ten years, despite regular congressional appropriations for that work.

* The report does not comment or include any acknowledgement of [redacted] testimony that the training vacuum was partially responsible for the ten year vacuum of seaport smuggling arrests.

* The report does not mention both whistleblowers' concerns and evidence that the lack of training and adequate procedures created vulnerability for massive disappaerancs of drug evidence, as BLTS agents did not know where to look for contraband and did not work weekends for personal security over drugs that had been seized.

* The report does not include any text to resolve why DEA did not act for four years after receiving polygraph findings twice that BLTS chief Mergules had lied about his connection with the Haitian Drug Trafficking Organization.

* The report does not include any reference or acknowledgement, discussion or resolution of the affidavit and photographic evidence in [redacted] disclosure on BLTS chief Mergules' receipt of an $18,000 bribe from the DTO.

* The report does not include any reference or comment on the corruption that initially sparked [redacted] disclosures – a long-term pattern of BLTS collusion with DEA's Country Attache to convert taxpayer funds for BLTS support into cash for kickbacks, bribes and diversion to personal accounts. [redacted] and [redacted] submitted extensive records about this corruption, which [redacted] described as the worst "train wreck" he had witnessed in decades of analogous review. The whistleblowers also submitted evidence how Mr. Alexander and subordinates (who also were subsequently promoted) had destroyed financial records to conceal the corruption. The report ignored all their evidence and testimony.

Allegations concerning Manzanares investigation

This accidental case was Haiti's first meaningful seaport smuggling arrest in a decade, discovered only because dock workers fought over the drugs when a sugar cargo camouflage bag broke. Witnesses testified that the 300 kilos of heroin and 700-800 kilos of cocaine were on board. It could have been the catalyst to restore credible law enforcement after a decade. Instead, DEA's aggressive, sustained obstruction of the ensuing investigation transformed the Manzanares case into an ongoing symbol of impunity for smuggling heroin and cocaine to the U.S. through Haiti. The evidence below that DEA failed to address reflects extraordinary passive aggression that OSC so far has transformed OSC accountability into lawless impunity. The evidence and allegations the report fails even to recognize illustrate why.

* The report fails to include any finding or conclusion on [redacted] fundamental charge: DEA obstructed the Manzanares investigation. While there is discussion of two anecdotal incidents, the report is silent on the bottom-line, and point, of [redacted] Manzanares disclosure.

* Amazingly, the report does not even include any reference on testimony that 600-700 kilos of cocaine and 288 kilos of heroin disappeared after the arrests began, or DEA's associated responsibility.

* The report includes nothing on [redacted] evidence that the DEA country attache Mr. Wilhite paid BLTS chief Mergules $1,500 with taxpayer funds to destroy the remainder of Manzanares drugs that had not disappeared.

* The report includes nothing on [redacted] testimony that DEA country attache Wilhite refused to process paperwork for extradition of the DTO's #2 official [redacted] who was fighting off repeated attempts on his life while in jail after flipping and becoming the case's star witness.

* The report references interviews with but does not include or summarize the relevant contents with four FBI and Coast Guard officials who provided detailed evidence of blatant collusion between BLTS chief Mergules and the Haitian Drug Trafficking Organization, among other corroboration of [redacted] allegations.

Ghost record for unreasonable conclusions

Contrary to the requirements of section 1213(d)(1), the report also does not reference specific evidence from the agency's own investigative record to support its asserted, broad sweeping conclusions of no wrongdoing. That is understandable. As illustrated below, these asserted exonerations cannot withstand scrutiny.

* With respect to training, the report lets DEA off the hook, because the ports are privately - owned and BLTS was difficult to work with. Those excuses are irrelevant, since Congress annually appropriated funds to improve BLTS' performance under the circumstances.

* The investigators asserted that training did not occur*, because the whistleblowers had not requested it.* It is unreasonable on its face to assert that it is acceptable not to spend appropriated funds, unless front line employees ask management. Further, on the record that escuse simply is false, as both whistleblowers testified that they requested the training repeatedly. In fact, [redacted] created a whole BLTS training system which [redacted] implemented while serving as acting country attache, and which Mr. Wilhite canceled after his arrival.

* The report partially exonerates DEA by finding there was no advance warning about the Manzanares shipment. That is unreasonable, unless the agency explains and justifies *why* it was ignorant. The unrebutted evidence of close, long-term collusion and partnerships in corruption indicates it was because the DEA PAPCO operation did not want to know.

* The agency dismissed delisting and failure to fund confidential sources, because their contributions were minimal. That dismissal only is possible by ignoring [redacted] detailed evidence of their contributions to the case, as well as the basic reality: these were the key pioneer witnesses whose foundation evidence kept the Manzanares investigation alive for four years and U.S. Attorney efforts to prosecute. If their evidence were insignificant, the case certainly would have been closed, especially in light of PAPCO management's hostility. DEA abandoned these witnesses, while it funded other confidential sources such as a brothel madam. [redacted] presented credible evidence that these genuine witnesses were delisted and defunded to obstruct receipt of new evidence from inside the DTO. It ignores the record and rationality to justify abandoning key witnesses in an expanding investigation who already had proved their worth, because they were "insignificant."

