U.S. Department of Justice
Office of the Inspector General

A Review of the FBI's Actions in Connection With Allegations Raised By Contract Linguist Sibel Edmonds

UNCLASSIFIED SUMMARY

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I. INTRODUCTION

This report describes the Office of the Inspector General's (OIG) investigation of allegations raised by Sibel Edmonds, a former Contract Linguist (CL) for the Federal Bureau of Investigation (FBI). Edmonds worked for the FBI from September 20, 2001, until March 2002, when her services as a CL for the FBI were terminated. Before that termination, she had raised a series of allegations regarding the FBI's CL program, including security concerns about actions by a co-worker related to potential espionage.

Our review found that Edmonds had written several memoranda to her supervisors raising her concerns about the co-worker. Edmonds prepared one of her memoranda, dated February 8, 2002, on her home computer, after first obtaining a supervisor's permission to write it at home. According to the FBI, that memorandum contained classified information, and Edmonds' use of her home computer to process classified information was a security violation.

Edmonds' supervisor referred Edmonds' February 8 memorandum containing her allegations to a Security Supervisor. The Language Supervisor also reported Edmonds' security violation to the Security Supervisor. After a cursory investigation of Edmonds' allegations, the Security Office concluded that Edmonds' allegations against the co-worker were unsubstantiated and that Edmonds' security violation was inadvertent.

Edmonds continued to complain about the co-worker, and asserted that FBI supervisors were protecting the co-worker. Edmonds also raised her concerns to higher-level officials in the FBI, to the OIG, and to Congress. In addition, Edmonds raised other allegations regarding the language program to the OIG. For example, Edmonds made allegations of travel voucher fraud and time and attendance abuse. Edmonds also alleged that the FBI had hired unqualified personnel and used one of them to translate military interviews despite that person's weak language skills.

On March 22, 2002, the FBI stopped using Edmonds' translation services, and on March 26 the FBI terminated her contract. Edmonds complained that the termination was in retaliation for her complaints, and the OIG agreed to investigate this matter.

II. SCOPE OF OIG INVESTIGATION

During the course of our investigation, the OIG interviewed more than 50 individuals, including FBI employees, contractors, and Department of Justice (DOJ) officials. The OIG interviewed Edmonds on three separate occasions, in April, June, and November of 2002. On January 28, 2004, the OIG wrote to Edmonds' attorney offering to meet with Edmonds again if she had additional

relevant information to provide to the OIG. Her attorney said that Edmonds did not believe she had anything additional to provide the OIG, and the attorney did not request an additional meeting.

In addition, the OIG obtained and reviewed thousands of pages of FBI documents relating to Edmonds' allegations, including e-mails, notes, and other records. We also sought expert assistance with translations and other matters from another federal government agency outside the DOJ.

We closely examined nearly a dozen separate allegations by Edmonds against the co-worker which, when viewed together, amounted to accusations of possible espionage. We sought to determine, with respect to each individual allegation, whether the facts supported or refuted the allegation. However, the ultimate determination as to whether the co-worker engaged in espionage, as Edmonds' allegations implied, was beyond the scope of the OIG's investigation. We communicated to the FBI during our review that the OIG was not making such a determination, and that the potential espionage issue should be addressed by the FBI, not the OIG. Instead, our investigation focused on the FBI's response to the complaints Edmonds raised about her co-worker and other language translation issues.

According to some media accounts, Edmonds made additional allegations relating to the September 11 terrorist attacks and the allegedly inappropriate reaction by other FBI linguists to those attacks. However, Edmonds never raised those allegations to the OIG, and we did not investigate them in our review. Rather, we understand that staff from the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) interviewed Edmonds regarding these claims. Our review focused on the allegations made by Edmonds to the OIG, particularly Edmonds' allegations regarding the FBI's handling of the concerns about the co-worker, her allegations about inappropriate practices in the language program, and her allegation that the FBI retaliated against her for raising those allegations.

This report is an unclassified version of the OIG's full 100-page report on Edmonds' allegations. The OIG completed the full report in July 2004 and provided copies of it to the 9/ 11 Commission and several congressional committees that have oversight of DOJ. Subsequently, two members of the Judiciary Committee specifically requested that the OIG create a declassified version of the report for public release. The letter stated that releasing a "declassified" version of the report, "or at least portions or summaries, would serve the public's interest, increase transparency, promote effectiveness and

efficiency at the FBI, and facilitate Congressional oversight." In response, the OIG created this unclassified summary of the full report.[1]

This report describes the results of our investigation. In Part III of the report, we provide background information on Edmonds and relevant FBI components and procedures. In Part IV, we assess the factual basis underlying Edmonds' allegations against the co-worker. In Part V we provide a factual chronology of relevant events and an analysis of the FBI's handling of the allegations as they arose. In Part VI, we examine some of Edmonds' additional allegations, including concerns about travel voucher fraud and time and attendance abuse. In Part VII, we address the allegation that the FBI decided to stop using Edmonds as a linguist in retaliation for her allegations. Finally, in Part VIII, we make systemic recommendations to the FBI in an attempt to help it improve its foreign language translation program.[2]

III. BACKGROUND

In this section of the report, we provide brief background information on Edmonds. We also describe the FBI's Language Services Section (LSS), which manages the FBI's language program and its linguists. We then describe some of the procedures regarding FBI language translations that are relevant to this case.

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[1] The FBI conducted a classification review of the full version of this report and classified it at the Secret level. Because the information was from the FBI, the OIG did not have the authority to declassify or publicly release the report on its own. We conferred with the FBI and the DOJ Civil Division in the creation of this unclassified summary of the report. We believe this unclassified version summarizes the core of the OIG report, although it does not include all of the facts in the full report or even all of the allegations addressed in the full report. Moreover, we recognize that, in some instances, it is difficult to understand this version of the report fully because much of the information from the full report remains classified and cannot be included here. However, this version is the maximum that the FBI and the DOJ Civil Division agreed was unclassified and allowed to be released publicly.

[2] It is important to note that the OIG completed a broader audit regarding the FBI's foreign language translation program. That audit is entitled "The Federal Bureau of Investigation's Foreign Language Program Translation of Counterterrorism and Counterintelligence Foreign Language Material." In it, the OIG examined the FBI's ability to translate critical foreign language material, its success at meeting linguist hiring goals, and whether the FBI's procedures ensure the appropriate prioritization of work, accurate and timely translations of pertinent information, and adequate pre- and post-hire security screening of linguists. The audit report was completed in July 2004 and classified by the FBI at the Secret level. Like the full Edmonds report, that audit report was provided to several Congressional committees and the 9/11 Commission. The OIG released an unclassified summary of the audit report in July 2004. It is available on the OIG's website at http://www.usdoj.gov/oig/audit/FBI/0425/index.htm.

A. Edmonds

Edmonds, who was born abroad and speaks English fluently, moved to the United States in 1991 to attend college. She married an American citizen in 1992. Before joining the FBI, Edmonds worked as a volunteer at a local courthouse, as a court-appointed special advocate for children, and for the Rostropovich foundation, a non-profit organization that delivers medical supplies and food to a children's hospital. In addition, Edmonds served as a corporate officer (Secretary) for her husband's consulting business.

Edmonds applied to the FBI on March 10, 1997, for a linguist position. After she took the requisite language tests, by letter dated May 6, 1998, the FBI offered Edmonds a position as a CL. The offer was contingent upon Edmonds receiving a Top Secret security clearance.

Pursuant to instructions in the offer letter, Edmonds completed, on June 4, 1998, an SF-86 Questionnaire for National Security Positions – the standard form used by the federal government to collect information for background investigations of persons applying for positions that require a security clearance. As part of the background investigation, Edmonds was polygraphed on December 4, 1998. The FBI also conducted a Personnel Security Interview (PSI) of Edmonds on December 16, 1998. Her security file does not reflect any activity on her background investigation during 1999. It appears that through a series of oversights and lack of follow through, the FBI did not take action on her background investigation, and therefore Edmonds did not begin work as a CL during this time period.

In February 2000, the FBI asked Edmonds to submit another SF-86. In April 2001, LSS wrote a memorandum requesting that the PSI be updated, and asking that the necessary work be done to complete the background investigation. The FBI conducted supplemental PSIs of Edmonds on May 1, 2001, and July 19, 2001. On September 13, 2001, four years after she first submitted her application, the FBI granted Edmonds a "Top Secret" clearance. No job interview was conducted other than the PSIs.

Edmonds began working for the FBI on September 20, 2001, first as a Contract Monitor (CM), and shortly thereafter as a CL.[3] As we describe below, on March 22, 2002, the FBI stopped using Edmonds' translation services.

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[3] The various linguist positions in the FBI are described more fully in the next section of this report. In brief, a CM can provide summary translations of oral and written communications, and analyses of those translations, for internal dissemination. In addition to those services, CLs also can act as interpreters in FBI interviews, review material produced by other linguists, produce written communications for internal and court dissemination, and testify as expert witnesses in federal court. A CL can perform the same duties as a Language Specialist, which is the term for a linguist who is a permanent employee of the FBI.

B. The FBI's Language Services Section

1. Organization

In the early 1980s, the FBI began hiring linguists for translation, interpretation, and other language services necessary for the FBI's work. Before that, the FBI used Special Agents to perform such services. The number of linguists hired by the FBI grew from a mere handful in 1983 to over 1,100 by 2002.

Through its Foreign Language Program (FLP), the FBI seeks to ensure that the language needs of its field offices and Headquarters units are met. The FLP and the personnel who perform language services for the FBI are directed by the LSS. LSS personnel handle approximately 60 languages covering 95 percent of the world's population. Since March 2002, the LSS has been placed within the Office of International Operations at FBI Headquarters, which is under the jurisdiction of the FBI's Director for Law Enforcement Services. Immediately before the March 2002 reorganization, LSS was part of the Investigative Services Division.[4] A copy of the FBI's organizational chart, dated March 4, 2004, is attached as Appendix A.

