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# NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE




## INSPECTOR GENERAL

## REPORT OF INVESTIGATION

## 16 June 2015

## IV-14-0061

## Misuse of Government Resources

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(U) This report might not be releasable under the Freedom of Information Act or other statutes and regulations. Consult the NSA/CSS Inspector General Chief of Staff before releasing or posting all or part of this report.



Approved for Release by NSA on 01-04-2021, FOIA Case # 85643 (litigation)

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## (U) OFFICE OF THE INSPECTOR GENERAL

(U) Chartered by the NSA Director and by statute, the Office of the Inspector General conducts audits, investigations, inspections, and special studies. Its mission is to ensure the integrity, efficiency, and effectiveness of NSA operations, provide intelligence oversight, protect against fraud, waste, and mismanagement of resources by the Agency and its affiliates, and ensure that NSA activities comply with the law. The OIG also serves as an ombudsman, assisting NSA/CSS employees, civilian and military.

## (U) AUDITS

(U) The audit function provides independent assessments of programs and organizations. Performance audits evaluate the effectiveness and efficiency of entities and programs and their internal controls. Financial audits determine the accuracy of the Agency's financial statements. All audits are conducted in accordance with standards established by the Comptroller General of the United States.

## (U) INVESTIGATIONS

(U) The OIG administers a system for receiving complaints (including anonymous tips) about fraud, waste, and mismanagement. Investigations may be undertaken in response to those complaints, at the request of management, as the result of irregularities that surface during inspections and audits, or at the initiative of the Inspector General.

## (U) INTELLIGENCE OVERSIGHT

(U) Intelligence oversight is designed to insure that Agency intelligence functions comply with federal law, executive orders, and DoD and NSA policies. The IO mission is grounded in Executive Order 12333, which establishes broad principles under which IC components must accomplish their missions.

## (U) FIELD INSPECTIONS

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.



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# I. (U) SUMMARY

(U//~~FOUO~~) On 13 March 2014, the Office of Inspector General (OIG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by an NSA/CSS civilian, [redacted] On 26 March 2014, the OIG initiated an investigation of [redacted] use of the unclassified NSA/CSS Information System (IS).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation supports the conclusion that, from 6 June 2013 through 4 March 2014, [redacted] used the unclassified NSA/CSS IS on numerous occasions to send sexually explicit email communications to another NSA employee using her personal email account (i.e., xxx@gmail.com). [redacted] use of the unclassified IS to transmit sexually explicit emails violated both the DoD Joint Ethics Regulation (JER) 5500.7-R and NSA/CSS Policy 6-6.

(U//~~FOUO~~) On 19 March 2014, following an initial subject interview the day before, [redacted] contacted the OIG to admit that she had not been completely truthful during the initial interview. Specifically, she admitted that she had provided false testimony when she had claimed that the person to whom she was sending sexually explicit emails was not affiliated with the Agency. Additionally, she also admitted she had provided a false name for that person. The preponderance of the evidence collected during the investigation supports the conclusion that [redacted] knowingly made false statements in violation of NSA/CSS Personnel Management Manual (PMM) Chapter 366.[1]

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations and Special Actions, ADS&CI, for review and any action deemed appropriate.

(b)(3)-P.L. 86-36
(b)(6)

[1] (U//~~FOUO~~) [redacted] may have also violated 18 U.S.C. § 1001 by knowingly and willfully providing false testimony to the OIG on 18 March 2014. The OIG reported this potential violation to the United States Attorney's Office (USAO) for the District of Maryland on [redacted] This report does not analyze the potential criminal violation.

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(b)(3)-P.L. 86-36
(b)(6)

# II. (U) INTRODUCTION

## (U) Background

(U//~~FOUO~~) is an NSA/CSS civilian employee (GG-13) assigned to the as the Branch Chief. At the time of the alleged misuse, she was assigned to the

(U//~~FOUO~~) During routine monitoring of NSA/CSS ISs, the NISIRT detected possible misuse of unclassified U.S. Government account from 19 to 25 November 2013 and 23 December 2013 to 26 January 2014. An analysis of activity by the NISIRT determined that was utilizing the NSA/CSS unclassified IS to send sexually explicit emails via her personal email account (i.e., xxx@gmail.com). The NISIRT referred the corresponding network activity report to the OIG on 13 March 2014, detailing activity.

(b)(3)-P.L. 86-36

(U//~~FOUO~~) During the initial subject interview, gave misleading information regarding the identity of the person to whom she was sending the sexually explicit emails, and informed the investigator that this person was not an NSA/CSS affiliate. However, during a subsequent interview, provided that person's name and affiliation, revealing that person to be an NSA/CSS civilian employee who was also assigned to An OIG investigation (IV-14-0063) was initiated to determine whether that employee also misused Government resources.

## (U) Applicable Authorities

(U) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301(a): Use of Federal Government Resources;

(U) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," dated 30 September 2004, revised 20 June 2012;[2]

(U) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," dated 30 September 2004, revised 15 October 2013;[3]

(U) NSA/CSS Personnel Management Manual (PMM) Chapter 366, Section 2, Personnel and Security Standards, Paragraph 2-1 (K) - False Statements.

(U) See Appendix A for the full text of the applicable authorities.

[2] For IS misuse identified prior to 15 October 2013;
[3] For IS misuse identified from 15 October 2013 – 14 March 2014;

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## III. (U) FINDINGS

**(U//~~FOUO~~)** ***ALLEGATION 1: Did [redacted] misuse her unclassified NSA/CSS IS in violation of the DoD JER 5500.7-R, Subpart 2-301(a) and NSA/CSS Policy 6-6?***

(U//~~FOUO~~) ***CONCLUSION: Substantiated.*** *The preponderance of the evidence supports the conclusion that [redacted] misused her unclassified NSA/CSS IS by sending sexually explicit emails using her personal email account on numerous occasions from 6 June 2013 until 4 March 2014, in violation of both the DoD JER 5500.7-R and NSA/CSS Policy 6-6.*

### (U) Documentary Evidence

(U) **NISIRT Reports**

(U//~~FOUO~~) A network activity report was referred to the OIG containing an analysis of [redacted] activities on the unclassified NSA/CSS IS from 19 to 25 November 2013 and 23 December 2013 and 26 January 2014. [redacted] was detected using U.S. Government resources to send sexually-explicit emails from her personal email account. The NISIRT report can be found at Appendix B.

(U//~~FOUO~~) A supplemental network activity report of [redacted] unclassified network activity was requested based on her admission on 19 March 2014 that the person to whom she was sending sexually-explicit emails was in fact an NSA/CSS civilian employee. The report reflected sexually-explicit email communications from [redacted] to another civilian employee from 6 June 2013 through 4 March 2014. The communications detected in the supplemental report are incorporated into Appendix B.

(b)(3)-P.L. 86-36
(b)(6)

### (U) Testimonial Evidence

(U//~~FOUO~~) [redacted]

(U) On 18 March 2014, [redacted] Branch Chief, [redacted] was interviewed and provided the following sworn testimony.

(b)(3)-P.L. 86-36

(U) [redacted] admitted to typing sexually explicit emails from her personal email account using the unclassified NSA/CSS IS and acknowledged that such behavior would reflect negatively on the Agency. She stated that the person to whom she was conversing in her sexually explicit emails was not an Agency affiliate. [redacted] identified this person as an unmarried friend named [redacted], and denied a physical relationship with him. [redacted] was unable to estimate the amount of time she spent typing sexually explicit emails except to say that it has been going

(b)(6)



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on for months. She described the content of the sexually explicit conversations with [redacted] as "fake" and nothing more than a "joking conversation occasionally between friends."

(U) In her sexually explicit emails to [redacted] admitted to writing these statements in her sexually explicit emails but claimed that the content was "fake" [redacted]

(b) (6)

## (U) Analysis and Conclusions

(U//~~FOUO~~) The DoD JER 5500.7-R, Subpart 2-301(a) limits the use of Federal Government communication systems and equipment to "official use and authorized purposes only." The DoD JER 5500.7-R, Subpart 2-301(a)(1) and 2-301(a)(2), respectively, define "official use" and "authorized purposes" as: "emergency communications and communications that the DoD component determines are necessary in the interest of the Federal Government;" and, "brief communications made by DoD employees . . . includ[ing] personal communications from the DoD employee's usual work place that are most reasonably made while at the work place . . . when . . . such communications [s]erve a legitimate public interest (JER 5500.7-R, Subpart 2-301(a)(2)(c)), and [d]o not put Federal government communications systems to uses that would reflect adversely on DoD or the DoD Component (JER 5500.7-R, Subpart 2-301(a)(2)(d)). Further, subject to supervisory approval, NSA/CSS Policy 6-6 allows "NSA/CSS affiliates to conduct limited personal communications while using an NSA/CSS-sponsored account for official business, or while using U.S. Government resources such as ISs consistent with the provision contained in the Joint Ethics Regulation (JER)." See NSA/CSS Policy 6-6, Paragraph 3.

(b) (3)-P.L. 86-36
(b) (6)

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] used her unclassified NSA/CSS IS to send sexually explicit emails via her personal email account, regularly, from June 2013 until March 2014. Such activity did not serve a legitimate public interest and reflected adversely on both the DoD and the NSA/CSS. The evidence, as well as [redacted] admission to engaging in such activity on the unclassified NSA/CSS IS, substantiates a violation of the JER. Such activity is clearly inconsistent with the JER's definition of an "official use" of Federal Government communications systems as sexually explicit email conversations cannot be considered emergency communications and/or communications that have been determined to be necessary in the interest of the Federal Government. Further, utilizing a Federal Government communications system to engage in sexually explicit email conversations cannot reasonably be considered an "authorized purpose" as defined by the JER. Specifically, an "authorized purpose" includes personal communications from the employee's usual work place that are most reasonably made while at the work place. Though sexually explicit emails undoubtedly qualify as "personal communications", it is logical to conclude that such communications are not most reasonably made while at the work place. Additionally, sending sexually explicit email conversations on the unclassified NSA/CSS IS served no



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legitimate public interest and, as [redacted] acknowledged, reflected adversely on NSA/CSS and DoD.

(U//~~FOUO~~) Finally, [redacted] as an authorized user of the NSA/CSS unclassified IS, is subject to the provisions of NSA/CSS Policy 6-6. As such, she was required to adhere to certain responsibilities identified for authorized users who access and/or communicate on the unclassified NSA/CSS IS. Specifically, assuming [redacted] had supervisory approval to do so, any personal communications she conducted while using U.S. Government resources (such as ISs consistent with the provision contained in the JER, i.e. Subpart 2-301), were to be "limited" in nature in accordance with NSA/CSS Policy 6-6, Paragraph 3. [redacted] sexually-explicit email communications took place on numerous occasions over the course of nearly ten months. While her communications could undoubtedly be categorized as personal, the frequency with which they were conducted exceeds that which can be considered "limited". Furthermore, as demonstrated above, these sexually-explicit email communications directly contradicted the JER's guidance that Federal Government ISs be utilized for official use and authorized purposes only. Therefore, the sexually-explicit emails communications sent by [redacted] using the unclassified NSA/CSS IS, as well as her admission to engaging in such activity, substantiates a violation of NSA/CSS Policy 6-6, Paragraph 3.

(b)(3)-P.L. 86-36
(b)(6)

(U//~~FOUO~~) Accordingly, we find that a preponderance of the evidence exists to support the conclusion that, from 6 June 2013 through 4 March 2014, [redacted] accessed the unclassified NSA/CSS IS on numerous occasions to type and send sexually explicit email communications to another Agency employee using her personal email account. Her actions violated the DoD JER 5500.7-R, Subpart 2-301(a) and NSA/CSS Policy 6-6.

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(U//~~FOUO~~) ***ALLEGATION 2: Did [redacted] knowingly make false statements to an OIG Investigator by providing false information regarding the name and affiliation of the person to whom she was exchanging sexually-explicit email communications?***

(U//~~FOUO~~) ***CONCLUSION: Substantiated.*** *The preponderance of the evidence supports the conclusion that on 18 March 2014, [redacted] knowingly provided false information regarding the name and affiliation of the person with whom she exchanged sexually-explicit email communications while providing testimonial evidence to the Investigator in this matter. [redacted] actions are in violation of NSA/CSS Personnel Management Manual, Chapter 366, §2-1(K) and, potentially, 18 U.S.C. § 1001.*

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## (U) Documentary Evidence

(U) **Transcript: Interview of [redacted] Conducted on 18 March 2014**

(U//~~FOUO~~) A verbatim transcript of [redacted] interview on 18 March 2014 was created to document her sworn testimony in this matter. The transcript reflects several instances in which



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[redacted] identified the person with whom she had exchanged sexually-explicit email communications as [redacted], as well as her statements that this person was not an NSA/CSS affiliated employee. The transcript of this interview can be found at Appendix C.

(U) **Transcript: Interview of [redacted] Conducted on 19 March 2014**

(U//~~FOUO~~) A verbatim transcript of [redacted] interview on 19 March 2014 was created to document her sworn testimony in this matter. The transcript documents [redacted] admission that she knowingly made false statements regarding the name and affiliation of the person with whom she had exchanged sexually-explicit email communications. The transcript of this interview can be found at Appendix D.