Corrective action

Amazingly, the agency did not announce *any* corrective action, despite -- not having a program to spend appropriated or conducting training finds for a decade; having only one significant Haiti seaport smuggling dug arrest in a decade; passively killing that case by obstructing the investigation; and refusing to cooperate with federal prosecutors until the statute of limitations passed. With this record, it is unreasonable on its face to conclude that nothing should be done to prevent that track record from continuing indefinitely.

On balance, in litigation this report could not possibly survival the substantial evidence test. That is because it ignored the bulk of the record while only crediting one side. A report's findings cannot be reasonable if the agency does not skips the issues and evidence it is responsible to address, and then fails to disclose the evidence it claims rebuts a whistleblower's charges.

But even if DEA had respected the record, it did not respect the requirements of the Whistleblower Protection Act. Section 1213 requires an agency report to summarize the whistleblower's evidence, as well as evidence obtained in its investigation of the whistleblower's charges. DEA ignored both requirements.

Section 1213 requires an agency to make findings on illegality, abuse of authority, gross mismanagement, gross waste and a substantial and specific danger to public health or safety. The OSC made relevant referrals for all the WPA categories except gross waste, where the investigative record created the issue. The agency did not make findings on any.

This is a case where the OSC, numerous congressional offices and investigative media all have found the whistleblowers' charges to be highly credible that there is a decade old, ongoing fundamental mission breakdown due to corruption and collusion between the DEA and the Haitian Drug Trafficking Organizaton. They charge that the corruption continues to allow tons of heroin and cocaine to travel undisturbed from Columbia to Florida. Honest DEA agents have spent four years trying to make a difference through the Special Counsel's whistleblowing disclosure process. If the Special Counsel accepts this self-exoneration as reasonable, it will have been for nothing. The Special Counsel needs to act on its responsibility to make the Department of Justice acts on its responsibility to end this inexcusable, deadly corruption.

Respectfully submitted,

_____
Tom Devine

_____
Samantha Feinstein

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April 23, 2021
Honorable Henry Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036
Attn: [redacted]

Re: OSC File Nos. Dl-06-1098, Dl-18-1075

Dear Mr. Kerner:

This submission provides [redacted] comments on the Drug Enforcement Agency's (DEA) supplemental report into their disclosure of misconduct in Haiti. The alleged misconduct was corruption that enabled the free flow of heroin and cocaine from Columbia to the United States through that nation. The whistleblowers are former DEA Special Agents assigned to Haiti.

Among other concerns, [redacted] and another whistleblower not associated with issues in the supplemental report provided extensive evidence in their disclosures that DEA – 1) engaged in systematic corruption with the BLTS Haitian drug police through kickbacks from cash patterns for grossly inflated expense claims; 2) canceled an effective training program badly needed by the local drug police; 3) obstructed [redacted] investigation into a massive shipment of 300 kilos of heroin and 700 kilos of cocaine on the Manzanares cargo ship; 4) ordered [redacted] not to investigate the role of BLTS Chief Jorge Mergulus for bribery, covering up the Manzanares shipment and actively participating in drug trafficking organization (DTO) activities; and 5) risked the lives of key witnesses by abandoning commitments to protect them.

The Office of Special Counsel (OSC) found there was a substantial likelihood the whistleblowers' concerns were well-taken and ordered DEA to investigate. On September 18, 2018 the agency responded with a report that essentially ignored all the voluminous evidence presented by the whistleblowers, denied any problems with its work in Haiti, and declined even to recognize the existence of alleged wrongdoers, let alone exonerate them. [redacted] and the second whistleblower vigorously challenged the report in their initial comments. The Special Counsel agreed the issues had not been responsibly resolved, and in September 2020 returned the following four issues to investigate for further clarification:

1) The whistleblowers' complaint that the DEA report is insufficient in length and detail, requesting that additional information and evidence from the investigation be included.

2) The whistleblowers' allegation that DEA permitted the destruction of evidence.

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3) The whistleblowers' allegation that DEA created delays, allowing the statute of limitations to expire in the MV Manzanares investigation. The whistleblowers have requested information on the status of this investigation.

4) The whistleblowers' allegation that there was a conflict of interest given Chief Counsel's role in the investigation.

The Special Counsel forwarded the whistleblowers' comments and additional evidence of further related misconduct since the initial report.

On March 12, 2021 DEA submitted its supplemental report. The report definitively confirms the agency is unwilling or unable to take responsibility, provide accountability, or consider any need for corrective action against an unimpeded flow of life-threatening drugs through Haiti. Beyond summarizing facts related to [redacted] own persistent efforts, the report did not advance the record on any of the issues referred for further work. Its primary theme is that DEA was powerless to take meaningful action against the flow of drugs or obstruction of justice relevant to U.S. criminal investigations, and that all confirmed problems are solely the responsibility and result of corruption within the Haitian police.

