

[Unclassified]

February 6, 2024

Ms. Karen Gorman, Acting Special Counsel, and
Ms. Nicole Brightbill, Principal Deputy Special Counsel
The U.S. Office of Special Counsel
Suite 218 / 1730 M Street, N.W.
Washington, D.C. 20036-4505

Request for STATUS UPDATE on “*An Intelligence Disclosure & the MSPB’s Cathy A. Harris,*” as well for a virtual writ of coram nobis for an OSC-award winning whistleblower

Exactly one year ago, the [2001 national security recipient](#) of the U.S. [Office of Special Counsel’s “Public Servant Award”](#) made a *pro se* request asking the OSC to accept an Intelligence Disclosure on the failure of [Cathy A. Harris](#), acting U.S. Merit System Protection Board (MSPB) chair, to uphold the duties of her office. The Petitioner remains unwavering in his belief that the remedy can be found in U.S. law, the Constitution, and in legitimate OSC functions.

As the petitioner showed on February 6th of last year, Ms. Harris even endorsed an illegal contract of adhesion for which [enabling legal counsel](#) later was one of National Security Agency [leaker Edward Snowden](#)’s foremost advocates. When Ms. Harris was confirmed by the U.S. Senate to the MSPB, the [Snowden legal team](#) went to far as to issue a public statement claiming that she had “earned the deep respect of her peers whatever their politics.”

As you can see from the [original 02/06/2023 petition](#), Ms. Harris’ MSPB dismissed the Petitioner’s appeal after speciously reviewing the documentary record regarding a case involving those responsible, including [neo-Nazis](#), for torture, hate speech, sexual deviance, murder, coup mongering, and other felonious common crimes shielded and protected by the Department of Defense, up to and including by a Navy vice admiral now serving as [president of the Naval Postgraduate School \(NPS\)](#). Nor does did Ms. Harris’ 11/17/22 “Non-precedential ... Final Order” mention three related classified Congressional Disclosures the Petitioner gave to the Intelligence Community Office of the Inspector General (IC OIG); yet, his public and IC OIG allegations are fully supported by personal and shared third-party knowledge, as well as by contemporaneous documentary evidence.

Steeped in still-unaddressed fact, *the Petitioner's case highlighted MSPB (and Harris)-supported federal false statements, dating to the time then active-duty Ann E. Rondeau headed the National Defense University (NDU).*

Since the Petitioner filed before the OSC last year, several related issues have come to the fore, making an OSC intelligence disclosure all the more important.

On December 23, the *Government Executive* reported that of the 10 federal agencies that saw the worst declines in employee morale since last year, in second place in the aberrational plummet was the MSPB headed by the dysfunctional Ms. Harris. “Only 18 agencies with at least 100 employees across the federal government saw declines in their employees’ reported job satisfaction, as measured by OPM’s Global Satisfaction Index,” it noted. Meanwhile, “Government-wide, the measure ticked up two points out of 100 compared with last year, landing at 64 out of 100.”

The 11-point MSPB decrease in employee morale under Harris mirrored growing whistleblower disgust with current leadership in the federal agency that supposedly protects federal government truth-tellers. The *Government Executive* report came after critical developments in the case now before the OSC – one that Ms. Harris sought to crush – concerning the Petitioner’s whistleblowing about a [former NDU professor](#) (and [supposed CIA agent](#)), [Jaime Garcia Covarrubias](#).

Last September, [Garcia Covarrubias was sentenced to life imprisonment](#) after being convicted in three separate cases in civilian court for his role in the torture and murder of nine unarmed detainees, including four university students.

What is more, Christmas 2023 was the day a winner of the NDU “William Perry Award” and a one-time close friend of the Petitioner, died. As a former coordinator of the award, the Petitioner can now disclose critical national security concerns that went perhaps purposefully unaddressed in the Perry Award winner first not being chosen, only to then go on to receive the coveted recognition. (The Perry Award has also been given to foreigners that U.S. law enforcement – i.e., the DEA – and other reputable government agencies say are/were involved in [international narcotics trafficking, the murder of unarmed detainees](#), and other crimes.)

The missive to you today asks that the Petitioner be allowed forthwith to make his highly sensitive national security disclosures to the OSC concerning the ongoing concerns involving, inter alia, Ms. Harris, vice ADM. Rondeau, et. al, as well as the purposefully truncated Perry Award process.

In addition, the Petitioner asks that the entire purposefully defamatory process, in which an already OSC-decorated and peaceful whistleblower was claimed by Rondeau et. al to be a “security risk,” be seen as yet another example of the common misuse of so-called “settlement agreements” to silence federal employees reporting unlawful acts.

In that regard the Petitioner submits for OSC consideration an amicus [brief](#) filed by Nathaniel A.G. Zelinsky of Hogan Lovells with the United States Court of Appeals for the District of Columbia in the case of *Anthony Perry vs Gina Raimondo, et. al, U.S. Department of Commerce*.

The Perry case is particularly relevant to the one now before you given the role played by the US District Court for the District of Columbia. An oral argument in the Perry case is scheduled for 9:30 a.m., February 12, 2024, in the United States Court of Appeals for the District of Columbia Circuit.

Please note that a third fellow whistleblower, David Grogan, a retired supervisory deputy U.S. marshal who served in the U.S. Marine Corps, gives a personal account of similar reprisals dressed as a settlement in both the Perry case and that of the Petitioner. "I will attend the Perry case oral arguments," said Mr. Grogan, who led a \$300 million lawsuit against the Justice Department. "Like Anthony Perry and many truth-telling employees," Mr. Grogan added, "I was subjected to tremendous retaliation from my employer and forced to [drop claims](#) against the Department."

