

~~SECRET~~

[Redacted]

(S)

b1
b6
b7C

[Redacted]

(S)

b1
b6
b7C

OIG Conclusion (U)

[Redacted]

(S)

b1
b6
b7C

I.

(S)

[Redacted]

(S)

b1
b6
b7C
b1
b6
b7C

[Redacted]

(S)

b1
b6
b7C

[Redacted]

b1
b6
b7C

(S)

~~SECRET~~

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b6
b7C

~~SECRET~~

[Redacted]

(S)

[Redacted]

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b6
b7C

OIG Conclusion (U)

[Redacted]

(S)

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b6
b7C

J. Documents Allegedly Taken from Edmonds' Workspace (U)

(S) Edmonds alleged that documents disappeared from the desk she shared [Redacted] Because Edmonds was a part-time contractor, she did not have an assigned desk and therefore kept her personal and work related items in the desk of a colleague [Redacted]

b1
b6
b7C

Edmonds alleged that some of the missing documents related to a project she was working on [Redacted]

(S)

[Redacted]

(S)

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b7C

Several of Edmonds' colleagues confirmed that Edmonds spoke to them about missing documents while she was working at the FBI. [Redacted]

[Redacted]

(S)

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b6
b7C

OIG Conclusion (U)

(S) We did not find sufficient evidence to substantiate Edmonds' allegation [Redacted] Although Edmonds reported her concern about missing documents to several co-workers and to her supervisor near the time she alleged it occurred, [Redacted]

(S)

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b1

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b7C

(S)

[Redacted]

We were therefore unable to

substantiate this allegation. ~~(S)~~

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K.

[Redacted]

(S)

[Redacted]

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(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

(S)

[Redacted]

b1

(S)

OIG Conclusion (U)

[Redacted]

b1

b6

b7C

(S)

VI. FBI'S INVESTIGATION OF EDMONDS' ALLEGATIONS (U)

[Redacted]

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b7C

(S)

[Redacted]

(S)

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b7C

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(S)

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b6

b7C

[Redacted]

(S)

(S)

We believe the FBI's handling of the allegations reflected an unwarranted reluctance to vigorously investigate the allegations or to conduct a rigorous examination

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(S)

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b7C

~~SECRET~~

A. [Redacted] (S)

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[Redacted] (S)

[Redacted] (S)

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b7C

[Redacted] (S)

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b6
b7C

[Redacted] (S)

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b6
b7C

~~SECRET~~

(S)

~~SECRET~~

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b7C

[Redacted] (S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

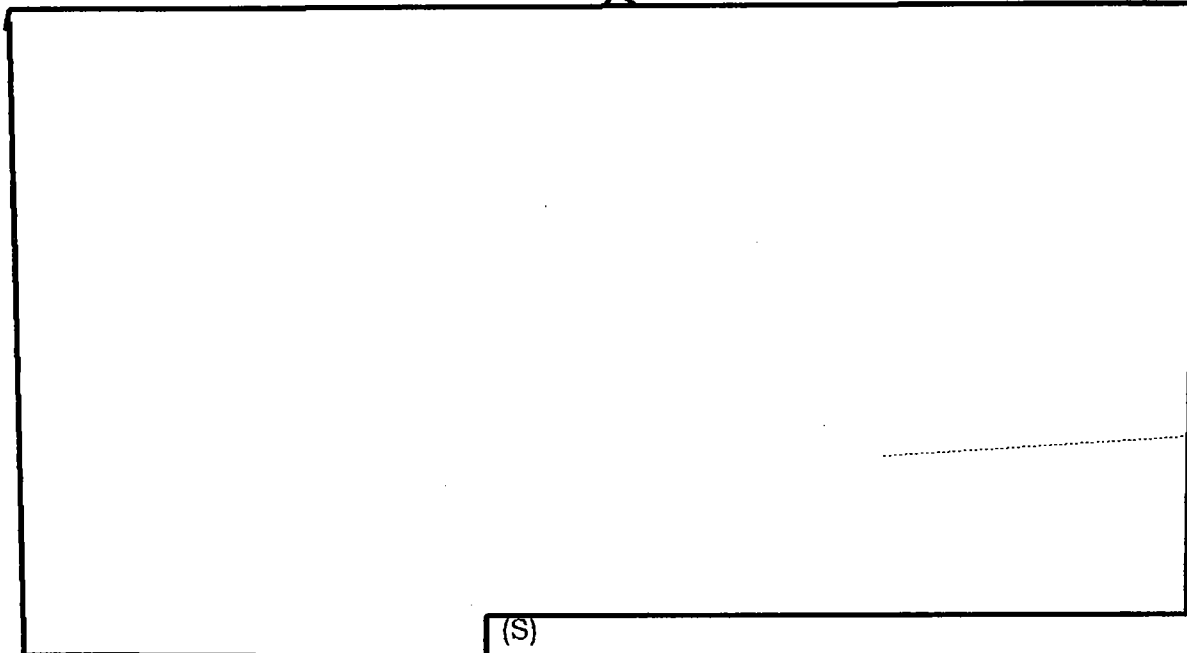
(S)

[Redacted] (S)