During the early part of 2002, the time relevant to this review, LSS was composed of three units. The Language Training and Assessment Unit (LTAU) was responsible for developing and conducting language assessments of FBI applicants and personnel. The LTAU also provided foreign language and cultural training to FBI personnel. The Translation and Deployment Unit (TDU) managed national translation and interpreting resources in support of the FBI's investigative and administrative priorities. The TDU ensured that linguists were assigned to offices requesting their services or that a requesting office's work was sent to available linguists. The Language Administration and Acquisition Unit (LAAU) handled the administrative functions of the FLP. The LAAU also was responsible for hiring linguists and for researching, acquiring, and integrating language-related technologies. An organizational chart for the LSS, dated November 13, 2001, is attached as Appendix B.

2. Types of Linguists

The FBI uses three types of linguists. First, the FBI has permanent employees known as Language Specialists (LS). LSs provide translations of written or oral communications and analyze those translations. They also can act as interpreters in FBI interviews, review material produced by other linguists, produce written communications for internal and court dissemination, and testify as expert witnesses in federal court.

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[4] Before that, LSS had been placed, at various times, in the Laboratory Division and the Criminal Investigative Division.

In addition, the FBI uses contract employees as linguists. The Contract Linguist Program (CLP), which is administered by the LAAU, enables the FBI to acquire linguist resources without adding permanent employees. It also gives the FBI the opportunity to recruit permanent LSs from linguists who already have been evaluated through the CLP. The FBI uses two types of contractors with different skill levels, CLs and CMs. Linguists' designation as CL or CM depends upon their performance on language tests administered by the LSS.[5]

According to an LSS Operational Manual, CLs perform translation duties "similar to those of Language Specialists." CLs provide translations of written or oral communications and analyze those translations. They also act as interpreters in FBI interviews, review material produced by other linguists, produce written communications for internal and court dissemination, and testify as expert witnesses in federal court.

The FBI created the additional position of CM in response to a critical need for linguists and the inability to find a sufficient number of linguists who qualify for LS or CL positions. A CM can provide summary translations of oral communications and analyses of those translations, and written communications for internal dissemination. An FBI memorandum explains that the CM position was proposed to address a critical need for linguists to perform summarization work. The memorandum explained that a CM's work may require some additional clarification and review. It stated that CMs should not be asked to write foreign language transcriptions, nor should they testify regarding the accuracy of their translations. In addition, according to the memorandum, a CM's work should be reviewed by a fully qualified linguist before it is used for other than internal use. Moreover, the memorandum recommended that the CMs not be given assignments in offices where they are the only speakers of the language in question.

Thus, CMs are more limited in their duties than CLs. For example, a CL is qualified to provide a verbatim translation. A CM, in contrast, is not approved for verbatim translations of documents, but may provide summary translations. However, in order to cope with these limitations, the FBI often has CMs do verbatim translations and then has the translations reviewed by CLs.

LSS directs from FBI Headquarters all of the linguists in the FLP. The linguists themselves generally are assigned to assist FBI agents in their work, and the linguists generally are grouped according to language. FBI linguists

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[5] In this report, the generic terms "linguist" and "translator" refer to any of the three categories – LS, CL, and CM.

translate a wide variety of materials, including recordings, written documents, and audio recordings of interviews.

3. Language Services Section Computer System and Training

As discussed more fully in the OIG's foreign language translation audit, (cited at footnote 2), an FBI computer network links FBI offices and permits large quantities of material to be moved between offices for translation, to better utilize FBI linguistic resources.

More than one linguist may be assigned to a particular task, due to resource issues. The FBI's computer system only keeps a record of the last person to work on a particular task; it does not maintain records of any other linguist's prior access. In addition, the work does not remain on the computer system for long because of space limitations. Material may be removed from the system in as little at three days, whether or not a linguist has reviewed it. Once material is removed from the local network, it is stored, or archived, so it can be reviewed later. However, information about who reviewed the material is not retained in this archiving process, though material that has been archived can be retrieved. The FBI attempts to ensure that reviewed material is removed before unreviewed material. A senior LSS supervisor told the OIG that a "conscientious" supervisor can "protect" unreviewed material by specially marking it so that it will not be deleted from the system.[6]

Documents created by linguists are automatically shifted from an individual linguist's computer directory to the agents' computer directory on a scheduled basis. A linguist can prevent a document from being automatically moved only by taking steps to prevent this automatic feature from activating.

General training for linguists is handled by LSS, not by the agents the linguists will be assisting. The linguists are assigned to assist the Special Agents with respect to the subject matter of their cases. The Special Agents instruct the linguists as to what they do and do not want them to translate. A Special Agent told the OIG that he also briefs the linguists on guidelines they need to know to do their work. This Special Agent said that, for the first six months to a year, he does not expect much from the linguists because they are still learning what is important and how to do the work.

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[6] This senior supervisor noted that if a linguist is out of the office when material is removed, the linguist may not even be aware of the removal. He described this as a "huge problem."

C. FBI Security Procedures

Linguists must obtain security clearances to work for the FBI. Edmonds and the co-worker went through this process. The adequacy of the co-worker's security review was a significant issue in this case.

1. Personnel Security Interview

In addition to completing the required forms for a national security position, an individual whose background is being investigated by the FBI must undergo a PSI.[7] According to the instructions on the SF-86, the interview is an "opportunity to update, clarify, and explain information on your form more completely." According to the FBI's Manual of Investigative Operations and Guidelines (MIOG), the interview must be conducted at the "inception of the [background] investigation with the purpose of obtaining information to facilitate our investigative efforts," and "to ensure that complete (current and accurate) information is available concerning the candidate." MIOG, Part 2, Section 17-5.6.

According to the MIOG and a relevant FBI Electronic Communication (EC), areas to be covered in the background investigation include personal and business credit issues, denials and dismissals from employment, business circumstances that could lead to conflict-of-interest allegations, membership or involvement in organizations that are discriminatory and organizations that advocate activities against the interest of the United States, and concealment of any activity that could be used to compromise the applicant or have an adverse effect on their character. MIOG, Part 2, Section 17-5.6.

2. Pre-employment Polygraph

All applicants for employment with the FBI, including CLs, also must undergo a pre-employment polygraph examination. Manual of Administrative Operations and Procedures (MAOP), Part 1, Section 22-9.1. The examination focuses on national security issues, use or sale of illegal drugs, and completeness of the Application for Employment. MIOG, Part 2, Section 13-22.12. An expanded polygraph examination may be requested regarding any national security concerns remaining after the PSI.

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[7] Not all federal agencies use the FBI to conduct background investigations. However, because the FBI conducts background investigations on Contract Linguists such as Edmonds and the co-worker, this section addresses the FBI policies and procedures for conducting background investigations on its applicants and employees.

3. Security Clearance

The LSS conducts the background investigation and the pre-employment polygraph to ensure that the candidate is suitable for employment. The applicant's file is then passed to the Initial Clearance and Access Unit (ICAU) in the Personnel Security Section within the FBI's Security Division.[8] ICAU's function is to determine if the applicant will be granted a security clearance. The adjudicators within ICAU may request that a risk assessment be performed. A risk assessment is meant to address any security concerns that surface during the applicant's background investigation, including those that might indicate the applicant's vulnerability to coercion.

The risk assessment is initiated by sending a lead to the relevant operational division at FBI Headquarters.[9] A Special Agent or analyst who has the expertise for that specific area completes the risk assessment. According to the ICAU Unit Chief, the decision to conduct a risk assessment for an applicant depends on the specific circumstances of the case.[10] He stated that as of March 2004, risk assessments are completed for approximately 95 percent of applicants for CL positions.

If the ICAU determines that a potential contractor should be granted a security clearance, a Security Officer gives that person a security briefing.[11] The purpose of the briefing is to inform individuals that they may not disclose sensitive or classified information obtained while working for the FBI, and to inform the individuals of the consequences for unauthorized disclosure.

At the briefing, new contractors sign a Security Acknowledgement Form in which they acknowledge that they understand the information provided in

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[8] Before the creation of the Security Division in December 2001, these duties were performed by the Industrial Security Unit within the FBI's National Security Division.

[9] When an FBI field office needs assistance or information from another office or from FBI Headquarters, it "sets a lead" for the assistance. Leads are initially written out in ECs, hard copies of which are mailed to the appropriate offices.

[10] Throughout this report, individuals are identified using the title they held at the time of the event or action under examination.

[11] The Special Agents who serve as Security Officers are responsible for processing administrative paperwork for FBI employees, contractors, and others who need security clearances, country clearances, and travel warnings. They also pass clearances to other organizations. The Security Officer also provides security briefings and covers leads for background investigations.

Security Officers also conduct investigations of reported and suspected security violations. The types of violations they investigate include using home computers to process classified information, processing Top Secret information on the internal FBI Secret network, unauthorized access to FBI files, and sharing computer passwords.

the briefing and agree to adhere to instructions printed on the form for handling classified information. They also sign a Classified Information Nondisclosure Agreement. The Agreement is an 11-point agreement between the individual and the United States government stating that the individual possesses a security clearance for access to classified information, has been briefed about security responsibilities, and will not improperly divulge classified information. The Agreement also sets forth the potential punishments for improperly divulging classified information. Until the form is signed, the individual does not have clearance and cannot have access to national security information.

IV. THE OIG'S EXAMINATION OF EDMONDS' ALLEGATIONS AGAINST A CO-WORKER

In this section, we examine the allegations Edmonds made against her co-worker. In the classified version of the report, we fully described and evaluated the evidence underlying nearly a dozen separate allegations Edmonds made regarding the co-worker which, when viewed together, amounted to an accusation against the co-worker of possible espionage. With respect to each individual allegation, we analyzed the facts supporting or refuting the allegation. We did not attempt to reach a definitive conclusion on the truth of each allegation or whether the implication of espionage was supported. Rather, given the available evidence, we assessed whether the FBI treated each allegation appropriately. Because the facts underlying each allegation remain classified, we cannot include our detailed description and analysis of each individual allegation in this unclassified summary. Instead, we describe our evaluation of Edmonds' allegations in general terms.

