

Interview with Jon Lipsky
Former FBI Agent
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At Rocky Mountain PBS Studios
Interviewed by Julie Speer

This interview was filmed for Colorado Experience: Colorado's Cold War.

Julie: Tell me about your involvement with Rocky Flats. At what point and why did you become involved with Rocky Flats?

Jon: In 1984 after arriving here in Denver as a first office agent for the FBI, and I was assigned to work liaison with the EPA, and in that function I would go and talk to government organizations, non-government organizations and I found that there were quite a few activists in the Denver area to talk to. And, of course, it seemed like with the activists, every time I asked them what was important to them--- "give me your top 3 or 5 locations"--- it was Rocky Flats. Hands down. That's what started an interest in it. I was aware of it at that point. And I didn't really know what Rocky Flats was. I didn't look into it that much. I listened to more about what people had to say about what their concerns were. And I also teamed up with an EPA agent from the office of criminal investigations, and this is an agreement that was signed by the attorney general in 1981 that EPA needed enforcement help because they didn't have the personnel yet. So, the FBI took on the violation, and, of course, it was important to work with the EPA. I felt overwhelmed at first talking to my colleague at the EPA, they're getting baseline measurements on their blood and getting personal protective equipment. The FBI is not doing the baseline on the blood. We're not being provided personnel equipment. We're told not to go to the site. And then in November of 1984 I was aware of a training conference in Los Angeles and my supervisor told me that the Bureau couldn't afford me to go. And I said, "If you're going to assign me to do something like this. Highly complex cases. Dangerous because of the chemicals. And if I'm going to do a good job I need to go get the training." So he relented and he let me go.

[sections unrelated to Rocky Flats omitted]

Julie: How many owners and operators had Rocky Flats? Do you have any idea how many corporations operated it over the time it was active?

Jon: Rocky Flats was a federal facility. The federal government basically stole it from the Church family. It was a homestead. And, not stole it but..."imminent domain." And, the Department of Energy was the owner for the government and it was called a government-owned, contract-operated facility. A GOCO. So, the first contractor was Dow Chemical, 1952 or '53 to 1975. 1975 to 1985 was Rockwell International Corporation. Followed by EG&G, and then followed by Kaiser Hill, I believe.

With the Frankel Manufacturing case in 1985, it was a very good success for the EPA agent and I. From my end of it, it was the first criminal conviction in the country, in the FBI, anyway. So, it was a huge success and it helped me to understand better what to do, because, like I say, the case was an on the job training. I was a general police instructor at the time for the FBI and I saw this as a very important issue. Thinking about now that there's regulations for all these hazardous materials and wastes, and I did what I could to get the word out to other law enforcement agencies. Wrote letters. Basically letting them know that the FBI was... our territory was in Colorado and Wyoming... let the local law enforcement, fire departments all the people I could think of that the FBI could call for an environmental case.

I started doing more cases around the state. I've been to La Junta, Grand Junction, Thermopolis, Wyoming. And in 1987, a couple of cases came to fruition as far as getting them indicted, and then I started to understand the political aspects of this as well. As an FBI agent like me, working environmental cases back then in the late '80s, it was nothing more than getting a concurrence from the US Attorney's office and then doing the work and getting the job done and then if it could be progressed to criminal charges, they were filed. If not, they moved on.

And in the case of Protex Industries Inc. and Denver sanitary companies in April of 1987, they were both indicted. Now, Protex included a knowing endangerment charge under the Resource Conservation Recovery Act. First time it had ever been used. And the Department of Justice more than screamed not to indict it. I worked with a very, very talented Assistant US attorney, aggressive in the world of people who don't have a high work ethic. And he went ahead and indicted it. And we went to trial in December of 1987. And it was Judge Jim Carrigan, and I say that for a couple of reasons: I think that the case was so overwhelming, against Denver sanitary company, that in the middle of the trial, the judge asked the former Assistant US Attorney Bob McCallister, who was defending Mr. Wilson (who was the owner of the company) if he wanted to make a motion, which is unusual because defense attorneys usually don't get prompted by the judge to separate their client from the company. And, so, the separation was made and granted, and a couple jurors came out later and crying. You know you could tell it was a conviction against the company. And we had successfully completed a knowing endangerment conviction. First one in the country. The facts of the fine are basically that the company had to remediate the 6-9 acres right next to the South Platte River. And they did, and if it was remedied well enough, the company could sell the land and then recoup some of their fines.

But more importantly the three workers were left, basically, to their own abilities - which they weren't well informed. And I can tell you why. They were the ones that scrubbed the used chemical drums. And they were harmed. And that was the

knowing endangerment aspect of it. The three of them split the million dollars. But I don't know if that was enough for them to get the care that they were going to need.

Julie: Do you have any idea what happened to those guys?

Jon: I tried to stay in touch. No.

Julie: So, that was in 87?

Jon: The Protex case was tried in 1987. But also during the trial, the other part of the story about Judge Carrigan is that he was overseeing the Rocky Mountain Arsenal. It was a civil case. And he made gestures, the judge made gestures and made some comments that were directed at the Assistant US attorney and the EPA guy and myself that there was another facility that ought to be looked at. And we knew what he was talking about. It was Rocky Flats. But I couldn't let the cat out of the bag because in May of 1987, we were working towards some kind of investigation at Rocky Flats. The Rocky Mountain News, RIP, had broken a story about a document that congress had and I think they got a copy of it. It was the Mariel Walker briefing memo. It was a document written by a DOE employee for DOE employees. And in May of 1987 the EPA agent had obtained a copy, and asked if I wanted to work jointly with them, and I said, "Of course."

Julie: Tell me what this document said.

Jon: The document is a strategy briefing posture basically and I have it with me and I can read more of it but...

Julie: Yeah we'll just flash a photo an image of it so just tell me in essence what the document said, and why it was so damaging.

Jon: The document was so damaging to the Department of Energy and in particular Rocky Flats because what this document was written about: that the Department of Energy was resisting regulation by the EPA. That national security preempted any kind of regulation. That the ground water requirements under the resource conservation recovery act were "patently illegal". That's a quote. DOE was willing to go the mat, basically litigate any attempt by the EPA to push the Resource Conservation Recovery Act onto their operation. They weren't going to answer to another government agency, basically. And this is internal knowledge by the Department of Energy that was turned up to congress and, of course, released to the public. It's over the top. I had, in perusing any kind of quality case environmentally, I had to obtain a predication. I had to have evidence of some sort that a crime was being committed. And to read a document from the Department of Energy that they knew that their ground water monitoring certifications, as in 1985, were patently illegal. They were wrong; they knew they didn't have it. It is the understanding I can put with it is the Sarbanes Oxley Act that was passed some 20 years later and the concept of making one individual responsible for the whole operation, and they had

to certify under penalty of perjury what this form looks like. So Albert E Whiteman, the DOE manager at Rocky Flats and Don Oftee (sp), the Rockwell manager, sign their life away under penalty of perjury that the ground water monitoring was OK. And the DOE's saying, "No, we know it's patently illegal." I mean it just blows my mind.

