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Retired FBI agent helped close nuclear-weapons site

Retired FBI agent, now living in Mission Viejo, no longer has to be silent about the nuclear-weapons site he helped get closed.

By **GREG HARDESTY**

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Mission Viejo *Click*.

Jon Lipsky prowls the sidelines of high school football games, snapping pictures.

Wearing a white visor, his face the reddish hue of a guy who spends a lot of time at outdoor sporting events, Lipsky blends into the suburban scene.

Just as he prefers. Just as his more than 25 years as an FBI agent taught him.

"Parents can't always be at the games," says Lipsky, 51, who volunteers as a photographer for Mission Viejo High School, where two of his three daughters went. "At least they'll have pictures to look at."

Evidence, proof, documentation - the essential tools of any FBI agent. And for years, Lipsky was one of the agency's best: precise, methodical, driven.

But on Dec. 31, 2004, he quit his job - an agonizing decision for the man responsible for getting a nuclear-weapons facility in Colorado shut down more than 15 years ago.

For years, Lipsky couldn't talk publicly about the notorious Rocky Flats facility, near Denver. So he retired early.

Now he can talk.

A VERDICT

During a recent interview in his hilltop home in Mission Viejo, Lipsky wore jeans, a magenta shirt and light brown, python-skin cowboy boots.

He was the picture of laid back - not some hotheaded former lawman turned activist.

"Why screw yourself into the ceiling with frustration," Lipsky said, "when you can do something productive?"

For Lipsky, that meant going public about the U.S. government's handling of an investigation into Rocky Flats.

The facility, which opened in 1951, was in the news recently when a federal jury awarded more than \$500 million to thousands of residents who lived near the top-secret compound.

The jury determined that sloppily handled plutonium and other hazardous material escaped from Rocky Flats onto the properties of more than 12,000 landowners, devaluing their land.

Plant operator Rockwell International Corp. and previous operator Dow Chemical Corp. have maintained that only harmless, minuscule amounts of plutonium escaped from the plant.

The civil verdict, in February, was vindication for Lipsky, a key witness for the residents.

During the trial, Lipsky narrated infrared video footage showing illegal dumping of radioactive, hazardous and industrial waste.

His testimony is at the heart of a recent book about Rocky Flats, "The Ambushed Grand Jury," which chronicles a plea agreement between the federal government and Rockwell that put an end to the special federal grand jury's investigation into the mess.

Critics of the plea deal, including Lipsky, say it let plant operators - and the government agency that owned Rocky Flats, the U.S. Department of Energy - off easily.

He agreed with grand jurors that several individuals - from Rockwell and the Department of Energy - should have been charged with environmental crimes.

The government has defended the plea agreement.

A CALLING

Lipsky attended Loara High School in Anaheim. His father spent a career in the rubber industry after failing to pass an exam to become a cop in Detroit.

He recalls his father saying law enforcement was a noble profession. "Something clicked" for Lipsky on a senior-class field trip to the FBI office in Los Angeles, and he went to work as a clerk there straight out of school.

During six years as a clerk at the agency, Lipsky earned a degree in criminal justice from Cal State Los Angeles.

Needing field experience, he then worked as a street cop in Las Vegas for six years.

In 1984, he got the call he had been waiting for: The FBI hired him as a special agent in Denver.

He was assigned to the new field of environmental crimes.

Asked why, Lipsky quipped: "I wrote a lot of littering tickets when I was a cop."

The Rocky Flats probe began after Lipsky's office obtained a high-level internal briefing memo from the Department of Energy that acknowledged illegal activities were occurring at the plant.

On June 6, 1989, Lipsky led more than 100 federal agents in the raid on Rocky Flats.

After the raid, the plant never operated again.

The raid, dubbed "Operation Desert Glow," led to the 1992 plea agreement in which Rockwell admitted to 10 federal environmental crimes and agreed to pay \$18.5 million in fines.

When it was disbanded by the U.S. Attorney's Office in Denver, the federal grand jury already had written a report saying there was enough evidence to indict several individuals on environmental crimes.

But with the plea deal, the report became moot. The report has since been released, in a redacted version, by the government. Members of the special grand jury remain under a gag order.

Lipsky said the government tried to intimidate him into keeping quiet and even lying about conditions at Rocky Flats during testimony to a congressional panel that looked into the plea agreement.

In January 2005, just days after resigning from the FBI, he spoke publicly for the first time about Rocky Flats, saying he had been "muzzled" since 1992.

He also recounted being transferred, in 1993, to the FBI's street-gang unit in Los Angeles in what he believes was a retaliatory move to penalize him for testifying.

NEW CAUSE

Lipsky's work on Rocky Flats is far from over.

After a \$7 billion, six-year cleanup, the former nuclear-weapons site is ready to become a wildlife refuge. Lipsky is lobbying to keep the public off the site.

There never was a nuclear reactor at Rocky Flats. But Lipsky believes the work being done there - making plutonium triggers for nuclear bombs - created unsafe conditions.

"The government still isn't paying attention to the conditions out there," Lipsky said. "The site's not clean. People are not being properly informed that they will be in harm's way if they have access to it."

He is working with groups in Colorado and national organizations to get the word out.

"The cover-up is getting uncovered," he said.

For the past year, Lipsky has been working as a private investigator. He advertises his business, Mission Accomplished Investigations, in high school athletic guides.

He said most of his friends here are surprised to hear he's a PI.

Most have no idea he is a former FBI agent. And most haven't heard of Rocky Flats.

He will continue to bend their ears.

"I'm a dad and a father," Lipsky said, "but also a citizen.

"And in this country, citizenship should not be a spectator sport."



