

Russ Tice

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Russell D. Tice (born 1961) is a former intelligence analyst for the U.S. Air Force, Office of Naval Intelligence, Defense Intelligence Agency (DIA) and National Security Agency (NSA). During his nearly 20 year career with various United States government agencies, he conducted intelligence missions related to the Kosovo War, Afghanistan, the USS *Cole* bombing in Yemen, and Operation Iraqi Freedom. In December, 2005, Tice helped spark a national controversy over claims that the NSA and the DIA were engaged in unlawful and unconstitutional wiretaps on American citizens. He later admitted that he was one of the sources that were used in the New York Times' reporting on the wiretap activity in December 2005.

Tice began to receive national attention as a whistleblower in May 2005, after speaking publicly about alleged retaliation by government officials for reporting his suspicions that a DIA colleague might be a Chinese spy, and about the need for legislation to protect whistleblowers.



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Alleged reprisals

In early 2001, Tice first reported his suspicions about a young woman he worked with at the DIA whom he believed to be a Chinese spy. He claimed that the woman voiced sympathies for People's Republic of China, traveled extensively abroad and displayed affluence beyond her means. Tice said he "basically got blown off by the counterintelligence office at D.I.A.", but he continued to push the issue until he was transferred to the NSA in 2002.

In April 2003, while Tice was still working at the NSA, an FBI investigation into a Chinese double agent in Los Angeles named Katrina Leung had become international news. She had been receiving classified information from two FBI agents. These revelations of Chinese spying prompted Tice to raise his concerns again.

In a 'secure' e-mail message to the DIA counterintelligence office, he demanded to know what had happened as a result of the 2001 report he had filed outlining his suspicions about his former co-worker (not to be confused with Leung). "At the time, I sent an e-mail to Mr. James (the DIA official handling his complaint) questioning the competence of counterintelligence at FBI," Tice wrote to the Inspector General of the Pentagon's Civil Reprisal Investigation unit, which investigated his 2003 complaint. In the e-mail, he mentioned that he suspected that he was the subject of electronic monitoring.

In April, 2003, shortly after the e-mail message, Tice was ordered to undertake a psychological evaluation, which he believed was retaliatory. The Defense Department psychologist concluded that Tice suffered from psychotic paranoia. "He did this even though he admitted that I did not show any of the normal indications of someone suffering from paranoia," Tice said in a statement to the Inspector General.

Two months later, in June, 2003, the NSA suspended his security clearances and ordered him to tasks such as maintaining the agency's vehicles, pumping gas, and driving officials around. By April 2005, after 14 months of paid leave, Tice was relegated to unloading furniture at the NSA's warehouses and cleaning them.

Whistleblower

Tice was terminated by the NSA in May, 2005, just days after publicly urging Congress to pass stronger protections for federal intelligence agency whistleblowers facing retaliation. In September, 2005, the inspector general issued an unclassified report that found "no evidence" to support Tice's claims.

In December, 2005, Tice alleged the NSA and the DIA were engaged in unlawful and unconstitutional conduct against the American people, and helped spark a national controversy. Tice stated that the activities involved the Director of the NSA, the Deputies Chief of Staff for Air and Space Operations, and the U.S. Secretary of Defense, and were conducted via very highly sensitive intelligence programs and operations known as Special access programs (SAP), more commonly referred to as 'black world' programs, or 'black ops'. Tice was a technical intelligence specialist dealing with SAP programs and operations at both NSA and DIA.

On December 16, the *New York Times* revealed that the NSA was engaged in a clandestine eavesdropping program that bypassed the secret Foreign Intelligence Surveillance Act (FISA) court. Media reports on January 10, 2006, indicated Tice was a source of the *Times* leak, which revealed that, under the direction of the White House and without requisite court orders, the NSA has been intercepting international communications to and from points within the US.

Tice's resume was unclassified which had "shown" that he was in Space Communications. When asked about whether he's connected with Space Communications in any way in an interview on the website for Wired Magazine, he responded, "I watch Buck Rogers."

In a letter dated December 18, 2005, to the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and to Senator Pat Roberts, Chairman of the Senate Select Committee on Intelligence, he said he was prepared to testify about the SAP programs, under the provisions of the Intelligence Community Whistleblower Protection Act. It is not known, however, what the testimony would specifically involve.