We found that many of Edmonds' core allegations relating to the co-worker were supported by either documentary evidence or witnesses other than Edmonds. Moreover, we concluded that, had the FBI performed a more careful investigation of Edmonds' allegations, it would have discovered evidence of significant omissions and inaccuracies by the co-worker related to these allegations. These omissions and inaccuracies, in turn, should have led to further investigation by the FBI. In part, we attributed the FBI's failure to investigate further to its unwarranted reliance on the assumption that proper procedures had been followed by the FBI during the co-worker's hiring and background investigation, which did not include a risk assessment, contrary to FBI practice. We also found that Edmonds was justified in raising a number of these concerns to her supervisors. For example, with respect to an allegation that focused on the co-worker's performance, which Edmonds believed to be an indication of a security problem, the evidence clearly corroborated Edmonds' allegations.

With regard to some of Edmonds' allegations, the OIG did not find evidence to support her allegation or the inferences that she drew from certain facts. However, Edmonds' assertions regarding the co-worker, when viewed as a whole, raised substantial questions and were supported by various pieces of evidence. While there are potentially innocuous explanations for the co-worker's conduct, other explanations were not innocuous. Although the exact nature and extent of the co-worker's security issues are disputed, it is clear from the OIG's investigation that the facts giving rise to Edmonds' concerns could have been uncovered had the FBI investigated Edmonds' allegations further. We believe that the FBI should have investigated the allegations more thoroughly. We also believe the FBI's handling of these allegations reflected an unwarranted reluctance to vigorously investigate these serious allegations or to conduct a thorough examination of Edmonds' allegations. As will be discussed in the next section, the FBI did not, and still has not, conducted such an investigation.

Finally, as we discuss in Part V, rather than investigate Edmonds' allegations vigorously and thoroughly, the FBI concluded that she was a disruption and terminated her contract. We concluded that the FBI could not show, by clear and convincing evidence, that it would have terminated Edmonds' services absent her disclosures.

V. FACTUAL CHRONOLOGY RELATED TO EDMONDS' ALLEGATIONS AGAINST A CO-WORKER

In this section of the report, we provide a chronological summary of relevant events and issues pertaining to Edmonds' allegations against the co-worker.[12] We also examine the FBI's handling of the allegations against the co-worker.

A. Edmonds' Initial Allegations

Edmonds began contract work at the FBI on September 20, 2001. At her request, she worked part-time for approximately 20 hours per week. Edmonds initially was assigned as a CM, and shortly thereafter as a CL. Edmonds and her colleagues were assigned to assist agents with translations on various operational matters.

Toward the end of 2001, Edmonds became suspicious of a co-worker for various reasons. In Edmonds' view, information she learned about the co-worker's background, coupled with certain of the co-worker's actions with

[12] This version of the report uses male pronouns throughout for individuals who are not named, regardless of gender.

regard to the co-worker's work at the FBI, raised a security concern. Edmonds told the OIG that a series of events in December 2001 and January 2002 formed the initial basis for her complaints to her supervisors and to the OIG. First, Edmonds told the OIG that her conversations with the co-worker and her observations of the co-worker's conduct made Edmonds uneasy about the co-worker from a security standpoint. Edmonds also told the OIG that in early January 2002, she saw documents that increased her suspicion about the co-worker. Also in early January, according to Edmonds, documents began to disappear from her work space, and she became suspicious due to revisions in the distribution of work assignments that recently had been implemented. On January 22, 2002, Edmonds documented some of her concerns and provided them to her supervisor. As a result of Edmonds' written concerns, on January 25, 2002, meetings were held to address the issues she raised. After the meetings, the FBI took a number of steps in response to the information Edmonds had provided. In addition, although her Language Supervisor told an FBI manager about the allegations, no one reported the matter to the Security Office at that time.

We concluded that the actions taken by the FBI after Edmonds raised concerns in writing on January 22, 2002, and orally on January 25, 2002, were insufficient and did not address fully the concerns raised. Moreover, we found that the approach taken by the FBI in response to Edmonds' allegations compromised, in certain respects, its opportunities to investigate further.

Several FBI witnesses told the OIG that allegations suggesting potential espionage by one FBI employee against another are exceedingly rare. This allegation was extremely serious – even if the evidence was not clear. Once Edmonds submitted her detailed written complaints about her colleague, a sufficient basis existed to justify a thorough inquiry by the FBI. However, as will be described below, the FBI's inquiry was seriously deficient.[13]

B. Edmonds Documents Additional Complaints in a February 8 Memorandum Written on Her Home Computer

In the two weeks following the January 25 meetings, Edmonds made additional complaints, including assertions that the co-worker was being

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[13] As demonstrated by the espionage of former FBI Agent Robert Hanssen, the FBI must take seriously allegations suggesting security breaches, even if the evidence is not clear-cut. The Hanssen case demonstrates that an individual reporting a security-related concern about another employee may not have the whole story, but may provide sufficient information to focus attention on a person deserving of further scrutiny. See the OIG's report entitled "A Review of the FBI's Performance in Deterring, Detecting, and Investigating the Espionage Activities of Robert Philip Hanssen," August 2003. It is available on the OIG's website at http://www.usdoj.gov/oig/special/0308/final.pdf.

protected inappropriately by a supervisor.[14] Edmonds also alleged that the co-worker threatened her. Ultimately, Edmonds was asked to provide the details of her complaints in writing. Edmonds asked if she could write them up at home due to her concerns about items being removed from her computer, and the Language Supervisor agreed to the request. Using her home computer, Edmonds wrote a memorandum about her complaints dated February 8, 2002.

Edmonds provided the memorandum to the Language Supervisor on February 9, 2002. That day, the Language Supervisor sent a copy of the memorandum to the Chief of the LAAU. Initially, the Language Supervisor expressed no concern to the LAAU Chief about whether Edmonds' memorandum contained any classified information, nor did the Language Supervisor indicate that he would contact the Security Office. The Language Supervisor explained to the LAAU Chief that a copy of Edmonds' memorandum was provided to others for response. In addition, the Language Supervisor spoke to the Special Agent who Edmonds assisted and asked him to conduct some follow-up on Edmonds' memorandum. In addition, the Language Supervisor decided to begin supervising Edmonds directly. The Language Supervisor also notified his superior about Edmonds' allegations.

The OIG found problems with the manner in which the FBI initially handled Edmonds' February 8 memorandum. In response to Edmonds' February 8 memorandum, the Language Supervisor provided a copy to a person (other than the co-worker) who was discussed in the memorandum, for his response, even though this created a risk that the investigation could be compromised. In addition, the Language Supervisor spoke to the Special Agent who Edmonds assisted and asked him to conduct certain follow-up, although this also could have compromised any investigation. Edmonds had raised an extremely serious allegation that deserved to be handled more carefully. The Language Supervisor's requested follow-up action was not a prudent step, given the possible consequences if Edmonds' allegations were true.

C. Security Office Investigation

On February 11, 2002, the Language Supervisor gave a Security Officer a copy of Edmonds' February 8 memorandum and called his attention to the security concerns related to the co-worker. The Security Officer told the OIG that the Language Supervisor stated that Edmonds had included some classified information in the memorandum that she had written on her home computer. The Security Officer was assigned to investigate the matter.

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[14] The OIG's examination of FBI records did not substantiate the allegation that the co-worker was being inappropriately protected.

On February 12, 2002, the Security Officer interviewed Edmonds. Edmonds told the Security Officer she had written the memorandum on her home computer because of her concerns about documents being taken from her office, and said she had done so with the Language Supervisor's permission. Edmonds acknowledged that her husband used the home computer for work, including faxing documents and sending e-mail. Edmonds said that her husband did not look at her documents. Edmonds also repeated her concerns about the co-worker to the Security Officer.

The Security Officer told the OIG that he believed Edmonds was credible. The Security Officer said that based on this interview, he was primarily concerned about two things: Edmonds' allegation that she was threatened by the co-worker and the fact that classified information was on Edmonds' home computer.

The next day, the Security Officer interviewed the co-worker. The Security Officer asked the co-worker questions pertaining to the allegations raised by Edmonds, and the co-worker denied Edmonds' allegations. The Security Officer told the OIG he also found the co-worker to be credible, which he said undermined his confidence in Edmonds. However, we found the Security Officer did not challenge the co-worker with respect to any information the co-worker provided, although that information was not consistent with FBI records. In addition, while the Security Officer reviewed some records, he did not review other crucial FBI records, which would have supported some of Edmonds' allegations.

On February 13, with Edmonds' consent, the FBI seized her home computer. That same day, Edmonds also wrote to a higher-level FBI official about her allegations and requested to meet with him regarding her concerns.

On February 14, the Security Officer observed while a member of the FBI's Computer Analysis Response Team analyzed Edmonds' computer to determine what information had been processed on it. The Security Officer said that there appeared to be another version of the February 8, 2002, memorandum on the computer. The FBI removed the classified information from the computer and returned the computer to Mr. Edmonds on February 15.

On February 20, the Security Officer conducted an interview of a potential witness to the co-worker's alleged threat to Edmonds. After the interview, the Security Officer reported up his supervisory chain that he believed that Edmonds' allegations were unfounded. This assessment was, in turn, reported to a manager higher up the supervisory chain.

On February 25, the Security Officer requested polygraph examinations of Edmonds and the co-worker in connection with this matter.

We concluded that once the Security Officer was notified on February 11 of Edmonds' potential security violation, he took swift action with respect to the security violation Edmonds committed. The Security Officer quickly took custody of Edmonds' home computer and analyzed it. The Security Officer also deleted classified information from the computer and returned the computer to Edmonds.

By contrast, we believe that the Security Officer's investigation of Edmonds' claims against the co-worker was significantly flawed. The Security Officer neither adequately prepared for nor adequately followed up on information obtained during the course of the investigation. The Security Officer also failed to memorialize adequately crucial information derived during the course of the investigation. While an investigator's impressions of the witnesses are significant in any investigation, in this case the absence of any effort by the Security Officer to corroborate information provided by witnesses with independent evidence suggests that he relied unduly on his subjective impressions of the witnesses.[15] Moreover, the Security Officer over-relied on the absence of corroboration of the threat allegation, which the Security Officer believed to be the most serious aspect of Edmonds' allegations. This overreliance resulted in a premature conclusion that Edmonds' security concerns lacked merit.