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~~SECRET~~

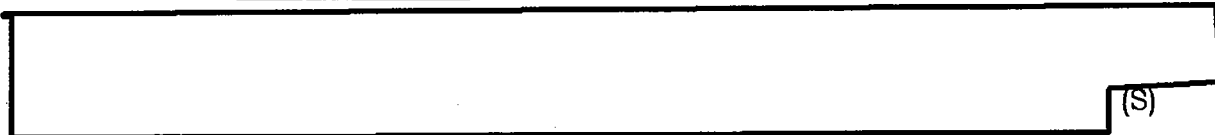
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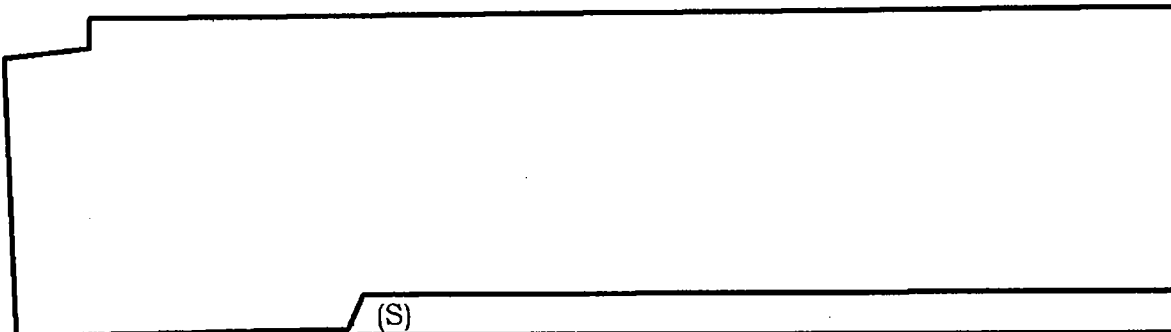
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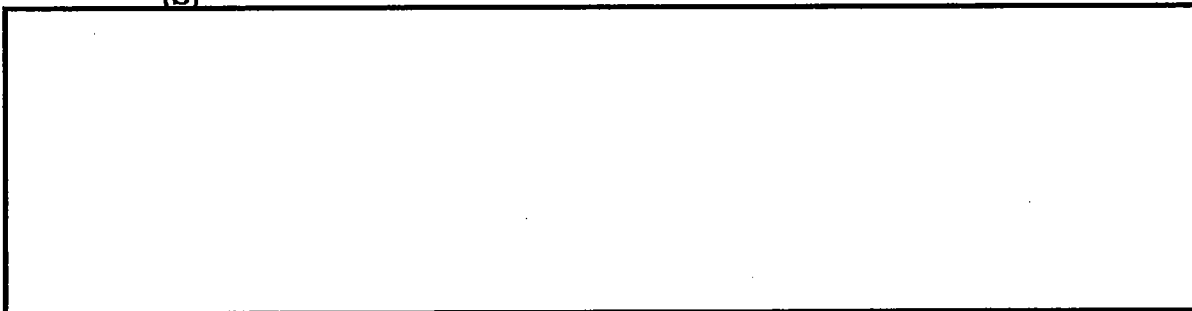
(S)

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b7C

B.



(S)



b1
b6
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67
~~SECRET~~

~~SECRET~~

b1

[Redacted]

(S)

[Redacted]

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(S)

[Redacted]

b1

b6

b7C

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[Redacted]

b1

b6

b7C

(S)

b1

b6

b7C

[Redacted]

(S)

~~SECRET~~

~~SECRET~~

b1

[Redacted]

b6

b7C

(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

b6

b7C

(S)

b1

c.

[Redacted]

(S)

[Redacted]

b1

b6

b7C

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

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b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

**D. FBI's Response to Edmonds' First Written Complaint -
January 22, 2002, Memoranda (U)**

[Redacted]

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(S) b6
b7C

(S)

~~(S)~~

[Redacted]

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b6
b7C

(S)

b1
b6
b7C

[Redacted]

(S)

[Redacted]

b1
b6
b7C

(S)

70
~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S) Several FBI witnesses told the OIG that allegations suggesting potential espionage by one FBI employee against another are exceedingly rare. The allegation was extremely serious – even if the

(S) evidence was not clear [Redacted]

b1
b6
b7C

[Redacted] 47 (S)

At the time of these events, the FBI had no protocol for the receipt and investigation of derogatory information about an employee or contractor. In May 2002, in response to the Hanssen case, the FBI created a new

⁴⁷ As demonstrated by the espionage of former FBI Agent Robert Hanssen, the FBI must take seriously allegations suggesting security breaches [Redacted]

(S) [Redacted] 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 Detering, Detecting, and Investigating the Espionage Activities of Robert Philp Hanssen," August 2003, at 148-60. (S)

b1

~~SECRET~~

counterespionage section, CD-4, to investigate allegations of espionage within the intelligence community, including all allegations of penetrations of the U.S. Government. According to the Chief of CD-4, if Edmonds' allegations were made today, they might still be investigated by the Security Office. [redacted]

b1

(S) [redacted] However, he said that at a minimum that Security Office should consult with CD-4 during the investigation. ~~(S)~~

[redacted] (S)

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b6

b7C

E. FBI's Response to Edmonds' Subsequent Written Complaint, the February 8, 2002, Memorandum ~~(S)~~

The OIG also found problems with the manner in which the FBI handled Edmonds' February 8 memorandum. These problems had significant implications for the investigation the FBI conducted. (U)

[redacted] (S)

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b7C

[redacted] (S)