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## (U) Testimonial Evidence

(U) On 18 March 2014, [redacted] was interviewed and provided the following sworn testimony:

(U) [redacted] described the person with whom she had exchanged sexually-explicit communications as "not a coworker but a friend of mine" (See Appendix C, Page 7, Lines 11-12), and "[a] friend outside of work" (See Appendix C, Page 7, Line 15) named [redacted] (See Appendix C, Page 9, Lines 3-4) that "does not work here" (See Appendix C, Page 9, Line 11). She later states that the sexually-explicit communications were "just conversations between [myself and] someone on the outside" (See Appendix C, Page 32, Line 22).

(b) (6)

(U) On 19 March 2014, [redacted] was interviewed again and provided the following sworn testimony:

(b) (3)-P.L. 86-36
(b) (6)

(U) [redacted] testified that she had not been truthful during the first OIG interview regarding the identity and affiliation of the person named [redacted] with whom she exchanged sexually-explicit communications. Specifically, [redacted] testified as follows:

> "I was interviewed yesterday, and you asked me the questions you asked yesterday. And like I said, I was up sick all night because the only one I did not answer honestly was who the person was that I was talking to, and the individual is another Agency employee in [redacted] (See Appendix D, page 3, Lines 4-8)

(b) (3)-P.L. 86-36

[redacted] elaborated further, revealing the Agency employee's name and that she has known the Agency employee for approximately two years (See Appendix D, Page 3, Lines 15-22). She testified that she did not truthfully respond to questions regarding his identity during the first OIG interview because she did not want him to get into trouble. [redacted] testified that they were coworkers in [redacted] who began talking in the evenings over email at home following the demise of a previous relationship. Eventually, the sexually explicit conversations between her and the other agency employee carried over to the workday. Their conversations were limited exclusively to their personal email accounts. [redacted] indicated there was never any physical



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contact between herself and the other agency employee. In June 2013, she created an alias personal email account (using the name [redacted] at the suggestion of the other agency employee so their communications could not easily be attributed to [redacted]

(b) (6)

## (U) Analysis and Conclusions

(U//~~FOUO~~) PMM Chapter 366, Section 2-1(K), Personnel and Security Standards, states that "[e]mployees will not knowingly make or present a false or fraudulent statement or claim . . ."

(U//~~FOUO~~) [redacted] testified during her initial interview that the person with whom she was exchanging sexually-explicit emails was not an Agency affiliate, and identified that person only by the name [redacted] However, during her second interview, [redacted] testified that she had not been truthful during the initial interview, revealing that the person with whom she was exchanging sexually-explicit emails was in fact an Agency affiliate assigned to her organization that she had known for approximately two years. [redacted] further revealed the full name of that person, whom she initially only identified by the name [redacted]

(b)(3)-P.L. 86-36
(b) (6)

(U//~~FOUO~~) Accordingly, we find that a preponderance of the evidence exists to support the conclusion that [redacted] knowingly made false statements when she provided the OIG Investigator with a false name during an interview, and when she made affirmative statements during said interview indicating the person with whom she had exchanged sexually-explicit email communications was not affiliated with the Agency. In doing so, [redacted] violated NSA/CSS PMM Chapter 366, Section 2-1(K).[4]

[4] (U//~~FOUO~~) [redacted] may have also violated 18 U.S.C. § 1001 by knowingly and willfully providing false testimony to the OIG on 18 March 2014. The OIG reported this potential violation to the United States Attorney's Office (USAO) for the District of Maryland on [redacted] This report does not analyze the potential criminal violation.

(b) (6)



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(b)(3)-P.L. 86-36
(b)(6)

## IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 9 June 2015. [redacted] responded to the tentative conclusion stating:

> Regarding the identified allegations, investigation, and conclusion I have no additional information to include in the report. I understand the allegations and behavior were in violation of referenced policies and regulations. Since notification of the misuse of government equipment I have read the policies and regulations referenced and taken appropriate action to correct the behaviors identified. I have refrained from using the unclassified network for personal use of any nature. The behavior was a lapse in judgment on my part.

(U//~~FOUO~~) The conclusion of this investigation remains unchanged.



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## V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the following conclusions:

1. (U//~~FOUO~~) That, from 6 June 2013 through 4 March 2014, [redacted] accessed the unclassified NSA/CSS IS on numerous occasions to send sexually-explicit email communications to another Agency employee using her personal email account. Her actions violated the DoD JER 5500.7-R, Subpart 2-301(a) and NSA/CSS Policy 6-6; and,

2. (U//~~FOUO~~) That, on 18 March 2014, [redacted] knowingly made false statements to an OIG Investigator by providing false information regarding the name and affiliation of the person with whom she was exchanging sexually-explicit emails. Her actions violated NSA/CSS PMM Chapter 366, Section 2-1(K).

(b)(3)-P.L. 86-36
(b)(6)



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## VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to Employee Relations and Special Actions, ADS&CI for review and any action deemed appropriate. An information copy will be provided to the Office of General Counsel (Administrative Law and Ethics).

[redacted]
Investigator

(b)(3)-P.L. 86-36

Concurred by:

[redacted]
Deputy Assistant Inspector General
For Investigations

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# APPENDIX A

## (U) Applicable Authorities



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**(U//~~FOUO~~) DoD Joint Ethics Regulation (JER) 5500.7-R: Subpart 2-301: Use of Federal Government Resources.**

a. Communication Systems. Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.

(1) Official use includes emergency communications and communications that the DoD Component determines are necessary in the interest of the Federal Government. Official use may include, when approved by theater commanders in the interest of morale and welfare, communications by military members and other DoD employees who are deployed for extended periods away from home on official DoD business.

(2) Authorized purposes include brief communications made by DoD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches; e-mailing directions to visiting relatives) when the Agency Designee permits categories of communications, determining that such communications:

(a) Do not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(b) Are of reasonable duration and frequency, and whenever possible, made during the DoD employee's personal time such as after duty hours or lunch periods;

(c) Serve a legitimate public interest (such as keeping DoD employees at their desks rather than requiring the use of commercial systems; educating the DoD employee on the use of the communications system; improving the morale of DoD employees stationed for extended periods away from home; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing);

(d) Do not put Federal Government communications systems to uses that would reflect adversely on DoD or the DoD Component (such as uses involving pornography; chain letters; unofficial advertising, soliciting or selling except on authorized bulletin boards established for such use; violations of statute or regulation; inappropriately handled classified information; and other uses that are incompatible with public service); …



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**(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," dated 30 September 2004, revised 20 June 2012 and 15 October 2013:**

**(U) POLICY**

...

3. (U) Supervisors may authorize NSA/CSS affiliates to conduct limited personal communications while using an NSA/CSS-sponsored account for official business, or while using U.S. Government resources such as ISs consistent with the provision contained in the Joint Ethics Regulation (JER);

....

**(U) NSA/CSS PMM Chapter, 366, Section 2, Personnel and Security Standards, 2-1**

...

K. False Statements - Employees will not knowingly make or present a false or fraudulent statement or claim; enter into an agreement or conspiracy to defraud the Government by obtaining or aiding in the payment or allowance of a false or fraudulent claim; or, knowingly and willfully falsify or conceal a material fact by a trick, scheme, or device.

...



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# APPENDIX B

## (U) Network Activity Report:

**(U//~~FOUO~~) [redacted] Activity - 6 June 2013 to 4 March 2014.**

(b)(3)-P.L. 86-36
(b)(6)



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The NISIRT Report

(b)(3)-P.L. 86-36
(b)(6)

The sexually explicit content typed by [redacted] appears below. Edits were made for readability purposes.

06/07/2013: 06:48 - 15:52 hours:

(b)(6)

[redacted]





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(b) (6)

06/13/2013: 10:12 - 11:36 hours:

06/18/2013: 12:33 - 17:05 hours:

07/03/2013: 08:17 hours:

07/05/2013: 10:26 - 11:08 hours:

11/19/2013: 11:14 hours:

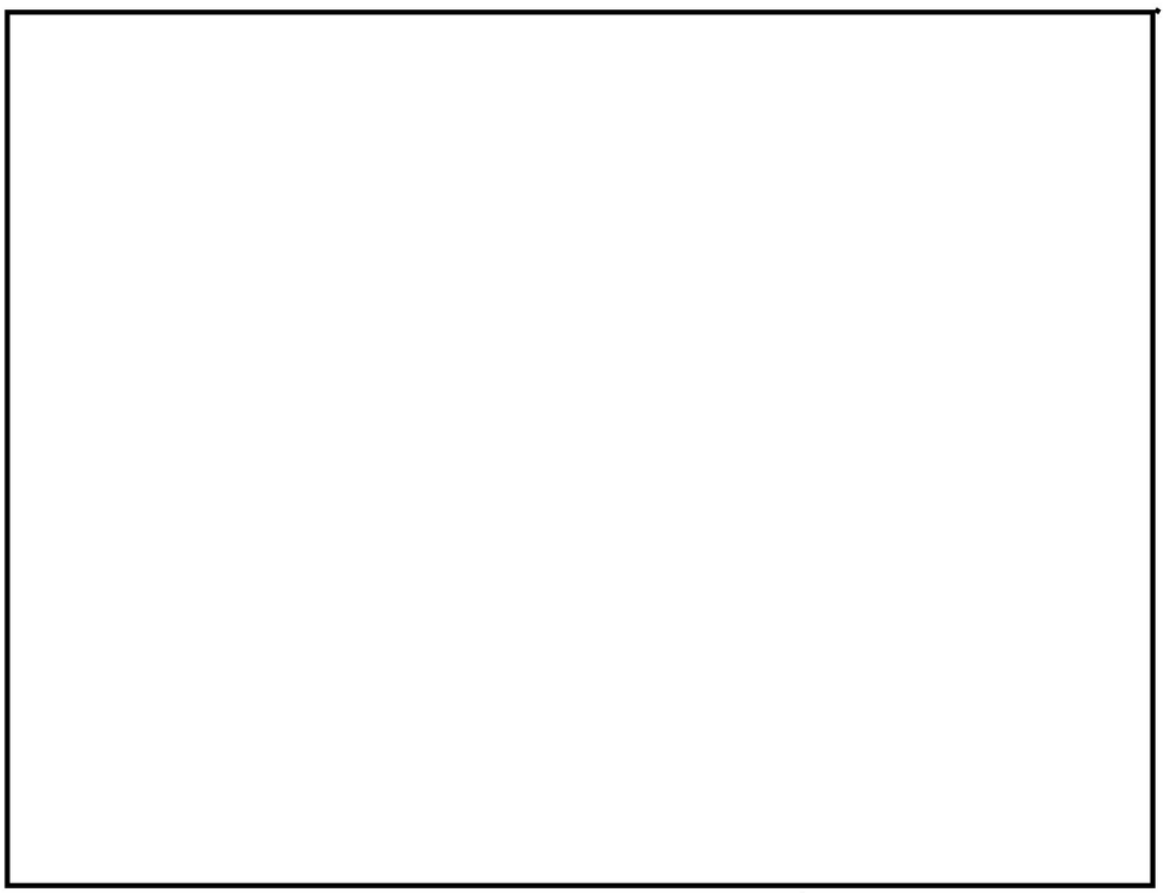
11/20/2013: 13:29 - 15:22 hours:

(b) (6)

11/22/2013: 06:40 - 10:04 hours:



11/25/2013: 15:00 – 16:38 hours:



(b) (6)



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[redacted]

11/26/2013: 15:39 hours:

[redacted]

12/23/2013: 09:21 - 16:16 hours:

(b) (6)

[redacted]

[redacted]

12/26/2013: 09:31 - 15:39 hours: /

[redacted]