In addition, the Security Officer failed to perceive as a security issue what he considered were merely performance issues. He did not, therefore, adequately address these issues and, as will be discussed later, deferred to others completely for an evaluation of this aspect of the case. We believe it was the Security Officer's responsibility to gather all the facts related to these allegations, many of which the Language Supervisor would not have known, and it was inappropriate for the Security Officer to defer to the Language Supervisor or others on certain critical questions.

In sum, the Security Officer conducted a superficial investigation that focused almost entirely on Edmonds' allegation regarding a threat to her. The Security Officer seemed not to appreciate or investigate the allegation that a co-worker may have been committing espionage. Nor did the Security Officer refer the allegations of potential espionage elsewhere in the FBI. The Security Officer told the OIG that he believed, based on the amount of evidence at hand, a referral would have been pointless. Our review revealed that a thorough investigation by the Security Office would have shown otherwise.

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[15] In an e-mail dated February 14, 2002, three days after the Security Office was notified of these allegations, the Language Supervisor wrote that it was his opinion and the opinion of the Security Officer and the Special Agent who Edmonds assisted that Edmonds was trying to get the co-worker "fired." The Security Officer denied expressing that opinion by that date.

D. Follow-up by the Language Supervisor

On February 14, the Language Supervisor sent an e-mail to the LAAU Chief and another FBI manager providing an update on the case. In the e-mail, the Language Supervisor asserted that there was no basis for Edmonds' concerns. In response to the Language Supervisor's e-mail, the LAAU Chief wrote an e-mail dated February 15 stating that he was "still concerned" about Edmonds' allegations. The LAAU Chief stated that crucial FBI records (those that the Security Officer never personally reviewed) did not resolve a significant aspect of Edmonds' allegations. He asked that the matter be looked into further. He also urged that the matter be addressed quickly and fairly to avoid losing any "precious linguistic resources" due to "morale problems."

On February 21, 2002, the Language Supervisor sent an FBI manager and the LAAU Chief an EC summarizing his actions in connection with Edmonds' allegations. In the EC, the Language Supervisor stated that the security allegations related to the co-worker had been referred to the Security Office. With respect to some of Edmonds' allegations, the Language Supervisor wrote that the matter would be addressed by him and others in his office as a "performance and management issue." The Language Supervisor added that it could be a "training issue" and that language translators had voiced concerns about their inadequate training. He stated that he would hold appropriate persons responsible for any problem of that nature and he would continue to address the matter in a mid-year performance review. In addition, the Language Supervisor described his efforts to determine whether certain of Edmonds' other allegations were true.

The Language Supervisor also stated in the EC that he had put Edmonds under his supervision. In addition, he wrote that on February 11 Edmonds told him that she was considering going public and bringing criminal charges. Finally, the Language Supervisor reported that on February 19, despite the fact that Edmonds was told that the matter was being investigated and she should be patient, Edmonds said she had retained a lawyer and had written letters to "high level" officials within the FBI. The Language Supervisor said he cautioned Edmonds on both occasions not to reveal classified information.

E. Edmonds Meets with FBI Management

On February 22, Edmonds met with FBI management. An FBI manager told the OIG that his purpose in holding the meeting was to try to reduce Edmonds' anxiety and to find out from her if there were other facts that would support her allegations. He said he told Edmonds that the Security Office investigation had not borne out the most serious aspect of her security concerns. He said he explained to Edmonds that he had also contacted others within the FBI and no basis for that aspect of her security concerns existed. At

the meeting, Edmonds asked this manager to put his statements to her in writing. He declined.

Edmonds described this meeting to the OIG as confrontational and hostile. The FBI manager denied that and said his impression of Edmonds after the meeting was that she was "very bright" and "aggressive." He said that, at the time, he did not believe she was fabricating her allegations. Immediately after the meeting, however, the manager began to explore whether the FBI had the option to cease using Edmonds as a CL.

F. Follow-up by the Special Agent who Edmonds Assisted

On February 26, an FBI Special Agent wrote an EC analyzing the additional information the Language Supervisor had requested as a result of Edmonds' allegations of deficient performance by the co-worker. The Special Agent believed that a remedial measure would adequately address the performance aspect of Edmonds' allegations. The remedial measure was then implemented. No other action was taken as a result of the review. However, the remedial measure was rescinded, at the request of this Special Agent, less than three weeks later, and Edmonds questioned the decision to rescind the remedial measure.

G. Polygraph Examinations

The Security Office decided that polygraph examinations would be helpful in making determinations about Edmonds' security allegations and the security violation committed by Edmonds. In a four-page request for polygraphs, drafted on February 25, 2002, the Security Officer stated that "preliminary investigation" indicated that the co-worker had not made any threats to Edmonds, but the polygraph was needed to thoroughly pursue these issues and determine whether or not the co-worker posed a security risk. The Security Officer also noted that "preliminary investigation" indicated that Edmonds had written, on her home computer, multiple memoranda containing classified information, had retained an attorney, and had threatened to go to the press. The Security Officer asked that a polygraph be conducted of Edmonds to determine whether she had written additional memoranda on her home computer or whether she released classified information to unauthorized parties.[16]

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[16] Once Edmonds was notified of the polygraph, she began writing letters to FBI managers requesting a written explanation of why she was being polygraphed and what questions she would be asked. The FBI declined to provide her with anything in writing on that subject.

Based on the Security Officer's request of February 25, which was approved by the FBI, polygraph examinations of Edmonds and the co-worker were scheduled for March 2002. The Chief of the FBI's Polygraph Unit e-mailed an FBI manager to say that the focus of the polygraph examinations would be to determine if classified or confidential material had been passed to any unauthorized individuals. He also stated that the polygraph examinations would focus on broad security concerns, rather than the threat that had been alleged by Edmonds.

On March 7, the day before her polygraph, Edmonds met with a higher-level FBI official who listened to Edmonds repeat her allegations and then thanked her for the information. This official then contacted a manager in Edmonds' supervisory chain, who told the official that the matter was being looked into by the FBI, including by the FBI's Office of Professional Responsibility (OPR).[17] The official with whom Edmonds met took no further action.

On March 8, Edmonds took the polygraph examination. The polygraph questions asked of her related to whether she had disclosed classified information to unauthorized persons and whether she was maintaining classified information outside FBI office space. She denied those charges, and the polygrapher concluded that she was not deceptive in her answers.

The co-worker was polygraphed on March 21. The co-worker was asked about her activities. The co-worker denied having engaged in inappropriate activities. The polygrapher concluded that the co-worker was not deceptive in these answers.

The Security Officer and other FBI managers later expressed disappointment with the questions asked in the polygraphs. The Security Officer said the questions were not responsive to the allegations raised by Edmonds. An FBI manager said that the polygraphs should have been "customized" to obtain optimal results and that he was hoping the polygraphs would be more conclusive in the investigation of these allegations. The Chief of the Polygraph Unit later told the analyst that more precise questions could have been asked.

We also concluded that the polygraph examinations of Edmonds and the co-worker were not ideal. In addition, we found that despite the concerns about the polygraph, the FBI never considered doing any additional polygraphs

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[17] That same day, Edmonds contacted FBI OPR and the OIG to report her allegations. Because the OIG opened its investigation shortly after FBI OPR was contacted, FBI OPR did not pursue the matter further.

and continued to rely on the polygraph as support for its position that Edmonds' allegations were unfounded.

H. Additional Complaints

Between February 8 and March 22 (the day the FBI stopped using her services), Edmonds' relationship with FBI management deteriorated significantly. By the end of February, the Language Supervisor was becoming increasingly frustrated with Edmonds' allegations. For example, on March 5 the Language Supervisor began taking detailed notes of all his interactions with Edmonds.

At the same time, Edmonds seemed to become increasingly frustrated. In addition to meeting frequently with the Language Supervisor about her suspicions, Edmonds wrote numerous e-mails and memoranda raising additional complaints. Edmonds also warned the Language Supervisor of the penalties for retaliation against a Whistleblower. Edmonds also requested information about any allegation made against her. The Language Supervisor declined to provide the information requested by Edmonds.

On March 8, Edmonds complained that work she had been asked to translate had not been loaded properly onto her computer, and that FBI Special Agents had been waiting for the translations for three weeks. The Language Supervisor responded that since February 22, 2002, Edmonds had only worked one day, on March 8, 2002. The Language Supervisor also stated that Edmonds did not indicate which work she was referring to until March 5, 2002, when she was in the office briefly. In response, Edmonds repeatedly complained to the Language Supervisor about the fact that she never was provided information about the polygraph or the allegations against her.

On March 15, the relationship between the Language Supervisor and Edmonds became even more tense. Edmonds asked the Language Supervisor why the Special Agent who she assisted had not been in contact with her in over a month. Edmonds also inquired about her work assignments. The Language Supervisor responded that he did not know why the Special Agent had not met with Edmonds and that, due to Edmonds' limited work hours and the need to have certain work assignments completed, he had requested that linguistic resources be reallocated. In response, Edmonds stated that in the past few weeks, "coincidental" to her reports of wrongdoing, she had received no new assignment and no offers of temporary duty (TDY) assignments.

Later that day, the Language Supervisor informed Edmonds that he would not submit for payment an invoice of Edmonds' that included 5.25 hours spent in meetings related to her allegations. Before advising Edmonds that he would not submit the invoice, the Language Supervisor consulted with the FBI contracting office and was told that CLs are paid only for "actual hours

worked." Edmonds ultimately disputed this decision, and the FBI relented and paid her for the time.

Also on March 15, Edmonds made a claim to the Language Supervisor about time and attendance abuse by the co-worker. The Language Supervisor subsequently found no abuse, but sent out an e-mail reminding the linguists to sign out as they leave for the night, rather than annotating it the next day.