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b6

b7C

b1

b6

b7C

[redacted] (S)

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

[Redacted]

(S)

(S)

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b7C

(S)

(S)

[Redacted]

b1
b6
b7C

(S)

F. FBI's Security Investigation (U)

(S) [Redacted]

b1

(S) b6

b7C

The Security Office quickly took custody of Edmonds' home computer on February 13 and analyzed it on February 14. The Security Office also deleted classified information from the computer and returned the computer to the Edmondses. (S)

[Redacted]

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b7C

(S)

~~SECRET~~

~~SECRET~~

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[Redacted]

b6

b7C

(S)

[Redacted]

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b6

b7C

(S)

[Redacted]

b1

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b7C

(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

(S)

b1

b6

b7C

(continued)

~~SECRET~~

~~SECRET~~

[Redacted]

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b6
b7C

(S)

[Redacted]

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b6
b7C

(S)

[Redacted]

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b7C

(S)

[Redacted]

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b7C

(S)

[Redacted]

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b6
b7C

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

(S)

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b7C

[Redacted]

(S)

b1
b6
b7C

[Redacted]

(S)

b1
b6
b7C

[Redacted]

(S)

b1
b6
b7C

[Redacted]

76

~~SECRET~~

b1
b6
b7C

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

Finally, we believe the FBI Security Division failed to treat Edmonds' allegations adequately.

(S)

[Redacted]

(S) b1

Nevertheless, the Security Division failed to initiate a more thorough investigation. For all of the reasons already set forth in this report, we believe ample basis existed for such a review. ~~(S)~~

[Redacted]

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b6
b7C

(S)

77
~~SECRET~~

~~SECRET~~

[Redacted]

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b6
b7C

b1
b6
b7C

(S)

G.

[Redacted]

(S)

[Redacted]

b1

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

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b6
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(S)

[Redacted]

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[Redacted]

b1

(S)

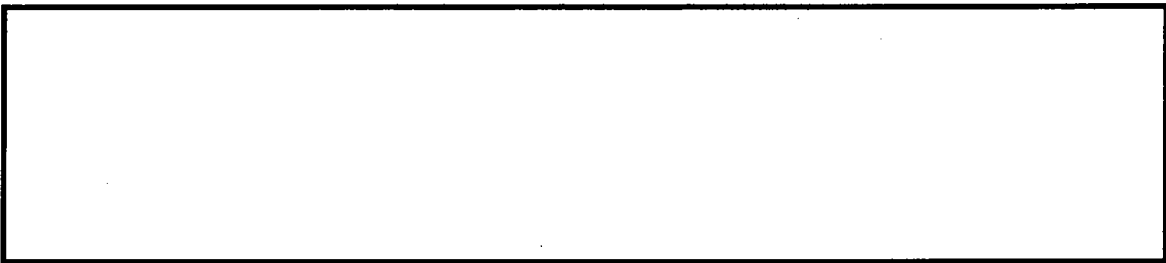
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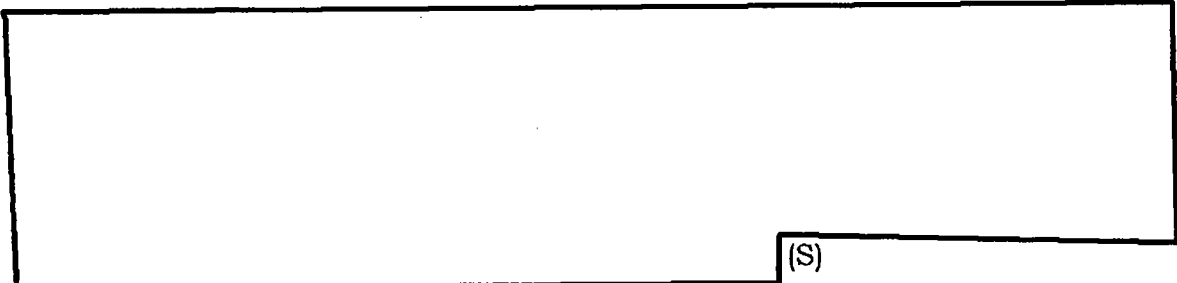
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(S)



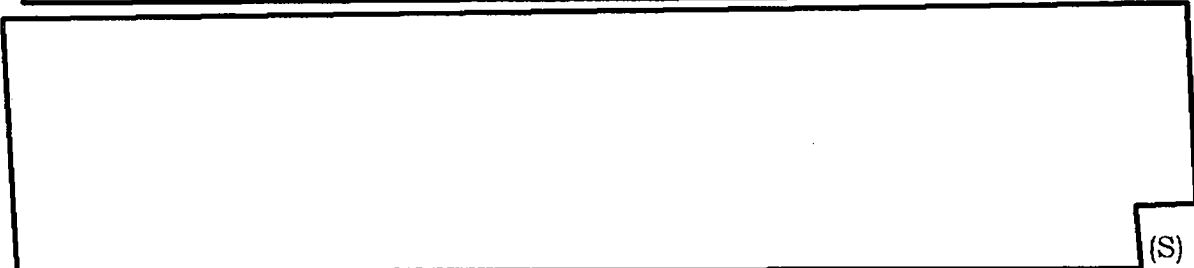
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b6
b7C

(S)