But on the other hand this was something we had to have to be able to do. This was a nuclear weapons plant. They fabricated the plutonium trigger for the thermonuclear weapon. It was vital to the nuclear weapons complex. It's Rocky Flats at the time was the 6th largest employer in the state of Colorado. We had a very interesting US Attorney that was appointed under the Republican era. This was going to be a tough sell. I knew it was going to be a tough sell. It was confirmed when the Assistant US Attorney said we're not going to approach him on this. He's going to be leaving soon and we'll ask the next person. And it just didn't make sense to me but it gave me time to start reviewing the regulatory aspects of Rocky Flats. That was a full time job. I mean, as far as getting into the regulatory process...

Julie: Now, before you do that, because you brought up a really good point so I'd sort of like to underline it in a way. I mean this is during the cold war and we had Rocky Flats, you've got the [Rocky Mountain] Arsenal, you have military installations across the state, you've got NORAD. The military was a big economic engine for our state, and as you mentioned with Rocky Flats alone, there were a lot of jobs, a lot of income, so just talk a little bit about the Cold War in general and how Rocky Flats is just one little part of a much bigger industry.

Jon: Colorado's participation in the Cold War predominantly was at Rocky Flats. Of course there's NORAD, I don't mean to reduce that, but NORAD doesn't exist without the nuclear weapons that Rocky Flats was part of making happen.

Rocky Flats during the Cold War, in the 80s- this was when President Reagan was in office--their numbers, as far as employees, doubled. In the early '80s it was around 3,000 and by the mid '80s, later '80s, it was like over 6000 employees. They were turning thousands of nuclear weapons parts for various reasons, and those reasons are for submarines, modified F18 A's, so they could carry them in the air. And so there was a lot of nuclear weapons being produced and refurbished because of the nature of it. So, there was a lot of work going on. And the other aspect of it politically, I remember, we were going nose to nose with the Soviet Union. Yes, the Soviet Union was still viable at that time. Gorbachev and all of the promises and the threats. I just wondered where this was going because I was too young for the October missile crisis in '62. But now I was wondering, "Why are we doing this proliferation right now?" And the Soviet Union is kind of flexing their muscles and it actually was just kind of the last gasp that the country had because in March of '91 they were not longer the Soviet Union. They broke up. But, how did we know that? There was a lot of work a lot of work for the FBI as well, protecting that asset.

Julie: So, how would you place Colorado, in terms of the entire country, Colorado's role in the cold war?

Jon: Colorado's involvement in the Cold War, pertaining to nuclear weapons, was vital and almost irreplaceable. And I know that because in 1989 Rocky Flats couldn't be operated anymore, they couldn't operate it safely, and they had to shut it down. And the operations were scattered all over the country. Lawrence Livermore took a part of it. Los Alamos, which had originally made one or two or 6, and then Rocky Flats was born. I'm not sure about some other facilities like Pantex but, it was a vital, vital facility in that complex and if they were going to get the end product built for what the military needed they had to scramble. Rocky Flats, I can see from a political aspect and more importantly from Admiral Watkins who was the newly installed Secretary of Energy about February of 1989, it had to be a huge decision for both [Bush] 41 and Watkins to consider whether to let us go in and do a search warrant at the plant. And after reviewing a lot of material I know that Admiral Watkins had a lot more information about that than I did. Of course. But looking back now he had to know that it was going to have to be closed. It wasn't going to work anymore. And knowing his personality, he was already making contingency plans so that Rocky Flats could be replaced. I'm sure of it. I know he's deceased but the man was very smart. And he was fluid. He was quick on his feet. Maybe he was making Rocky Flats an example because in his senate hearings for confirmation he was worried about the DOE culture. And that culture still exists today with WIPP. He understood it better than I did because he was a nuclear submariner and he knew about these things. But it's mindboggling that, from that perspective, looking at it, why would he allow...because he was asked. I'm sure. It went to the top, the request for a search warrant. I know it did. I met with the Undersecretary of Energy, W Henson Moore, in March of 1989 to work out the wrinkles and come up with a plan on how we can execute this search warrant. So, if the undersecretary was involved, certainly Admiral Watkins was. And I'm sure that [Bush] 41 was involved too.

But getting back to the Mariel Walker memo, all the DOE had to do, they have all these attorneys had to do was look at the Resource Conservation Recovery Act and pick off the presidential exemption part. And ask the president, "Will you please exempt us from regulation? We want to be around the law." Instead of acting like it, they could have officially gotten it.

Julie: Why didn't they? That's an interesting point.

Jon: I have no idea, but we had to do due diligence, and check and see if that exemption had been asserted and it had not. So, I saw a department resisting the inevitable in every way. And it goes back to the Mariel Walker briefing memo, they were willing to go the mat. Well, instead of using the brawn they should've used the brain, from my perspective. I mean if I go out and buy a corner lot in Colorado, and it happens to have leaking underground storage tanks, it's pretty naive to go to the Health Department in Colorado and ask them for a variance and to help me mitigate the leaking underground storage tanks, or make it so it doesn't cost me so much or very little and "can we leave some of the oil in the ground?" I would get laughed out of the health department. But that example is what DOE has successfully done for

years. Decades. They're able to get the law written around for their own reasons and necessities. Instead of just getting it done.

Julie: So tell me about the the1989 raid.

Jon: Ok. I had met Undersecretary W. Henson Moore in March of 1989, came back from that meeting and wondered, "Okay, I talked to my prosecutor. When are we going to do this?" And we just have to sit tight. I had assurances that nothing would change. The landscape would be the same as it was then whenever we do the search. Which meant that important people like the DOE manager and the other managers would not be transferred out. And then it went into May and I was in Delaware at a wedding and I received a phone call that we were going to go ahead and do the search. And I was on vacation, basically. So I flew back, we were required to do an 8-hour course with EPA radiological people, which we did on Monday the 5th.

Julie: What does that mean?

Jon: In preparing for the raid, so to speak, the search warrant, I had to organize quite a few things and part of that was getting all of the personnel that would be going onsite conducting a search, to go to the doctor to get approval for wearing a mask, a respirator, getting respirator training and fit testing, you know with the banana oil, basically. I procured equipment like overall garments and personal protective equipment just for the FBI because we didn't have it in our closet at all. And other equipment. Essentially I had to try to think of everything I could that would help us be able to work out there safely. And of course I consulted other people who knew what to do, but because we were going to be exposed to radiation the EPA has a group as far as I remember it was Fort Smith, Arkansas, a special group that came out and we had to go through this, you know, regular type of training class. What to be aware of and what to wear and on and on.

