

United States Senate

WASHINGTON, DC 20510

September 6, 2007

Via Facsimile: (202) 324-6490

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Mueller:

As you know, I believe that encouraging people to report waste, wrongdoing, or mismanagement in any organization is critical to improving the integrity and efficiency of its operations. Protecting whistleblowers from retaliation is critical if the leadership of an organization is serious about hearing what they have to say. Unfortunately, the FBI has a deeply engrained culture of retaliation, in which anyone who speaks out is branded as a troublemaker. Thus, many choose to stay silent rather than risk their careers.

To your credit, you have regularly stated that you will not tolerate retaliation against FBI whistleblowers. However, sometimes it appears as if your message is not being heard or understood by the management at the FBI. I am writing today to bring to your attention allegations I have received that illustrate how the FBI's anti-whistleblower culture remains a serious problem and raise questions of potential witness intimidation.

Attached please find an internal FBI email from Agent Bassem Youssef, which was copied to you, where he reports several disturbing comments made by FBI personnel. As you know, Agent Youssef is a material witness in the Office of Inspector General's (OIG's) continuing inquiry into issues relating to National Security Letters and so-called "exigent letters." Moreover, I understand that he will also be giving classified testimony in the OIG's investigation of issues related to certain controversial National Security Agency surveillance programs.

In this context, the comments that I understand were made to Agent Youssef by senior Bureau officials raise serious questions about whether they were not only endorsing retaliation for past whistleblowing, but also attempting to influence Youssef's upcoming testimony. For example, the email that you were provided states that in Youssef's presence Agent Ed Moschella said of another whistleblower that the proper response was to "hang him." Further, and in that same email, it says that Agent Don Robinson stated that at his interview with the OIG relating to the National Security Letters investigation, "I threw him [Bassem Youssef] under the bus." Moreover, Youssef reported that another individual reportedly asked in connection with the National Security Letter inquiry, "Are you ... getting ready to throw Bassem Youssef off the roof?"

Given your affirmative statements and assurances that you will not support retaliation against FBI whistleblowers, please provide written answers to the following questions:

How do you plan to deal with these comments?

2. Were you aware of the attached email prior to receiving this letter?
3. How have you dealt with this issue since you were copied on the email in early August?
4. Please provide a detailed written response outlining any steps you have taken to address these allegations and to ensure that Agent Youssef is free to give complete honest, forthcoming, and candid testimony in OIG inquiries without fear of reprisal.

If these allegations are true, it would be a disappointing confirmation that the FBI's anti-whistleblower culture is as strong as ever. That culture will never change if senior officials are allowed to openly speak of retaliating against whistleblowers without fear of discipline for doing so. I appreciate your prompt written response no later than September 20, 2007.

All replies should be sent electronically in Adobe portable document format to _____
Please have your staff contact _____ at
(202) 224-4515 with any questions regarding this matter.

Sincerely,



Charles E. Grassley
United States Senator

Attachment

cc: Patrick Leahy, Chairman
Senate Judiciary Committee

Arlen Specter, Ranking Member
Senate Judiciary Committee

Glenn A. Fine, Inspector General
U.S. Department of Justice

From: YOUSSEF, BASSEM (CTD) (FBI)
Sent: Tuesday, August 07, 2007 1:50 PM
To: FRAHM, CHARLES E. (CTD) (FBI)
Cc: MUELLER, ROBERT S. III (DO) (FBI); BILLY, JOSEPH (CTD) (FBI);
VENTURE, VERONICA (OEE) (FBI); YOUSSEF, BASSEM (CTD) (FBI)
Subject: Whistleblower Protection
SENSITIVE BUT UNCLASSIFIED
RECORD 319

Chuck,

Toward the end of the Communications Exploitation Section's (CXS) meeting this morning (at 10:25 AM), Acting Assistant Section Chief Erkan Chase made a reference to whistleblowers. In response SSA Ed Moschella commented "**Hang him**" referring to the whistleblower referenced in Erkan's previous comment.

Additionally, SSA Don Robinson, former SSA in CAU, visited the CAU SCIF after he was interviewed by the OIG in connection with the NSL inspection and commented "**I threw him under the bus,**" referring to me, as he was under the impression that I had referred the NSL matter to the OIG.

On another occasion, the EOPS Unit Chief heard another FBIHQ SSA comment "**Are you (CXS) getting ready to throw Bassem Youssef off the roof?!**"

This creates an extremely hostile work environment for me and for anyone who attempts to oppose discriminatory practices (such as my EEO matter), or who attempts to bring to light or disclose information they reasonably believe evidences a violation of any law, rule or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety."

It is extremely disheartening when GS-14/15 SSAs publicly verbalize their hatred for a fellow government employee, by making mean spirited comments such as the comments made above.

When the FBI sends email messages such as the one attached below, while allowing such comments/actions go unchecked, it gives the appearance that the FBI is not serious in complying with laws against discrimination or retaliation.

Regards,

Bassem Youssef
Chief
Communications Analysis Unit

Communications Exploitation Section

CTD

(202)324-7187

-----Original Message-----

From: HQ_OFFICE_OF_EQUAL_EMPLOYMENT_OPPORTUNITY_AFFAIRS
Sent: Tuesday, December 05, 2006 3:19 PM
To: FBI_FBIHQ; FBI_FO POCS
Subject: No FEAR Act Training

UNCLASSIFIED

NON-RECORD

This message is being sent to: All employees at Headquarters, Field Office and Legats. Please check with the appropriate authority prior to dissemination of this message to all employees within your office to avoid duplications.

Reference EC dated 11/28/2006, entitled, "NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2002 (NO FEAR ACT) MANDATORY TRAINING FOR ALL EMPLOYEES; DEADLINE 12/15/2006."

Please be advised that all No FEAR Act training DVDs have been sent out via Bumail to all field divisions, HQ divisions and Legats. You may also access this training information via a webcast located at the following intranet address:

http://20.10.201.211/VTWeb/WebCast/OEEOA_Videos/OEEOA%20default.htm

Please click on the link and click on the Play Video button to view. If you click the above link and it does not function, please cut and paste it into your intranet webbrowser.

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