

## DECLARATION OF CHARLES E. WASHINGTON

I, Charles E. Washington, do hereby declare and state:

1. I am the former Acting Director of Counterintelligence at the U.S. Department of Energy. I have worked at the Department of Energy since 1991. Before becoming the Acting Director of Counterintelligence, I also held the positions of counterintelligence analyst, program manager and division director. I received the highest annual evaluation of "outstanding performance" as acting director and for every year preceding that since 1992. While I was acting director, I worked directly with Mr. Notra Trulock.
2. Before joining the Department of Energy, my work experience included the following: I am an honorably discharged and decorated, Viet Nam era veteran, and I was a federal criminal investigator for the Air Force Office of Special Investigations (OSI) from 1978-1991. While employed at the OSI, I investigated a variety of criminal activity, and specialized in counterintelligence. From 1984-1990, I worked counterintelligence exclusively, serving as an analyst, branch chief, and division chief for the OSI regional headquarters in Ankara, Turkey. As the OSI Regional Counterintelligence Division Director, I was employed at the regional headquarters in Ankara, Turkey, and I had counterintelligence responsibility for more than 20 Army and Air Force installations in Turkey alone, and for 22 on-call countries in the Middle East and Africa.
3. I have read the Washington Post article of August 24, 1999, which was submitted by Dr. Wen Ho Lee's counsel in this case. The statements attributed to me are accurate, except that my problems with Mr. Trulock were exacerbated by the Administrative Inquiry, and not due exclusively to it.
4. I have read Mr. Bob Vrooman's declaration, including the portions of his declaration regarding statements and actions of Mr. Notra Trulock. As Acting Director of Counterintelligence, I worked directly with Mr. Trulock. While I was Acting Director, I read the Administrative Inquiry that was prepared concerning Dr. Lee. I also participated in discussions regarding the defects and inadequacies of the Administrative Inquiry. Based on my experience and my personal knowledge, I believe that Mr. Trulock improperly targeted Dr. Lee due to Dr. Lee's race and national origin.
5. My reaction upon reading the Administrative Inquiry was that the inquiry was wholly lacking in any support to identify Dr. Lee as a suspect. Upon reading the AI, I also concluded that the investigation was a fishing expedition. As stated in the Washington Post article, I wrote to Mr.

Trulock, and I also talked with him. I recommended among other things, that the AI be closed due to a complete lack of evidence.

6. Based upon my personal experience with Mr. Trulock, I strongly believe that he acts vindictively and opportunistically; that he improperly uses security issues to punish and discredit others, and that he has racist views towards minority groups. I am a black man of African-American origin, and I personally experienced his misconduct, and I know of other minorities who were victimized by Mr. Trulock. At one point I was forced to call outside police officers due to Mr. Trulock's abusive behavior, and I brought a lawsuit against the Department of Energy based on that incident, as well as other improper conduct by Mr. Trulock. That case was settled favorably to me by the Department of Energy this year with a pay raise, a cash award, restoration of leave, and other incentives.

7. I have been informed of the section of FBI Special Agent Messemor's declaration which states that a "completely new" investigation was initiated against Dr. Lee in March, 1999, after certain files were found on the open computer and certain documents in his office were found to not have appropriate markings. While I do not know the specifics of these alleged infractions, based upon my experience at the Department of Energy, I know that there were instances where DOE employees compromised classified or other sensitive information, where computers were improperly used, and where files were inappropriately marked, but criminal investigations were not opened.

8. Based upon my experience in counterintelligence and my personal experience with the AI and Notra Trulock, I have concluded that if Dr. Lee had not been initially targeted based on his race (Taiwanese-Chinese), with the resulting wide press disclosures that he had purportedly and the politicizing of the situation, he may very well have been treated administratively like others who had allegedly mishandled classified information.

9. In the counterintelligence training I have received and in my counterintelligence experience, I am unaware of any empirical data that would support a claim that Chinese-Americans are more likely to commit espionage than other Americans. Further, I know of no analysis whatsoever that has been done as to whether American citizens born in Taiwan would be more likely to commit espionage for the People's Republic of China.

10. I am aware of Department of Energy employees who were not imprisoned or prosecuted for committing offenses that are much more serious than the "security infractions" alleged to have been committed by Dr. Lee. I am personally aware of a DOE employee who committed a most egregious

case of espionage that cost our nation billions of dollars and drastically impacted our national defense. That DOE employee was not prosecuted.

11. I was informed of the government's claim that no other individuals have committed similar offenses to Dr. Lee and avoided prosecution. Although I do not currently have access to Department of Energy and FBI files regarding investigations of other DOE employees, I am certain that DOE files contain information that would prove that this claim is false. There is a big difference between a security infraction and espionage; security infractions are less serious. Security infractions within DOE are not unusual, and as long as one is in good favor, security infractions generally do not result in harsh discipline, much less criminal prosecution and pre-trial confinement. Many security infractions involving classified information simply result in a form being completed that indicates the violator was verbally counseled, even though these counselings frequently did not occur. I do not believe that prior to the AI involving Dr. Lee, that other DOE employees who were in good favor underwent this type of extreme scrutiny and criminal prosecution, when they committed security infractions.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on August 11, 2000 in Greenbelt Maryland.

  
Charles Washington