This is a shift in the agency's previous position that nothing wrong had occurred. The new defense, however, is shameful buck-passing that misses the point of the disclosures: U.S. law enforcement personnel had actively teamed up to assist corrupt Haitian BLTS police – profiting from kickbacks, sustaining the drug traffic and covering up the Manzanares investigation. As discussed below, the report fails the statutory requirements of 5 USC 1213 to responsibly address serious agency breakdowns.

STANDARD OF REVIEW

These comments apply the statutory requirements of 5 U.S.C. § 1213(d):

"Any report required under subsection (c) shall be reviewed and signed by the head of the agency and shall include—

(1) a summary of the information with respect to which the investigation was initiated;
(2) a description of the conduct of the investigation;
(3) a summary of any evidence obtained from the investigation;
(4) a listing of any violation or apparent violation of any law, rule, or regulation; and
(5) a description of any action taken or planned as a result of the investigation, such as—
    (A) changes in agency rules, regulations, or practices;
    (B) the restoration of any aggrieved employee;
    (C) disciplinary action against any employee; and
    (D) referral to the Attorney General of any evidence of a criminal violation."

THE REPORT IS INCOMPLETE

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There is no attempt to comply with the disclosure requirements for a transparent record. The new report ignores all the additional information provided by [redacted] and referred by the OSC. It does not contain, or even recognize the existence, of any evidence the whistleblowers sought to present.

The report also presents a highly misleading, if not dishonest, excuse for failing to advance the record. DEA asserts that it interviewed [redacted], but he had nothing new to add from previous interviews. *That is because the DEA team refused to accept it.* On ____, the team led by DEA counsel met with [redacted]. The new investigative team appeared unfamiliar with basic references and agreed it would be helpful for [redacted] to summarize the case history. After some ___ minutes, agency counsel intervened and ended the interview. It is significant that agency counsel did not merely choose to condense or get past the case history. Instead, he canceled the interview. The undersigned subsequently asked DEA counsel to reconvene the interview to cover the supplemental issues , and received a response declining on grounds that the agency did not need any more evidence.

THE AGENCY REPORT IS UNREASONABLE

1) The whistleblowers' complaint that the DEA report is insufficient in length and detail, requesting that additional information and evidence from the investigation be included. Overall, the report is unreasonable on this issue, because it does not contain additional issues or evidence omitted from from the first DEA report. That was the point. For example, the whistleblowers challenged that the initial report failed even to mention the key management official alleged to have shielded and covered up the corruption, let alone defend this behavior. This key actor remains invisible in the supplemental report.

The supplemental report does, however, add numerous excuses that cannot withstand even superficial scrutiny for the mission breakdown. For example, DEA emphasized that the U.S. is limited to a bi-lateral partnership with Haiti. That partnership only applies to keeping drugs out of the United States. It is not a lawfully valid partnership to collude with and cover up drug smuggling, or to launder a steady stream of cash kickbacks.

Second, DEA asserts that it had no investigative or training authority over activities in Haiti. Initially, this is a new argument so outlandish that the agency did not raise it until five years after some five years after the alleged misconduct. There is no citation for this assertion, which flies in the face of such realities in the law as the Leahy amendment that requires our investigative partners to pass polygraph exams. It ignores that Congress annually passed appropriations to fund the "ineligible" investigative and training work, included that siphoned off through corrupt reimbursements for conducting the work. If there were any validity to this argument, the Haitian Country Attache (CA) colluding with Haitian police would have cleanly, validly canceled all [redacted] investigative work, instead of merely obstructing it. The current CA would not have been able to work effectively with [redacted] prior to the latter's exile.

Third, DEA passed the buck to the Coast Guard, arguing that any mission breakdown reflected the Coast Guard's responsibilities. However, [redacted] presented detailed

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testimony how the Coast Guard cooperated fully and did its share on the Manzanares investigation. He also presented testimony from the two responsible Coast Guard officials how their efforts were obstructed by DEA and BLTS. DEA's report simply does not recognize the existence of this evidence.

2) The whistleblowers' allegation that DEA permitted the destruction of evidence. Here the report contained significant updates for the record, but does not accept any responsibility for DEA's participation. Witnesses ranging from a DEA eyewitness and even BLTS Chief Mergules confirmed the following: The then DEA Country Attache (CA #2) paid Mr. Mergulus $1,500 to burn the remaining evidence of heroin and cocaine seized from the Manzanares ship. It was so brazen that Mergulus invited the DEA to observe the destruction of evidence, which he did along with the witness who testified. In fact, the audience included another Haitian judge whose name the report's author "could not remember." Both the current Country Attache and a Haitian judge testified the destruction was illegal. Mr. Mergulus was detained when he tried to flee to the United States. DEA and Department of Justice agents found sensitive documents about the evidence destruction. He was not allowed to remain and was sent back to Haiti.

Despite the above record, DEA again refused all responsibility. The report's conclusion is that while evidence was destroyed, there are disagreement over what happened. The report's bottom, line conclusion is that this was entirely Haiti's authority and the U.S. was powerless to intervene.