In addition, Edmonds reiterated a number of her security concerns and asserted that she was being obstructed and retaliated against for her complaints. She also alleged that documents had "disappeared" from the location where she kept her work papers. The Language Supervisor asked for a list of the missing items. Edmonds requested a secure location for her documents, commenting that requiring her to keep her documents in a location accessible by those whom she had accused of wrongdoing was ridiculous.

Edmonds also wrote that the Language Supervisor had told her that the Special Agent was unhappy with her performance and personality and he did not want to deal further with Edmonds. Edmonds requested a 15-minute meeting with the Special Agent and the Language Supervisor to iron out any issues and re-establish a proper working relationship.

In a lengthy EC the Language Supervisor wrote on March 19 to an FBI manager and the Security Office, the Language Supervisor denied ever telling Edmonds that the Special Agent was unhappy with her work. However, the Language Supervisor also said that the Special Agent would not meet with Edmonds because he had been instructed not to do so due to Edmonds' fabrications.

On March 19, a Supervisory Special Agent wrote that he did not want to use Edmonds' translation services anymore because she had been a complete disruption to the office, often making groundless accusations. The Supervisory Special Agent said that he already had devoted too much time to the matter, and he had lost faith in Edmonds' ability to carry out her assignments. He cited her security violation and recommended that Edmonds be removed from working his assignments in light of security concerns and some other "agenda" she was pursuing.

Tension between Edmonds and her colleagues also increased during this period. On March 20, the Language Supervisor noted that he had to act as an intermediary of behalf of Edmonds with others due to these tensions. The Language Supervisor also expressed frustration with Edmonds' impatience at the time it took to resolve her allegations, writing that Edmonds did not seem to the Language Supervisor to understand that he had more pressing issues to deal with at times.

Edmonds again wrote to the Language Supervisor on March 22 alleging that the co-worker had cheated on the co-worker's timesheet. In fact, the co-worker was out of the office for her polygraph examination during the time period Edmonds questioned. The Language Supervisor told Edmonds via e-mail that Edmonds did not have all the facts and instructed Edmonds not to mark on anyone's time sheet but her own.

I. FBI's Decision to Stop Using Edmonds' Services

As described above, after the February 22 meeting with Edmonds, an FBI manager began inquiring about the FBI's options with respect to the "use/non-use" of linguist contractors. On February 26, the FBI Contracting Officer for the General Contracting Unit of the Finance Division informed this manager that, if it was determined that a CL was "unsuitable," the FBI would have sufficient reason to terminate her contract.

By March 20, the FBI manager had drafted an EC recommending that his office discontinue using Edmonds' services. In the introductory paragraph he mentioned that Edmonds had raised issues concerning security, performance, and favoritism. Without further discussion of Edmonds' individual allegations, he wrote that the Security Office's inquiry had concluded that some allegations of Edmonds were not substantiated and that she had not been completely forthcoming about the extent of the sensitive and classified information on her home computer. In the EC, the manager said he found it most telling that Edmonds had written to other high-level FBI officials nine days before his first meeting with her, and he commented that Edmonds seemed inclined to put forth additional complaints, as the discussion continued, that were not mentioned previously. He wrote that she had a propensity to inflate and misstate facts, and he described the tone of her letters to the Language Supervisor as condescending and somewhat threatening. The manager also noted in the EC his frustration at the pace of efforts by the Security Office to resolve the matter in a clear-cut manner [i.e., to revoke Edmonds' security clearance]. He remarked that Edmonds was using her newly claimed whistle blower status as a "club" against her supervisors. He concluded that no action taken by his office would be satisfactory to Edmonds. He recommended that LSS immediately discontinue using her as a linguist, and that her FBI access badge be cancelled and taken until "this situation" was resolved. The manager e-mailed the draft of his EC on March 20 to the LAAU Chief and others.

The following day, the FBI manager issued the final EC, which was substantially less harsh in tone, and to which he had added the statement that Edmonds had a "disruptive effect" on operational matters. The final EC also omitted the manager's earlier comments that Edmonds was not completely forthcoming about the extent of the sensitive and classified information on her home computer, that she had a propensity to inflate and misstate facts, and

that she was using her Whistleblower status as a "club." He also removed the comment he had made about her appeals to other FBI officials.

The final EC also contained additional recommendations. First, the manager recommended that Language Supervisors and higher-level Security officials be apprised of the actions being taken. Second, he recommended that Edmonds be debriefed regarding her future responsibility not to disclose classified information and the criminal penalties that apply to such disclosures, and that her clearance be re-adjudicated. Third, he recommended that the Security Office complete its pending investigation and refer any findings for administrative or disciplinary action, or for further substantive investigation.

On March 22, FBI managers met with Edmonds and told her that her services would no longer be used by the FBI. One manager reminded her of the requirements of the Security Acknowledgement Form. Edmonds told the OIG that the meeting was hostile and that one manager threatened her with jail. FBI managers denied that the meeting was hostile or that Edmonds was threatened with jail.[18]

Prior to being escorted out of the building, Edmonds gave the Language Supervisor and Security Officer a memorandum that documented additional performance problems related to the co-worker, which Edmonds considered to be additional support for her underlying security concerns.[19]

Edmonds was then escorted out of the building by FBI personnel and her access badge was taken.

J. Security Office's Damage Assessment

Shortly after her termination, additional allegations of security violations were made against Edmonds, including an allegation that Edmonds had discussed classified information outside the FBI with unauthorized persons at a social setting, and that Edmonds put a copy of the March 22 memorandum she gave to the Language Supervisor into an envelope for delivery to the OIG

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[18] When the OIG asked the manager whether anyone at any time during the meeting told Edmonds she could go to jail, he said he thought it was implied in the Security Acknowledgement Form. However, he denied telling Edmonds, as she alleged, that the next time they saw her it would be in jail. Another manager denied that there was any discussion of Edmonds possibly going to jail.

[19] The Language Supervisor subsequently requested verification of the facts Edmonds put into this memorandum. The follow-up confirmed that Edmonds' description of the facts was accurate, but the Language Supervisor took no further action.

and OPR, although neither the memorandum nor the envelope contained the required classification markings.

On March 26, the Security Officer drafted an EC with the heading, "Damage assessment conducted and provided to FBIHQ regarding the processing of classified information on the home computer of a contract linguist." He recommended revocation of Edmonds' security clearance. The Security Officer wrote that the Security Office considered it a threat to national security to continue to allow Edmonds access to classified information.

The Security Officer's EC was not finalized until May 2, 2002, because he and his supervisor disagreed about its contents. According to the Security Officer, the supervisor took the position that Edmonds' security clearance should be "re-adjudicated" by the proper authorities at FBI Headquarters. The final version of the EC stated that the Security Office "questions" Edmonds' trustworthiness with sensitive national security information, based on her having processed classified information on her home computer and because she was seen putting a memorandum containing classified information into an envelope for delivery to the OIG and OPR, without the proper markings. The EC recommended that she not be used for classified translation duties with the FBI and that her clearance be re-adjudicated.[20]

K. Subsequent Review by FBI Security Officials

In May 2002, after the media and Congress began making inquiries about Edmonds' allegations, the Section Chief of the Personnel Security Section in the FBI Security Division asked one of his unit chiefs to take a look at this matter. The unit chief assigned an Investigative Analyst Consultant with the Security Division to gather information about the case.

During the course of the analyst's work, he wrote two memoranda. The first, written June 4, 2002, stated that Edmonds had been "suspended" and that she had committed three security violations: the two classified memoranda written on her home computer (the February 8 memorandum and the memorandum found during the analysis of Edmonds' computer) and the discussion of classified information outside the FBI with unauthorized persons at a social setting. However, the analyst's memorandum noted that she was not fired for security reasons and her clearance had not been revoked. The memorandum then summarized the allegations against Edmonds, Edmonds' allegations against the co-worker, and the Security Officer's investigation.

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[20] The Security Office's May 2 EC recommending re-adjudication of Edmonds' clearance failed to point out that the polygraph results undercut the claim that she had discussed classified information outside the FBI with unauthorized persons at a social setting.

The analyst conducted additional investigation and found substantial flaws in the Security Officer's investigation. In a second memorandum, dated June 14, 2002, the analyst described the inaccuracies and flaws in the Security Officer's investigation. As a result, another Security Officer interviewed the co-worker again. The co-worker stated that the co-worker was mistaken about some facts in the original interview, but the co-worker also disputed the accuracy of a portion of the write-up of the initial interview.

The analyst's review also noted that the polygraphs were not as precise as they could have been because the polygraphs focused on broad security concerns, rather than the precise issues Edmonds had raised. The analyst reported that the Polygraph Unit Chief admitted that questions directly on point could have been asked but were not. However, the Polygraph Unit Chief asserted to the analyst that the more generic question "would have elicited a discernible reaction."

Despite the fact that the analyst's review unearthed these problems with the Security Officer's investigation, FBI Security officials did not request any further review or re-investigate Edmonds' allegations.[21] We found that the analyst's review revealed substantial infirmities in the Security Officer's investigation at that time. Nevertheless, higher-level FBI Security officials failed to initiate a more thorough investigation. As noted above, we believe ample basis existed for such a review.

In sum, we believe the FBI's initial inquiries in response to Edmonds' allegations were seriously deficient. Had they been more thorough, an appropriately focused analysis could have been conducted much earlier. Moreover, even when the FBI was notified of additional information, the FBI still did not promptly document and act on the information provided. The remedial action taken to address one aspect of Edmonds' concerns was not sufficiently thorough, and the FBI reversed itself prematurely. This was an inadequate response under the circumstances.

We also note that, at the time of these events, the FBI had no protocol for the receipt and investigation of derogatory information provided by someone within the FBI about a co-worker. In May 2002 (after Edmonds was terminated), in response to the Hanssen case, the FBI created a new counterespionage section, CD-4, to investigate allegations of espionage, including all allegations of penetrations of the U.S. Government. According to

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[21] The analyst's two memoranda later were used as the basis for talking points provided to the head of the Security Division, who briefed several Congressional staff members about the Edmonds case on June 17, 2002. The briefing was unclassified because a staffer at the briefing lacked the appropriate security clearance. During the course of the briefing, the Security Section Chief inadvertently revealed what the FBI considered to be classified information.

the Chief of CD-4, however, if Edmonds' allegations were made today, they might still be investigated by the Security Office. But he said that at a minimum the Security Office should consult with CD-4 during the investigation.

