

FILED

DEC - 6 2004

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF COLUMBIA

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

██████ DOE (P),<sup>1</sup> )  
)  
(True Name and Address) )  
Classified), )  
)  
Plaintiff )  
)  
v. )  
)  
Hon. PORTER GOSS )  
Director, )  
Central Intelligence Agency )  
Washington, D.C. 20505, )  
)  
and, )  
)  
CENTRAL INTELLIGENCE )  
AGENCY )  
Washington, D.C. 20505, )  
)  
Defendants )

CASE NUMBER 1:04CV02122

JUDGE: Gladys Kessler

DECK TYPE: FOIA/Privacy Act

DATE STAMP: 12/6/2004

COMPLAINT

NOW COMES Plaintiff, ██████ Doe by and through undersigned counsel, pursuant to Rule 3, Fed.R.Civ.Proc., and for his Complaint against Defendants Hon. Porter Goss ("Goss") and Central Intelligence Agency ("CIA"), avers as follows:

JURISDICTION

1. The jurisdiction of this Court is based upon the existence of a Federal question.  
Plaintiff is a citizen of the United States of America and a current employee of the Central Intelligence Agency. Defendant Goss is the Director of Central

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<sup>1</sup> The notation "(P)" indicates that the preceding name is an official litigation pseudonym assigned by the Central Intelligence Agency to a covert employee.

Intelligence ("DCI"). Defendant CIA is an agency of the United States.

2. Beginning in 2001 and continuing to the present, Defendant Goss has injured and continues to injure Plaintiff through acts and omissions violating Plaintiff's rights under the Administrative Procedures Act, 5 U.S.C. §§ 706(1) & (2)(A) - (D).
3. Beginning in 2001 and continuing to the present, Defendant CIA has injured and continues to injure Plaintiff through acts and omissions violating Plaintiff's rights under the Privacy Act, 5 U.S.C. § 552a(g)(1).
4. Defendants' complained of acts and omissions have occurred within the District of Columbia, the Commonwealth of Virginia, Domestic Location A, and Foreign Locations A, B, & C.<sup>2</sup>
5. Plaintiff seeks injunctive and declaratory relief, as well as money damages.
6. Jurisdiction exists pursuant to 5 U.S.C. §§ 552a(g); 701 *et seq.*; and 28 U.S.C. § 1331.
7. Defendant Goss is sued in his official capacity as DCI. The official duties of Defendant Goss are performed at various locations, both domestically and abroad, but primarily in the District of Columbia and the Commonwealth of Virginia.
8. Defendant CIA is sued as an agency of the United States.
9. Venue is proper pursuant to 5 U.S.C. § 552a(g)(5) and 28 U.S.C. § 1391(b) & (e).
10. Service of process on all Defendants may be accomplished pursuant to Rule 4, Fed.R.Civ.Proc.

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<sup>2</sup> Throughout Plaintiff's Complaint, classified locations (foreign and domestic) will be designated by letter.

## FACTS

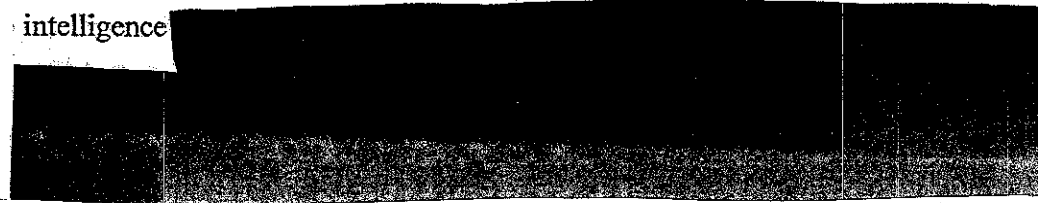
11. Plaintiff is being subjected to retaliation by Defendants for his refusal to falsify intelligence collected by him [REDACTED]  
[REDACTED]
12. Plaintiff is a male of Near Eastern ancestry who joined the CIA as a contract covert Operations Officer in 1982. During the ensuing twenty-two year period Plaintiff has conducted numerous successful covert operations against a variety of intelligence targets while serving in the CIA Directorate of Operations ("CIA/DO"). This service and his significant contributions resulted in his eventual approval for promotion to the rank of GS-15 and for receipt of the CIA Special Intelligence Medal in recognition of his [REDACTED] recruitment of an [REDACTED] [REDACTED] penetrating a target country's WMD program [REDACTED]  
[REDACTED]
13. In 1995 Plaintiff was advised by Defendant CIA that his employment had been converted from that of a contractor to a staff employee. Thereafter, Plaintiff received regular GS promotions, bi-weekly payment stubs and other related documents reflecting his current "GS" status, salary and benefits.
14. In 1995 Plaintiff was assigned to the CIA/DO Counter Proliferation Division ("CIA/DO/CPD") where his mission was to collect intelligence on and interdict the proliferation of WMD, [REDACTED]  
[REDACTED]