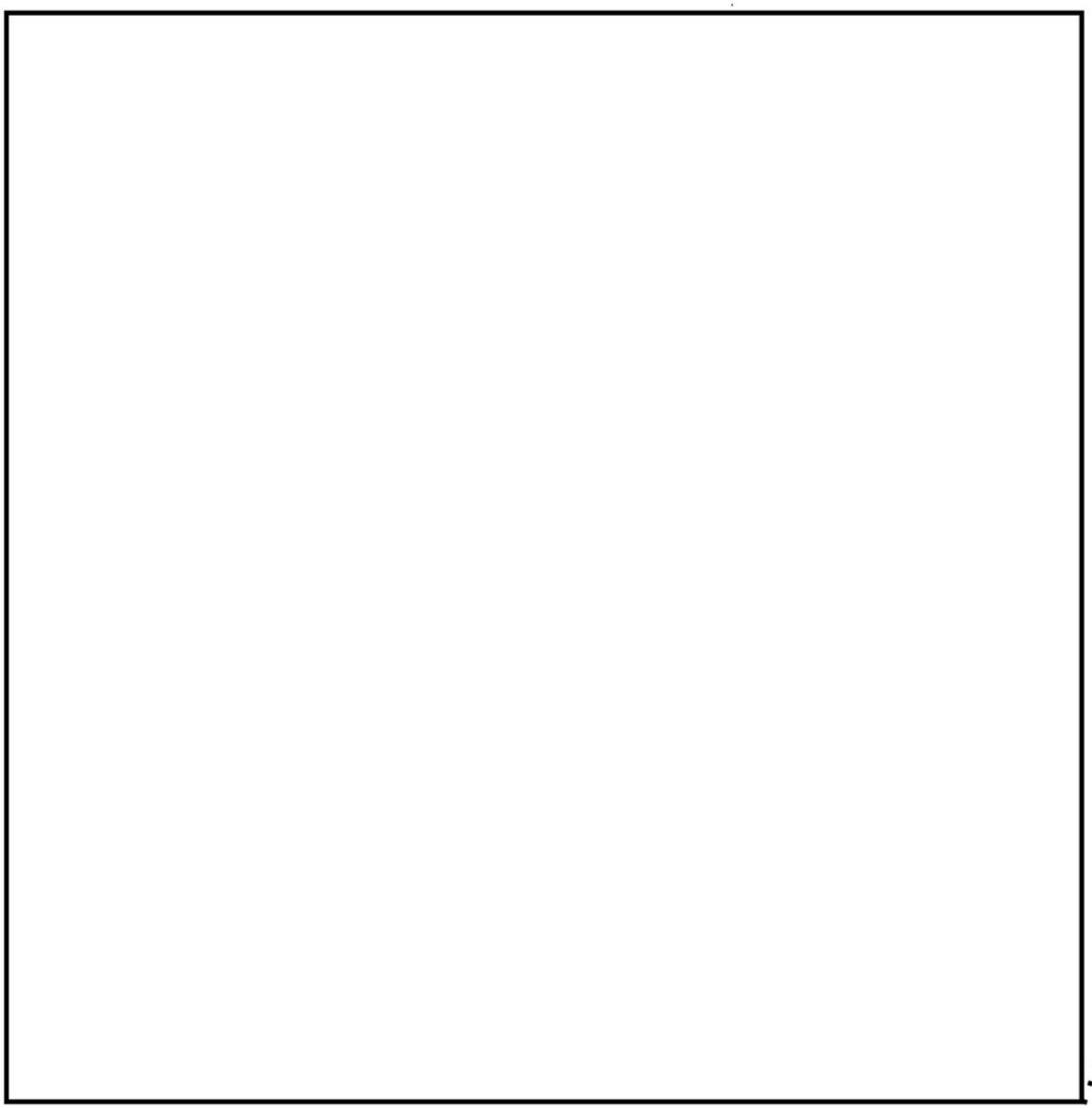
(b) (6)



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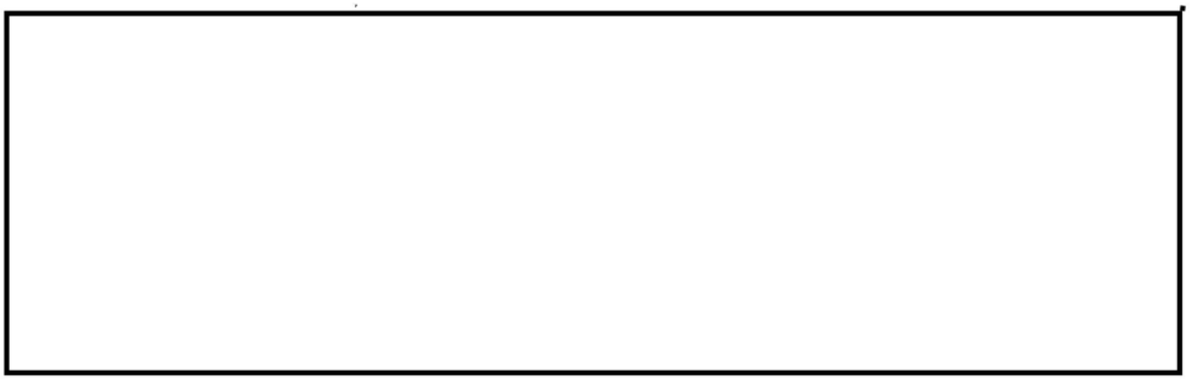
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(b) (6)

12/27/2013: 10:42 - 14:28 hours:





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[redacted]

01/15/2014: 08:23 - 14:47 hours:

[redacted]

(b) (6)



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[redacted]

01/22/2014: 10:46 - 15:24 hours:

[redacted]

(b) (6)

01/23/2014: 11:51 - 16:29 hours:

[redacted]

01/24/2014: 14:51 - 15:51 hours:

[redacted]



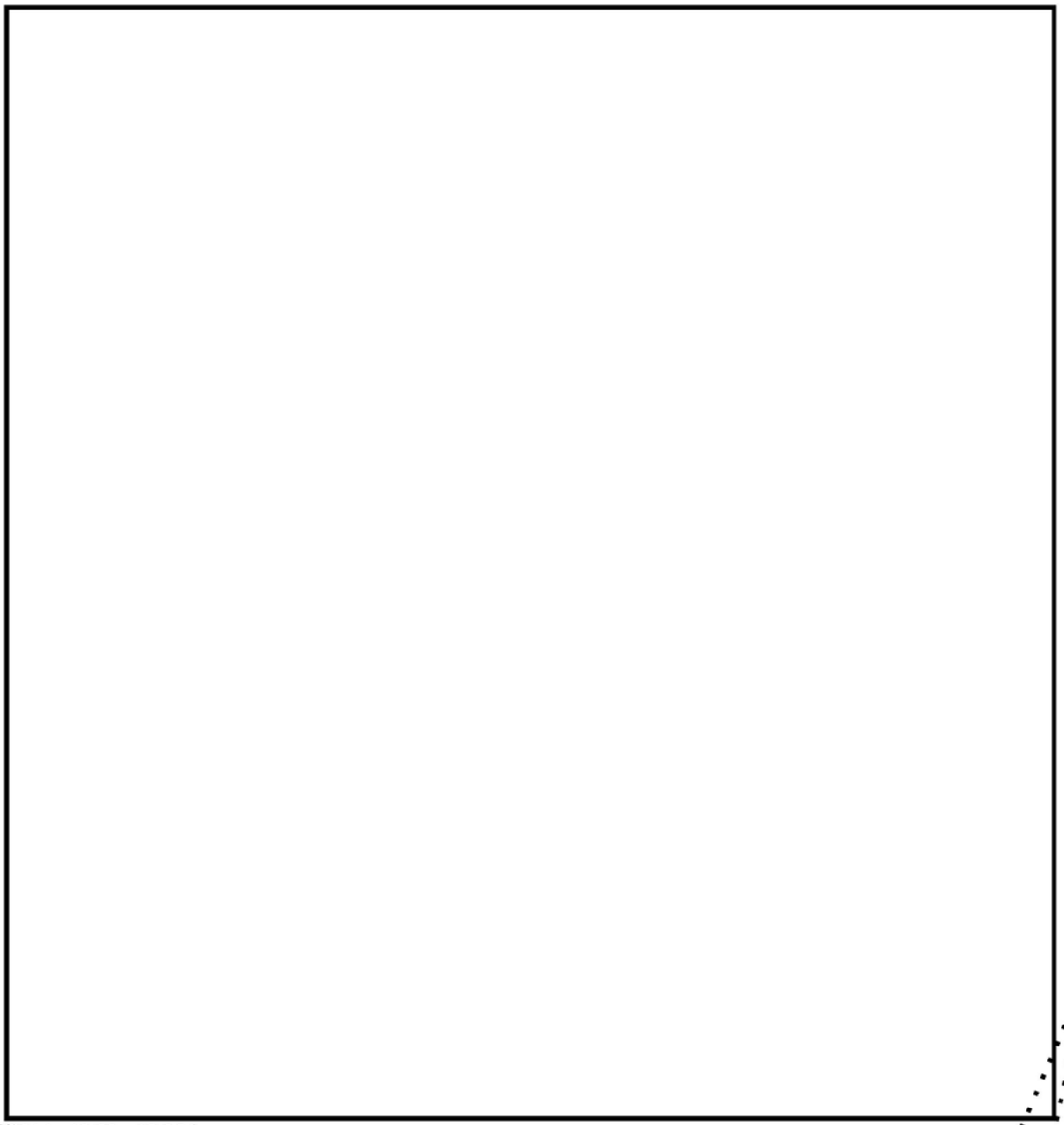


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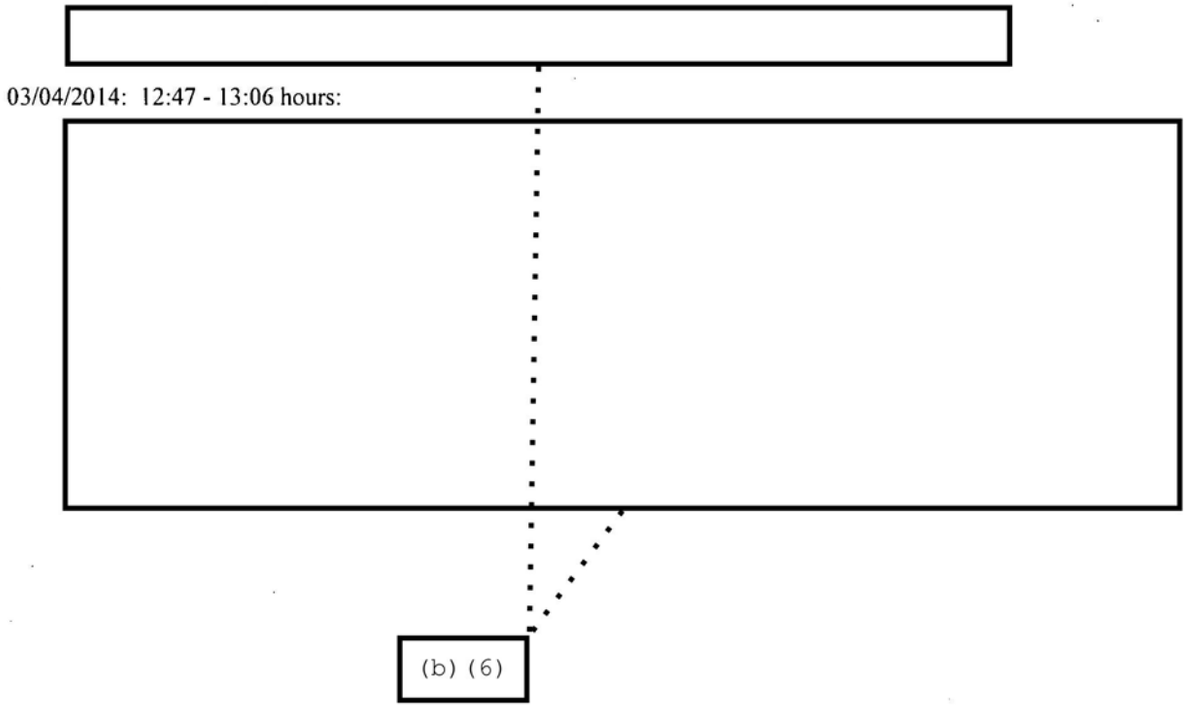
01/26/2014: 10:33 - 13:35 hours:







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# APPENDIX C

## (U) Verbatim Transcript – Interview of [redacted] 18 March 2014

(b)(3)-P.L. 86-36
(b)(6)



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NATIONAL SECURITY AGENCY
OFFICE OF THE INSPECTOR GENERAL

TAPE TRANSCRIPTION

(b)(3)-P.L. 86-36
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Interview of: [redacted]

Conducted by: [redacted]

(b)(3)-P.L. 86-36

March 18, 2014

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P R O C E E D I N G S

[redacted] Today is the 18th of March 2014. My name is [redacted] with the NSA OIG. For the record, could you state your full name?

THE WITNESS: [redacted]

[redacted] And do you know the interview is being recorded?

THE WITNESS: Yes.

(b)(3)-P.L. 86-36

[redacted] And did you have any questions on the Warnings and Assurances Statement that you signed?

THE WITNESS: No.

[redacted] You know the interview is completely voluntary?

(b)(3)-P.L. 86-36
(b)(6)

THE WITNESS: Yes.

[redacted] Raise your right hand.

Whereupon,

[redacted]

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY [redacted]

Q So give me some background. How long have you been



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here?

A Twenty-five years.

Q And what do you do for the Agency?

A I was a [redacted] and now I am a team lead.

Q In what organization?

A [redacted] (b)(3)-P.L. 86-36

Q And your grade?

A Thirteen.

Q And you have a classified system and an unclassified system at your desk?

A Correct.

Q Do you have a private office or is it a --

A An open office space.

Q And are you logged into both systems all day?

A Off and on.

Q Do you stay logged in or do you log out of one or the other?

A No. I usually log on to both of them in the morning, and then if I'm not using the unclass like I'll log off during the day.

Q Oh, okay.

A I mean if I don't have anything going on then I'll



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log off.

Q Okay. Do you have a KBM switch or are they two --

A KBM switch.

Q So tell me what your understanding of the policy is for use of resources, like any of the government resources like a computer --

A For work related. Morale building events at work, you know, we're allowed to plan on that on the unclass because I have had questions -- I've had employees who work for me who I see them on the unclass all day long and they're doing their Gmail and they're doing whatever it is they're doing. So I called Security at the SSO, [redacted] (phonetic), one day and I asked him what is the policy. And he said it's okay to do Gmail. It's no different than using the outside black phone. And I said okay, so I shouldn't say anything to these individuals. And he said no, it was okay. So I left it at that.

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And I don't -- you know I don't walk around and look over everybody's shoulder. I know I check my Gmail because I have kids who communicate with me occasionally to tell me if they have to stay after school or whatever they have to do. So, you know, I check and see what's going on



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with them.

I know I've seen people in the office -- and I don't know if they're actually shopping, but I've seen them on the Amazon.com website. I know there's a man in my office who logs on to his own personal website and watches streaming video of his house all day, and I kind of reported that months ago and nothing was ever done. I don't know if anybody ever talked to him or not.