VI. OTHER ALLEGATIONS

Edmonds made additional allegations to the OIG regarding the foreign language translation program. She claimed, for example, that she was directed to slow down the pace of her work so that material would pile up and the FBI would have a basis to request more translators. Edmonds alleged that the FBI hired an unqualified translator because of his connection to FBI Headquarters' personnel and subsequently sent him to translate military interviews despite his weak language skills. In addition, Edmonds claimed that travel voucher abuse was condoned and that supervisors improperly received gifts from subordinates. In our full report, we reviewed the facts and conclusions regarding these and additional allegations. In this section, we briefly summarize our core findings.

A. Alleged Slow Down of Work

Edmonds alleged that shortly after she began work for the FBI, linguists were directed to slow the pace of their work so that the material to be translated would "pile up" and the FBI would have a basis to request more translators. Edmonds also said that she was reprimanded for working too quickly. Edmonds provided the OIG with the names of several linguists whom she believed had heard these instructions.

The persons supervising Edmonds denied ever telling Edmonds or any other linguist to slow down so that more linguists would be hired. Instructions to slow down, the OIG was told, only were given if a linguist's pace was adversely affecting the quality of the linguist's work. The OIG was told that such an instruction was never given to Edmonds because the quality of her work was good.

The OIG interviewed ten linguists who were either named by Edmonds in her allegations or were named by Edmonds as having information relevant to her allegations, including those whom Edmonds specifically stated could corroborate her allegation regarding the alleged instruction to slow down. Only three of these linguists stated that they recalled hearing about the alleged instruction to slow down. Two said they heard the allegation only from Edmonds. The third said that she had heard about the slow down instruction from others in addition to hearing about it from Edmonds, but said she could not recall who those others were. The other seven denied ever hearing about such an instruction.

We found insufficient evidence to substantiate Edmonds' allegation that such time and attendance abuse was condoned or occurred. Moreover, given the backlog of translation work at the FBI, we do not believe the FBI would need to intentionally slow down the linguists' work to support hiring additional translators.

B. Hiring and Assignment of an Unqualified Translator

Edmonds told the OIG that the FBI hired a contract monitor based on the person's personal connections to the FBI, even though he had not scored high enough on the language tests to qualify for the position. Edmonds also questioned the fact that this CM was assigned to translate military interviews despite weak language skills.

The OIG concluded that the CM was hired and assigned to translate military interviews even though he did not meet the minimum passing score for the position. The FBI took this action without following appropriate written procedures, and without notifying appropriate officials who supervised the CM's work, and in a manner that created the appearance of a conflict of interest. Although the CM ultimately demonstrated that he could meet the minimum requirements, we found that he clearly had difficulties with his written translation work for the FBI. However, it appears that those supervising the military interviews he helped to translate were satisfied with his translation work.

C. Travel Voucher Fraud

Edmonds alleged that a supervisor made arrangements for two linguists to "switch" work locations, at FBI expense. FBI travel records reflect that on at least three occasions, two linguists who translate the same language did "swap" work locations at FBI expense. These three "temporary duty" assignments cost the FBI over $35,000 in travel reimbursements.

After initially asserting that the swap was necessary for proper coverage of the translation work of the office, the FBI supervisor could not explain why it was necessary to have both linguists travel at such expense, when the translation work of the two linguists could have been moved from one location to the other over the FBI's computer system. He provided to the OIG an EC in which, he stated, his supervisor approved this arrangement. The document, however, is dated many years earlier and refers to one 60-day temporary duty assignment for a linguist who had been working on the same project years earlier.

Edmonds alleged that this "swapping" arrangement was due in part to favoritism on the part of the supervisor. One linguist told the OIG that he had

also heard rumors of favoritism. The supervisor adamantly denied any favoritism towards any of the linguists. No other witness stated that he heard similar rumors, and the OIG found no other evidence of any such favoritism.

We believe that the arrangement was wasteful. At the time these two linguists swapped places, other linguists were available to handle this work in both locations. We do not believe the EC provided to us by the supervisor applies to the time period in which we found evidence of wasteful travel. Moreover, the supervisor provided no explanation for the failure to use the FBI's computer system to send the work electronically between offices.

D. Additional Travel-Related Allegations

Edmonds made additional allegations related to misuse of travel vouchers. She claimed, for example, that some linguists had gone to a distant location to attend a concert and had been improperly reimbursed by the FBI for this travel. She did not identify the particular linguists. The OIG examined FBI travel records and found that only one linguist traveled at FBI expense to the location of the concert during the relevant time period, but this linguist stated that he did not attend the performance. We reviewed documentation that supported this linguist's assertion that this was a legitimate business trip.

Edmonds also alleged that a supervisor traveled to particular cities at FBI expense in order to attend a seminar, visit a sick relative, and visit other family members. The OIG reviewed the supervisor's travel records dating back to October 1, 1999, and found no trips to the cities mentioned by Edmonds.

Edmonds also claimed that when another linguist traveled to perform translation work, a supervisor permitted him to stay through the weekend at FBI expense so that he could do some personal shopping and bring items back for the supervisor. FBI travel documents reflect that at the time Edmonds made her allegations, the linguist in question had made two trips to the location Edmonds cited, at FBI expense. On one of those trips, the linguist stayed over on a Friday night and returned the next day. The FBI paid for the hotel on Friday night. FBI records show that the linguist worked until 5:00 p.m. If he had returned that day, he would have arrived late in the evening. He therefore stayed overnight and returned on Saturday. He acknowledged buying gifts while he was on the trip to give to the supervisor and other friends and co-workers.[22] However, the linguist denied staying overnight on Friday for the purpose of shopping for himself or the supervisor. The supervisor denied sending the linguist on travel to shop.

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[22] The gifts he purchased are discussed in the next section.

In sum, we found the allegations regarding travel for concerts, shopping, or family visits were unsubstantiated.

E. Improper Receipt of Gifts by Supervisors

Edmonds alleged that FBI language supervisors received expensive gifts from subordinates. The only specific example she provided to the OIG was that, on his return, the same linguist who she said had been permitted to stay on travel so that he could shop brought back sets of ladies' and men's watches for the supervisors. Edmonds said the linguist had told her that the watches cost him $135, and that the supervisor who approved the extension of the travel asked the linguist to give the same sets of watches to the other supervisors so that "no one will ever talk." Edmonds said that the linguist also gave her a set of the watches, but she returned them.

The linguist told the OIG that he bought several sets of the watches while he was on the trip, for $10 each, and that he gave the sets to Edmonds, three supervisors, and a Special Agent. He denied telling Edmonds that the watches cost $135, and denied saying that a supervisor instructed him to give the same gift to other supervisors so that no one would talk.

The OIG was unable to determine the specific value of the watches, but they do not appear to be expensive watches. We found that the same brand of watches was advertised on the Internet for $4.90 per set. In addition, a jeweler told the OIG that the watches do not contain a karat mark, indicating that they do not contain any gold. The jeweler said that he had seen similar watches for sale by street vendors. He estimated that the watches could be worth anywhere from $20 to $100.

The OIG interviewed ten linguists and four supervisors who work in the same office. None told the OIG that subordinates gave "expensive" gifts to supervisors. Several witnesses stated, however, that linguists frequently gave their supervisors and colleagues small food items or trinkets that they had purchased while traveling on FBI business. A supervisor told the OIG that he had received from the linguists under his supervision many such items, including key chains, shot glasses, worry beads, brass plates, coffee mugs, a clock, and a stone from the Berlin Wall. The supervisor told the OIG that he always tells the linguists that he cannot accept a gift worth more than $20. Another supervisor told the OIG that he had accepted small gifts from the linguists because to refuse them would be a "cultural affront" and the linguists are aware that the gifts must cost less than $10.

The FBI MAOP provides that a supervisor may not accept a gift from a subordinate employee who receives less pay than the supervisor. A supervisor may accept from subordinates voluntary gifts of a nominal value made on a special occasion such as marriage, illness, or retirement. A supervisor may

also accept gifts worth less than $10 on "on an occasional basis, including any occasion on which gifts are traditionally given or exchanged," such as holidays. MAOP, Part 1, Section 13.1. This provision of the MAOP is the same as the DOJ regulation prohibiting gifts from subordinates to supervisors. 5 C.F.R. § 2635.302 and 304.

We found insufficient evidence to substantiate Edmonds' allegation that a supervisor received expensive gifts from subordinates. We also found that the practice of giving gifts to supervisors was widespread in LSS, was not limited to special occasions such as marriage, illness, or retirement, and occurred on more than "an occasional basis." Although we found no proof that supervisors received items worth more than $10 on any occasion, we believe the commonplace acceptance of gifts from subordinates violates the FBI MAOP. Indeed, the commentary to the DOJ regulation upon which the MAOP provision is based specifically states that an employee "whose job responsibilities require frequent travel may not bring her supervisor, and her supervisor may not accept, souvenir coffee mugs from each of the cities she visits in the course of performing her duties, even though each of the mugs costs less than $5. Gifts given on this basis are not occasional." 26 C.F.R. § 2635.304(a), Example 2. Accordingly, we believe the FBI should instruct supervisors and linguists to stop the practice of supervisors accepting gifts from linguists.

F. Unauthorized Disclosure of Information to Congress

The OIG also received an allegation from the FBI of a possible "unauthorized disclosure of classified information to a congressional staffer." The OIG found that on June 17, 2002, the Section Chief of the Personnel Security Section in the Security Division conducted a briefing regarding Edmonds' allegations for congressional staff members. Because one of the congressional staff members present lacked the appropriate security clearance, the briefing was unclassified. The Security Section Chief inadvertently used a term which, according to the FBI, could have the effect of revealing classified information.[23]

We found that the Security Section Chief's use of the term during the briefing was inadvertent. However, we believe this incident demonstrates the problems inherent in attempting to "talk around" classified information.