The report failed to resolve the "disagreements," or make any findings of fact whether CA #2 paid to destroy evidence relevant for an ongoing U.S. criminal investigation.[1] It does not contain a scintilla of authority for the assertion that U.S. law enforcement agents in Haiti were powerless against obstruction of justice for violating U.S. criminal laws in Haiti. Indeed, as the report concedes, the U.S. Attorney's Office is conducting an ongoing criminal investigation.

3) The whistleblowers' allegation that DEA created delays, allowing the statute of limitations to expire in the MV Manzanares investigation. The whistleblowers have requested information on the status of this investigation. The report skips all the evidence of obstruction. Rather, its only response is to chronicle impressive progress in the Manzanares investigation.

The problem is that the report failed to disclose that all the progress reflects [redacted] *ongoing efforts, which ceased when DEA exiled him from any further participation in the case.* It does not discuss (or deny) that DEA's Caribbean Division management twice refused requests by the Miami U.S. Attorney's Office for [redacted] to assist. It does not discuss (or deny) that

- DEA insisted on reassigning [redacted] to Columbia, as the case was climaxing due to the progress summarized in the report;
- contrary to DEA reassurances that were prerequisite for him agreeing to the reassignment, after it occurred [redacted] was strictly denied permission to keep contributing to the case at all;
- its timeline ends prematurely, because there was no further progress after his exile;

[1] The lack of findings on CA #2's actions is significant, because after being removed from Haiti he has been reassigned with significant duties to keep drugs from being smuggled into Florida, the intended destination for the Manzanares shipment of heroin and cocaine.

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- the agency reneged on a commitment to key witness [redacted] to stay and bring his family to the United States, after he repeatedly had faced lethal attacks in Haitian prison.[2]

The report includes pledges of the local DEA office's continued assistance under its current Country Attache, a public servant who had fully taken advantage of [redacted] help to achieve progress. However, as that CA has emphasized, [redacted] had the unique relationships of earned trust with the witnesses, and the flow of evidence largely has dried up since his departure. Consistently, the report did not disclose this perspective as well.

4) The whistleblowers' allegation that there was a conflict of interest given Chief Counsel's role in the investigation. DEA contends that there was no conflict of interest when the same attorneys defending [redacted] and the second whistleblower's WPA reprisal case also staffed the referral into their whistleblowing. The asserted reason is that the Office of Chief Counsel's role was insignificant background support, with the real work handled by Operations investigators. On its face, this response fails to deny that the conflict of interest existed. At best, it would mean the conflict of interest did not matter.

That is false. As conceded in the report, counsel for the first referral, who had handled the entire dispute, briefed and prepared the issues for investigators who merely read the questions. Counsel had editorial control of the ensuing report. This is authoritative, not background work.

The conflict's impact was even more severe for the second referral. During [redacted] interview, counsel for the supplemental referral cut short queries by investigators not familiar with the prior record. Counsel declined to receive further evidence from [redacted] Again, this is a decision-making role, not a support function. Counsel should have been recused from <u>any</u> factfinding about ongoing obstruction of justice, such as blocking [redacted] from helping the USAO. It was an alleged violation of settlement counsel's pledge that the OSC referred for further investigation.

On balance, the whistleblowers and the OSC have invested over four years challenging DEA's role in drug smuggling through Haiti. This has occurred in reprisal investigations, mediation and referrals for investigative reports under 5 USC 1213. There have been some positive results. The local Port-au-Prince office in Haiti now has leadership of integrity, and the corrupt BLTS chief lost his job. However, there has been no accountability within DEA for allowing a sustained mission breakdown. The agency's obstruction may well prevent any prosecution of the Manzanares smuggling. The training programs for Haitian police remain dormant. Most fundamental, there has been no corrective action yet for structural reform to prevent recurrence of unacceptable mission breakdowns such as occurred in Haiti.

These modest results are unacceptable and unnecessary with the record created by the OSC's efforts. There is active interest by other institutional and congressional authorities to

[2] [redacted] had been a top lieutenant in the Haitian DTO, whose fought off lethal attacks on his life both inside and outside prison after [redacted] convinced him to "flip" by joining "Team America" and testifying. Due to [redacted] advocacy, prosecutors and DEA brought [redacted] to the U.S., and he testified fully on agreement that he would be safe from deportation and his family could join him. However, after the testimony DEA abandoned the witness, who was imprisoned and faced deportation back to nearly certain doom. The ending was positive, however. Thanks in significant part of [redacted] testimony at hearing, [redacted] can stay in the United States, and his family is scheduled to join him.

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continue the work which the OSC has started. Further progress, however, requires credibility from the Special Counsel that the issues in this case have not been properly resolved. The Special Counsel's determination that the report does not satisfy the requirements of section 1213 is the foundation for further oversight. That should not be difficult judgment. DEA twice not only has failed to comply with the requirements of section 1213. It has defied them.