Of course it's hard to remember that because of anticipation for the next day. 90 people throughout the country were called. We didn't have enough agents in the Denver office, and so...and quite frankly I had been conducting training, I'd been trained, and there were about 4 or 5 other agents that I really wanted in the country to be involved in this because they had environmental crimes cases and they were quite smart people. The old FBI adage is surround yourself with smarter people and that's what I tried to do. And uh, so the next day on the 6th of June, I met Magistrate Judge Hilbert Shower in his office and he had my 116 page affidavit, which I found out he had read. He had gotten it before, which was good because it was a lot to digest. And essentially there were no questions asked of me by the judge. Except, you know, "raise your right hand and swear to the veracity of the document." Which I did. And it was all kind of melancholy, I would say, with the judge. It's usually an exchange. There's levity. There's life. There was none. It was kind of a solemn moment.

Julie: Why do you think that is?

Jon: Because he probably had a better idea than I did that I was making my nuclear bed. And as a colleague said, "Now I get a chance to glow in it once I signed on the dotted line." And, I got to the facility as fast as I could. Safely.

Julie: With 90 cars behind you?

Jon: No. They were staged at the Denver Federal Center. And my supervisor, my EPA colleague, his supervisor, some other people with the Undersecretary met in a conference room at Rocky Flats. Under the guise that a week before the Earth First activists were making headlines by trying to blow up a nuclear power plant in Arizona, we're targeting Rocky Flats, so we needed a high level briefing to prepare for the terrorist threat. That's how we got into the gate. That's how we got into the gate under the guise or ruse that we were going to have a high level briefing. And the Undersecretary of Energy was there so it had to be a high level briefing, right? Looked like and walked like a duck. And I found out that Albert Whiteman had been transferred, and my heart sunk. I thought, "This isn't right. Something's wrong. I should have followed my instinct." But nothing I could do. It was a rollercoaster ride from that moment on. One gentleman from Albuquerque had, his face was so red, I don't know what happened to him, I think he thought that he was going to be the next manager at Rocky Flats, and instead Eddie Goldberg from Hanford was made the acting manager at Rocky Flats. Nice guy, nice guy. Personable. It wasn't antagonistic at all, is what I'm trying to say it's. I think that was if they were going to replace the manager with someone it was better it was somebody who was amenable than antagonistic, anyway. So, we just had to wait for Dominic Sanchini to come in, who was fashionably late. He walks in with his white long sleeve shirt rolled up and respirator around his neck and wanted to know if we could get on with it because he had things to do. And then I went ahead and told him why we were there. Told him we had a search warrant and all the legalities. And he said, "Do you have more people than this because this is a 6500 acre site." And I said, "We have quite a few more people." And essentially he started to say why we couldn't do this thing. "You know there's radiation out here. You're going to need personal protection equipment, you're going to need respirators," holding onto the respirator around his neck. "You're going to have to have decimeters, or TLDs, you know to wear to be monitored for radiation." And "I don't know it may take a week for all you visitors to be badged into the facility. "And my boss spoke up, fantastic guy, Tom Coyle. And he said, "We're not visitors." And then I think Sanchini got it at that point. Of course, he proceeded to take his diaries home, after a handshake agreement that he was going to keep everything intact in his office, which he didn't. Then the big job was to get everybody over and we took over a conference room and some other side rooms. What was interesting, I think, is the EPA's support was fantastic. We had an evidence control crew that came with one photocopier, and we ended up getting a second photocopier because everything we took was photocopied and given both to the Department of Energy and Rockwell. And then we kept the original. And we I believe it was over a million pages. It was over 600 environmental samples. I did 2 search warrants but essentially we were out there 18 days. And it was I think like

300 boxes. It was unbelievable to me. Here I am 5 years in the FBI and it got so busy we had to call for reinforcement. More agents. And we also called in the behavioral science unit that did some things. Yes. Putting a mask on the computer system that read when somebody first fires up the computer before they log in, that's a crime to commit computer fraud on a government computer system. Just those types of things. To install a hotline and have resources to answer the calls. I forget how many; it was hundreds of phone calls we got. And uh, there was much more administrative things than I could ever imagine. And logistical issues like the Department of Energy installed a tiger team about the same time we started. So we had to navigate around that.

Julie: What is that?

Jon: That's what we were trying to figure out. What is a tiger team? Well Admiral Watkins had tapped the shoulder of people, you know, high performing people all over the country, in the Department of Energy and they were placed at Rocky Flats to look at it from an environmental management and legal perspective. In other words, were they complying with their own rules? And we had a good relationship but it was kind of an added circus, atmosphere to my perspective because I didn't know about it. And it was my sight. And the stories are true if somebody's indignant they can be detained with handcuffs if need be. They can be escorted off the site if need be. No one was getting arrested. I mean that's something that I didn't foresee at all unless there was an obstruction or an impeding, but I didn't expect that at all either but this was just fact finding. Environmental samples and physical evidence. And I think what was about to happen was that the evidence could only be so good that it had to be squirreled away under lock and key and kept from anyone ever seeing it again. Because the whole situation unraveled. As you can imagine the governor was upset. I mean I saw the newscast, he was very upset. I heard it didn't go well at the briefing with the US attorney and the governor. The state of Colorado was so upset the next day they filed and served an enforcement action against Rocky Flats. What I found out is that those allegations that were in that enforcement action had been lingering for months. But there was a kicker. The state of Colorado health department was looking for money from the Department of Energy for oversight. Hanford got it, in the state of Washington the year previous, why couldn't the state of Colorado also get it? After talking to some Department of Energy people that's what it was. The Health Department was holding out. So, I don't know what the governor was upset about except maybe that our investigation was going to upset his agency getting oversight funds. But the Department of Health paid a 93,000 dollar fine for those enforcement actions, which cost us all money because... I'd like to talk about the bonus contract that Rockwell had.

On June 7th this enforcement action was filed. Then the prosecutor I worked with said, I've got really bad news for you. The attorney general has decided two things: that the provision in the conservation resource recovery act called the Responsible Corporate Officer Doctrine was going to be limited to just the highest levels. And I was thinking, "We're not after the workers anyway." You know there's no such thing

as a bad worker, just bad leaders. So the workers weren't a problem, it was the management, anyway. Well, what I didn't understand was that the attorney general had tightened it so tight that it could only be Whiteman or Sanchini. It couldn't be any of the other senior managers.