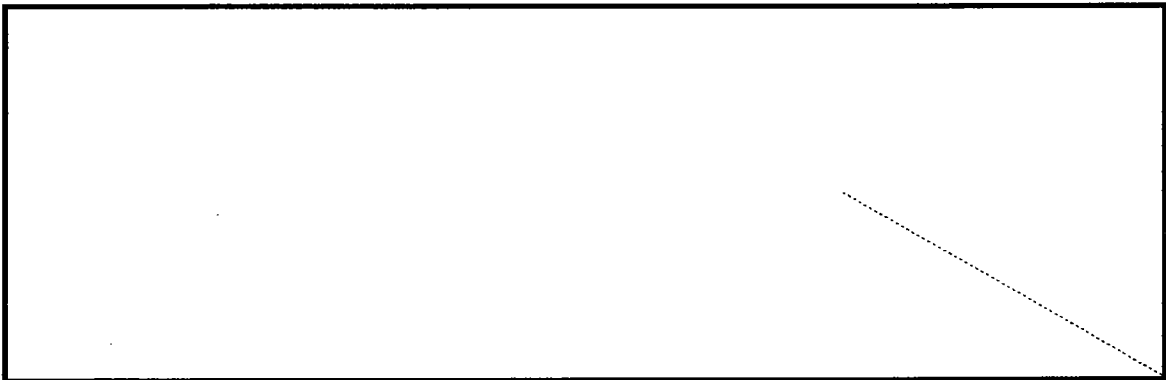
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(S)



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b6
b7C

(S)



b1
b6
b7C

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

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b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

~~SECRET~~

VII. EDMONDS' CLAIM OF RETALIATION (U)

[Redacted] (S)

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. ~~(S)~~

b1

Edmonds does not qualify for "Whistleblower" status under the FBI Whistleblower regulations because she was a contractor, not an FBI employee. See 28 Code of Federal Regulations § 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 of these regulations when analyzing whether a complainant can demonstrate improper retaliation. (U)

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. Section 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; or 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). (U)

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. (U)

[Redacted]

b1

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

b1

(S)

[Redacted]

(S)

b1

b6

b7C

(S)

(S)

~~(S)~~

[Redacted]

b1

(S)

[Redacted]

b1

(S)

b1

b6

b7C

(S)

(S)

[Redacted]

(S)

[Redacted]

b1

b6

b7C

~~SECRET~~

[Redacted]

(S)
b1
b6
b7C

(S)

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.⁵¹ (U)

VIII. OTHER ALLEGATIONS MADE BY EDMONDS (U)

[Redacted]

b1
b6
b7C

(S)

~~(S)~~

A. Work "Slow Down" (S)

[Redacted]

b1
b6
b7C

(S)

⁵¹ 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 D. (U)

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

b1

(S)

[Redacted]

b1

b6

b7C

(S)

None of the other linguists the OIG interviewed stated that they heard any linguist or supervisor instruct any linguist to slow down work or otherwise abuse the time and attendance rules of the FBI. (U)

OIG Conclusion (U)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

(S)

~~SECRET~~

b1
b6
b7C

~~SECRET~~

B.

[Redacted]

(S)

[Redacted]

b1
b6
b7C

(S)

1.

[Redacted]

(S)

The FBI administers language tests in two phases to CL and CM candidates. In "Phase I," the FBI administers the Defense Language Proficiency Tests (DLPT) for Listening Comprehension and Reading Comprehension [Redacted]

(S)

[Redacted]

b1

(S)

In order to pass the DLPT, CLs must obtain a score of at least 45 on both portions of the test. CMs must achieve a score of at least 45 on the listening comprehension portion. ~~(S)~~

Phase I also includes an English Composition test, which includes both multiple-choice questions and an essay, and is graded on a scale of 0-5.⁵⁴ In order to pass the English Composition portion of Phase I, a CL must obtain a score of at least 2+ and a CM candidate must achieve a score of at least 2. According to the FBI's MAOP, only linguists who pass "Phase I" of the FBI's language test battery will be scheduled for "Phase II." See MAOP Part 1, Section 22-1.7. (U)

Phase II consists of Foreign Language Speaking and English Language Speaking tests. According to Margaret Gulotta, Chief of the FBI's Language Services Section, Phase II is administered over the telephone by a "highly-educated native speaker." It is also graded on a 0-5 scale. (U)

⁵⁴ Possible scores include "pluses," but not minuses (i.e., 0, 1, 1+, 2, 2+, 3, 3+, 4, 4+, and 5). A score of 1+ is described as "Elementary Proficiency, Plus," a score of 2 is described as "Limited Working Proficiency," and a score of 3 is described as "General Professional Proficiency." (U)

~~SECRET~~

~~SECRET~~

The Phase I English Composition, Phase II Foreign Language Speaking, and Phase II English Language Speaking tests are considered together in the qualification process. In order to qualify as a CL, a candidate must obtain a score of 3 or higher on any two of the three tests and may score as low as 2+ on the third test. A CM candidate may score as low as 2 on any one of the three tests but must score 2+ or higher on the other two tests. According to Gulotta, between June 2000 and July 2002 the FBI administered over 4,300 language tests [redacted] (S)

b1

[redacted] (S)

b1
b6
b7C

b1
b6
b7C

2. [redacted] (S)

[redacted] (S)

b1
b6
b7C

[redacted] (S)

b1
b6
b7C

b1
b6
b7C

[redacted] (S)

(S)

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

According to Gulotta, however [Redacted] did not have the authority to grant this waiver. Only the Unit Chief of LTAU may grant such a waiver. MAOP Part 1, Section 22-1.7(4). Gulotta also told the OIG in July 2002 that the FBI did not have any other CMs who had been hired based on waivers. [Redacted] stated that she believed she had the authority to grant the waiver because in past emergency situations contractors had been allowed to work with no or incomplete testing, or had received waivers from a Program Manager. (U)

b6
b7C

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

3.