15. At all times pertinent hereto CIA/DO/CPD served as the primary collection point at CIA/DO for Near Easter WMD programs, [REDACTED]
16. While serving at CIA/DO/CPD Plaintiff recruited many "hard-target" human "assets," [REDACTED]
17. Plaintiff was first subjected to a demand that he alter his intelligence reporting in 2000, [REDACTED] Plaintiff reported this information via formal CIA cable channels. Plaintiff was subsequently advised by CIA management that his report did not support the earlier assessment [REDACTED] and instructed that if he did not alter his report to support this assessment it would not be received well by the intelligence community. Plaintiff was aware that earlier reporting underlying the assessment was less-than-genuine and refused to alter his report. As the result, CIA/DO/CPD refused to disseminate his report to the intelligence community despite Plaintiff's efforts.
18. In 2001, Plaintiff met with a highly respected human asset [REDACTED] Plaintiff immediately reported this information to his supervisor who in-turn met with CIA/DO/CPD management. Plaintiff was later instructed that he should prepare

no written report of the matter and that the Deputy Director of Operations ("DDO") together with the Chief of CIA/DO/CPD would personally brief the President. Upon information and belief, Plaintiff avers that no such briefing ever occurred and therefore the President was misled by the withholding of vital intelligence. Subsequently, in 2002, the Chief of CIA/DO/CPD advised Plaintiff that his promotion to GS-15 and receipt of the Special Intelligence Medal had been approved by the DDO but were being withheld until Plaintiff removed himself from further handling of this asset.

19. In 2001, Plaintiff attempted to report "actionable" intelligence
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Plaintiff reported this information to CIA/DO/CPD via formal cable channels. However, the CIA never disseminated this information in the intelligence community despite Plaintiff's pleas to do so, effectively sequestering intelligence



[REDACTED] Later, a co-worker of Plaintiff warned him that CIA management planned to "get him" for his role in reporting intelligence contrary to official CIA dogma [REDACTED]

20. In 2002, Plaintiff attempted to report routine intelligence [REDACTED] but was thwarted by CIA superiors. Plaintiff had met with a human asset [REDACTED] Plaintiff reported this information to CIA/DO/CPD via formal cable channels. Plaintiff was subsequently approached by a senior [REDACTED] desk officer who insisted that Plaintiff falsify his reporting of this matter [REDACTED] Plaintiff refused. Subsequently, CIA/DO/CPD management determined that Plaintiff should remove himself from any further "handling" of this asset.

21.

[REDACTED]  
After Plaintiff reported this information via formal CIA cable

channels, CIA/DO/CPD instructed Plaintiff to remove himself from further handling of the asset [REDACTED]  
[REDACTED]

22. Subsequently, in 2003 Plaintiff learned that he was under a counter-intelligence ("CI") investigation for allegedly having sex with a female asset, which Plaintiff did not do. In addition, Plaintiff was told five days after he began a new position at CIA that the position had been canceled because of pressure from the DDO, James Pavitt. Plaintiff also was told by the Chief of CIA/DO/CPD that the DDO was angry with Plaintiff because he believed Plaintiff was blackmailing him [REDACTED]  
[REDACTED] which Plaintiff did not do.
23. In September, 2003 the Chief of the CIA Counter Intelligence Center ("CIA/CIC") placed Plaintiff on paid administrative leave without explanation, barring Plaintiff from entering any CIA facilities or engaging in any further operations on behalf of CIA.
24. During this period the DDO determined to withhold from Plaintiff his previously approved promotion to GS-15 and award of the CIA "Medal of Intelligence."
25. Some eight months later Plaintiff was contacted by the CIA Office of Inspector General ("CIA/OIG"), which advised him that he was under investigation for diverting to his own use monies provided to him for payment to human assets, which Plaintiff did not do. These allegations were made by the same CIA/DO/CPD managers who managed the operations and reporting [REDACTED]  
[REDACTED] in which Plaintiff had been involved as described above.

Plaintiff subsequently cooperated with requests for detailed financial information from the CIA/OIG.