Respectfully submitted,

s/Tom Devine/s
Tom Devine

Samantha Feinstein

Counsel for [redacted]

REBUTTAL TO DEA SUPPLEMENTAL REPORT OF INVESTIGATION

[redacted]

The Honorable Henry J. Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M Street, N.W. Suite 300
Washington, D.C. 20036 - 4647

RE: OSC File No. DI-16-1098 & DI-18-1075

Dear Honorable Kerner:

I am in receipt of [redacted] supplemental Report of Investigation (ROI) regarding the Office of Special Counsel (OSC) whistleblower claims DI-16-1098 and DI-18-1075 filed on my behalf by the Government Accountability Project attorneys Tom Devine and Samantha Feinstein.

I have had the opportunity to review [redacted] supplemental ROI thoroughly. I respectfully disagree with his response regarding the claims made in OSC complaints No. DI-16-1098 and DI-18-1075.

After a thorough review of the aforementioned supplemental ROI submitted by [redacted] to OSC, again, it became clear to me that, [redacted] like his predecessor former [redacted] was, in my view, misinformed by the DEA Caribbean management (Assistant Special Agent in Charge and Special Agent in Change), DEA Office of Chief Counsel (OCC) and other senior members assigned to DEA Headquarters office regarding the rampant misconduct, corruption and cover up at the DEA Port au Prince Country Office/Haiti/Caribbean Division.

The following is a summary of my rebuttal to [redacted] supplemental Report of Investigation (ROI) to OSC:

According to [redacted] ***"on February 26, 202, at the request of OSC, DEA Officials #2 and DEA Official #3 telephonically interviewed WB #1 based on his claim to be in possession of new WB#1 representation, the information WB#1 reported during his interview was not new; it was already assessed as part of the MV Manzanares investigation and in DEA's May 18, 2018 response to OSC"*** .....

"Notwithstanding WB#1 representation, the information WB#1 reported during his interview was not new; it had previously been reported to DEA, and, therefore, was already assessed as part of the MV Manzanares investigation and in DEA's May 18, 2018 response to OSC."

WB#1 Response: The statement noted in [redacted] response is inaccurate. It was the understanding of my legal team and I that the purpose of the above interview was to provide the DEA investigating officials (DEA Official #2 & #3) with updated information subsequent to my 2018 OSC filings.

During the above interview, I told DEA officials that my efforts in the MV Manzanares were derailed by members of DEA, specifically the DEA Caribbean Division (CD) management Special Agent in Charge (SAC) & Assistant Special Agent in Charge (ASAC). I provided the DEA officials with the details of several incidents that were taken against me subsequent to 2018 filing to hinder my efforts in the MV Manzanares investigation.

As the primary case agent in the Manzanares investigation, there were several occasions my requests to interview important witnesses/targets were denied by DEA CD management. Most notably, in December of 2019, I made travel preparations to travel from Bogota, Colombia to Miami, Florida, in furtherance of the MV Manzanares investigation. Unfortunately, without cause or justification, the US Attorney Office of South Florida Chief of Narcotics suddenly intervened canceling my trip at the last minute. Additionally, I told the DEA officials that DEA had failed to fulfill its agreement to safeguard the most important cooperating witness in the MV Manzanares case. I told the DEA officials had it not been for the immediate intervention of my legal team/Government Accountability Project (GAP), the cooperating witness would have been deported back to Haiti to his certain death.

During the interview, based on the responses from the above DEA Officials, it became obvious to my legal team and I that the officials were not prepared nor briefed by the Office of Chief Counsel (OCC) on the background of my OSC claims nor the purpose of the interview.

During the interview, a member of my legal team intervened by asking if the interview was a follow up to the OSC's Disclosure claims. The DEA Officials told us that their interview was a separate interview. My legal team and I were told that the interview regarding my OSC whistleblower disclosure allegations would take place at a later date.

At the conclusion of the interview, my legal team and I believed that we would be contacted by DEA at later date regarding the allegations in my OSC claims. Unfortunately, based on the above response provided by [redacted] in my view, he too was misinformed by the Office of Chief Counsel and others within DEA details of the above updated information that my legal team and I had provided during the February 26, 2021 interview.

"After receiving the May 15, 2018 letter from the OSC, DEA conducted an investigation into the whistleblower's allegations. At the outset of this investigation, DEA interviewed the two whistleblowers. Subsequently, DEA conducted eleven in person or telephonic interviews with witnesses, including witnesses identified by the whistleblowers. DEA then prepared a report addressing the whistleblowers allegations regarding the training of Haitian law enforcement,

seaports, the vetting of Haitian law enforcement, and the allegations regarding the lack of support for Colombian cargo-vessel investigations"

WB#1 Response: [redacted] noted in his response that ***"DEA conducted eleven in person or telephonic interviews with witnesses"***. However, he omitted the fact that the interviews were spearheaded a representative of the Office of Special Counsel who were also involved in the OSC Prohibited Personnel Practice and Disclosure claims. This was clearly a conflict of interest.

Furthermore, the following information was also brought to my attention by two of the above noted witnesses interviewed by the above OCC representative/official.