I said, "Well, that's not what the law says." That's what congress passed. The intent of the resources conservation recovery act was to protect human life and the environment. And there's all kinds of rules. It's unbelievable. It's mindboggling especially during this era, with all the changes that occurred. He says, "It's over, I'm not going to even talk about it anymore. And the other thing is your search warrant's going to be publicized." Order of the Attorney General. Now a search warrant, in the federal scheme of things--when I applied on Tuesday the 6th, got it signed went to the clerk's office, had it logged in--it's not to be disseminated to the public until I do a return, which means I have to tell the people where I took evidence from, in a written format, and then come back to the court and file that then the affidavit can be released to the public. Well, we went an extra step. We asked the court in a motion and got an order that it would be sealed and kept from the public. And for the attorney general to do this this is unprecedented because my safety and the safety of almost 120 federal law enforcement people were at risk. And I thought, ok, I just have to deal with it. You know but I wasn't happy. This was a dangerous precedent to set.

I understood later all of the concerns. And I was in a vacuum out there, working probably 18 or 20 hours a day along with some other people. That was my life, so I didn't know really what was happening just outside that area but I was affronted by it. I really was. It was very, very disturbing. It's a recipe, I mean it was every place we were going to go. And it was confirmed by the tiger team. One of the leaders told me that the Rockwell people were moving drums. Hiding them in other buildings. This is what was happening. It was kind of like falling apart. So.

Julie: So was this the raid where you have the footage?

Jon: The infrared footage that I've got is from December 15th, 1988. It was one of the overflights that was conducted. I was present in preparing the search warrant for the raid.

Julie: So tell me what that was, what did you find with that in 1988? What did that footage show?

Jon: The footage from December 15th, 1988 is infrared and there's a lot of technical things about it. Essentially white is hot. And I just saw last night on local Denver station that the TV station had acquired Denver PD infrared tape, so it's not going to be foreign to anybody here, at least. But the infrared overflight was conducted at night, and the ground temperature was 7 degrees Fahrenheit. So it was well below freezing. Like I say, the white was hot and we did some sweeps over the facility, I heard that ...you hear a lot of things so you have to do some research, as you know.

And I was told that there were SAMS, surface to air missiles at the facility and they would shoot anyone down who flew over their facility because it was a restricted airspace. I did confirm that there were surface-to-air missiles at Rocky Flats. They were authorized to shoot at a threat. But it was only recommended that the flying over the facility be above 35 hundred above ground level. Now, there was no air restrictions. So we flew over it. Shot the infrared. There was an operator that did that. As far as what I saw, it was essentially black and white. You know I could make out imagery because infrared looks at the heat so it's more of an outline. So it wasn't like looking at a lighted up color photograph of the facility it was very, very dark or very, very white and just outlines of things. We did some testing like a car driving on Indiana [Street] or something and you can see the outline of the car. And of course the exhaust was much more white. You could see the heat was coming out. I could see the heat from the engine, things like that.

Julie: And at what point did you see the most white? And really spell it out for me what that white is.

Jon: Well, by that point, I had reviewed the regulatory application process the permits that were being requested, from the resource conservation recovery act side of it. But I also reviewed the clean water act permits. And I wanted to not knowing exactly what to look for. By this time there was a DOE ordered shutdown of building 771. So, the building was supposed to be dark. But I wanted to fly over and see what the incinerator stack looked like, what the building looked like, as well as other buildings. The solar evaporation ponds were supposed to be closed. The facility was allowed to spray irrigate over on the east side, and that area the contours fed into either Woman creek or Walnut creek. Walnut creek went in to the Great Western Reservoir, very close by. Drinking water supply for Broomfield. Or it went into Woman Creek then into Stanly lake, which was a drinking water supply for Thornton, North Glenn and Westminster. I wanted to see what the heat signatures looked like, as far as would they really spray irrigate...? And spray irrigation is at the plant was nothing more than the sewage treatment plant which is a really bad name to give it, from building 995 because I found out that it wasn't just sewage treatment plant it was sewer, industrial, hazardous and radioactive waste went into that plant. And it was pumped over to the pond, B3, over on South Walnut Creek. Then it was pumped to wherever they had the spray irrigators which were the typical what you'd see in agriculture areas: 4 foot high pipes with the sprayers. And they were spray irrigating. But even worse the EPA was aware of the old east trenches in the mound, the burial sights of uranium that Dow had buried years and years before. The drums had corroded. They leaked. And they were buried, seems to me quite a few feet down not just shallow graves. These were 6 feet or more. And Rockwell had put together an over flight photo of this area with the orientation on the east side looking to the west and some drawings were made for the boundaries of the mound and the 903 pad and the east trenches. And part of the permit process was that they weren't to spray irrigate over those areas. Well, the infrared video superimposed over this photograph that was scanned and brought into a computer showed that they were spray irrigating, directly spray irrigating over this area. So

they were, if there was any percolation into the ground they were re-charging the burial sights of uranium and whatever else. and recharging the ground water and making it all worse. Low ground water alluvium out there. Seeps occur all over the place. A Snowstorm had just occurred a day before. I forget how many inches of snow were on the ground. And as far as the solar evaporation ponds there's a heat signature associated there, when they're supposed to be closed. And the 700 building area, including the 771 stack, seemed to have a lot of heat signature. And the analyst that was a DOE contractor couldn't get away from them. And he reviewed all of the over flights. There were 4 that were documented on video, and he found that the 771 incinerator was operating, that the heat signatures were hot in the areas of the spray irrigation, that there had to be some kind of operation going on. Especially since, as I described it from building 995, showed heat on pond B3 that was much, much hotter than the other ponds. There was a very white hot area adjacent to the pond, which turns out to be the pump, the gas powered pump, they had to push the water, through the pipe, over the hills and then over to the agriculture spray irrigator sections. And then from there what else would you expect? 7 degrees Fahrenheit, snow on the ground, hot water probably melt a little snow, and you can see the ripples I believe going down to Woman Creek. And then Woman Creek had its signature. It goes under the culvert at Indiana. The heat signature continues out to Stanley Lake.

Julie: So basically, just spell it out for those who still don't get it.

Jon: To spell it out it was a criminal act by Rockwell International to spray irrigate on that day, and several other days, and they were contributing to the pollution to the Stanley lake drinking water source for the three cities of Westminster, Thornton, and Northglenn.

[...] tape stopped for break.

Julie: So, if you were to summarize in a nutshell the findings of the 1989 raid, and the implications of it, what would that be?

Jon: The findings of 1989 FBI raid of Rocky Flats essentially was two things. It was an attempt to help the workers to get the compensation that they needed for working around the radiation that they had, to show congress the fallacies of the contract-plus-award fee system, the bonus system that was employed out there, and that the contractors were conducting criminal violations. For example the contract situation when the Colorado Health Department served their enforcement action a 93,000 dollar fine from Rocky Flats on June 7th, that equated into a \$97,000 dollar reimbursable expense plus 10% under the contract-award fee system that was in play out there. So, Rockwell would have made money on a civil fine. And what it was not, it was not a thorough investigation. It was cut short. We were limited by the Department of Justice what we could do.