[Redacted]

(S)

b1

b6

b7C

[Redacted]

b1

b7C

b6

(S)

[Redacted]

b1

b6

b7C

(S)

[Redacted]

b1

b6

b7C

(S)

⁵⁵ In September 2002, the request was broadened to include CMs. (U)

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

OIG Conclusion (U)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

~~SECRET~~

C. Switch of Linguists

[Redacted] (S)

b1

[Redacted] (S)

b1
b6
b7C

[Redacted] (S)

b1
b6
b7C

[Redacted] (S)

b1
b6
b7C

[Redacted] (S)

b1
b6
b7C

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

OIG Conclusions (U)

[Redacted]

b1
b6
b7C

(S)

~~SECRET~~

[Redacted]

b1
b6
b7C

(S)

D. Additional Allegations (U)

Edmonds made other allegations that the OIG investigated and did not substantiate. We discuss those briefly below. (U)

1. Other Travel-Related Allegations (U)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

b1
b6
b7C

(S)

[Redacted]

(S)

b1
b6
b7C

[Redacted]

b1
b6
b7C

(S)

~~SECRET~~

~~SECRET~~

[Redacted]

b1
b6
b7C

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

2. Improper Receipt of Gifts by Supervisors (U)

[Redacted]

b1
b6
b7C

[Redacted]

b1
b6
b7C

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 in Washington, D.C. He estimated that the watches could be worth anywhere from \$20 to \$100. (U)

[Redacted]

b1
b6
b7C

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 1-13.1. This provision of the MAOP is the same as the DOJ regulation prohibiting gifts from subordinates to supervisors. 5 CFR 2635.302 & 304

[Redacted]

b1
b6
b7C

b1
b6
b7C

3.

(S)

(S)

[Redacted]

b1
b6
b7C

4. Unauthorized Disclosure of Information to Congress (U)

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, Edward Shubert, 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

~~SECRET~~

clearance, the briefing was unclassified. [REDACTED]

b1

b6

b7C

(S)

[REDACTED] (S) Shubert

has since retired.⁵⁷ (S)

[REDACTED]

b1

We believe this incident demonstrates the problems inherent in attempting to "talk around" classified information. (S)

IX. OIG RECOMMENDATIONS (U)

In light of the issues that we examined in this case, we are providing eight systemic recommendations to the FBI in an attempt to help it improve its foreign language translation program. (U)

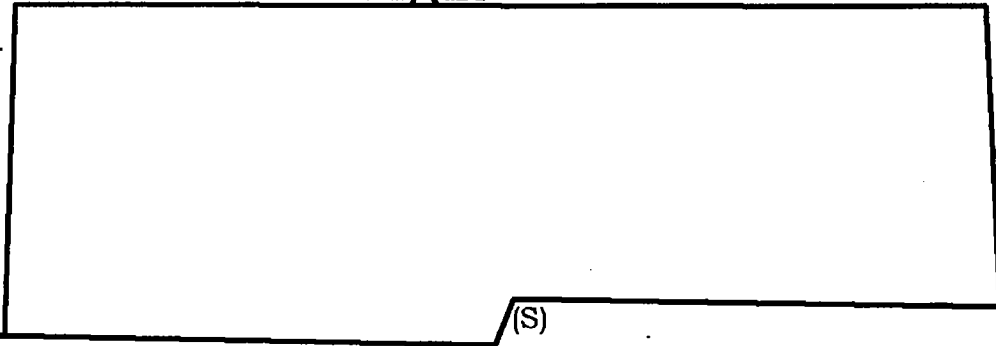
1. **The FBI should consider having an employee from the Language Services Section or a case agent from the relevant squad interview contract linguists before they are hired by the FBI.** The FBI's hiring process for contract linguists includes both language testing and a full background investigation. Although the background investigation includes a Personal Security Interview designed to obtain information relevant to the security clearance, contract linguists are not interviewed before being hired by employees from the Language Services Section or any operational agents. As a result, the supervisors of contract linguists or contract monitors never have an opportunity to meet with the linguist and explore any issues relating to their qualifications, background, or foreign contacts prior to the linguists starting work. 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 contract linguists and contract monitors. Such an interview could include the applicant's future supervisor or a case agent from a relevant operational squad. (U)

⁵⁷ This briefing recently has become the subject of congressional complaints regarding retroactive classification of information by the DOJ. (U)