According to a witness, hereafter, known as Witness #1, he/she was interviewed by the OCC official in response to my OSC claims. However, according to Witness #1, he/she felt that the OCC official attempted to coerce him/her into providing a negative statement regarding our (Witness #1 and I) past working relationship, my work ethics, and my past performance record. According to Witness #1, he/she viewed the OCC official actions as ill intended. Witness #1 stated that he/she refuse to go alone with the OSC official request. According to Witness #1 he/she told the OCC official that he/she stands by the positive written comments that he/she had previously submitted regarding our working relationship, my work ethics, and accomplishments. Witness#1 stated that he/she refused to go along with the OCC official request because he/she felt it contradicted the previous positive written comments. **It should be noted, DEA failed to mention nor note that the supporting comments made by Witness #1.**

Throughout my experience as a DEA Whistleblower, I was the victim of a myriad of retaliatory actions taken against me. The CD management, DEA leadership and the Office of Professional Responsibility (OPR) and the Office of Chief Counsel (OCC) were notified by my legal team and I of the retaliatory and punitive actions taken against me. The above DEA offices were complicit and refused to stop the retaliatory and unlawful personnel practice against me.

Most notably, in retaliation for my whistleblower activities, former DEA Haiti country office CA#1 and Caribbean Division 2nd line supervisor former ASAC, in retaliation, both subsequently filed false allegations of official misconduct against me without my knowledge.

During the Prohibited Personnel Practice (PPP) negotiation process, I reluctantly agreed to participate in an internal disciplinary hearing to challenge the above charges falsely filed against me. I was later told by a 2nd DEA employee/credible witness (Witness#2) that he/she had disclosed to the above DEA OCC official that the misconduct allegations filed against me by CA #2 and Caribbean Division 2nd line supervisor (ASAC) were false and were retaliatory. According to Witness #2, the OCC official was furious that he had been lied to by CA#1 and the Caribbean Division 2nd line supervisor (ASAC). Unfortunately, instead of taking the appropriate action forward with the disclose of this new development to OSC and my legal team, the OCC official remained silent while DEA pursued its retaliatory disciplinary actions me. The CCO official failed to fulfill his legal responsibility by disclosing the new development. Unfortunately, he/she allowed the retaliatory disciplinary to continue action against me. Had this been a criminal matter, the above action by the OCC official would have been viewed as a glaring example of prosecutorial misconduct. **NOTE: The above events were all documented**.

For the record, I now understand how it feels to be a victim falsely accused and punished for an offense that he/she is not commit. I am equally heartbroken that the accusers were DEA law enforcement officials determined to retaliate and punish me solely because I spoke out about the rampant corruption and misconduct at the CD/DEA Haiti office.

[redacted] noted that "***DEA Official #1 (CA#1) did not participate in the operations Division supplemental review";*** However, he failed to disclose the fact that multiple sources had reported to the DEA and FBI that former Haiti CA#1 and BLTS Commander Mergulus were corrupt officials who had received bribes from several high-level targets in the MV Manzanares investigation and other drug trafficking organizations in Haiti. The allegations were all reported to DEA CD management and OPR. Unfortunately, no action taken by DEA to investigate these allegations.

According to [redacted] response he stated ***"Agents must operate strictly within the guidelines and are authorized to participate in five different law enforcement functions while working abroad: bilateral investigations, foreign liaison, capacity building, intelligence gathering, and international training. The implementation of security programs or protocols for host nation law enforcement is not listed among the Special Agents responsibilities, nor its part security one of DEA's lawfully designated missions "***

WB#1 Response: Over the past 5 years, my legal team and I (WB#1) have presented overwhelming evidence that DEA CA#2, Caribbean Division management SACs and ASACs made a concerted effort to block my efforts in ***"bilateral investigation"*** such as Haiti most notably the MV Manzanares investigation. These efforts ranged from the deliberate and unjust deactivation of several significant Confidential Sources pivotal in the MV Manzanares investigation /DEA Haiti Maritime/Seaport Program to removing me as the primary case agent/WB#1 in the MV Manzanares investigation.

"The Whistleblower's allegation that DEA permitted destruction of evidence"

WB#1 Response: [redacted] referenced former DEA Haiti Country Office Vetted Drug Unit hereafter known as ***"BLTS Commander Mergulus"*** but failed to note that over the past 5 years my legal team and I (WB#1) had notified various DEA offices (DEA Office of Professional Responsibility (OPR), DEA Caribbean Division management past and present and OCC, via his legal team) provided significant evidence of large scale corruption and misconduct involving former DEA officials (CA#1, CA#2, ASAC) and BLTS Commander Joris Mergulus. My legal team and I provided multiple witnesses statements, documentary evidence of rampant misconduct and corruption at the DEA Haiti office. The misconduct and corruption involved allegations of the theft of significant US taxpayers' funds in excess of 1 million or more, illegal search, seizures and arrests ordered and conducted by CA#1 and BLTS Commander Mergulus and the destruction of evidence.

In response I (WB#1) was retaliated against and punished for repeatedly expressing my concerns regarding the corruption and misconduct at the DEA Haiti office to include DEA BLTS office. The retaliation comprised of unfair Annual performance appraisals, a retaliatory reassignment to

the Atlanta Division, false and fabricated disciplinary actions against me by CA#2, DEA Caribbean Division management and DEA (OPR/Chief Counsel Office collectively).