Q Okay, and you reported that to the SSO?

A Mm-hmm.

Q Okay. Was there ever a discussion about limited personal use of resources?

A No.

Q Okay. So you said that you check your Gmail throughout the day?

A Mm-hmm.

Q So your understanding of the policy is that you're allowed to check your personal e-mail?

A That was how it was explained to me that it was no different than using the black phone because I questioned it not just for myself, I questioned it for the organization, for the team that I worked.



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Q Do you have just civilians in your organization or do you have contractors and military?

A Civilians.

Q Did he provide you any kind of actual policies?

A No.

Q Did you he tell you what the policies are?

A No.

Q Okay. And so when you're checking your Gmail you said you said you check on your kids. Is there anything else you do on the Gmail?

A No. I just check e-mails and then that's it. I don't go to Youtube, I don't go to any of those kind of pages like that. We can't even access Facebook, so I don't go there.

Q Well, you know, for me to receive information and then have this where I say this alleged misuse of government resources, what is in your e-mails that would cause questions that would cause me to --

A I don't know. I'm not sure. I mean I just have -- you know, it's just e-mails. I talk with friends, I talk with kids. It's just casual conversation so I'm not sure.

Q So there's nothing in your e-mail account that



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would cause a question as to the content of the e-mails or something that wouldn't be a good use of the resources?

A I'm sure the conversations are -- they're not work related so I'm sure it's not always, you know -- I'm sure it wouldn't be categorized as good use of the government equipment.

Q Are any of the conversations sexually explicit?

A Between a friend it's been joking conversations occasionally and then I would -- it's kind of like okay, end this, let's go. You know, end of discussion. There have been like -- between a -- not a co-worker but a friend of mine will send a silly e-mail occasionally and I will respond and shut it off.

Q Okay, and who is this that you're responding to?

A A friend outside of work.

Q I can tell you it's a lot different than what you're saying. So I have information and so what I'm trying to do is get you to tell because then they match and then we can move on. What you're telling me is completely different than what I've seen that's in your account.

A There have been conversations with an individual where there's nothing going on, though. It's just been



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joking kind of conversations.

Q They're not occasional.

A So I mean they're kind of -- we communicate daily.

Q Right, multiple times a day.

A Off and on.

Q I mean I want to get to the heart of the matter which is, you know, it's not occasional, so it's daily; and it's not one e-mail, it's continual.

A Sometimes, yes, there are days when the conversation is continual.

Q And they're sexually explicit?

A Sometimes, yes.

Q When I say that's not a good use of resources because it would not pass *The Washington Post* test if somebody read that. If that got out that an Agency employee was conducting themselves in that matter, that would not look positively on the Agency.

A Okay, I understand.

Q Okay. So we have the contents of the e-mails that have been occurring. When did they start?

A I don't remember that. Honestly, I don't recall when they started.



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Q And it's just with one person?
A Mm-hmm.
Q And I'm assuming that person is [redacted]
A Mm-hmm.
Q And he doesn't work here? (b) (6)
A Uh-uh.
Q He's over 18?
A Yes.
Q And he's not a foreign national?
A No. No, he is just a mutual -- just a friend. We're not even in a relationship. He does not work here. He's over 18. I'm over 18. He's not married. I'm not married. There's nothing actually physically going on, it's just some kind of conversation. There's no hold he has over me. There's no nothing. There's no nothing going on.
Q Okay. So why when I first asked you why was it so like occasional, so like --
A Because I wasn't sure what you meant when you said how often. Yes, I do talk to him. There are days, though, when I don't talk to him. And it's usually, you know, he'll shoot an e-mail, it's kind of like it started off silly e-mail. I responded, probably was not the decision on my part,



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but I thought it was just going to be hey, innocent casual fun. I didn't think it was going to be like on and on and ongoing. And it was just conversations that take place. So I wasn't sure where -- I guess I didn't see that -- I saw that logging onto the unclass and checking your Gmail was misuse of government resources. I understand that part. The content of the e-mail, I didn't understand where that was an issue, I guess, because I didn't see it as if it gets to *The Washington Post*, what would happen. I wasn't looking at it from that way. I was just looking at it as I check e-mail and write e-mail. I wasn't considering the actual content.

Q Right. But checking your e-mail is not necessarily a misuse of resources because, as you said, it's like using the black phone.

A Right.

Q So the fact that you check your Gmail as a civilian -- that's why I asked you about do you have contractors and things like because there's different rules for the different affiliates.

A Right, mm-hmm.

Q But as a civilian you can check your personal e-mail. It's all monitored. It says it's all monitored. So



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when (inaudible) start to detects any kind of misuse, they write me a report and then I have conversations with you -- with whoever the person is to put it in context so that I can see what the activity is, what's going on and put it in context.

A Right. Maybe I should have ended -- you know, I probably should have thought about it and ended the conversations. You know, hey, end this. I realize that.

Q Because I think outside of here, I mean what you do in your personal life is not necessarily the IG's concern. We're concerned with fraud, waste and abuse here at the Agency.

A Right.

Q So, you know, the content of the e-mails is very sexually explicit. The conversations go on for extended periods of time.

A Yes, I know.

Q And so that was my question with the open office. Do other people see --

A No.

Q -- what you're typing?

A No.



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Q You've never printed anything out?
A Never.
Q It's all in the Gmail; it's not in your NSA.gov?
A It's not anywhere. I don't use the NSA.gov.
Q Okay, so it's just in the Gmail?
A Mm-hmm.
Q And then I can assume after today --
A They will stop.
Q -- the conversations will cease?
A They will stop. I will be sure that I notify him outside of work --
Q At least in here.
A -- that this has to stop.
Q Right. And there is some things that were in the conversations that I wanted to ask you about. There's some references to pictures and like adult sexual activity and so I'm going to ask you a series of questions about.
A Okay.
Q Those --
A Were sent from home into that account. There's nothing on the computer at work.
Q So those are pictures that you have taken? People



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have taken of you? Is it a variety of --

A The sexual pictures are just from online. They're not -- nobody took pictures of me. So there are no pictures of me anywhere that are out there. No one has taken pictures of me. I have no pictures of me posted anywhere.

Q There was a reference that said that you thought you could see yourself in one of the pictures. So that's why I'm asking the question.

A I don't recall seeing myself in a picture. Any pictures that were cut and pasted were not pulled from the internet here. That was all done from home.

Q Okay. And then what would you do with the pictures then?

A Delete them. They were deleted. If this individual emailed me a picture, it was deleted. I did not save them anywhere. I did not save them anywhere. They are not saved at home. Any pictures that were sent back to him, same thing, deleted.

Q So they were in your -- the pictures that you sent were in your Gmail account and then you --

A Probably.

Q -- would just forward them to him?



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A And then I would -- yes.

Q And you're saying they were not of you? You were not in the pictures?

A No, I was not actually in the pictures. Like I said, most of these conversations, none of that stuff ever actually took place. It was all false -- nothing ever took place is what I'm saying.

Q Right. So you don't have a relationship -- you're saying you don't have a sexual relationship?

A I don't have an actual relationship with this individual, no. It's all just -- I don't know what the right word is. Fantasy. Fake conversation.

Q But it's a different relationship than you would have with another person?

A Correct.

Q I mean it's a different level of a relationship.

A Yes. Yes.

Q So you're saying it's fantasy story telling?

A Yes.

Q You would get these pictures on the internet and then --

A And delete them.



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Q -- put them in your account and then forward them to him?

A Delete them, yes.

Q Well, you would forward them to him?

A But then I deleted them from my account at home. I didn't do that at work is what I'm saying. That was done at home.

Q You're saying you didn't get the pictures --

A Correct.

Q -- from work but you sent them from work to him?

A No, I sent them from home because I don't have the pictures here at work. So they just happened to be in the e-mail. I mean there are days where I was not at work; I was at home and the e-mails just kind of stayed in my Gmail. I didn't delete the e-mails.

Q Okay.

A So I don't recall ever sending pictures from here to him.

Q Okay. So the pictures that you would send or --

A And any that he received or that he sent to me, if he was wherever he was for the day, if I opened them up here and realized what they were, I deleted the -- you know, I



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didn't save the pictures. I closed the e-mail right away.

Q Right. So the pictures that you had in your e-mail account, you wouldn't send them from here?

A Correct.

Q But they could be in your account and you could open them up from here?

A Correct.

Q And then we would see them?

A Correct.

Q Okay.

A So the whole conversation through Gmail, a lot of it took place at home. I did check it online here, and we would communicate throughout the day here. And yes, sometimes I forgot to log out and I would just, you know, minimize everything and walk away, lock the screen, whatever. And anything -- there was nothing actually going on. It was just all talk. And anything that he sent back and forth pictures or that I sent back and forth was done at home. It wasn't that often. There were no pictures -- pictures were not involved that often. It was -- I don't know why it started or how it started to be honest with you. I don't know how the whole conversation got started. It just did.



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And I probably should have ended it and not checked it at work. I realize that. And shouldn't have the conversations at work.

Q Right. And that's really what I'm focusing on is the activity that was done here at work.

A Right.

Q So the words that --

A Mostly it was words. There were not pictures sent back and forth here at work. It was words. And yes, the conversations were sexually explicit and they were -- they were not real is what I'm trying to say. There was nothing going on, it was just conversation.

Q Well, they couldn't be real at work because you're in one place and he's in another, but they are --

A So it wasn't anything going back and forth, and it was just yes, I should have logged off, should have shut it down. I realize that. It was just one of those the conversation got started and I would hop over here and get to work and then, you know, it would just kind of go back and forth.

Q Continuing the conversations?

A Mm-hmm.



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Q So if -- and you know what the stories or fantasy are about. And if you -- I mean you have to admit if someone else saw you in the office doing that, that would be a problem?

A Yes.

Q That would be definitely --

A And I did not do that in front of anybody else. It was not done when others were standing there. It was not done in the open -- I mean yes, we're an open environment. There's a cubicle wall up. If I had work related stuff -- it wasn't like I was sitting there doing that. I didn't do it in front of anybody.

Q How much time do you think that it -- that you would engage in this during the day?

A I -- honestly, I couldn't tell you exactly how much time because it would be like a minute here, then go turn it off, then go back, then a few minutes -- it would just be random. It also wasn't necessarily every day. It was -- occasionally there would be days or weeks when there were no conversations going on. I mean there would be long periods of time where there was no real conversation going on. It was just kind of back and forth. I mean I guess it depended



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on what I was working on during -- how busy I was depended on -- he would shoot an e-mail back and I would just naturally respond without really thinking. So that, again, was an error on my part I admit. But you know, I should have shut it off. I should have stopped it.

Q Right. And I just go back to I don't think that -- I mean -- I guess it -- you could say it wasn't completely ever day, but there was the days in which it occurred there was a fair amount of activity going back and forth. So I was just trying to get an understanding of how much of the day did it encompass.

A I don't -- I can't honestly answer that because I don't know because I would do multiple things at one time.

Q But you said that you logged in and logged out on those days.

A Well some days I would log into the Gmail, log off and then log back on and check to see what was going on and that would be it. It wasn't like I was sitting there on unclass all day long just staring at the unclass. I was doing other things at the same time.

Q But would you stay logged in to the unclass, like the network here, and then you would log into your Gmail and



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log out of the Gmail?

A Well, yeah, I -- yes, that's what I meant. I would log in -- not out of the actual network, out of the email

Q Okay. So you would log into Gmail, check your Gmail, and then log out of Gmail?

A Yes, because we did -- we sometimes did research back and forth so I would be on the unclass. So I just stayed logged in instead of shutting it down and rebooting.

Q Right, okay. So you would just log into Gmail. You didn't leave your Gmail logged in all day?

A Right. I would go back and forth on that.

Q Back and forth?

A Meaning logging on, logging off.

Q So when you were reading or composing an e-mail, you would just log into Gmail and log out? You didn't stay logged into Gmail all day?

A Sometimes I did because I just forgot to log off is what I'm saying. Like I would do an e-mail and then get to working on something and just lock the screen or minimize everything and go back to the other side.

Q Oh, okay.

A So there were days that I was logged in. I mean I



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would just forget to log off. It wasn't entirely intentional, it was just --

Q Well, no, it's not necessarily a problem. I'm just asking. I'm just asking.

A Yes.

Q Some people log in and stay logged in all day. Some people don't. And I'm just asking what your activity was, whether you stayed logged in or not?

A Depended on what I was working on for the day and how busy I was.

Q Okay. And then the other part of the conversation that you tend to go back to is with lots of references to [redacted] conversations, those references. (b) (6)

A A lot of those took place at home.

Q But when you're typing it from here, how does that -- tell me about that.

A Like does it really happen or --

Q Well, yeah, because when you're typing it and then you're saying oh, [redacted] --

A It's usually a joke. It's usually a joke. Oh, [redacted]



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[redacted] is what I'm saying.

(b) (6)

Q Okay.

A That's what I was trying to say when it's like all fantasy, it's not really taking place.

Q Okay. So these aren't things that happened and then you're recreating them? You're just --

A No, they're just fantasy. I don't [redacted]

[redacted]

Q Okay.

A And I don't know what he does on his end but I don't. I'm usually sitting at my desk.

Q Okay. So -- okay. So your statement is that you [redacted]--

A No.

Q -- stories that you're typing?

A No, we're not. Well, I can't speak for him. I'm not.

