



## **FBI Muzzles Former Colorado Agent**

Aug 18, 2004 2:28 pm US/Mountain

An active FBI agent who was planning to go public Wednesday with startling claims about Rocky Flats said he was muzzled at the last minute by the FBI, News 4 reports. In 1989, special agent Jon Lipsky led a raid called "Operation Desert Glow" on the former Colorado nuclear weapons plant looking for evidence that workers may have been illegally burning plutonium and performing other environmental crimes. Workers at Rocky Flats made plutonium triggers for nuclear weapons, and in the 80s there were indications that such illegal activity might have been going on. The raid led to a grand jury investigation of Rocky Flats. That grand jury had voted to indict eight people for environmental crimes, but the U.S. Attorney suddenly disbanded the panel, and its report was kept secret to this day. Rockwell International, the operators of Rocky Flats at the time, eventually pleaded guilty to environmental crimes and paid a \$12.5 million fine. The authors of a book on Rocky Flats recently interviewed Lipsky, and said that he claims he was ordered by his superiors in the Justice Department to lie to them. Lipsky allegedly disobeyed and told the authors the truth. On Wednesday Lipsky had planned to talk about the investigation for the first time publicly, but he simply said: "I came here as a private citizen to talk about the dangers of recreation at Rocky Flats. I took vacation time to come here. Yesterday at 5:54 p.m., just as my family and I were driving into Denver, I received a call from the FBI ordering me not to talk about the Rocky Flats case. So, I can't tell you what I came to tell you."



Special Agent Jon Lipsky

Former U.S. Attorney Michael Norton said Tuesday that he is astonished that an active FBI agent would be claiming that he was ordered to lie.

News 4 Video: FBI Muzzles Agent Who Planned To Go Public About Rocky Flats Lie

if you are not online, video is at (click on link to the right or at the bottom of the story):

[http://news4colorado.com/localnews/local\\_story\\_231164624.html](http://news4colorado.com/localnews/local_story_231164624.html)

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# The Washington Times

washingtontimes.com

## **FBI agent silenced on Colo. nuke plant**

Denver, CO, Aug. 19 (UPI) -- An FBI agent who planned to comment on plans to convert a Colorado nuclear arms facility into a public park was ordered by superiors not to speak.

Special agent Jon Lipsky used vacation time to travel from his home in California to speak at a Wednesday news conference in Denver organized by anti-nuclear activists who oppose plans to turn the Rocky Flats area into a wilderness refuge and public recreation area but received a call en route ordering him not to speak at the event, the Denver Post reported.

Lipsky investigated environmental crimes committed in the area during the 1980s.

"I received a call from the FBI ordering me not to talk about the Rocky Flats case, so I can't tell you what I came here to tell you," he said at the news conference but added that he supports the activists' efforts to halt the transformation of the 6,240-acre area north of Arvada. The U.S. Fish and Wildlife Service is scheduled to take control of the property in 2006.

"As a father and a fellow human being, I urge you not to allow recreation at Rocky Flats. I'm sorry I can't tell you more," Lipsky said.

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## **Agencies want Flats files Move follows advocacy group's report on cleanup**

By Robert Weller, Associated Press August 20, 2004

DENVER

State and federal agencies are in the process of asking to see the sealed files of a grand jury that investigated alleged environmental crimes at the former Rocky Flats nuclear weapons plant after an advocacy group said cleanup plans for the site were dangerously incomplete. The federal Environmental Protection Agency, U.S. Department of Energy and Colorado Department of Public Health and Environment will request the files from U.S. Attorney John Suthers, spokesmen for the agencies said Thursday.

U.S. attorney's spokesman Jeff Dorschner said Suthers has received at least one of the requests. Dorschner did not know when Suthers would respond. The request came one day after an FBI agent who led a 1989 raid at Rocky Flats warned against turning the site into a wildlife refuge, as planned, saying it would be too dangerous. Agent Jon Lipsky said he had been ordered by superiors not to comment on his investigation, but he said concerns raised by the advocacy group, the Ambushed Grand Jury Citizens' Investigation, were valid. Jacque Brever, a member of the group and a former employee of Rocky Flats, released a report this week accusing federal officials of lying about the extent of contamination at Rocky Flats. Brever's report said so much radioactive waste was disposed of clandestinely at Rocky Flats that some contaminated areas are not part

Balkany, co-author of a book compiled by the group, "The Ambushed Grand Jury." Karen Lutz of the Department of Energy said the agency thinks it has the information it needs to complete the cleanup but wants to see any grand jury documents deemed relevant by the U.S. Attorney. A court order would be required for Suthers to release the documents to the agencies. of the cleanup. Rocky Flats, eight miles south of Boulder, made plutonium triggers for nuclear weapons until production was shut down after the 1989 raid. A federal grand jury investigated allegations of safety violations by the contractor and the Department of Energy. The grand jury wanted to indict eight, including two corporations, but the Justice Department declined. The grand jury's report and investigative files remain sealed. One of the plant's operators at the time, Rockwell International Corp., pleaded guilty to 10 hazardous waste and clean water violations in 1992 and paid an \$18.5 million fine. The Department of Energy plans to convert the site into a wildlife refuge in two years after a \$7 billion cleanup

is complete. Max Dodson, assistant regional director of the EPA, said the agency's decision to seek the grand jury files was prompted in part by the report from the Ambushed Grand Jury Citizens' Investigation. On Thursday, he said the request for the files had not been made yet, but added, "We fully intend to do so." State health department spokesman Steve Gunderson said his agency is reviewing the group's report and wants to see relevant grand jury files as well. "I am happy that we are the catalyst and hope they will not certify the site as clean until have gone back and looked at the areas we have pointed out to them," said Caron

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On Point, August 20

August 20, 2004

## PASSING THE BUCK

Federal and state regulators should have long ago requested a review of the grand jury files from the investigation into criminal wrongdoing at the Rocky Flats Nuclear Weapons Plant. That they declined such an offer when it was made in May by Colorado U.S. Attorney John Suthers is nothing less than a violation of the public's trust.