~~SECRET~~

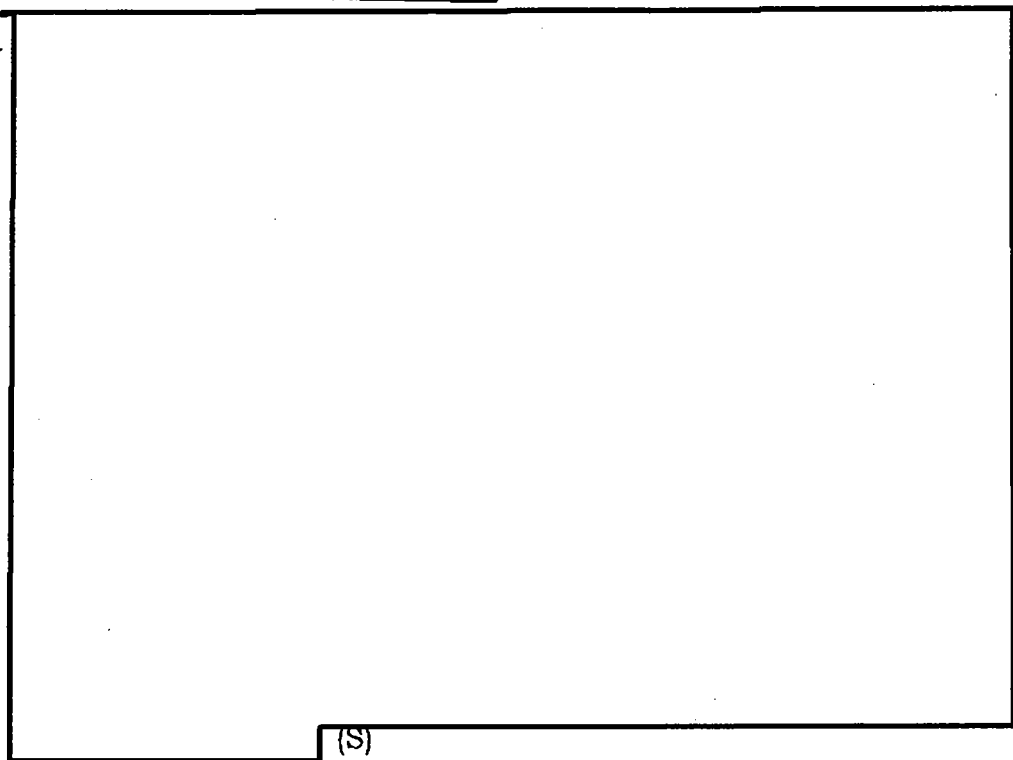
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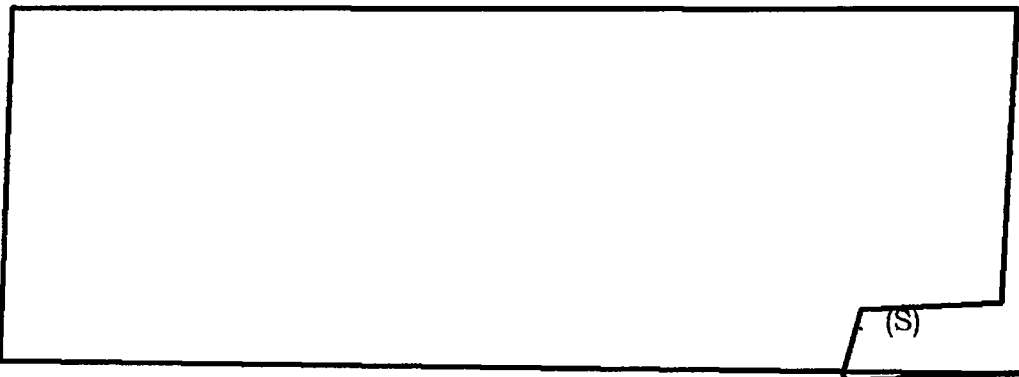
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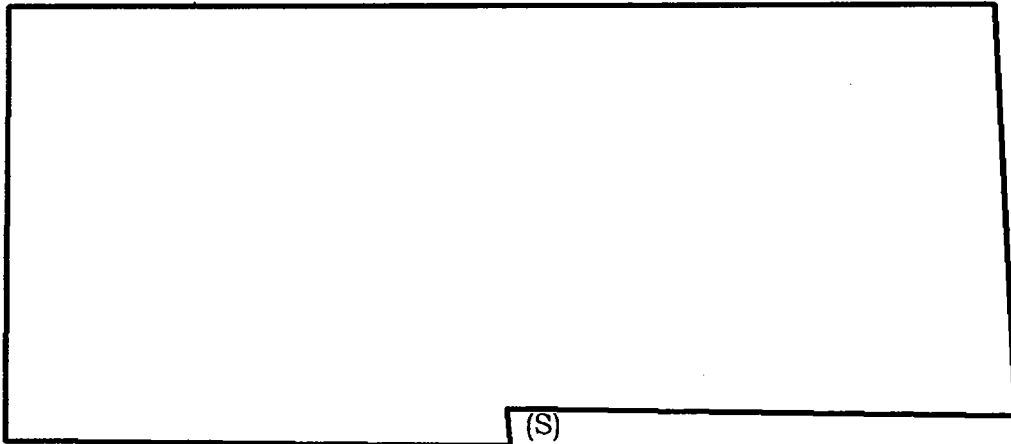
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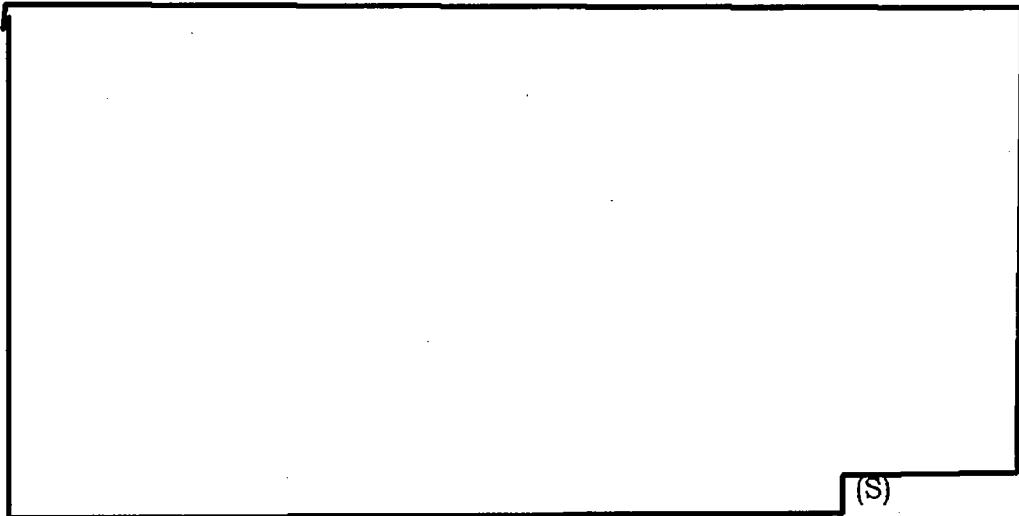
5. **The FBI should establish a uniform policy with regard to work assignment sheets for linguists.** In the Language Services Section, work assignment sheets that should contain the signatures of the translator, reviewer, and editor who worked on a particular translation are destroyed after the information 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. (U)