A case of this nature was portrayed, and it was a large story and for the amount of people, the government agents that were involved and what we did, it was portrayed as a big deal, but it wasn't. And there were some factors that I think sabotaged the investigation because we were kept from fully investigating a lot of things. And one thing that happened right away was that the Special Federal Grand Jury was to be installed on August 1st of 1989. And that was being done just about the time that the search warrant ended. Now I had the idea that I was going to have a lot of paper to go through and I had asked for maybe six months or so in 1990. "Let's start thinking of what we're going to do as a follow up investigation." Whether it was public pressure, political pressure, who knows, I understand that people were concerned. I mean, after all, Broomfield was cutting a diversion ditch around Walnut Creek and I understand they got fined by the EPA. It went away, but I saw it on the news that Broomfield took unusual action to mitigate the problems from south Walnut Creek. There was a lot of things going on and the Special Federal Grand Jury was going to be something that now put a court rule, rule 6E, shroud of secrecy around the investigation and it was just more of the same. "DOE had done such a wonderful job of national security and we're not going to tell you what we're doing." Even in their regulatory documents, we're going to make an application as whatever type of generator that they did and they said "but we're not sure that we really need to follow your rules" essentially. And now a Grand Jury situation is going to basically protect the integrity of witnesses and documents, not from Rockwell. Rockwell employed private investigators to see which witnesses were going into the Grand Jury and met them as they left and invited them over to the law offices to be debriefed. So, they knew what was going on.

I could go on and on about the limitations of it, but as it finished up in March of 1992, the government sentencing memo that says that no physiological damage had occurred off-site to the residents. It's not true. Not true. It can't be said that because we didn't know, we didn't conduct that kind of investigation. The Alternative Sentencing Act had just kicked in federally and there were charges, the charges that were chosen for the plea agreement worked around the Alternative Sentencing Act. It was all a strategy and here you have workers that, in 1999, the unbelievable, and I'm still kind of taken back by it, but then-Secretary of Energy Bill Richardson goes to Paducah, Kentucky and apologizes to the Paducah Gaseous Diffusion Plant workers because the government had lied to them about what they were working with. And the follow up is, in October of 1999, Senate hearing, Rocky Flats workers were identified as being in that same predicament as Paducah and some other places. They were lied to.

Sure, the compensation act, the EEOICPA, passed a year later in 2000. Two petitions later, they're called special exposure cohort petitions, and still there are only a few workers who can get a claim through. I know one woman that's an advocate, can't get compensation for her husband who worked at Rocky Flats. And it doesn't surprise me because in 1990, the Department of Energy under Watkins wrote an MOU, or memorandum of understanding, with the Health and Human Services to do all the dose reconstruction on the workers, the Health Physics aspect, and the

workers' exposures. And that was classified, but just recently I've seen that copy of that letter, but I've also seen a copy of a report that's heavily redacted because it was classified so they stripped off a lot of it.

But one paragraph in that document, and I don't even know the date of it because that was redacted, is that NIOSH, the National Institute of Occupational Safety and Health, who was tasked to do the dose reconstruction, had to do an incomplete job because a lot of the DOE medical records and, you know, analysis for radiation and things like that, were classified. And because NIOSH is a scientifically completed exercise, they share the information so its evidence based and things I wonder if the DOE's ever heard of and scientifically acceptable, NIOSH wouldn't consider the classified information so it wasn't considered in their dose reconstruction. That doesn't make sense why the DOE would do that, but they did. It wasn't until Hazel O'Leary (sp) was in office when she released thousands and thousands of records at the prompting of the United Kingdom. People were dying. Workers were dying and did die and they continue to die and, of course, there are workers who are content without making a claim but that shouldn't preclude somebody who does need to make a claim from doing it. It's something that's there. Why would they have to do what they did in the past to make a false claim? Then, in 1996 in April, the DOE manager wrote a memo about a moratorium about the destruction of documents at Rocky Flats. It doesn't say what documents were destroyed. It doesn't say when the destruction started. And it doesn't say when it's going to start up again. It just says to stop at that date and time. And that's about the time that the plant actually was now in a full closure process and, I won't call it a clean-up. It wasn't a clean-up. It was another Department of Energy meddling into the affairs of a program by the EPA. So now I'm wondering, the stories that I've heard, that workers have made claims and they were told "there's no record of you working at Rocky Flats" or it goes on. Well, it's no wonder why, you know, these workers, they're getting the shaft.

A law that was based on the government lying to the workers and, all I can say is, back in 1975 the Lamb-Worth taskforce, which was a comprehensive project to look at Rocky Flats, sponsored by then-Governor Lamb and then-congressman Worth, they came up with several recommendations, and one of the recommendations that they came up with, and this was 1975, it was almost like it was forecasting the future, that the workers be provided free healthcare and compensation. So, where's the promise or the idea? It isn't there. The Lamb-Worth taskforce also talked about decontaminating Rocky Flats and transferring the operation somewhere else. Well, it didn't transfer the operations until 1989 when they closed.

As far as decontamination, there's a lot of ideas and opinions about what the Rocky Flats Wildlife Refuge is, but the picture I have, and this is attainable from the Department of Energy's website, it's a geospatial picture, the one I provided, and it's a donut hole. If you look at the boundary that's black and yellow, and it's configured like what the plant looked like when there were buildings, that's the Central Operating Unit 1. That's the contaminated area. And around that, before you get into

the Indiana 128/93 and Candelas housing area is the refuge itself. And I call it a donut hole because the contaminated part is in the middle surrounded by the wildlife refuge. And I still don't understand why it's not a sacrifice zone because...

Julie: What does that mean?

Jon : That means that you'd never allow anybody to go on it. And I say that because when people talk about plutonium, I want to talk about plutonium 239. It's a man-made isotope, that's the primary plutonium at Rocky Flats. It, as one legacy management person told a citizen, "it's just a metal." No, it's not a metal. It's a highly radioactive metal that's the most toxic substance known to man and that's evidence based and scientifically proven. It's carcinogenic, it's teratogenic, it causes aberrations in the chromosomes so somebody can have plutonium and nothing happen to them. In other words they don't get cancer or whatever, but it changes their chromosomes so they could have an offspring that's mutated. It's plausible. It was proven with the studies of Hiroshima and Nagasaki. The half-life of plutonium 239 is 24,000 years and some change. And another physical aspect of it is it's called the risk analysis for a radio isotope and in this case they take 10 half year lives. So plutonium only degrades after 250,000 years...starting to degrade. So, it should be sacrificed for at least 250,000 years. No one should have to go out there. And the other thing on the Special Exposure Cohort, through the two of them that the workers pushed through NIOSH, or have gotten accepted, is americium. And I haven't really studied the americium, but the half-life is a million years and that was out there as well.