It has been assumed that the problem concerned the electronic surveillance of Americans, but in an interview published 13 January 2006 on the reasononline (<http://www.reason.com>) web site, Tice said "there's no way the programs I want to talk to Congress about should be public ever, unless maybe in 200 years they want to declassify them. You should never learn about it; no one at the Times should ever learn about these things. But that same mechanism that allows you to have a program like this at an extremely high, sensitive classification level could also be used to mask illegality, like spying on Americans." [1] (<http://www.reason.com/hod/js011306b.shtml>)

In a press release issued by the National Security Whistleblowers Coalition on December 22, 2005, Tice explained the public aspect of his charges, stating that:

"As a Signals Intelligence (SIGINT) officer it is continually drilled into us that the very first law chiseled in the SIGINT equivalent of the Ten Commandments (USSID-18) is that Thou shall not spy on American persons without a court order from FISA. This law is continually drilled into each NSA

intelligence officer throughout his or her career. The very people that lead the National Security Agency have violated this holy edict of SIGINT."

On December 23, 2005, the *Austin American-Statesman*, reported Tice's allegations that spying on Americans may involve a massive computer system known as ECHELON, which is able to search and filter hundreds of thousands of phone calls and e-mails in a matter of seconds.

On January 3, 2006, Tice appeared on the national radio/TV show *Democracy Now* and said he wants to testify before Congress. Tice said "I'm involved with some certain aspects of the intelligence community, which are very closely held, and I believe I have seen some things that are illegal."

On January 5, 2006, the *Washington Times* reported that Tice wants to testify before Congress about electronic intelligence programs that he asserts were carried out illegally by the NSA and DIA. "I intend to report to Congress probable unlawful and unconstitutional acts conducted while I was an intelligence officer with the National Security Agency and with the Defense Intelligence Agency," Tice stated in letters, dated December 16, 2005 and disclosed by the *Times*.

In a letter dated January 10, 2006, Renee Seymour, Director of the NSA Special Access Programs Central Office, warned Tice that members of neither the House Permanent Select Committee on Intelligence, nor of the Senate Select Committee on Intelligence had clearance to receive the classified information about the SAP's that Tice was prepared to provide. An article by Chris Strohm in *Government Executive* says that some Congressional staffers believe that Tice "comes with baggage".

In reaction to Tice's claims, Rush Limbaugh and Bill O'Reilly, two prominent figures in conservative media, launched an offensive against his credibility. On his Fox News broadcast of January 11, 2006, O'Reilly said that Tice should be jailed for his whistleblowing activity. But Tice told ABC News that "As far as I'm concerned, as long as I don't say anything that's classified, I'm not worried... We need to clean up the intelligence community. We've had abuses, and they need to be addressed."

On February 14, 2006, UPI reports Tice testified to the House Government Reform Subcommittee on National Security, Emerging Threats and International Relations that the Special Access Program might have violated millions of Americans' Constitutional rights, but that neither the committee members nor the NSA inspector general had clearance to review the program.

On May 12, 2006, thinkprogress.org reported a story by CongressDaily in which Tice was said to be planning an appearance the next week before the Senate Armed Service Committee, when further revelations would be made on "a different angle" of the NSA's surveillance program.^[1] Ultimately this did not occur and it is still unclear why.

On July 26, 2006, he was subpoenaed to appear before a federal grand jury regarding violations of federal law. He reportedly said "This latest action by the government is designed only for one purpose: to ensure that people who witness criminal action being committed by the government are intimidated into remaining silent."^[2]

On the first of two consecutive appearances on MSNBC's *Countdown with Keith Olbermann* (January 21^[3] and January 22^[4], 2009), Russ Tice stated that while he worked in the NSA, his role was to follow the communications of specific individuals in a program separate from the one that had been previously disclosed. He stated that he initially understood that he was to identify the communication methods of journalists (and entire news organizations) so that they could avoid collection. He subsequently learned that these channels were being recorded 24/7. Since this appeared to be a political and not security operation of the NSA, Tice withheld disclosing it until the next administration. Tice also stated that programs were given dual military and intelligence status so that both types of congressional oversight could be simultaneously denied.

References

1. ^ NSA Whistleblower To Expose More Unlawful Activity: 'People...Are Going To Be Shocked' (<http://thinkprogress.org/2006/05/12/more-unlawful-activity/>) May 12, 2006.
2. ^ NSA WHISTLEBLOWER IS SUBPOENAED TO TESTIFY BEFORE FEDERAL GRAND JURY (<http://www.nswbc.org/Press%20Releases/PR-TiceSubpoena-July28-06.htm>) July 28, 2006
3. ^ <http://www.msnbc.msn.com/id/22425001/vp/28781200#28781200>
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