6.



(S)

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(S)

b1

7 [Redacted]

b1

(S)

8. **The FBI should reinforce ethics rules regarding gifts to supervisors.** We found that the practice of giving small gifts to language squad 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 squad supervisors and linguists to stop the practice of supervisors accepting gifts from linguists. (U)

X. CONCLUSION (U)

[Redacted]

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(S)

[Redacted]

b1

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b7C

(S)

~~SECRET~~

[REDACTED]

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b6
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(S)

[REDACTED]

b1
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b7C

(S)

(S) Edmonds also alleged that the FBI retaliated against her by terminating her services as a contract linguist. 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 [REDACTED] 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. ~~(S)~~

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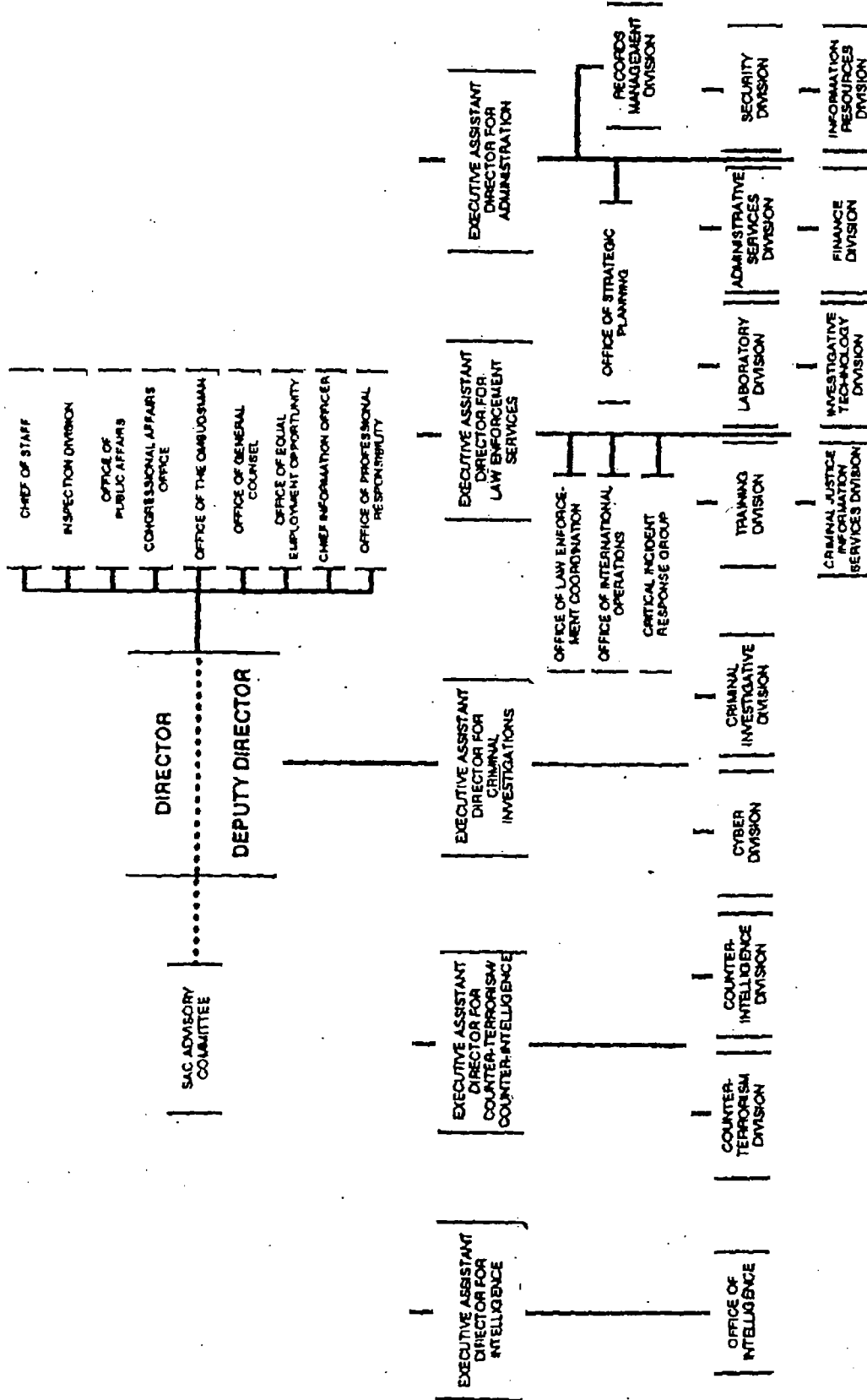
With regard to Edmonds' other allegations of misconduct, most were not supported by the evidence we reviewed. However, she did raise a valid concern about unnecessary travel for certain linguists. (U)