Last September was a horrific event in the Boulder area, as everyone knows, that was here, I saw it on TV, I mean the flooding. Well, it affected Rocky Flats, too, the original landfill has a clay cap on it, it cracked because...and if you go to the EPA website for Rocky Flats, it says that DOE is in charge of the OU1, the contaminated area. And their monitors didn't work during that flooding area, so when the runoff went into the original landfill and whatever it mixed with and came back out, would have mixed with contamination, their monitors conveniently didn't work, so we don't have the test results. There's cracking out there, I mean the 3rd Quarter Report for the Rocky Flats monitoring, which is online, talks about in particular a seep. It's called Seep 995. It just happens to be where the waste water treatment plant was. And what's occurring is containments are finding, capillary traction, they're finding new way to get out of the ground. And they're having to do grab samples and what have you. It's spiking with plutonium, I assume. It doesn't say it on the document, but plutonium 239 and americium. So, it's starting to trend up.

Julie: Now that there's nothing out there anymore, there's no factory, there's no nothing, right? It's a wildlife refuge, why is it not now under EPA management?

Jon : I've wondered why, when I've gone to the EPA website of Rocky Flats, it says that DOE is in charge, essentially, and that the Health Department and EPA are supporting it, the monitoring. Which means that everything that is monitored is at the will and discretion of the Department of Energy and all I can think of is back in

'89 the Health Department wanted money from the Department of Energy, they're probably getting money and they're happy. And, in my book, that's getting paid off. If it was me, and I got my corner lot with a leaky underground storage tank, I'm sure that the EPA or it had been delegated to the State of Colorado, they would be all over me like honey on an ant, but with the Department of Energy, they not only control what's at the site, but they also control some monitoring committees. They've got a guy named David Abelson who is paid a salary by the Department of Energy. And this committee that they have, that's called a FACA, I don't remember what the acronym stands for, but they're like a monitoring committee, they review things but they have no authority. And he lobbies with the local cities to do the bidding of the Department of Energy. And I don't think that's the way to run the business. And I looked at the EPA itself as far as it being a National Priorities Listed Site, which is under the Superfund Program, and their website says that there can be some variances and that, of course, is what the Department of Energy has exploited. They've got a separate agreement, which I don't understand how they did it, but they did. When I understand that the Rocky Flats was a candidate for the NPL back in 1984, all I could think of was the EPA was afraid to move forward against another federal agency. So to placate them, they're playing along. But even the Oakridge ORISE folks in Tennessee, they've written a protocol for cleaning up a nuclear weapons plant, it's called a MARSIN (sp). It's a long acronym. So, the Oakridge part of the department of energy that writes a lot of procedures and has other things that support a lot of DOE programs has a manual and it's called the multi-agency radiation survey and sight investigation manual, and it's something, something that's not well known, and it's an interesting report to read because they have a report that's now available. Legacy management is the database side of the or the archive side of the DOE and they've released a lot of reports but I know they haven't released them all classified or otherwise, so this MARSIN report that's available online speaks to Rocky Flats that there were hot spots, it's interesting that it's by the 903 pad in the vicinity of the 995 building, and the contractor didn't calibrate their equipment properly and they missed the hotspots, so it's with these kind of things that make me wonder why the fox is watching the henhouse.

Julie: It seems to me that the legacy of Rocky Flats is still unfolding, talk to me about how it's still alive today.

Jon: For me, Rocky Flats is still alive today because in 2010 I met a professor from the University of California Irvine, and actually I should back up. I cooperated with a citizens' investigation, it was headed by Caron Balkany she's an attorney and Wes McKinley who wrote *The Ambushed Grand Jury*. I participated in that. I was afraid that the DOE that had the authority of an EPA program wasn't going to clean up the site well enough for recreating it the wildlife refuge and I wanted congress to be aware of that and the book was written, and then in 2010 I was working with a University of California Irvine professor and he had an interest already in Rocky Flats because he studied nuclear environments all over the world, and one of the modules for the class was Rocky Flats and we met and then I participated in his classes and he's now undertaken with Caron Balkany in a scholarly program to

research Rocky Flats that transcends from every discipline you could think of from public health, political science, nuclear chemistry, just about everybody from UCI has a calling to look at some aspect from Rocky Flats, so that was something that I had a personal interest in doing that because I also had been working with an advocate with Rocky Flats workers but she's an advocate I think for other facilities as well, since 2010 I've been working with her conducting research , and last December it got to the point where, because I read the frustrations with...I don't mean to cast dispersions on NIOSH because they're doing the dose reconstruction, it's the process, the limitations , it's the injection of the Oak Ridge associated universities that's having an ill effect on the progress that should be made. So, even though DOE got kicked out of the compensation act program in 2004 they still have a presence with the ORU people that are doing a terrible job and I saw it so I said how about if I get interviewed by the NIOSH folks? So, January of 2014 I was scheduled for an interview...her name was Teri, Teri told me that cause I asked if Teri could be on the phone as well since it was a conference call, and I asked Teri how many people would be on this conference call and she said maybe 5. I ended up having 12 people so. I don't know what that meant but its part of my life that I do everything I can to progress the process for these workers to get compensation that's being denied of them right now as they die. It's a terrible thing and if there's anything more I can do I'm going to do it.

Julie: What about the people who lived in the area but didn't work there, do you know any of their stories?

[off-the-record statement removed]

Jon: The adjacent property owners of Rocky Flats essentially on the east side of Indiana, mostly, filed a lawsuit in January of 1990 and the namesake for that lawsuit is Marilyn Cook. So, it was filed as Marilyn Cook plaintiffs vs. Dow Chemical and Rockwell international but then Rockwell International was bought out by Boeing, so in '96/97 range, Boeing was added to the litigation and the case went to court for trial in September/October of 2005. So, it took 15 years and there was no explaining the federal civil court system, there's no speedy trial act. Interesting side story, the plaintiffs had subpoenaed the Department of Energy for documents and they received several, quite a few boxes of white paper. Knowing , Berger-Montague, because they had dealt with the government a lot, they knew that white paper meant it was a sham because if it was really redacted it'd be all blacked out and you couldn't read anything. So make a long story short DOE agreed with the court they had not been due diligent and they ended up getting sanctioned for 900 grand, which the taxpayer paid because of their incompetence

Julie: But they didn't, did they?

