



# JEFF BINGAMAN

NEW MEXICO

703 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 ■ CONTACT KRISTEN LUDECKE OR KEN BERLACK (202) 224-5521

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To: Richard Barlow  
From: Pat Armijo  
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## BINGAMAN SEEKS COMPENSATION FOR PENTAGON WHISTLEBLOWER

*New Mexico Man Alleges DoD Retribution After He Threatened to Warn Congress of Nuclear Capability of F-16 Aircraft to be Sold to Pakistan*

WASHINGTON, DC -- U.S. Senator Jeff Bingaman (D-NM) today introduced legislation to financially compensate a former high-level Department of Defense employee who in 1989 lost his security clearance and job after threatening to divulge classified information to Congress about the nuclear capabilities of the F-16 aircraft, which were to be sold to Pakistan. The former employee, Richard Barlow, is now a resident of Santa Fe, New Mexico.

Secondly, as is common procedure with many private relief bills, Bingaman introduced a Resolution referring the bill to the U.S. Court of Federal Claims to provide additional guidance to Congress on the validity of the case and the level of compensation that should be provided. Bingaman's bill, if enacted, would authorize Congress to provide Barlow \$1.1 million in compensation for financial losses he suffered as a result of the personnel actions taken by the Department of Defense.

"This single event has caused Mr. Barlow extraordinary hardship. But this is more than just a heart-wrenching story. This case has important implications for whistleblowers who must be protected against employer retribution. And in light of what we now know about Pakistan's nuclear program, this case also raises important national security questions," Bingaman said.

In 1989, while employed in the Office of the Secretary of Defense, Barlow became aware that testimony his supervisors had provided to the House Foreign Affairs Committee regarding a \$1.4 billion sale of F-16s to Pakistan was incomplete and inaccurate. Specifically, he alleged that his supervisors had misinformed Congress about the nuclear capabilities of these aircraft. When Barlow made these claims to his supervisors, he was immediately stripped of his high-level security clearance, was subjected to an intense and invasive two-year investigation into nearly every aspect of his life, and was soon thereafter

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issued a notice terminating his employment with the Department. Facing termination, Barlow resigned in 1992.

Bingaman noted that Congress enacted the Whistleblower Protection Act many years ago to protect federal employees from being punished for disclosing certain information. He said that in this year's defense bill, that protection was expanded to cover employees of the executive branch who provide classified information to Congress. Today he said, "Mr. Barlow's case may have pre-dated these new protections, but that certainly doesn't deprive him of the right to due process."

"Mr. Barlow has exhausted all other avenues of appeal and remedy. Investigations into this case have concluded that the actions against him were taken without cause. This bill guarantees Mr. Barlow an independent judicial review of the case and a judgement as to how he should be compensated so he can begin to put this ordeal behind him," Bingaman said.

Barlow approached Bingaman's office in 1993, at which time Bingaman asked the Inspectors General (IG) of the DoD to review the matter. DoD, CIA and the Department of State Inspectors General conducted reviews. While DoD and CIA concluded the Department's personnel actions were legal and appropriate, the State Department IG took exception and believed that retribution took place. Bingaman then pushed the Senate Armed Services Committee to request a report from the General Accounting Office, which said in July 1997 that the DoD IG had not provided adequate evidence to support their conclusion that the actions taken against Barlow were legal and appropriate.

Finally, Bingaman last summer asked the Secretary of Defense to determine whether the Department could offer compensation to Barlow. The Department responded in November 1997 that it did not believe compensation was justified.