Q Right. Right. We don't know what he's doing. But on your side?

A No. I'm sitting at my desk all day.

Q Okay.



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(b) (6)

A I'm usually at my desk all day.

Q So the references that you're making [redacted] and things like that --

A All fake.

Q Okay. Because it seems to be a reoccurring theme or reoccurring --

A And I just keep retyping the same reoccurring theme depending on what the conversation is, what statements he makes. It's not -- there's nothing physically going on.

Q Well, I'm just more concerned in the office what is physically going on --.

A Nothing.

Q -- with the conversations you are having. You know, when I said about *The Washington Post* test, it also, too, is if we have people in at their desk that are [redacted] we have other concerns about --

A There's nothing going on at work. I sit in an open space. Like I said, people come back and talk to me all the time. There's nothing going on.

Q Okay.



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[redacted] (b) (6)

Q So it's just fantasy typing words?

A Yes, correct. That's it. On my end that's as far as it goes.

Q Okay. Is there anything else that you think would be helpful or help to put this in context or help me -- like if I did more research or anything, is there anything that would help kind of understand all this or get to the bottom of it all or --

A No. It's just a conversation. It was a thing that started that should have been stopped.

Q And how long have you known this person?

A It's long.

Q Like a long -- years or --

A Years.

Q Okay.

A It was something that got started that I probably should have put an end to as soon as it started, but I didn't realize it was going to continue. At the time when it started I didn't realize it was going to go this far. There was nothing really going on, though. There was no exchanges



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of classified information. There was no -- I mean the only thing I can think of is, yes, okay the content was sexually explicit. Yes, some of the conversations took place at work on government time and that was a mistake on my part or a bad call on my part.

Q Right, right. I mean because whether you have a relationship with this person or not, that's for you. I'm just trying to put it in context how long the conversations have been going on. Would you say it's been going on for years?

A No, months.

Q So it -- you know, something happened in the relationship to where now this is acceptable for you to be doing this at work --

A It probably started as a joke. I think it started as a joke e-mail initially. You know, it started as just being funny, casual funny. You know, friends make sexually explicit comments to each other when they feel comfortable enough. I think it started that way and it was kind of started off light like ha, ha, you know, and then it just continued from there.

Q Okay.



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A It was not -- like it hasn't been going on for years. Months. I would say months.

Q Months, okay. And has it always been so sexually explicit or did it kind of evolve --

A No, it kind of evolved into that.

Q -- over time?

A No, it evolved into that and kind of took -- you know, caught me by surprise. But I guess in my mind I thought well, it's harmless because we're not really doing ne, it's just e-mails.

Q Okay. And you said [redacted] going on?

(b) (6)

A No.

Q There's nothing going on on your part?

A No.

Q You're just typing these -- you know, the only thing is this reference to this I think I'm in the picture somewhere, you know, in an adults only location. I just want to ask you again --

A But I was not in the picture anywhere. There were -- a lot of these comments, like I said, were just kind of jokes. It wasn't, you know -- it was not real is what I'm



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saying.

Q Okay. So you would send him a picture of a group of people and just say --

A Oh, yeah, I think I'm in there somewhere. It was along those lines.

Q Okay. And so a lot of the references in the context are just --

A False.

Q Okay. So, you know, if we did more research, we wouldn't find anything to be on the contrary of what you're telling me?

A No, not to my knowledge. Everything that I have sent to him picture related was from home. I sent no pictures from work.

Q Okay.

A And we usually would start with "Send me a picture." And I would say, "I'm not taking a picture of my own self. What are you crazy?" And it was just, "Well, go ahead, I'll delete it." It was along those lines. And then I would just pull down a fake picture from somewhere. Oh here's a fake one. Like pretend that's me, you know, and then delete it. That was the gist of how we did everything.



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And that was done at home. That was not even done here.

Q Right. So it's not like you researched the pictures here?

A No, I did not find pictures here. I wouldn't even go to those sites here.

Q So it was just done at home?

A I wasn't even comfortable going to those sites at home, to be honest with you. It was like -- so I was really uneasy about that.

Q So all the picture things or references are --

A To things that were done at home that were false, not really happening.

Q And then the references [redacted] (b) (6)

A Fake, not real. Again, none of that was real. I mean I sit at my desk all day long. I have people who sit a desk away from me that can verify I'm not even away from my desk very long. So I don't -- those things don't take place really. It's just --

Q But you understand from my perspective when I'm reading them that --

A I understand what you're saying, yes.



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Q -- I have to ask those questions?

A But it didn't take place. None of that took place.

Q Okay.

A That's why I'm trying to say this whole fake scenario here, it was all fake. Nothing took place.

Q Okay. Well, I mean whether it's fake or not, it doesn't really matter to me. My concern is more of you typing very sexually explicit e-mails from here. If you typed an e-mail to a friend that wasn't sexually explicit, that wouldn't be a problem.

A Right. Right.

Q That would be -- because you are allowed limited personal use. So the content itself being sexually explicit is an issue.

A Right, and I understand now I need to end that, terminate it or not do it at work.

Q Right, just not do it at work.

A I understand that now.

Q And then some of the content in the stories pose additional questions as to, you know, make me understand the context and the content of the e-mails so that I can -- when I write the report I can frame -- put this in perspective.



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A Yeah, it's all fictional.

Q Okay.

A It's all -- I mean the only way I can summarize it is to say it's fictional. It was a bad decision on my part to communicate this way at work. I see that now. It was not intentional. You know, it wasn't like I was saying I'm just not working today; this is what I'm going to do all day.

There was nothing -- it was a bad call.

Q So it didn't affect your performance in the job?

A No.

Q You haven't been spoken to?

A I've never been spoken to. My ACE was 3.8. I got a bonus. You know, I receive positive feedback every day. It did not affect my ability to perform my job. I did not neglect my responsibilities to do this. If I was busy, I didn't communicate. A lot of time it just turned into habit at this point where he would send an e-mail and I would just automatically respond without thinking, you know, I'm busy right now, leave me alone, or later, I'll talk to you later. So yes, it was a bad call on my part. It won't -- obviously, I'm not going to do it again. I'll have to let him know these conversations are over.



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Q At least at work.

A Well, at work. But so I don't know what tell you from there.

Q No, I was just wanting to make sure I have everything, all the framework that I needed.

And so the next thing that will happen is you'll get an e-mail from me, hopefully, in the next couple of weeks that has tentative conclusions which will basically say that you violated policy. And it will have the policies listed in there, so if you'd like to go look at them you can look at them.

And it will ask you if you agree with my conclusion, if you have any other details to refute it, and also if you want to make a statement.

So, you know, I just kind of let you know that that's going to be the next thing that you'll get is an e-mail from me. And then if you'd like to make a statement, we'll put that in the report.

When you get that e-mail, it will pretty much say that I've drafted the report, gave it to my management, and we're waiting to hear back from you. The report's getting ready to be issued. It will be issued to Employee Relations.



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They'll take a look at it. We make no recommendations on what they do with it. Because you have a security clearance, a copy also goes to Security. And again, with this -- basically it's a finding of facts. This is what -- this is our interview. This is what happened. These are the policies that were violated. Like I said, you'll get that in an e-mail. And then I'm finished and we issue the report.

A Okay.

Q As long as you're not detected again, then from my --

A I won't be detected again.

Q Well, I always tell people because if you're detected again --

A That won't happen.

Q -- then it's kind of the unclassified account can be in jeopardy.

A No, I understand. I understand.

Q So I just let people know. I mean, most people --

A No, it was like I said. That was a mistake. I just lost sight of what I should and shouldn't be doing. It was not intentional. It was not meant to cause any problems. It was just conversations between someone on the outside that



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I guess I should have, as they were going on, saw them as wrong, but they were harmless, I guess, in my mind because they weren't really taking place and it was just shooting e-mails back and forth.

You know, I just lost sight of -- well, I don't really know the actual policy either. So, you know, fully I don't know the policies. So I just lost sight of what I should and shouldn't be doing.

Q Right. But I can tell you it's the Joint Ethics Regulation where if you say, "Go Ethics," you'll go the GC website for that, and then policy 6-6, which is the use of the unclassified internet. And most of it just says basically use common sense and good judgment. The fact that their words --

A Well, obviously, I didn't use common sense and good judgment here.

Q Right, just because they're so sexually explicit. And like I said, if it somehow --

A Well, if I thought they were threatening in any way or going to do anything to my clearance, I would have stopped them immediately. But I really thought that because they were with a friend they were just kind of harmless banter



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back and forth, I didn't really take them that serious.

Q So not taking it -- the sexually explicit -- that you know --

A I just didn't think, you know, because it wasn't really happening, so I just didn't think anything of it.

Q Well, and I guess, you know, two consenting adults --

A Right.

Q You know, and so it's --

A But I wasn't thinking we're doing this on work. I wasn't thinking from that side, I was just thinking I'm in my Gmail and I'll just respond to this e-mail and, you know.

Q Right. And so whatever you open from here is kind of free game for us to monitor.

A Right, right.

Q And so it boils down to the typing the sexually explicit e-mails on your part. Sometimes you can't -- obviously, you know from this person they're probably going to be that way. But sometimes if you're in your e-mail, you may get an e-mail and not really realize --

A That it's going to be that way.

Q -- that it's not appropriate at work. Then you



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would just close it and move on.

A Right. But I knew the person. They started the conversation, and it just kind of off and on went from there.

Q Right.

A It wasn't -- in other words, I didn't feel harassed; I didn't feel threatened; I didn't feel worried. It was just, like you said, mutually consenting adults and I thought all right, you want to have this conversation, whatever, move on.

Q Right. And so the policy just says that the common sense, the good judgment, having -- the Joint Ethic Regulation talks about sending personal e-mails for unavoidable things -- make doctor's appointments, talk to your children -- things that you can't do outside of work. Obviously, you could do this stuff outside of work. You know, so it's -- and just the whole good judgment. If they would get out that an Agency employee was conducting themselves --

A Right, doing this.

Q -- on government time, it just wouldn't --

A It wouldn't look good.

Q Yeah, it just --



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A And I guess I just wasn't thinking along those lines.

Q Okay.

A Again, that was not intentional to make the government look bad or anything, but I just wasn't thinking.

Q Right. Well, so I gave you the references to the policies. Plus, when I send you the e-mail they'll be in there, too.

A They'll be in there? Okay.

Q So you can go look at them or you're welcome to send me an e-mail or ask a question.

A Okay.

Q If you haven't heard from me and you're wondering what's going on, feel free to send me an e-mail or call me. I have a caseload, so things get juggled all around so. But I do understand that I'm sure you want to get this taken care of as soon as possible, so I will do my best at getting this done as soon as possible. And like I said, if you don't hear from me --

A I can call you.

Q Feel free. You don't really bug me, it's just I might say it's still open, it's still pending. It's just



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depends on the day and the workload.

So do you have any other questions or any questions for me?

A No, I don't have any other questions. I mean I see where it raised concern. So I admit that, yes, I did it and it raised concern. I don't have any other questions that I know of.

Q Okay, neither do I. The interview is concluded.

(The interview was concluded.)

* * * * *



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# APPENDIX D

## (U) Verbatim Transcript – Interview of [redacted] 19 March 2014

(b)(3)-P.L. 86-36
(b)(6)



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NATIONAL SECURITY AGENCY
OFFICE OF THE INSPECTOR GENERAL

TAPE TRANSCRIPTION

(b)(3)-P.L. 86-36
(b)(6)

Interview of: [redacted]

Conducted by: [redacted]

(b)(3)-P.L. 86-36

March 19, 2014

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P R O C E E D I N G S

[redacted] Today is the 19th of March 2014. My name is [redacted] with the NSA OIG. For the record, could you state your full name?

THE WITNESS: [redacted]

[redacted] And do you know the interview is being recorded?

(b)(3)-P.L. 86-36

THE WITNESS: Yes.

[redacted] And did you have any questions on the Warnings and Assurances Statement that you signed?

THE WITNESS: No.

[redacted] You know the interview is completely voluntary?

(b)(3)-P.L. 86-36
(b)(6)

THE WITNESS: Yes.

[redacted] Raise your right hand.

Whereupon,

[redacted]

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY [redacted]

Q I don't think we'll get anything classified. If we



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do, let me know so I can mark the tape.

So I just will let you talk, you know. You were interviewed yesterday.

A I was interviewed yesterday, and you asked me the questions you asked yesterday. And like I said, I was up sick all night because the only one I did not answer honestly was who the person was that I was talking to, and the individual is another Agency employee in [redacted]. And the conversations started casually. I was ending a three year relationship with someone and I was just kind of down and they were just -- we were just talking as friends, and then it they just kind of started to be a little bit flirtatious and they escalated from there. So that's the content.

I know we talked about the content of the e-mails yesterday. That was the content. But the person's name is [redacted]

(b)(3)-P.L. 86-36

Q And this is someone that you work with?

A Mm-hmm.

Q In [redacted]

A Mm-hmm.

Q And how long have you known him?

A Probably two years.



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Q Okay. And so this is the person that you're communicating with on the unclass with?

A Yes.

Q So where did [redacted] come? (b) (6)

A That's just an alias that --

Q That he uses?

A Mm-hmm.

Q Okay.

A Mm-hmm.

Q And why on the unclass? You know, why wouldn't you just talk --

A We would talk in the evenings from home.

Q Okay.