Jon: No, they were sanctioned for that and so there was a payment as far as them giving bogus papers to the plaintiffs, side issue. Contempt of court and I'm fining you in this case it was 900K so it doesn't surprise me the DOE was subpoenaed and turn

up with white paper and not the documents that were requested, even when I was getting ready to testify for that case I was asked by the plaintiffs' attorney to go to the Front Range Community College where the Rocky Flats reading room was and we did, a couple attorneys and I. Lo and behold a lot of the documentation that they had reviewed years ago was there and we walked out with like eight boxes to scan, much of it was the waste stream identification and characterization report, marked unclassified nuclear controlled information, which meant that it couldn't be in the public domain. It was filed as such and then DOE called the attorneys for the plaintiffs and said we made a mistake we need you to refile with those stamps removed, so it wasn't a surprise. But Valentine's day of 2006 the jury came back and awarded in favor of the plaintiffs and the monetary award was granted by the court but then it went through an appeals process all the way to the US supreme court and essentially the case is back because the tenth circuit had made a ruling that it be remanded back to the district court level, the district court judge has to decide how they were going to proceed to resolve it, and the technical issues. It gets complicated. Above my head.

Julie: Mine too, but the bottom line is the neighbors of Rocky Flats haven't seen a penny.

Jon: Just anguish, the neighbors that lived next to Rocky Flats that were involved with the lawsuit all they got out of it was anguish, they haven't gotten any compensation. And that goes along with the rest of it, workers haven't gotten compensated really and anybody else that made a claim isn't getting compensated.

Julie: Ok so, what can we learn from this, or what do you hope we learn from this? I mean you've been living with this longer than most people I've talked to. What's your hope and what do you hope we learn?

Jon: The legacy of Rocky Flats represents not just one facility that was part of the nuclear weapons complex, but it represents a number of other facilities, and I am hopeful that the workers that were involved in the production of nuclear weapons-- they're patriots, too--they are deserving of the compensation particularly because the government has already admitted that they were lied to. It constitutes an experience and under the Nuremburg code they weren't provided to give their voluntary consent about exactly what they were going to be subjected to. I know that's a harsh term but we imposed it on some pretty bad nasty people and it has stayed the law in this country and it's used every day with universities and what have you but it didn't stop there, the DOE had been involved in experiments with inmates with plutonium. It's astounding when I heard about this, I think the Albuquerque journal broke it in the 50's, so it was back in the 30's or the 40's that may have encompassed the Nuremberg code.

We've got to take care of our own, I mean today I know it's ephemeral but, we can't even take care of our Veterans coming back from war, and that people can identify with because we can see it, people getting shot at, but you can't taste smell or feel

radiation really. Until it gets too bad and you start burning up. And the workers were being shot at too with radiation and they need to get taken care of.

It's a huge fact. But the other part of the legacy is that rocky flats represents a cookie cutter mold that if we don't stop it, it's going to continue to happen. Now I've lived and seen a few things. I've lived in California near the San Onofre plant, and I lived there while it was being de-commissioned, so to speak. I was paying a fee for that power plant to be de-commissioned. All the while, Southern California Edison turned around and got new generators for the steam plant, and they applied for another half-life, another 15 years or so, for that power plant to continue. And there were huge problems, and then in January of 2012, southern California decided they were not going to continue because their political pressure was huge. But it made waste, and the waste was so plentiful at that site that it was moved across the freeway to Interstate 5 at their administrative offices. So why are we putting nuclear waste, around power plants where it ought to be in a repository. And that's the other issue I've got, 1982 was the Nuclear Waste Act. Money has been collected, money is supposed to be in the account, and the first repository hasn't opened. Yucca Mountain in Nevada was to be the first repository. It hasn't opened and this is 2014, in 2008 the secretary of energy wrote the required, mandated report to congress and the president, stating that a second repository was needed. We haven't even started to fill up the first one, now we need a second one. And now the DOE culture that I wasn't sure what it was but Admiral Watkins knew what it was and he was going to stamp it out, has turned its ugly head. It's now the waste isolation pileup plant because in February of 2014, there was an explosion and there was a leak at the WIPP radiological waste plant, specialized waste. People that were paid to go into the salt mines, the caverns to see what was wrong, refused. It was so dangerous and I don't know that anyone has still gone in to look it to see what happened. I read an account from a scientist from Los Alamos that surmised that the wrong kind of kitty litter was used to package the radiation waste, instead of using inorganic they used organic, or something like that. I mean this is 25 years after the raid at rocky flats and some of that waste went to WIPP, it may have been the waste that blew up, who knows? I don't know that. But that's what we're living with. We're living with incompetence, with a constituent that can kill us, maim us, or affect our offspring to where we won't recognize them. And they want to do this to all of the aging sights, and Hanford's even bigger. And so is Savannah River. And if this is the cookie cutter mentality, to make them all wildlife refuges, I don't understand. I don't understand it. So, till my last breath if someone wants to know what I think I'll tell them. Cause it's now it's today, even now more so than before cause now we have a little bit more information. The documents, construction, the government lying to workers. It's not an unusual concept that some people can't wrap their arms around the fact that the government can commit a crime.

16190605 Julie: We are the people, though, like and why do we not hold ourselves accountable it's just weird to me because the government is the people.

16191813: Well the studies I did in graduate school, it was a criminology degree, and one of my professors took on the medical board of California- well not took them but did some interviews- and asked medical board examiners and members of the board itself, "what do you do with a doctor that does something wrong? Hurts somebody? On purpose? Intentionally, a crime." And the report said that the board members said. "Well, doctors are highly trained highly educated, and I just can't really grasp a doctor committing a crime." And to me that was just a couple years ago, and then also at the same time with the bubble burst because there's some really good PBS stories about Greenspan. A lot of people were interviewed about Greenspan, and why he would allow the bubble to burst like it did. And the assumption was that Greenspan didn't believe bankers could commit fraud. There would be no intention of a hedge banker, any of that, in the street to commit a fraud and try to hurt somebody. They only want to make money. So, when it gets sketchy, but there was a lady that tried to control the mercantile in Chicago. And she was taking steps that should have been taken by the feds back in 2008 but she wanted to do this in the 90s, and Clinton was president, and Greenspan went after her because she wanted to control too much of it, and limit the abilities of these bankers to be able to make money. But she didn't want to see a collapse or catastrophe. And they ran her out of the business, the good old boys did. And now, 10 year later after she saw that Clinton deregulated a lot of the banking and other things that really positioned ourselves for this housing market bubble and the banking collapse and everything else. They saw it coming. They just saw a lot of money being made and why do we not have any of these institutions on criminal charges? Why is credit Suisse the only one I can think of in a long time that had plead guilty to a criminal charge? On defrauding.

Julie: Is it because we overly trust the people that are supposed to help us?

Jon: No I think the acid test for the president, when appointments are made is to ask the appointee, can someone commit a crime that's involved in your business? And I would say that if they say no or, I haven't thought about it, then let's get somebody who can hold someone accountable, because, like I talked earlier with the veteran's administration, there are veterans that have died waiting to get into the office at the VA. And what accountability is there for anybody to replace somebody dying? There isn't. But why'd it ever happen in the first place? It's...yeah for lack of a better term it's a culture. Government employees are destined to mediocrity. And when they do that well they get promoted. I mean a great read is John Robert Lloyd. If you ever heard of him. Uh, can't remember the name of the author.