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[23] This briefing recently has become the subject of congressional complaints regarding retroactive classification of information by the DOJ.

VII. EDMONDS' CLAIM OF RETALIATION

As described in this report, on March 22, 2002, an FBI manager notified Edmonds that her translation services would no longer be needed and took her access badge from her. On April 2, the FBI sent a letter to Edmonds terminating her contract as of March 26. Edmonds has claimed that her termination was in retaliation for her raising allegations of misconduct to the FBI.

Edmonds does not qualify for "Whistleblower" status under the FBI Whistleblower regulations because she was a contractor, not an FBI employee. See 28 C.F.R. § 27.1(a). However, in examining the question of whether the FBI retaliated against Edmonds because of her allegations of misconduct, we used the principles underlying these regulations.

Pursuant to these regulations, the FBI cannot take a personnel action against an employee in retaliation for any "protected disclosure" the employee has made. 28 C.F.R. § 27.2. For a disclosure to be "protected" under the regulations, it must be made to the OIG, DOJ OPR, FBI OPR, the Attorney General, the Director of the FBI, the Deputy Director of the FBI, or the highest ranking official in any FBI field office. 28 C.F.R. § 27.1(a). In addition, the employee making the disclosure must reasonably believe the disclosure evidences a violation of law, rule, or regulation; mismanagement, a gross waste of funds, an abuse of authority; or a substantial and specific danger to public health or safety. 28 C.F.R. § 27.1 (a). The complainant has the burden of showing by a preponderance of the evidence that her protected disclosure was a contributing factor in the decision to take the personnel action. Once that showing is made, the burden shifts to the agency to show by clear and convincing evidence that it would have taken the personnel action against the complainant in the absence of the protected disclosure. Id. at § 27.5(e)(2).

Edmonds' allegations would clearly qualify as protected disclosures under the FBI Whistleblower regulations. Thus, the key issue would be whether her disclosures were a "contributing factor" in the termination of her services. Under the Whistleblower regulations, the FBI would have to prove by clear and convincing evidence that it would have taken the same action absent her disclosures.

We believe the evidence indicates that the FBI could not show, by clear and convincing evidence, that at the time the decision was made it would have terminated Edmonds' contract absent her disclosures. According to an EC from an FBI manager that summarizes the reasons for terminating Edmonds' services, the FBI's primary reasons were that she represented a "disruptive effect" on operational matters and her "documented" mishandling of classified information at her residence.

The mishandling of classified information on her home computer related to Edmonds' writing, at her supervisor's request, a memorandum describing her allegations of misconduct and including classified information in that memorandum. However, a Security Official told the OIG that he did not believe the Security Office had enough information to "fire" Edmonds based on her security violation of processing classified information on her home computer. Similarly, the Security Officer who conducted the investigation told the OIG he did not view Edmonds' security breach as intentional and said the FBI did not intend to pursue administrative charges against Edmonds for the violation.

Rather, the primary reason for the FBI's termination of Edmonds related to the claim that she had a "disruptive effect" on operational matters. This disruption related primarily to Edmonds' aggressive pursuit of her allegations of misconduct, which the FBI did not believe were supported and which it did not adequately investigate. In fact, as we described throughout our report, many of her allegations had bases in fact and should have been more thoroughly investigated by the FBI. We believe that the FBI's failure to handle her allegations adequately contributed to Edmonds' increasingly vociferous complaints, which ultimately led to the termination of her services.

We also recognize that Edmonds was not an easy employee to manage, and that some of her complaints, based on her self-initiated reviews, were unsupported and a distraction to her supervisors. Edmonds also aggressively asserted her opinions about the management of the translation program, which was frustrating to her supervisors. But we believe that many of her allegations were supported, that the FBI did not take them seriously enough, and that her allegations were, in fact, the most significant factor in the FBI's decision to terminate her services.

In addition, the FBI has not asserted that Edmonds' contract was terminated because it had no further need of her services. In fact, the Chief of LSS told the OIG that there has been no reduction in the need for linguists to translate the language Edmonds translated. Indeed, at the time Edmonds' services were terminated, there remained a need for such services.

We also believe the FBI could have handled the matter much more effectively than it did. For example, as an LSS Unit Chief suggested, the FBI could have moved Edmonds to another location while it pursued a thorough investigation of Edmonds' allegations. Had it done so, the "disruptive effect" on operational activities created by Edmonds' persistent complaints could have been avoided or at least minimized.

In sum, while Edmonds does not fall within the protection of the FBI's Whistleblower regulations, we believe that the FBI significantly mishandled this matter. The FBI should not discourage employees or contractors from raising good-faith allegations of misconduct or mismanagement. By terminating

Edmonds' services, in large part because of her allegations of misconduct, the FBI's actions also may have the effect of discouraging others from raising concerns.[24]

VIII. OIG RECOMMENDATIONS

In light of the issues that we examined in this case, particularly the issues relating to Edmonds allegations regarding the co-worker, we are providing systemic recommendations to the FBI in an attempt to help it improve its foreign language translation program.[25]

1. **The FBI should consider having an employee from the LSS or a case agent from the relevant squad interview CLs before they are hired by the FBI.** The FBI's hiring process for CLs includes both language testing and a full background investigation. Although the background investigation includes a Personnel Security Interview designed to obtain information relevant to the security clearance, CLs are not interviewed by employees from the LSS or operational agents before being hired. As a result, the supervisors of CLs or CMs never have an opportunity to meet with the linguist and explore any issues relating to their qualifications and background. While we recognize that these linguists are used on a contract basis only, we believe the FBI should consider including an interview during the hiring process for CLs and CMs. Such an interview could include the applicant's future supervisor or a case agent from a relevant operational squad.

2. **The FBI should establish written guidelines for when risk assessments should be performed in background investigations. The FBI failed to conduct a risk assessment of the co-worker during her background investigation.** We believe the FBI should create written guidelines that clearly state the factors to be weighed when deciding whether a risk assessment is necessary in a particular case.

3. **The FBI should provide written guidelines to linguists to assist them in reviewing materials.** The CLs we interviewed said they received oral training from case agents and other linguists. However, they did not receive any written guidance regarding

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[24] In response to a draft of this report, the FBI expressed disagreement with this conclusion. A copy of the FBI's response to the OIG is attached as Appendix C.

[25] One recommendation was removed in its entirety because it contained classified information.

reviewing materials. We recognize that many cases are different, and what applies to one case may not apply to another, but we believe that generalized guidance would be useful to help ensure that CLs have a common understanding of their work requirements when reviewing materials. We recommend that general guidelines be provided to all linguists, in writing, when they are hired by the FBI.

4. **The FBI should ensure that supervisors determine the assignment of material that linguists will review.** The FBI should ensure that supervisors assign material for linguists to review. Failure to assign material creates potential security risks and also contributed to the conflict that arose between linguists in this case. We were told by Language Services Section supervisors that these decisions should not be left to the linguists.

5. **The FBI should establish a uniform policy with regard to work assignment sheets for linguists.** In the LSS, work assignment sheets that should contain the signatures of the translator, reviewer, and editor who worked on a particular translation are destroyed after the information is entered into a database. We also were told that the practice with respect to the signatures on these forms is not uniform. For example, some individuals only put a checkmark by their name when they complete the assignment, while others simply forward the sheet without marking it in any way. We recommend that the FBI establish and enforce a uniform policy requiring signatures on work assignment sheets, and that it maintain those sheets for a reasonable period of time so that issues relating to a particular translation can be addressed adequately.

6. **The FBI should implement a system to track which linguist reviews which material.** We found that, because of resource issues, more than one linguist may be assigned to a particular task. While the LSS computer system keeps track of the last person to work on a particular task, that information may be overwritten or lost if a second person later works on the same task. Although the work product of an individual linguist provides some indication of which tasks that linguist carried out, there is no method to establish, with certainty, which linguist reviewed which material.

   A Language Services supervisor stated that one of the linguists he supervises had developed a practice of keeping track of all the material he reviews. The supervisor said that when the linguist finishes work each day, he transfers this information to the

relevant case agents along with the other work completed. In this manner, the agents have a clearer picture of the case. In addition, the supervisor said that extending this practice might cause less attentive linguists to take more care in their work. We recommend that the FBI consider implementing this or some other practice to ensure that the FBI has a record of work completed on a particular task. In addition, the FBI should evaluate the feasibility of installing audit trails to preserve a record of each person who worked on a particular task.

7. **The FBI should reinforce ethics rules regarding gifts to supervisors.** We found that the practice of giving small gifts to language supervisors was widespread, and was not limited to special occasions such as marriage, illness, or retirement. We believe the FBI should reiterate the ethics rules regarding gifts and specifically instruct language supervisors and linguists to stop the practice of supervisors regularly accepting gifts from linguists.

IX. CONCLUSION

The majority of the allegations raised by Edmonds related to the actions of a co-worker. The allegations raised serious concerns that, if true, could potentially have extremely damaging consequences for the FBI. These allegations warranted a thorough and careful review by the FBI.