Finally, our review also found problems in the oversight of FBI contract linguists. 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 contract linguists. 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. (U)

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APPENDICES

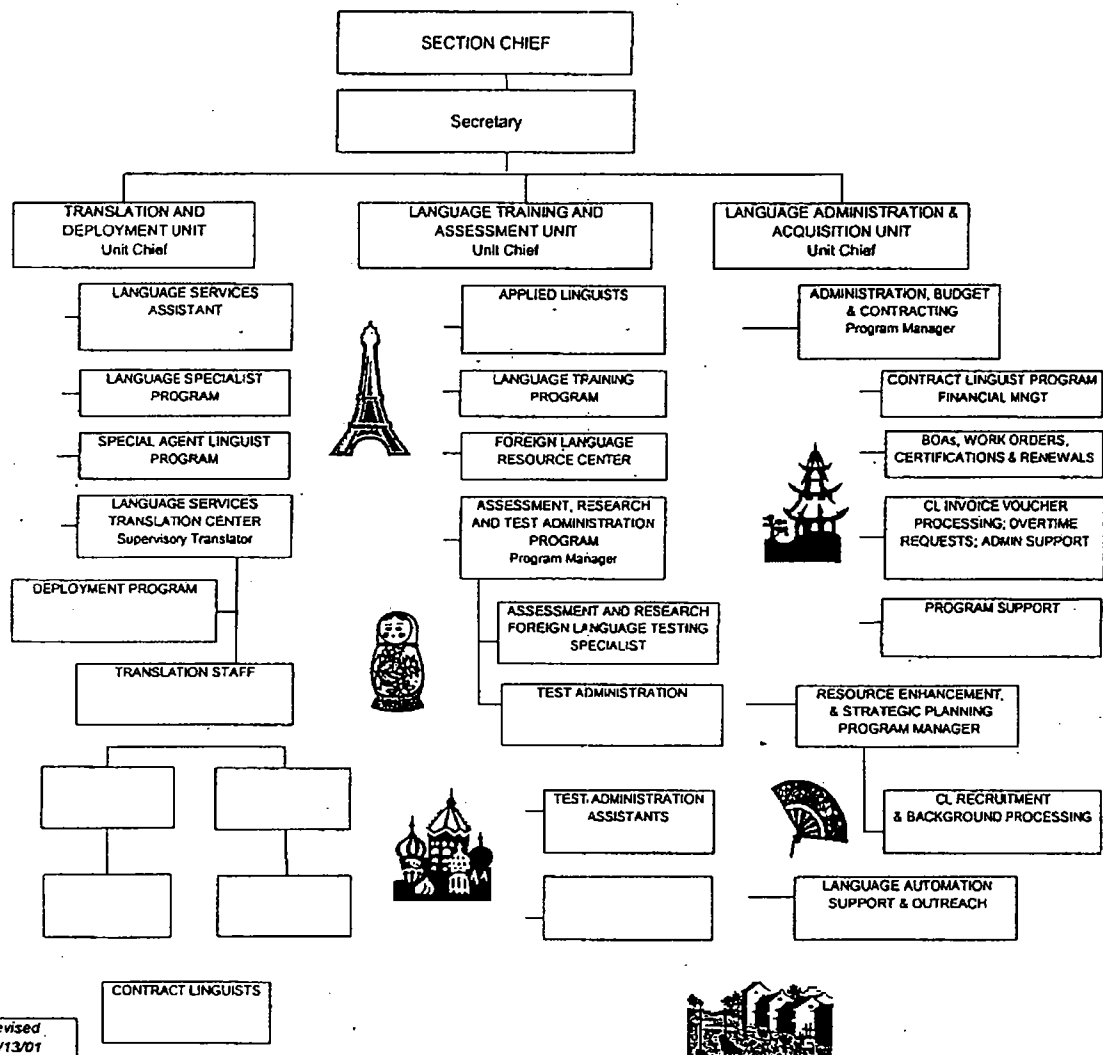
FEDERAL BUREAU OF INVESTIGATION



Appendix A

John Ashcroft
 Approved by: *John Ashcroft* on 3-24-07
 JOHN ASHCROFT

FBI LANGUAGE SERVICES SECTION



endix C

(S)

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U.S. Department of Justice

Appendix D

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 (202) 324-2901 should you require additional information.

Sincerely yours,

Steven C. McCraw
Assistant Director
Inspection Division