[redacted] failed to note that in 2015, early in the Manzanares investigation, multiple sources reported that BLTS Commander Mergulus was a corrupt official who had taken bribes from multiple local drug traffickers to include the head of the Manzanares investigation Drug Trafficking Organization (DTO). [redacted] failed to note that BLTS Commander Mergulus had failed at least 2 required US Department of State Leahy Vetting polygraph examinations. Despite being warned of the multiple allegations of corruption made against BLTS Commander Mergulus that qualified him as unsuitable candidate to remain the head of US government funded DEA Drug Unit "BLTS", the leadership of the Caribbean Division (ASAC#1 and former CD Special Agent in Charge SAC) disregarded the above corruption allegations made against former BLTS Commander Mergulus.

The CD management (CA#1, CA#2 falsified and approved the Leahy Vetting documents that certified that BLTS Mergulus had passed previous polygraph examinations. The false certifications, approved by DEA CD leadership, enable BLTS Commander Mergulus to receive taxpayers' funds. Moreover, the CD management (former ASAC #1 and former CD SAC) both were aware that BLTS Commander Mergulus was unsuitable and a problematic official. Former CD SAC and ASAC both recommended and approved BLTS Commander Mergulus as recipient for an award from [redacted]

Despite being repeatedly warned of the corrupt activities of BLTS Commander Mergulus, the officials continued to approve the disbursement of US taxpayers' funds to BLTS Commander Mergulus. Fortunately, for the immediate intervention of GAP/legal team, the above information was relayed to DEA OCC, BLTS Commander Mergulus was subsequently permanently removed as a recipient to receive government funds.

[redacted] failed to disclose that (WB#1) my initial allegations of misconduct were based on volumes of documentary which revealed that DEA CA #1, in collusion with BLTS Commander Mergulus, both engaged in the theft and misappropriation of hundreds of thousands of US taxpayers' funds for personal their use.

[redacted] noted the arrest and deportation of BLTS Commander Mergulus but failed to note in full context after the removal of CA#2, the incoming DEA Country Attaché, corroborate the allegations made against former BLTS Commander Mergelus to be a corrupt official. The new Country Attaché made a formal request to the Police Commissioner of the Haiti National Police. Mergellus was subsequently removed as head of the BLTS. After the removal of Mergulus as the head of BLTS, an attempt was made against his life in Haiti. BLTS Commander Mergulus subsequently attempted to flee Haiti to the US and was stopped at the Fort Lauderdale airport with bulk US currency in his possession. At the time of his detention, BLTS Commander Mergulus requested asylum in the US. The asylum request was denied and BLTS Commander Mergulus was subsequently removed from the US back to Haiti.

However, it was discovered that former BLTS Commander Mergulus maintained multiple Haitian bank accounts with large sums of US currency. It is reasonable to believe that the US

funds lodged in the Haitian bank accounts were derived from the corrupt activities (bribes and theft of US government INL funds provided by DEA Haiti to BLTS for mission-oriented items/services) of Mergulus activities as the head of the DEA Haiti drug unit "BLTS".

CA #2 and CD Management's role in the hinderance of the Manzanares investigation

[redacted] failed to note the destructive actions taken by CA#2 in the MV Manzanares investigation. It is documented that throughout the course of the Manzanares investigation, CA #2 during his tenure as the DEA Haiti Country Attaché office made a concerted effort to derail the MV Manzanares investigation and cover up the misconduct and corruption involving CA #1, other members of PAPCO and former BLTS Commander Mergelus.

As the primary investigator, throughout the course of the MV Manzanares investigation, I kept CA#2 abreast of my activities relative to cultivation of the MV Manzanares investigation. Unfortunately, I received very little to no support from CA #2 or the CD leadership (SAC and ASAC). CA #2 destructive behavior supported by DEA Caribbean Division leadership were responsible for the derailment and cultivation of the Manzanares investigation.

According to [redacted] ***"CA#2 could not confirm whether future use of the drug evidence in Haitian custody was needed for U.S. judicial proceedings and did not request that DEA be provided representative samples of drug evidence for use in possible U.S. prosecution."***

WB#1 Response: I categorically disagree with the above statement made by [redacted] Contrary to [redacted] comments, DEA agents assigned to all foreign offices primary responsibility is to purse US prosecution against international drug trafficking organizations. Furthermore, as the primary case agent in the MV Manzanares investigation, I kept CA#2 abreast of all activities and developments in the MV Manzanares case; Unfortunately, with very little or no support from CA #2 and CD leadership. At the onset of MV Manzanares investigation, I expressed my intention to CA#2 and the CD leadership of my intention to pursue US prosecution in the investigation. Throughout the course of this investigation, I conducted the investigation with the intent that the case is being cultivated for future US prosecution. My action included requesting that the seized drug evidence be maintained for US prosecution. CA#2 along with DEA CD leadership were fully aware of my US prosecution efforts. It is my belief that CA#2 along with former BLTS Commander Mergulus were both fully aware of the consequences of their obstructive actions when they approved and supposedly destroyed the drug evidence in the Manzanares investigation. Additionally, despite, [redacted] claims, CA #2 and former BLTS Commander Mergulus are both experienced veteran law enforcement managers aware their respective organizations procedures concerning maintaining drug evidence in an active investigation with the notoriety such as the MV Manzanares investigation.