(Note: I plan to forward this request to the OSC to Mr. Perry and Mr. Zelinsky as a potential amicus that they can use before the U.S. Court of Appeals, as well as to Mr. Grogan. #WeAreNotSnowden)

Finally, the Petitioner respectfully asks the OSC to issue a substantive opinion on the case before you in the form of the administrative equivalent of a writ of *coram nobis* that can definitively wipe out both the bogus “security risk” claims made by vice ADM. Rondeau, et. al as well as the contract

of adhesion they claimed was a true settlement agreement. He asks that the OSC do that on the ground that their claims (including those of Ms. Harris) were obtained in a purposeful reliance on a highly selective and distorted factual record.

The Petitioner's request is made with reference to the 1984 writ of *coram nobis* obtained by Fred Korematsu from the U.S. District Court based on the fact that, as a party to the original *Korematsu* case (see *Korematsu v. United States*, 323 U.S. 214 [1944]), he fell victim to responsible U.S. Department of Justice officials who knew the case against him was built on outright fabrications.

In the 1944 *Korematsu* case it was the Commanding General of the Western Defense Command who issued the spurious claims against Fred Korematsu; in the case before the OSC, the oppressive, immoral and criminal reprisal – totally at odds with the information already in possession of the NDU at the time – was coordinated by serving vice ADM. Rondeau and promoted by Ms. Harris and the MSPB.

The original *Korematsu* case was based on – in the words of Supreme Court Justice (and later [Nuremberg chief prosecutor](#) of the German Nazi high command) Robert H. Jackson at the time – “having no real evidence before it, [the Court] has no choice but to accept General (John L.) DeWitt's own unsworn, self-serving statement, untested by any cross-examination, that what he did was reasonable.” (See *Korematsu*, 323 U.S. at 245.)

In some ways the case made by a similarly self-serving Rondeau, et. al, against (now totally vindicated truth telling) was even worse, as those the Petitioner blew the whistle on included neo-Nazi terrorists employed and/or promoted by the NDU senior staff who formerly belonged to foreign organizations [labelled by one U.S. secretary of state as state terrorists](#), including one that killed two people using a car bomb – one an American citizen – less than a mile from the White House.

(Please also note that at virtually the same time as the Petitioner went public with his whistleblowing at the NDU, [a colleague at the Pentagon's university was the victim](#) of slander, libel, aggravated battery and, arguably, false imprisonment, carried out by, among others, [a](#)

[Rondeau minion, one of Garcia Covarrubias' best friends](#) and protectors, and one of those the Petitioner had repeatedly outed for myriad wrongdoing.)

The [ABA Model Rule of Professional Conduct I.16\(b\)\(3\)](#) traditionally permitted lawyers to withdraw from representation of a client when a client “insists upon pursuing an objective that the lawyer considers repugnant or imprudent.” It speaks volumes that Ms. Harris, MSPB, et. al chose to be complicit with NDU’s lawyers in circling the wagons around murderous military impunity.

The Petitioner against asks the OSC to accept an Intelligence Disclosure regarding the above, as well as work with him in an effort to restore his public name.

Very respectfully,


Martin Edwin Andersen

Cc: FBI

International Criminal Court

Jaime Guillermo García Covarrubias

PASAPORTE OFICIAL Nº 2525/74 CONCEDIDO A Jaime Guillermo García Covarrubias



NACIDO EN Valparaíso
El 20 de Octubre de 1948
DOMICILIADO EN Av. Vicuña 678
PROFESION Empleada Público
QUE SE DIRIGE A
VIAJA ACOMPAÑADO DE

FILIACION:
EDAD 36 años ESTADIA 199 mt
CABELLOS Castaños OJOS Verdes
CEDULA DE IDENTIDAD Nº [REDACTED] DE Valparaíso
COMISION:
H
Sesepa. 28 de 8 de 1974

Oficial de Ejército, fue jefe de Contrainteligencia de la DINA, en 1988 fue nombrado por Pinochet subsecretario general de Gobierno y entre 1995 y 1997 fue director de la Academia de Guerra; también fue alumno de la Escuela de las Américas en 1970.

En marzo de 2023, fue condenado a siete años de cárcel como autor del asesinato de Jaime Eltit, ocurrido en 1973 ([ver documento](#)).

Para más información revise el reportaje "Las presiones que desató el encarcelamiento del hermano del jefe del Ejército por DD. HH."

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FD-302a (Rev. 11-14-83)

77B-HQ-1136346

Continuation of FD-302 of MARTIN EDWIN ANDERSEN On 10/26/95 Page 3

ANDERSEN is loyal to the United States government and has never been sympathetic with a traitor or terrorist. He has never advocated the use of force to overthrow the United States government, and has never been involved in the commission of sabotage, espionage or assisting others in terrorism. ANDERSEN has never been a member of an organization that advocates violence and has never advocated the overthrow to the United States government.

From: DANIEPMS <DANIEPMS@uicr.gov>
Date: Fri, Mar 10, 2017 at 2:52 PM
Subject: 3-Day Notice Pursuant to Congressional Disclosure #1703
To: Martin Andersen <andersenm@icig.gov>

Mr. Andersen, our Congressional Liaison office has transmitted your classified Congressional Disclosure #1703 to both the House Permanent Subcommittee on Intelligence and the Senate Select Committee on Intelligence via a classified network, protecting the lawful disclosure of classified information.

Best regards,
Dan Meyer
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Office of the Inspector General of the Intelligence Community (IC IG)
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