26. During the week of July 26, 2004 Plaintiff again met with investigators from CIA/OIG who presented him with a list of financial items to explain, including one outgoing check for \$30.00 that predated the time period of any of the CI issues. Plaintiff explained all of the deposits.
27. On August 6, 2004 Plaintiff met with two representatives from CIA who presented him with a letter of termination for unspecified reasons, effective September 10, 2004. The letter described Plaintiff as a contractor whose services were no longer required. Despite his repeated requests, Plaintiff has never been advised of the outcome of either the CI or OIG investigations of his conduct.
28. On information and belief, Plaintiff avers that both the CI and OIG investigations of him were a sham, initiated for the sole purpose of discrediting him and retaliating against him for questioning the integrity of the WMD reporting [REDACTED] and for refusing to falsify his intelligence reporting to support the politically mandated conclusion [REDACTED] [REDACTED]
29. On information and belief, Plaintiff avers that the termination of his employment at CIA was in further retaliation for, and to contrive a pretext to discredit, his refusal to falsify his intelligence reporting to support the politically mandated conclusion [REDACTED]



**COUNT I**  
**VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT**

30. Plaintiff realleges each and every paragraph numbered 1 through 29, inclusive, as if fully set forth herein.
31. The complained of acts and omissions by Defendant Goss have violated [classified] portions of CIA regulations providing for the integrity of intelligence collection and reporting, in violation of 5 U.S.C. §§ 706(1) & (2)(A) - (D).
32. As a direct and proximate result of Defendant Goss's complained of acts and omissions, Plaintiff has suffered damages in the form of loss of employment, loss of wages and benefits, loss of career opportunity, loss of promotion, invasion of privacy, loss of professional and personal reputation, substantial out-of-pocket costs, including attorneys fees, and mental suffering producing physical symptoms.
33. Plaintiff has available to him no internal administrative remedy at CIA to address the complained of acts and omissions.
34. Plaintiff further asks this Court to order Defendant Goss to undertake rule-making to promulgate appropriate regulations to ensure protection of Plaintiff's rights in matters concerning, related to or arising from his employment at CIA.

**COUNT II**  
**VIOLATION OF THE PRIVACY ACT**

35. Plaintiff realleges each and every paragraph numbered 1 through 29, inclusive, as if fully set forth herein.
36. Defendant CIA has wilfully and intentionally failed to maintain accurate, timely

and complete records pertaining to Plaintiff in his Official Personnel File, Counter-Intelligence Center file, Office of Medical Services file, Center for CIA Security file and other files so as to ensure fairness to Plaintiff in violation of 5 U.S.C. § 552a(e)(5), as a consequence of which, Plaintiff has suffered adverse determinations and effects as alleged specifically in paragraphs numbered 22 through 29, inclusive, and for which Plaintiff is entitled to actual damages and costs of the instant action pursuant to 5 U.S.C. §§ 552a(g)(1).

37. As a direct and proximate result of Defendant CIA's complained of acts and omissions, Plaintiff has suffered damages in the form of loss of wages and benefits, loss of career opportunity, loss of promotion, loss of professional and personal reputation, substantial out-of-pocket costs, including attorneys fees, and mental suffering producing physical symptoms.
38. Defendant CIA has wilfully and intentionally failed to the greatest extent practicable to collect directly from Plaintiff information that may result, and which has resulted, in adverse determinations about the rights, benefits and privileges of Plaintiff under Federal Programs in violation of § 552a(e)(2).
39. As a direct and proximate result of Defendant CIA's complained of acts and omissions, Plaintiff has suffered damages in the form of loss of wages and benefits, loss of career opportunity, loss of promotion, loss of professional and personal reputation, substantial out-of-pocket costs, including attorneys fees, and mental suffering producing physical symptoms.
40. Pursuant to §§ 552a(g)(1), Plaintiff is entitled to actual damages and costs of the

instant action for Defendant CIA's violation of § 552a(e)(2).

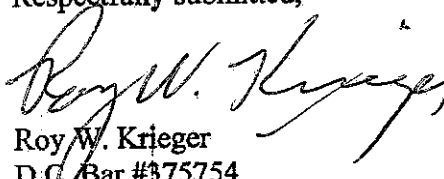
41. Plaintiff asks this Court to order and provide all the relief to which he is entitled for Defendant CIA's violations of the Privacy Act, as alleged above.

WHEREFORE, Plaintiff prays this Honorable Court grant him the following:

- a) Relief specifically sought in Counts I and II;
- b) An award of costs of litigation, including the fees and expenses of attorneys, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(b) & (d); and,
- c) That the Court order Defendant Goss to immediately restore to Plaintiff his lost employment, salary, promotions and benefits, together with compensatory damages, front pay, back pay, pre and post judgement interest, and costs of litigation including reasonable attorneys fees.

Plaintiff further prays that the Court provide whatever further, different or additional relief as it should deem just and proper.

Respectfully submitted,



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