Additionally, former BLTS Commander Mergulus and CA#2 were aware that I was the primary case agent in the MV Manzanares investigation. Why did they failed to notify nor involve me in the drug destruction process? Why up until the discovery of destruction of the Manzanares drug evidence, the destruction was kept a secret from the primary case agent (WB#1). Based on the statement and eyewitness account of the circumstances surrounding destruction of the drug

evidence, it is my belief that BLTS Mergulus duped CA#1 and others into believing that the drug evidence was destroyed, while at the same time, he returned the seized drugs to the DTO in exchange for a bribe.

It was not until after the forced removal of CA#2 as the DEA Haiti Country Attaché, the MV Manzanares investigation developed into an investigation worthy of US prosecution. It should be noted that the above incident was the 2nd incident where CA#2 was accused of engaging in the destruction of evidence. CA #2 was later the subject of a Department of Justice/Office of Investigation (DOJ/OIG) for his role in the destruction of the drug evidence. Facing possible criminal charges for was role in the destruction of drug evidence in active US drug investigation, CA #2 subsequently submitted his early retirement from DEA.

Failure of DEA Haiti Maritime /Seaport Security Program

[redacted] noted that ***"the implementation of the port security rest solely with the US Coast Guard"***, however; he failed to note that DEA foreign offices (Dominican Republic, Colombia, and Panama) have active and highly productive Maritime/Seaport vetted units that were solely established and managed by DEA. These Maritime/Seaport programs/vetted units are funded by DEA and the Department of State (DOS)/International Narcotics and Law enforcement Affairs (INL).

Contrary to [redacted] statement, several years ago the DEA Haiti office received financial support from the US Embassy Haiti - DOS/INL to establish a fully operational maritime seaport unit imbedded on site at the seaport in Port au Prince, Haiti. The DEA/BLTS maritime port unit was fully outfitted and funded by DEA and DOS INL with significant sums of US taxpayers' funds.

Unfortunately, in my view, due to lack in effective leadership by former DEA Haiti CA #1, CA#2 and former BLTS Commander Mergulus, the DEA Haiti/BLTS maritime seaport program failed to develop into a viable, fully functional effective maritime/seaport unit established to interdict significant drugs destined to the US and other foreign locations.

It is known fact in Haiti, that DEA in conjunction with Haiti law enforcement counterpart "BLTS" is the primary and leading US authority engaged in enforcement operations and seizures sometimes receiving operational support from the US Coast Guard. Unfortunately, on any given day, there is very little to no enforcement operations conducted at the Ports of Haiti. Since the MV Manzanares seizure, there have been very little enforcement operations nor seizures at the ports of Haiti. Contrary to the above referenced DEA foreign offices maritime seaport programs, DEA Haiti Maritime/seaport programs should be considered dysfunctional, a waste of valuable US taxpayers' dollars and an ineffective failure.

4. According to [redacted] ***"The Whistleblower allegation that there was a conflict of interest given Chief Counsel's role in the investigation"***

In closing, to date DEA refused to acknowledge wrongdoing within its ranks. Despite receiving numerous allegations of misconduct by DEA employees and host nation senior officials, DEA senior officials and OCC defended the actions of these individuals while at the same time

retaliated against whistleblowers me (Whistleblower#1) and Whistleblower #2 for coming forward to report the misconduct and wrongdoings.

Despite the intervention and oversight by GAP, the OSC and the various US Congressional offices/members, the DEA's CD management, OCC and its senior leadership were all collectively responsible for the cover up of its 1st fact finding investigation. From the onset of the initial inquiry there was a conflict of interest relative to the subordinates, colleagues and friends of the officials accused of wrongdoing in my OSC claims. Despite what was reported in [redacted] supplemental report, DEA OSC was responsible for spearheading, interviewing, and attempting to negatively influence the above witnesses.

Based on the above, my legal team and I are requesting that OSC fail DEA's 2nd supplemental investigation with sanctioning of an independent review of my OSC claims.

Despite being treated unfairly, I continue to believe in the USG/DEA's mission abroad. I continue to believe that a great majority of DEA employees and its senior leadership within DEA are hardworking, dedicated, and honest people with the utmost integrity and belief in DEA's mission. Based on my experience as a whistleblower, it is my firm belief that under the present environment in DEA, an agent who come forward to report wrongdoing by agent/employee, credibility is challenged and ultimately end up being a subject of retaliatory PPP. In search of the truth, accountability and the interest of public health and public safety, I am pleading with the OSC and the honorable members of the US Congress disregard to DEA's internal investigations and order a formal investigation to be conducted by the Department of Justice /Office of Inspector General into misconduct/corruption/cover up at the DEA PAPCO/Haiti.

Thanking you in advance for your immediate assistance in this matter.

Sincerely,

[redacted]