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United States Senate
 COMMITTEE ON ARMED SERVICES
 WASHINGTON, DC 20516-8050
 100 GENERAL COUNSEL

April 21, 1995

Ms. Judith Ann Miller
 General Counsel
 Department of Defense
 1600 Defense Pentagon
 Washington, D.C. 20310-1600

Dear Ms Miller:

The Armed Services Committee has been contacted by Mr. James C. Duff on behalf of Mr. Richard Barlow. The information supplied to the Committee by Mr. Duff suggests a number of questions that need to be answered by the Department of Defense.

Mr. Duff indicates that there has been extensive correspondence between his office, DoD and his client. I assume that events and documents referred to in this letter are familiar to you. If there are any items that you are not familiar with or need additional information to locate, please let me know and I will assist you in obtaining the needed material.

Specifically, I would like you to address the following questions:

(1) How does DoD distinguish the cases cited by Mr. Duff in his letter of June 30, 1994 in support of monetary relief for a Privacy Act violation from the Barlow matter?

(2) How does DoD reconcile its initial offer of a monetary settlement -- albeit one with a "gag order" clause -- with its current position that no monetary relief is authorized?

(3) Is it DoD's position that it is authorized to prevent "classified whistleblowing" for security reasons?

G.C.
 (a) Explain how DoD can take unwarranted security or personnel actions against its intelligence officers to prevent them from expressing their classified opinions to the HPSCI and the SSCI staff members of those committees involving CIA or NSA information?

(b) Is there monetary remedy for such inappropriate action by DoD?

G.C.
 (4) Have Mr. Barlow's analyses or views on Pakistan's nuclear weapons program and DoD's misleading Congress with regard to such program been in any way inaccurate?

6 (1) (5) Was DASD Arthur Hughes' testimony on August 2, 1989 before the HFAC subcommittee accurate regarding DoD knowledge of Pakistan's modification of its existing F-16's for nuclear delivery, its intentions in this regard, and the reliability of its nuclear assurances? Who drafted Mr. Hughes testimony?

Dick Howell
to (6) Does DoD maintain that it violated no regulations governing probationary employees in Mr. Barlow's case? Why was Mr. Barlow not confronted with his alleged deficiencies prior to the extreme actions taken by DoD?

yes (7) Has DoD considered Mr. Barlow's previous six years of federal service, a three year probationary period in an excepted Agency and a promotion by DoD in its decision on this matter?

Lowell
O'Toole (8) Why did the DIS investigation of Mr. Barlow continue when it was learned that the initial allegations against him were false? Why wasn't Mr. Barlow returned to his position at that point?

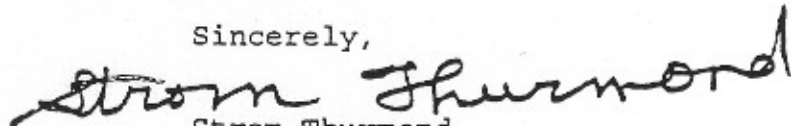
Lowell
O'Toole (9) Does DoD have any intention of terminating or otherwise reprimanding the individuals who made false allegations about Mr. Barlow that led to the inappropriate personnel and security actions taken by DoD against him?

I hope the questions are clear. Mr. Barlow has supplied additional items of concern with each of the above question. I have enclosed his questions and comments in the hopes that they will assist you in focusing on each area.

I appreciate your attention to this matter and look forward to your earliest response.

With kindest regards and best wishes,

Sincerely,



Strom Thurmond
Chairman

ST/dd
Enclosures