Julie: So sad, that's just so sad. And you were technically a government employee right for 20 years?

Jon: Yes, yes. But, you know people 20% of the people do about 5% of the work so. And It was important for me to do my job rather than to promote myself or get myself somewhere else. That's why I talk about Lloyd. Lloyd was an air force lieutenant colonel and uh, that's what he espoused was high work ethic. "Do your

job." In fact Robert Gates applauded him all the time, while he was secretary of defense and reminded people of Lloyd. And if I can tell a quick snippet-Lloyd was the architect of Gulf War 1. He was a big deal. There is a statue of him at Quantico marine core base. And he was air force. Marines don't like many people outside. They like FBI people because we have our academy there. But he has a statue there, and he wrote a lot of manuals. The story I want to in part is he didn't believe that the air force fighters were faster than the soviet migs. And he couldn't get anybody to agree with him so he went back to engineering school and got a second engineering degree and developed his own theorem. And then he did the work and he showed command staff that the migs were faster. And how to make our fighters faster was to get rid of the avionics, which meant the defense contractors were going to lose a dime, and he did it. I think with the f-15. And it was fast. But then the contractors moved back in and the plane got bogged back down with weight from the avionics. That's why I say there's no such thing as a bad worker, it's a bad leader and in relation to the department of energy, we just keep seeing the same old thing happen I mean it's time to clean house. I would like to see them run out of the state on a rail. You don't have to oil and feather them but no I'm serious. I'm going to be in an event in a couple of weeks and I'm going to be up against some people that I'm going to rub the wrong way. But when EPA gets the gonads to put back on their boots and pants and run their own program, and run it so it protects people not make money or protect their integrity or whatever. It's not about that, I agree wholeheartedly this government is of and for the people. That's it. And I don't know about the accountability part of it. You want to do a good job in government, a lot of times they run you out.

It was a tough case you know. We didn't talk about it much but, during the investigation at Rocky Flats I developed evidence so that with my partner at the EPA, people were culpable. It was no secret. And in December of 1991 the prosecution wanted to know how I felt about the case and I felt that we had culpable individuals, both DEO and Rockwell. They didn't want to hear that, in fact so much that they didn't realize that Howard Wolpy, a Michigan congressman started a congressional inquiry in to the prosecution of Rocky Flats. That was started in June and it got so contentious that because of the way that the bureau and the department of justice was handling it I was threatened with contempt of congress by Howard Wolpy, because the department of justice would not let me testify, they kept me from being able to testify for a lot of reasons. So, I received a letter from congressman Wolpy that if I don't show up at a certain day and time I'll be held in contempt. So the department of justice relented because they had contacted [Bush] 41 wanted to know if there was executive privilege involved in it, which there wasn't. So I had to be afforded the opportunity to testify, but before I was allowed to testify I had a meeting with high ranking department of justice official who gave me the speech that everyone's got an opinion, and those opinions could change. In the same conversation, I was told that I wouldn't be allowed to testify in the congressional subcommittee hearing unless the Department of Justice allowed me to. And one of the conditions was I took it, it was that my opinion had to change, the individuals weren't culpable, I was going to have to have a handler, a DOJ attorney

sitting next to me, and there was a laundry list of things that I couldn't answer questions to. Rule 6e. Deliberative process. It went on. And the outcome on that was that Congressman Wolpy wrote a report that the truth was bargained away with the prosecution of Rocky Flats, and it was because we'll be...if I were to be asked, "do we have the truth about rocky flats?" Then my answer is, absolutely not. Because the grand jury material that was acquired during the investigation and the evidence in the FBI and EPA cases haven't seen the light of day. I did an FOIA for the EPA case two years ago. And I was told it was an ongoing case so it was exempted. So I don't know what the ongoing case is and I can't believe the EPA office of general council would lie to me and give me a false exemption, but they wouldn't provide any information from their case. And it goes on and on. So, it's got quite a legacy.

Julie: If you were to give me a word, or 2 or 3 max how do you feel about rocky flats?

Jon: Passionate and vociferous.

[Off-record statements omitted]

Julie: So, tell me what the name was of, was it the 89 raid?

Jon: The code name for the case, the FBI case and therefore the raid, was Operation Desert Glow. And that was actually, it ran into a major case because of the situation at Rocky Flats. And it's interesting when how talking earlier about civil or criminal pursuits but a lot of priorities on the federal side for a criminal case existed at Rocky Flats with government abuse and knowing endangerment so, it was taken very seriously by the FBI I think, making it a major case and the EPA took it serious. I know Ken Fenberg (sp) did with the US at tourneys office trying to make it. It was problematic because we knew Rockwell was indemnified, which was another concept I had to deal with. "Indemnification." What does that mean? It means they have a free pass except criminal fine. They have to pay their own criminal fine is the way the law was written. But as far as civil or administrative or anything else it was, that was the abuse, the other abuse was Rockwell could get, actually a profit off of a fine, a civil fine. Or anything they paid for they got a percentage back. And added to the amount of money to the contract anyway I think was in the 100s of millions of dollars.

I remember interviewing one individual I think with the Department of Energy. Why would Rockwell be interested in such an endeavor at Rocky Flats? But it was because of their access to new technologies, the nuclear industry, the ability to patent new products. I mean look at the Rockwell faxcard of 1970 I think, that's a Rockwell invention that's in a lot of machines. And they had all this access and they had I think at the time in 1989 they had over 40,000 employees working at various facilities in the government complex, including NASA, Santa Susana, rocketry over there and yes, of course in Houston. And then Rocky Flats with nuclear weapons. Mindboggling what experience did they have? I don't know. I say that because

Rockwell was founded as a truck transmission company in the 1910's I think in Pittsburg Pennsylvania that just grew. But on the downside of Rockwell, they pled guilty in, I think, 1988 to defrauding the air force in Los Angeles California. They were on probation when we did the search. And why doesn't corporate crime get reported on the UCR? That's the magic question. But on the other hand, why does the government employ a company that's been convicted of a felony in such a sensitive job? If I went out and defrauded the Air Force or somebody else and plead guilty to a felony. I would have had my security clearance pulled, and been up on charges to be removed from the service. So, why do we treat natural people different from entities?

Julie: Especially now because corporations are people, remember?

Jon: Oh, that's been since 1886. Supreme Court ruled.

Julie: So unless there's something like, "I have to say this to get it off my chest" for Rocky Flats, I think we're done. Is there anything else?

Jon: I think you gave me an avenue for everything I packed to into an hour.

END