A So we would talk in the evening from home and then just continuing talking at work on that. It wasn't -- I mean that was how it got started. It was conversations at home that were just brought into work, and that was the gist of it.

It would -- I mean that was just how they got started. I don't have anything else to say about them.

Q Right. And when you had called me yesterday on the black phone --



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A I was at home.

Q -- you called me at home and you said your casual conversations started in June.

A Yeah, they were very casual about family, kids, stuff like that. They were not -- they didn't start off in a sexual context type nature. And then they would just -- you know, a little flirtatious e-mails going back and forth. I thought nothing of it. And then it would just kind of grow from there. A conversation would start in the evening, and then we'd be at work and they would just continue some days. Some days they wouldn't. So it wasn't necessarily every day. It wasn't necessarily all day. It was just some days they were.

You know, and then over time it was kind of like all right, this is getting old. I mean I just thought this is getting old. I'm kind of done with this conversation. So they kind of lessened.

Q Oh, okay.

A You know, I kind of stopped the communications and so did he for the most part. I mean we just kind of were drifting off of it. So it's kind of lessened. But I just didn't feel right because I didn't -- because I knew who he



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was and I wanted to put that out there.

Q So is he in the same physical office as you?

A He's in another room. He's in another room.

Q But you all are in the same building?

A Building, mm-hmm.

Q Okay, same building, different room.

A Mm-hmm.

Q Do you have the same supervisors?

A No.

(b) (6)

Q Okay.

A No, we don't work on the same teams if you call it. We're on opposite teams.

Q Okay. So [redacted] is his alias. What is his e-mail address, do you know?

A I don't know it off the top of my head.

Q And you said yesterday that you got rid of your Gmail?

A I deleted all of them.

Q Is that just to hide something or just to --

A No, it was just because I was done with it. After this incident I decided I was going to stop those communications with him.



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Q Now does he -- is he aware that you came and spoke to us?

A Mm-hmm.

Q And how did he feel about that?

A He was upset not -- I mean he wasn't -- he felt bad. He was upset. He felt bad. And he was -- sincerely felt bad and said he never thought it would get to this either, and he felt terrible. It was basically -- he felt it was the same thing, it was just conversations that got out of hand. And he felt also that I was taking the brunt of it.

Q So the -- you had a sexual relationship with him or not a sexual relationship?

A No, there was no relationship with him.

Q So never a physical --

A There was no physical relationship with him. No, it was all, like I said yesterday, fictional, made up, just conversations. There was no actual physical contact ever.

Q Okay. Is he single? Is he married? Is --

A He is married.

Q Okay.

A He is married.

Q Okay. I don't know what his marital relationship



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is like, but I know he's married.

Q Okay. I'm just trying to make sure I've asked everything. Is there anything else?

I know when we spoke yesterday you said -- because I said that the e-mails were very sexual and we talked about your references [redacted] and then you said --

A That was never happening. (b) (6)

Q Right. And then you said you don't know what he's doing when he's reading the e-mails.

A Right. I don't -- he's in another room. As far as I know he's sitting there. I don't know if he's getting up and leaving the room or not. I would think and hope he's not, but we're not in the same room. So I don't know if he would get up and leave the room. I mean to my knowledge he's not. He sits in an open space with a room full of people. So I don't know how he's physically responding to anything.

Q And did you guys ever have lunch together?

A Not -- I mean we don't really go out to lunch. We usually eat at our desk all of us. In the morning we might go down to the cafeteria and get a cup of coffee, but it's always a group of us. It's not just me and him (inaudible), it's usually like three or four us. And we might sit down



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and talk for 20 minutes and then go back to our desk and that's it.

Q So you see him kind of on a social, coffee, in the cafeteria?

A Yeah, we don't go out outside of work. There's no contact outside of work.

Q Between the two of you all?

A Right, right. No going out to lunch. No going -- I mean there's contact with all of us as friends.

Q Right, like an office function or things like that.

A Right, but there's no -- we don't go out to dinner. We don't go out anywhere outside of work.

Q Like just the two of you?

A Just the two of us is what I'm saying. That's why I said there is no physical relationship. It was -- there was nothing ever physical going on.

Q Okay. So and you had said it started out as a friendship, very casual conversations and then at some point moved into the sexual -- you said they started at your home normally, the conversations, and then sometimes bled into work.

A Mm-hmm.



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Q And you said that they were flirtatious. Do you know -- was it on both sides? Was it one-sided the --

A No, it was just kind of playing back and forth at first. It was -- and I don't remember who made the first statement. Like I said, it was a while ago. And I didn't -- it was sort of fictitional and so not -- meaningless at the time that I didn't hold onto it for any kind of emotional reason. It was just, you know, conversations where you just casually flirted, and somebody would make a statement, and somebody would make one back and it just grew from there. The flirtation got a little heavier and heavier and heavier is what I'm saying.

Q And then how did it keep you engaged and keep your interest and keep it going?

A I mean it was kind of just for entertainment, I mean to be honest with you. It wasn't anything physical going on. It was just the statements. He would make a statement and I would just respond. Sometimes I would respond with "Oh my," like I don't know how to respond to that.

Q And the statements were normally sexual acts or doing things?



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A Right, characterizing sexual acts of things that people would do in a relationship, but they were never actually occurring.

Q But it -- so you -- from sometime in June when the conversations started until, you know, yesterday, the conversations started casual, became sexual, continued on --

A And then went back to casual.

Q Oh, okay. When would you say that that happened?

A In December. Like early December I thought it seemed like it kind of started weaning off a little bit, like it wasn't as frequently and it was not as often. And I don't -- like I said, I don't fully remember exact dates. I just know it's kind of dwindled off on its own. Like it's just kind of stopped.

And I don't -- like I've met somebody outside of work now or I'm starting to sort of meet someone. So I kind of stopped the communications because I was actually meeting someone real, not fictitional and it was -- I just didn't feel like it was right, so I kind of separated somewhat from the conversations. And he didn't question it. You know, we still just talked as friends. It was kind of like a mutually agreed like okay, we had our fun, we're done.



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You know, it wasn't -- there was no malicious intent behind it. There was never any intent to actually do anything that was in those e-mails. He brought his wife to every function that we went to for the office. You know, I've met her. It was just -- that's why I said there was no emotional connection. It was just I kind of blew him off as just stupid little e-mails. I didn't take them personally entirely. But now that I've kind of sort of met someone else I kind of stopped talking -- having those conversations because I didn't feel it was right, and I was having a hard time accepting it or dealing with it, so I kind of weaned off of him.

Q Now how did you tell him that we spoke yesterday and --

A He called me at home to ask why I wasn't at work and what was going on. And I just told him I said I got an e-mail last Friday to come and talk to you, I said, and I went and talked. I told him I had to -- I said, "I didn't put your name out there." I said, I wasn't sure -- I said I felt really bad because I wanted to but I just was torn between what to do and what not to do. And I said it's eating me up. I mean when he called I was sitting there



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crying. He knew I was upset. And he said he felt terrible about it. He felt really bad. I don't think he's taking it lightly. I don't think he took like wow, if you take it, I'm all right. That's not the impression I got. He was pretty upset about it.

You know, I talked to him and I said, "You know, we really should have been -- shouldn't have been doing this, first of all." I said, "I realize that now." I said, "I lost sight of what the policies are." I said, "I didn't really know the policy." And I said, "And then the conversations just got carried away without thinking." I said, "It was stupid on both our parts." And he agreed. He didn't disagree. He wasn't angry. He wasn't angry with me. He wasn't angry -- he wasn't hostile or angry or anything like that. He felt sincerely bad.

So we didn't talk very long. We talked for a little bit, but I said, "You know, when I talked to them," I said, "these conversations on this [redacted] e-mail," I said, "they need to stop." And he said, "I agree." He said, (Inaudible) we stop." I said, "Okay." I said, "I'm just letting you know I'm not going to be participating." You know, don't e-mail me anymore with -- I mean if you're

(b) (6)



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emailing as a friend to say Hey, how's it going on, that was okay. I said, "But these other e-mails need to stop." And I said, "Even at home they need to stop."

Q So let me make sure I get this straight because I thought you said you just got rid of the account like --

A Well, I deleted all the e-mails, and I haven't actually deleted the actual account yet because I did it from my phone.

Q So you deleted --

A I have to go back in to a computer and actually do it from there. It wouldn't let me delete it from the phone for some reason.

Q Well, that's just totally up to you. I was just trying to understand. So you deleted --

A I was going to delete it so -- I was going to delete the entire account so that he could not e-mail me on there anymore because I thought if I delete it, there can't even be an oops, I accidentally sent this. That was my thought behind that was I need to stop talking to you like this.

Q But you don't use that Gmail account for anything else?



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A Uh-uh.

Q But just to communicate with him?

A Mm-hmm.

Q Okay. I was trying to understand why you would delete it if you used it for other reasons. But if --

A No, I have a Verizon e-mail account that I use.

Q Okay, so you only used it to communicate with him?

A Mm-hmm.

Q So you set it up to --

A To communicate with him over the summer.

Q Okay.

A And I don't know who else he communicates with on his. I don't know who he talks to.

Q Okay, I'm sure I can get it, but you said you didn't know what his e-mail address is?

A I don't. I know it's -- (b) (6)

Q Well, what's yours?

A I know it's [redacted] but then there's some numbers behind it and I don't know the rest. Or [redacted] something.

Q And what is your e-mail?

A Mine was -- I have to think, hold on. I'll have to



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call you and look it up and tell you exactly what the actual e-mail is. It's @gmail.com, but I'll have to give you the numbers and all that. I don't know what it is behind it.

Q Well, if you could give it to me just so when I'm going through I can make sure I know what -- did you have like an alias, too?

A Mm-hmm. My e-mail was probably [redacted] no, it should be -- it was like a [redacted] something. It was just a made up name, fictitional.

Q Okay. And whose idea was it to set up this Gmail?

A He had his set up first and he said -- suggested I set up an e-mail without my name plastered all over it. And I was confused by that because I'd never done that before, first of all, set up a fake -- you know, an e-mail alias other than my own real name. So when I tell you this is the first time, I mean everything I do is -- at home my e-mail is my full name. Everybody could figure out exactly who I was. So I set this up and just -- you know, a fictitional name.

Q So it was something that was suggested to you by him? And then does he normally call you when you're not at work?

A No. He won't normally call; he'll e-mail at home.



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He'll e-mail me and say, "Hey what are you doing off today? Is everything okay?" But he doesn't call me regularly, no.

Q But, obviously, he has your home number.

A Yes. He has -- well, we all kind of have everybody's home number at work because we have an emergency sheet with everybody's number on it. But I'd given it to him before he was going to pick me up from the airport one time from a trip so I gave him my cell number. And I have his for the same reason. But the office that we work in, we kind of all have each other's cell phone numbers. We all share that information.

Q For like emergency sheets and things like that?

A Mm-hmm.

Q But do other people in the office call you --

A All the time.

Q -- when you're not at work?

A All the time. I get called all the time.

Q Really?

A Yes. I get called at 4:00 in the morning. I get called at 5:00 in the morning. I get called, text messages all hours of the day and night from people.

Q Wow.



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A Yes.

Q Okay. So you said he called you at home. Was it in the evening? During the day?

A No, daytime. It was around noon. He called and asked if everything was okay. That's when I told him what happened, and he felt bad. I mean he didn't know what to do. He felt bad, but what -- you know.

And I said, "I don't know what's going to happen from here." And I said, "I don't know what to do from here." And I told him how you explained the process, you do your report, it goes through and then it goes over to Employee Relations. I kind of explained that process to him, and he just kept saying how bad he felt. And I think it was sincerely he felt bad. I don't think it was -- you know, I didn't get the sense that he just didn't care and was blowing it off like it was nothing. He was concerned.

Q Mm-hmm. Well, it's hard to tell at this point because there's a lot of remorse people can have when they get caught, you know. So I still think that, like you were saying, that he picked you up from the airport. And so your all's friendship relationship, you know to have these type of conversations with somebody is different than what you would



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have with another co-worker. So it seems to me the relationship is a little bit more serious or on a different level than, I would say, other people that you have relationships with.

A I mean we do -- we talk more, but it's usually just communicating. We talk in the cafeteria, you know. And I know about his kids and stuff. He knows about mine. We've had conversations about family stuff. He'll share personal information about like his family members that I don't believe he shares with other people, but I could be wrong.

He talks pretty open when we're verbally sitting in the cafeteria or whatever. He's pretty open about, you know, whatever he's dealing with or life or just general -- I mean when we're face-to-face the conversations are not sexual in that way. We're just talking about real things, work issues, people issues, things like that, family issues. They're normal conversations. So but he talks to a lot of people. So I don't know. I don't know what kind of conversations he has with everybody else.

Q Well, do you have other people picking you up from the airport?

A Mm-hmm, we do. Like if I'm coming in from a flight



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(b)(3)-P.L. 86-36



and somebody's swinging by -- because we work at [redacted] -- I have a girlfriend [redacted] who's picked me up -- who will pick me up from places. I have other friends if I say, Hey, my flight gets in at this time, rather than taking a cab or calling somebody from home to come get me, can you just swing by and picked me up. So that was just one time he picked me up from the airport and it was literally drove me home, dropped me off at my house and left. There was no other -- didn't come in the house, didn't even walk up the driveway. It was just drop me off. It was very non-- I don't know what the word -- non-intimate, non-touchy. There was no hug, no hey, no nothing; it was just thanks for the ride. It was one of those kind of deals.