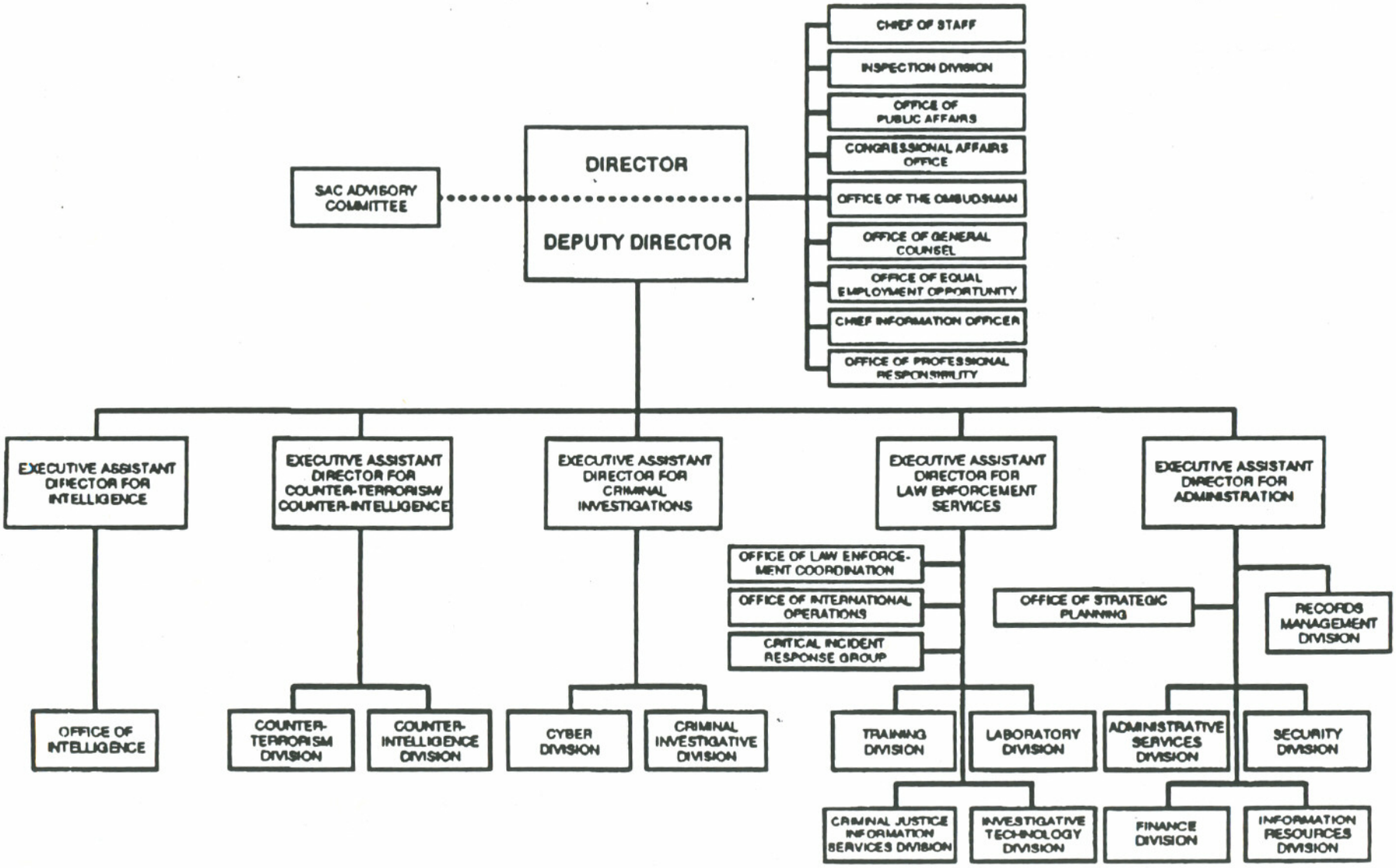
Our investigation concluded that the FBI did not, and still has not, adequately investigated these allegations. Our review also found that many – although not all – of Edmonds' allegations about the co-worker had some basis in fact. This evidence does not prove, and we are not suggesting, that there is sufficient evidence to conclude that espionage or any improper disclosures of FBI information occurred. However, we believe the FBI should have taken Edmonds' allegations more seriously and investigated them more thoroughly. As discussed in this report, the FBI's investigation of the information regarding the co-worker was significantly flawed. Had the FBI investigated the claims thoroughly, it would have found that many of Edmonds' allegations regarding the co-worker were supported by documentary evidence or other witnesses. Instead, the FBI seems to have discounted Edmonds' allegations, believing she was a disruptive influence and not credible, and eventually terminated her services. Even now, the FBI has not carefully investigated the allegations about the co-worker to determine if the co-worker compromised any FBI information. In light of the need for FBI vigilance about security issues, as demonstrated by the Hanssen case, we believe the FBI should have investigated these serious allegations more thoroughly.

Edmonds also alleged that the FBI retaliated against her by terminating her services as a CL. We concluded that Edmonds' allegations were at least a contributing factor in why the FBI terminated her services. We recognize that the FBI Whistleblower regulations do not apply to Edmonds because she was a contractor rather than an FBI employee. We also recognize that her varied and insistent allegations of misconduct may have been frustrating, and that not all of her allegations were true. However, many of her allegations had a basis in fact, and the way the FBI responded to her allegations contributed to her persistent claims. Moreover, we believe the FBI should not discourage employees or contractors from raising good-faith allegations of misconduct or mismanagement and the FBI's termination of Edmonds' services may discourage others from raising such concerns.

With regard to Edmonds' other allegations of misconduct, most were not supported by the evidence we reviewed. However, she did raise a valid concern about unnecessary travel for certain linguists.

Finally, our review also found problems in the oversight of FBI CLs. The FBI needs to more carefully oversee and monitor their work. Towards this end, we made several recommendations regarding the FBI's hiring and oversight of CLs. We believe that the FBI should carefully consider these recommendations, which we believe could help improve the operation of the FBI's language translation program.

FEDERAL BUREAU OF INVESTIGATION

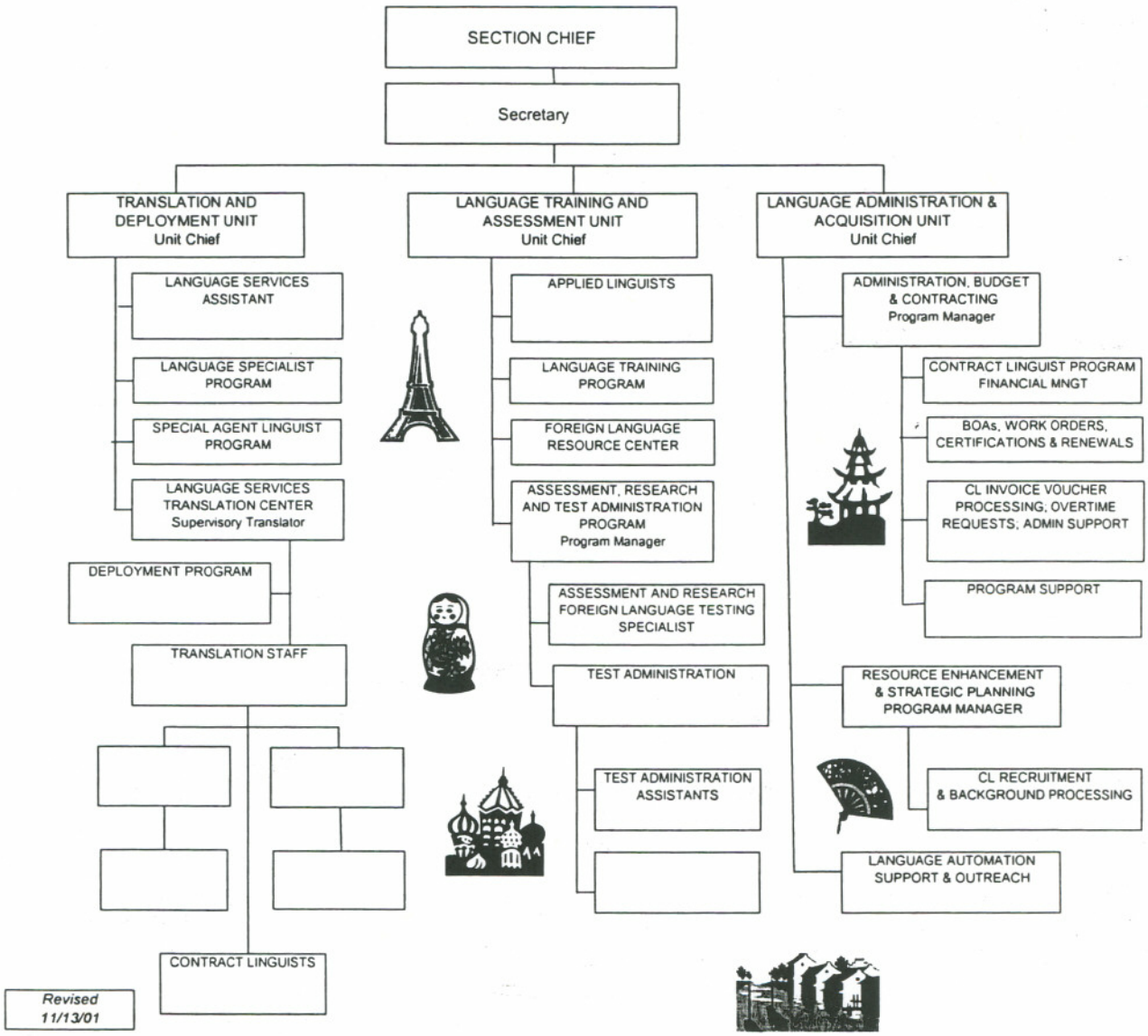


Approved by: JOHN ASHCROFT Date: 3-04-04

Appendix A

Appendix B

FBI LANGUAGE SERVICES SECTION



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

June 30, 2004

Honorable Glenn A. Fine
Inspector General
Department of Justice
Room 4322 Main
950 Pennsylvania Avenue, Northwest
Washington, D.C. 20530

Dear Mr. Fine:

This letter is in response to your draft report on Sibel Edmonds. First, I disagree with your conclusion that Edmonds, a private contractor, was retaliated against for her making allegations of misconduct or mismanagement. Edmonds was terminated from the FBI because she committed security violations and was a disruption to her office. Second, the FBI thoroughly investigated this matter and determined that retaliation was not the basis of her termination. Your report makes reference to her "increasingly vociferous complaints," and found "insufficient evidence" to substantiate multiple additional allegations made by Edmonds. Under the totality of the facts and circumstances, the FBI was justified to terminate her contract and did not retaliate against her.

The Director has testified before Congress, and has communicated to all employees in the FBI, that he will not tolerate retaliation.

Please feel free to contact me at should you require additional information.

Sincerely yours,

SC McCraw

Steven C. McCraw
Assistant Director
Inspection Division