Q Do you think because of the conversations were so sexual, do you think that I guess if you wanted it to become a physical relationship it could have been?

A I don't know, and I never raised that question with him because I know he's married, and I didn't want to get involved in that. I guess I didn't want to know and I didn't want to take it that way because I know where he is and he needs to deal with his at-home wife. That was always my thought was I will talk to you right here, but that's the



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extent of it. And not every conversation on that Gmail account was of a sexual nature. We would have -- I would talk about my family. You know, there would be days where I'd just send a long e-mail about oh, my God, listen to what my kids are doing. You know it would just -- they were not all of that context. So we would have normal --

Q So it was like a friendship?

A It was like a friendship. It was not this is the only communication we have and it's sexual. It was not like that. We would talk about another girl in my office. You know, [redacted] We had that conversation on that Gmail account, and she had found pictures on her computer -- well, it was his computer that we couldn't get downloaded. So we'd e-mail them to that Gmail account so she had a copy of them. It was -- like it was stuff like that that was going on. And like I shared that with him. You know, like can you believe what [redacted] is going through? This is really awful. And so we had those kind of conversations on there.

(b)(6)

(b)(3)-P.L. 86-36

And then recently I even had a conversation with him on there about this person I met on one of these match websites. You know, it was -- we talked about that. And so



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it's not all --

Q So it's not just a sexual conversation relationship? You have a --

A Right. That's what I'm trying to say.

Q He's a co-worker, a friend --

A A friend.

Q -- and then --

A And then this little thing on the side for whatever, fun, entertainment, whatever he -- you know. But that was the extent of it. Nothing was ever, you know. And I don't ask him questions about what goes on with him and his wife. I don't talk to him about his personal life. I've made -- he's kind of made some comments before, and I've given him advice, you know, my open advice on, you know. He'll talk about his relationship and what's not working. And I'll say well, why don't you try this; why don't you try that; you know, have you tried going out and talking. I said, "Every weekend you socialize with 85 friends. Why don't you try just the two of you going out." We've had those kind of conversations. I've never said like leave her. You know, it's never gone to that level. It's never moved in that direction. It just stayed -- it was just always



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these conversations at work or on this Gmail account. That's where they stayed. Out in public we were just mutual friends. There was never anything else there.

Q Were you ever afraid that his wife could ever find this account or this --

A Yeah, I mean I said something. I said, "I don't understand how you sit at home and have these e-mail conversations because" I said, "I know in my house everything is wide open." Like my desktop computer, the monitors are facing out. They're not facing the wall so everybody can see what I'm doing always. I said, and I am -- like I was trying to tell him, I said, "I don't know how you sit there and have these conversations." But I think he does it when she's not around or when she's busy I guess. And part of me doesn't -- I'm like, you know, if you're going to take that chance and send them, that's your business not mine. I can't tell you what to do.

Q Right, because you're only accountable for your actions.

A I mean you're an adult; I'm an adult. You know what you're capable of. I can't speak to what he does outside of work with his wife and what their relationship is



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like. I just know what my life is like at home, and everything at home is wide open. So, you know, I don't know. And that was part of the reason why I said these conversations maybe need to end because if I am meeting someone else and they come to my house, you know, everything is wide open. My computer is wide open. It's logged on all day long. My IPad is sitting there. My cell phone is sitting there. Nothing is locked up. There are no passcodes on anything, and anybody could pick it up and look at anything. So and I kind of said that. I said, "Everything's wide open in my house." I said, "You know, I could never be in a real relationship and be doing these e-mails because they'd be seen, first of all." But I don't know what their life is like. I don't know what their relationship is really like. It's not -- it's really not my business, and that was kind of how I always approached this. It's what you do; that's not my business.

Q Right, but I mean you all did have a friendship and it seems like he was open and communicated things to you. So then it kind of is somewhat -- something that you just question because that's -- I mean I was just wondering, you know, him having his alias account and being married. I



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don't know, does he have children?

A Mm-hmm. They're older. They're adults.

Q Which everybody can be really smart and figure out things on a computer. But yeah, you can only be accountable for your actions.

A Right. That's why I said I never, you know -- I never really questioned him because I thought, you know, you're doing what you're doing. I'm not -- sometimes the conversations would start and they would just like last 15 minutes and that would be it. So, you know, I don't -- like I said, I don't know what their home life is, and I don't ask.

Q And it -- you know from a male perspective, you can see why the sexual stories and things like that, you know, and -- I'm making a big generalization, but normally females like to have feelings and --

A Right.

Q -- a little bit more --

A More than that.

Q -- to that than just that, you know, the act.

A The physical.

Q Yes, the physical. So it was not interesting to me



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but trying to put it all in context because this has been going on for a couple of months how, you know -- kind of what was going through your mind about continuing it on because it was so physical acts, this is what I'm going to do to you, and not a ton -- I didn't see a ton of emotions, you know.

A There were no emotions in there, and I think that's why I didn't take it very seriously because there was no emotion in there. It was just talks of physical acts. That's why I didn't feed too much into it in the way of where is this headed, you know, what's going on with you at home, what are you feeling here. I just didn't feed much into it because there was no emotion in it.

I had always made comments to him verbally about how I'd like to meet someone and settle down, you know, like be in a real relationship. And I wasn't implying like with him, I was just saying in general in life I would like this, and he never discouraged it. He never -- he always said be patient, you know, somebody will come along. He never was nasty about that or never implied oh, no, just wait for me or anything like that. So it was never like that.

It was -- you know, so I don't know -- like I said, I don't know exactly how the conversations got started. They



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just started as little flirtatious comments and just went from there and that was how it went. And then it went on for a while and then it kind of stopped for a while and, you know, it just --

Q And then he never said to you, you know, don't tell anybody. If you do, I'll have all this --

A No.

Q -- evidence or conversations that we're having.

A No. We never had that kind of conversation. I think it was just a mutually -- like you know, there was no need to tell anybody because nothing was going on, it was just play. He never threatened, never held that over my head, never said --

Q And you didn't either say --

A And I never did to him either. No, I never said that. I never said, you know, if you don't leave your wife I'm going to put this out there. It was never like that. I never said anything at work, like if you don't do this or this or this, never like that. It was -- I think it was just play on both ends. I don't think he had any malicious intent behind it or hold over me behind it. There was nothing like that. I never felt threatened or harassed or like he was



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going to take that information and share it with anyone. I never felt that way.

Q And so if I asked like people who knew both of you, how would they have characterized -- like if I just asked someone who knows you both and that interacts with you on a daily or weekly basis, what would they say about the two of you?

A They would say that they know we go down to the cafeteria and get a coffee in the morning, they know we talk. And a lot of them have been to the table and talked with us. They would just say it's friendly conversations that's just friendly.

Q So they wouldn't say anything like the two of them are always together or they have --

A No, because we're not. There are days when he's in the cafeteria with other people and I'm not even down there for coffee. Some days I just don't go down and get a cup of coffee because I'm busy or whatever. So no, we don't always do that. He goes to lunch with different people if he goes to the cafeteria. Sometimes I'll be walking through and see a group of them sitting there, and they'll wave me over to the table and I'll stop for a minute. But it's never oh,



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they're always together because he is always with a lot of people. There's always a lot of people around.

Q Okay.

A But no, we don't go outside of work together. We don't go out to lunch outside of work together. And I don't know if he goes out to lunch or not or who he goes with because, like I said, we don't do lunch together. The most we do together is a coffee in the morning and that's usually with a group of people at the table. So occasionally it will be just me and him down there, and we'll sit for 20 minutes, have a conversation and then go back up to the office.

Q Okay. So they would just characterize it as co-worker, friends.

A Friendly, co-worker friendly. I mean to my knowledge that's how -- that's all they would say because they don't -- that's the most we do at work.

Q I just know in some offices, you know, there's people who tend to gravitate towards each other or get along better and then --

A I mean and we did. We gravitated, we got along, and we would have conversations, but it was never consistently every day just the two of us. It was always



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mixed up. And I don't know what his conversations are like with others. I don't know if he talks to them the same way as openly as he talks to me. I don't know, and I don't ask because there's that -- I guess because in my mind I always said you know what, it's not really my business how you talk to other people. What you do with other people, it's not my business. We're co-workers, we're friends, you know. I get along great with you, but as far as I know we get along great. You're easy to talk to. We can have -- you know, I can talk to him about like problems at home and he always gives sound advice, or issues at work would pop off and I would say, "Oh, I've got to deal with this; I'm not sure how to handle it." You know, we would kind of talk through it. So it wasn't -- every conversation was not just of a sexual nature. It was genuine concern and genuine friendship. It was not nasty or cold or unemotional in that sense. I mean he was, you know -- he did care and he wasn't a totally careless, emotionless, careless person. He, you know, listened when you talked to him so.

Q But so you would share your family things with him?

A Mm-hmm.

Q And he also with you?



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A Mm-hmm.

Q Mm-hmm. So you had that friendship co-worker relationship?

A Relationship, mm-hmm.

Q Is there anything else that you neglected to talk about yesterday?

A No. That was the only thing that I shared with you already, and it was just -- it was eating at me to the point where I was physically sick.

Q I know yesterday I neglected to ask more information about [redacted]. That's why -- because I know I had said the name and then you said yeah, that's who you were communicating with. And then I just moved on from there.

A I know. And I know you did that but --

(b) (6)

Q And then was back there listening --

A -- it bothered me the more I got home. I thought I just need to say who this other person is because I just -- like I said, I've never done anything like this before and I'm usually very open and honest. I mean, you know, I don't like to see other people get hurt. I don't like to see other employees get hurt or anything like that. And I just -- but it was bothering me. It was bothering me to the point where



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I went home and just was sick.

Q And I think that -- I mean I had told you that my report is a finding of facts, and so if I don't have all the facts then we don't always come up with the best conclusions because we don't have all the facts.

A Right, and I understand all of that. I absolutely understand that, but I just -- it was bothering me. That's the only thing I can say, it was upsetting me; it was bothering me. I was sick all night over it. And when I saw your e-mail this morning that said follow-up, I said I just have to tell you because I can't -- I just couldn't hold it in anymore. It was -- it bothered me that badly.

Q Well, it's good to come and put all the facts out on the table. And that's why I said it's always -- I always say to my kids, you know, if you're keeping something and you get that little thing in your stomach because you didn't really tell the truth --

A Well, I had the thing in my stomach.

Q -- then that's what -- you know.

A And it was just upsetting me. I couldn't eat. I couldn't sleep. I was sick. It was bothering me.

Q So you said you only spoke to him around noon



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yesterday. Did you speak to him after that?

A He called again around 6-ish I guess on his way home from work or somewhere. He was in the car. He called and asked if I was okay. He called to check again and still said he feels really awful that I'm going through this alone. And he actually said we should be going through this together. And he felt really horrible for it. You know, just how bad he felt.

So you know, I -- I mean what else could he say at that point. I don't know what else he could have said. There was nothing he was going to say to make me feel better, so what else could he have said.

Q Right.

A But he did call twice yesterday. So that's how I think -- that's why I said I don't think he had malicious intent behind anything ever, and I think he genuinely felt bad and was worried. You know, I don't think he had any malicious intent behind anything.

He's not a malicious person even at work. He's usually the one who tries to keep the peace and make everybody happy and resolve the problems at work that we have between people. He's not -- he doesn't have that



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backstabbing, malicious; I'm out to get you. That's not his mode of operation. That's not how he operates. He just tries to help.

He helps everyone in the organization. You know, he does whatever he can. So he's not a bad person. It just -- you know, I'm not saying he's a bad person. There's nothing -- you know, he's -- regardless of what's going on with him and his wife, I don't think he's a bad person.

You know, we've had minor conversations, like very brief, where he seemed like he was very unhappy at home. And that was an e-mail on that Gmail account. And I said, you know, well, why did you stay married? If this is how unhappy you are then why did you stay married? And he said kids. I guess because of the kids. At the time they were little. And I said oh, okay. And I said, you know, everybody makes their decisions based on what's best for them at the time, you know, and if you felt it was best to stay there for the kids but you were really unhappy, you know, that's -- I understand all that. People do it.

So like that's how our conversations went, though, as far as getting into his family life. That was as far as they went. It -- you know, he would tell me him and and his



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wife went away for the weekend. Didn't tell me what they did or, you know, anything like that just that they were away for the weekend and, you know, that they had a nice time or what happened, like what they saw if they went sightseeing or whatever. But it was never to rub it in my face. It was never -- it was just friendly talk. It was just friendly co-worker talk. It was never, you know, anything meant to -- it was never meant to hurt my feelings or it wasn't meant to do anything to me.

Like I said, I've talked to him about people I met online, these match websites and stuff, and I've shared oh, yeah, I went out for coffee with this person and, you know. He'll say, well, you need to be careful doing that. Don't let them pick you up at your house. Don't tell them where you live. And you know, you meet them there. And just be cautious. And make sure you have your phone on you all the time. You know, he'll give that kind of advice, so it's not -- you know, it's nothing nasty or mean.

And then you know, I'll usually send a quick e-mail when I get back to say I survived, they didn't kill me, I'm back, you know. When I send -- you know, I'm home, we had coffee, went to Starbucks, had a coffee, it was nice, blah,



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blah, blah, and we'll leave it at that. You know, and I'll just say I'm home, I'm alive. No one kidnapped me or killed me.

So, you know, that's why I said I think he cares as a friend. I don't think he's out to hurt me. I don't think that's his intent. And I'm not out to hurt him either. That's not my intent. It was just carelessness on our part. It's something that we did that we shouldn't have done. We both see it now. You know, we agree, we understand and admit that it was wrong. And now we just go on from there.

Q So how do you think he would respond if I contacted him and discussed his activity?

A Probably the same way I am responding. I don't think -- I mean -- he knows what he did was wrong. He admits it was wrong. So I don't think he's going to deny that. I don't think he's going to be nasty, defensive or anything like that. He knows it was wrong.

And when I talked to him, I said, you know, "I was just trying to contain this and not drag you into this." I said that was my thought was just, you know. We'll end these conversations. They have to end anyway, but you know, I was trying to just contain it, clean it up and let's move on.



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And lessoned learned and go from there. That was my thought behind it all, and I explained that to him.

I said, you know, "I didn't say who you were." And he said, "Well, thank you." He said, "But I don't like that you're going through this alone."

It wasn't like he was saying good, you're dealing with it. That wasn't the feeling I got. That wasn't the -- that wasn't my take on it. It was -- he appreciated that I didn't put his name out there yesterday, but he also didn't like that I had to deal with this. So that was how I took his words.

Q Well, so now that you have shared his name and his information, how do you think that will change how your conversation was yesterday and how --

A I'm sure he's going to be a little upset and worried, but you know I told him before I left, I said -- I emailed him real quick before I came over here. He wasn't at work yet. I dropped him an e-mail. I said, "Hey, I'm going back over there." I said, "I had to tell who you were." I said, "They asked for your phone number, where you live and that stuff." I said, "I just can't lie and make something up. I don't have it in me." I said, "I don't have that in



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me to do that." I said, "I can't do it." I said, "I'm sorry, but I'm going to have to give them your name."

Obviously, I don't know how he felt or how he responded because I'm not there.

Q Right, to see the e-mail.

A So I don't know what his response is going to be. He'll probably call me. But you know, I just told him yesterday, I said, "You know, it was a mistake. We made a mistake." I said, "It was wrong." I said -- you know, I told him that we had our conversation yesterday and everything was out, you know, and he just kind of said it was all fictitional. And I said I realize that. I said, "I know that. You know that." I said, "But you have to think how it looks on the people pulling the e-mails. We have to look at it from that angle." He said, yeah, you know -- yes, he understood.

Q There's an embarrassment factor to the Agency using the -- people using the resources that the Agency has.

A And I explained that, too. And I went home and I did *Washington Post* research because I'll be very honest with you, I don't keep up on that, so I didn't know what you were talking about.



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Q *The Washington Post* has to -- I always say that because it's like if the headlines read, you know, Agency employee engaging in sexual conversations --

A But I just don't keep up on that. So when you said that, I said what the heck is *The Washington Post* test. I went home and I was looking stuff up because was like I don't know what she's talking about.

Q There's actually, over the years, have been some senior government employees in trouble for --

A Yeah, I saw that yesterday when I was doing the research but -- and then I understood it better. Then I understood the purpose how, you know, if this kind of stuff got out there, what would that do. And I explained that to him. I said, you know, we weren't thinking in those terms when we were communicating. I said, "We weren't thinking in that way." I said, you know, so it really was all just not intentional to the embarrass to the Agency or anything like that, it just was we weren't thinking.

Q Right. Right. I always tell people [redacted] (b)(3)-P.L. 86-36 [redacted] It's not difficult for people to find out where the communication's coming from even if it is, you know, a

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or a e-mail. They might not know the true identity of the person, but they'll know they're coming from here and that, you know, it's still, you know, doesn't look favorably on the Agency or the affiliates.

Now from his perspective, he's got the whole I'm married things going on, I'm sure, in his mind that kind of complicates his -- all the feelings and things like that that are going on with that, but you know.

A I can't worry about that.

Q Right. Like you said, you have to just be accountable for your actions and --

A I can't. I can't -- right. And I talked to a friend about it, too, and he said the same thing. He said you can't take everything for him.

Q Well, you can take responsibility for the --

A For me.

Q -- things that you typed but --

A But not for his --

Q -- not for the things that he typed.

A Right.

Q Right. And so, you know, pretty much the focus is on here typing the sexually explicit conversations.



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A Right.

Q Everything else I asked you about, the relationship and things like that, puts things in perspective and puts it in --

A But there's nothing illegal about the friendship or anything like that. That's not an issue. The friendship is not the issue.

Q Yeah, no. You can have friends. You can talk to people. You can do -- so what the violation of the policy is is the sexually explicit conversations. Really, one is too many to have from here.

A Right.

Q You know, hundreds of -- just complicates things or it becomes more excessive, but you know the -- kind of the person behind it is one thing, but the actual typing of the stories is what the policy violation is. You know, and you contend there was no physical relationship. I've worked cases in the past where the relationship has started in e-mail and then becomes physical, and then we have issues to contend with whether it's in the building, whether it's on work time. There's a lot of things. If someone would see -- if there was a physical relationship if someone would witness



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that, it can actually be considered sexual harassment. So in the workplace, you know, we try to keep everything working at a professional level.

A Right.

Q And so that's kind of where all my questioning about physically -- because when you read the e-mails you would -- and you've read the e-mails, obviously, you would -- I think a reasonable person would lead to the conclusion that there is a relationship going on.

A A relationship going on, right.

Q That it's either things that are going to take place or things that have taken place.

A Right.

Q And so that's about the only thing that I just can't really reconcile because normally people don't have those kinds of conversations unless it's escalating to that happening.

A Well, it hadn't escalated to actually happening, and I stopped so maybe it stopped in time before it actually happened, but nothing has happened.

Q So you stopped it because you started dating someone else? Am I getting that correct? You started --



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A I stopped it because it was just communications that were going nowhere and it was just -- I just didn't see the point in it anymore -- in the communications. And then I started trying to meet someone else. So, yes, I kind of sort of met someone else, which is not a serious relationship at this time. We're just talking. We're just meeting. When it got to that -- when that happened, it was just -- I kind of let this go because, first of all, it creates confusion for me in my head to have these conversations here and you're trying to start something here. I couldn't -- it was too much. I couldn't handle it. And so we've kind of weaned off. And you know, we just kind of stopped.

There was no decision to say okay, stop. It wasn't like one day I just said okay, we're done with this, shut it off, we're done. It just naturally stopped on its own.

Q Oh, okay. The natural progression. And you said it was around December?

A It started naturally stopping around the December timeframe. Like it just kind of started weaning off. It wasn't -- the conversations turned back into more casual. It wasn't anything else. You know, it just naturally ended.

Q And you said because it's hard to reconcile in your



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mind about a relationship --

A Right.

Q -- that you want to have, and I know you said you shared with him about going out on dates and things like that and meeting other people. And I'm sure over the months where you had these conversations, it sounds to me like an internal struggle between, you know, I want to have these things and then I have this --

A Right.

Q -- relationship, whether physical or not, going on over here with the e-mail account.

A Right. And so for myself I had to just let it die off. And I mean I think he kind of felt the same way because he never said anything about it. It was never --

Q It was not a discussion you guys had about it.

A It's not a discussion we had, and it was not -- it didn't make him say well, why aren't you talking to me anymore. It wasn't like that. It was I think we just both -- it was fun for a while and now we're done. It was that type of thing.

Q Okay.

A I don't think there was anything more to it.



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Q So it was more a natural progression?

A Mm-hmm.

Q But you also communicated, right, still?

A We did at work. We didn't stop talking at work about work-related issues, about family, friends, things like that. That never ended. We had normal conversations at work. Just the other conversations we had emailed kind of just naturally died off.

Q So would you say most of the conversations that you had in e-mail were of the sexual nature or were there other conversations in this particular e-mail account?

A No, there were other. We talked about other things, family, friends, personal issues. We talked about a lot of things on that e-mail account.

Q Okay.

A It wasn't just for that. It was all -- we talked about everything. I talked about my kids, just things that were going on with them. He talked about his. He talked about his family members who were dealing with issues, that were sick or whatever. It was not all of that nature. So no. Just my point was the sexual content conversations needed to end was what I said to him yesterday and he agreed.



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It wasn't a disagreement. It wasn't, you know, an argument. It was yeah, you're right. It was a mutually agreed upon thing.

Q Right. And you know had the conversations, which you said started at home, stayed at home --

A Right.

Q -- then we wouldn't -- the IG's office would not have been notified of misuse. And I make no judgments on what adults do outside of here; it's more the use of resources.

A Right.

Q Now it's a whole other matter with truthfulness and truth worthy and all this stuff with a clearance that comes with that, but my tasking is the sexual conversations and then also because of the implied physical part of the relationship is to try to get to the bottom of that so that if I can get all the facts -- and whether it takes one interview or however many interviews, when I'm finished and I have to write the report, you know, it helps out tremendously for me to have all the facts so I can write it up.

A Right.

Q And then it makes sense. And having it on tape, it



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enables me to go back and listen to it and make sure I get it right. I want to get the Report of Findings correct. I don't want to have misinformation.

A Right.

Q And so, you know, we rely on you to tell us, tell me everything that you can.

A Right.

Q So hopefully now that you've gotten it all of your chest that it's, you know. It is what it is. But that's it's --there's nothing else that's being hidden?

A Uh-uh.

Q And so I don't have any other questions for you, I mean, unless there's something you haven't told me.or something that's -- you know --

A No. The whole name thing was just bothering me and I had to get that out.

Q Okay. And I said before, if you think of something, feel free to give me a call or shoot me an email

A Okay.

Q Even when I send you the tentative conclusions, if there's something that's in there that I -- that's bothering you, you know, that's the time to communicate with it before



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it becomes final.

A So your process now, you do the report and the --

Q And then I'll send you the tentative conclusions.

A -- I will get the conclusions.

Q And then you'll get a chance to respond to those tentative conclusions.

A Okay.

Q So when you get the tentative conclusions, it meant that I drafted the report, my management agrees with the facts that I have presented and the conclusion that I have arrived to from the facts, and then I'm able to send you the tentative conclusions of what I want it to say, which I had told you yesterday is going to say you violated the policy for having sexually explicit conversations.

A Right.

Q And then you have an opportunity to respond. And then the report would be issued.

A So then the report goes to Employee Relations?

Q Employee Relations because they are the disciplinary arm of the agency.

A And you don't know their process?

Q They -- I do not. I think there's stuff on NSAnet



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that talks about their process. There is also by organization counselors. So, you know -- but I don't know -- I told you yesterday when I write up the report it's the Report of Facts, make no recommendation on what they do. They take the facts that are in the report --

A And then they make the recommendation.

Q -- and then make a decision as to what and if anything -- and I know in the PMM there is information about Employee Relations and discipline or things. And they will contact you at some point.

A Okay.

Q If they decide that they want to take any action, they contact you.

A They would reach out to me?

Q Yes, they definitely will.

A Okay.

Q If they don't take any action, then they don't reach out to you.

A Okay.

Q But they'll reach out to you if they want to take some action, and they'll talk to you.

A Right.



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Q And they'll explain their process and everything like that. It's just I'm kind of done once the report is issued.

A So you're not -- they don't go back to you with anything? Okay.

Q Nope. Not unless they -- there's something that's uncovered. Like if you were to come into them and say yeah, I had a physical relationship, then they would probably come back and say well, wait a minute, we've got conflicting facts. And then, you know, we would then look into other things or if something else was uncovered.

A Right.

Q But other than that --

A And you said it would take you about three weeks to do the report?

Q I'm hoping a couple, yeah. With priorities and caseloads, things change, but I just said if you don't hear from me then -- you know, in a perfect world I'd be writing the report this afternoon. But it's not a perfect world. I have another interview coming up and things like that. But I will try to get to this as soon as possible and draft it up.

A I'm not trying to rush you. I mean I just would



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like to resolve and move on. I'm not trying to --

Q No, no, no, and I get that. And that's why I say that if you haven't heard from me in a couple of weeks, you're not hurting my feelings by calling or sending me an e-mail saying hey, what's up.

A Okay.

Q I may come back and say I've started your report, or I may say management's looking at, or I may say oh, my gosh, I haven't even begun.

A Okay, so just --

Q I'm pretty honest about that. And I do that because not to torture you but to try to -- I know if I was in your shoes, I would want it done timely. And so I do the very best I can --

A I'm not trying to --

Q No, no, with the caseload to try to do that.

A -- put it on you.

Q So I don't -- if it's bugging you to kind of know where the status is, it doesn't hurt my feelings to ask. And then I'll tell you it's still open, you know -- it's me writing it and then my management looking at it. And so and that's before I can give you the tentative conclusions. But



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what's the nice part of that is it means it's pretty much ready to go. So that's why I like to get all the answers to the questions and things like that so it flows. So when they read it, it makes sense how I came up with my conclusions. Here's all the facts.

A Okay. Okay

Q So that's why I always tell people that the more information that's given to me, the easier it is to write the story, to put a pen to paper.

A Right.

Q When things don't really reconcile in my head or things don't make sense, then I get questions from them saying what, you know.

A Right.

Q But I do understand that being in that chair is not the best place to be, and so I will get it done as soon as I possibly can.

A Okay.

Q So anything else?

A No.

[redacted] The interview is concluded.

(The interview was concluded.)



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