On Wednesday, activists affiliated with the grand jury said the files could help the Department of Energy and state health department determine the location of still-buried radioactive waste. They claim the DOE is relying on false reports, uncovered by the jury years ago, to conclude that parts of the site are clean.

Even if the activists are wrong, regulators still have an obligation to investigate their claims. Taxpayers are shelling out \$7 billion to clean up Rocky Flats. Surely they have a right to expect a thorough review of all the relevant documents.

Officials in charge of the cleanup don't get this. As of Wednesday, some were backtracking on a promise that they would either obtain the files or request access to them immediately.

But the DOE's Rocky Flats Project Office passed the buck altogether, asking Suthers and his staff to inform it of anything in the files "that would further the Rocky Flats cleanup mission."



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(From September 15, 2004 Issue)

CALAMITY HOWLER/A.V. Krebs

## FBI Gags Agent in Scandal

New evidence of a massive coverup by the US Department of Energy and the Department of Justice relative to the widespread contamination of Colorado's Rocky Flats Nuclear Weapons Plant was manifested during an Aug. 18 press conference organized by anti-nuclear activists held to discuss their opposition to the reservation becoming a wilderness refuge and public recreation area.

Although slated to recount the environmental crimes he had previously investigated, Jon Lipsky, the FBI agent who led the historic FBI raid on Rocky Flats in 1989, was at the last minute barred by his superiors from revealing such crimes.

"I received a call from the FBI ordering me not to talk about the Rocky Flats case, so I can't tell you what I came here to tell you," he said at the news conference in Denver.

Previously Lipsky had joined a citizens' investigation that published the non-fiction book, *The Ambushed Grand Jury* (see Calamity Howler, 6/15/04 TPP), documenting the DOJ and DOE coverup of widespread contamination at the former nuclear weapons plant.

Slated to explain his concerns that government plans to allow recreation at the former nuclear weapons plant are based on false and inadequate data, Lipsky, now assigned to an FBI field office in California, took personal vacation time to travel to Denver. The FBI, however, called him en route the day before the press conference, stating that discussing such cases without approval would violate FBI policy.

Lipsky, however, did say he supported the activists trying to stop the former nuclear weapons plant from becoming a wilderness refuge and public recreation area. Current plans call for the transformation of Rocky Flats' 6,240 acres, 16 miles upwind from

Denver, into such an area after the US Fish and Wildlife Service takes control of the property in 2006.

In their 280-page *The Ambushed Grand Jury* [Apex Press, New York: 2004], authors Caron Balkany, an anti-nuclear activist and volunteer lawyer, and Colorado cowboy Wes McKinley, who also served three years as the foreman of a special grand jury convened in 1989 to hear charges of nuclear crimes by the US government and its defense contractor, Rockwell International, unravel the government nuclear crimes at Rocky Flats plant and how a band of persevering individuals courageously caught the government red handed.

The book, which is entering its second printing, is also about a courageous whistleblower and a former plutonium plant employee Jacques Brever and FBI agent Lipsky, who saw years of hard work investigating environmental criminality undermined by his own superiors and the US government.

Throughout their book readers are shown overwhelming evidence of how the US government and its defense contractors covered up dangerous environmental crimes at Rocky Flats, suppressed the indictments demanded by a federal grand jury and threatened those jurors with jail if they spoke out concerning their findings.

Rocky Flats, where the triggers for America's nuclear arsenal were made, has the reputation of being one of the most contaminated nuclear facilities in the nation, although its production facilities have been closed since 1992.

Unwilling to accept being made victims, it was through McKinley's sense of justice and Balkany's initial investigative efforts that a citizens' grand jury investigation was launched. *The Ambushed Grand Jury*, which details their investigation and additional information can be obtained online at [www.ambushedgrandjury.com](http://www.ambushedgrandjury.com). The authors will donate their profits to nuclear watchdog and environmental groups in the US.

Outraged over Lipsky being gagged, Balkany told the *Howler*: "Why does the government try so hard to keep the public from knowing the truth about Rocky Flats? They obstructed the Rocky Flats grand jury and a Congressional investigation back in the '90s, now they're trying to stop an FBI agent on his own time talking about his concerns about public recreation at Rocky Flats."

Brever, who has launched the *United to Keep Rocky Flats Closed*, a Colorado-based informational program dedicated to stopping the government's current plans for turning the area into a recreational area, also related to the *Howler*: "DOE is using old falsified data as a basis of the cleanup. They were caught by the FBI using this false data back in 1989, and now they're using it again. What amazing arrogance!"

At the August press conference, Brever presented a summary of issues:

- 1) DOE made false representations to the regulators as the basis of cleanup plans. DOE knew them to be false because the FBI investigation proved them false back in 1989-1992. DOE resubmitted them to the regulators anyway, and as a result, large areas of land contaminated with radioactive and toxic wastewater were omitted from the cleanup.
- 2) DOE omitted two other areas of known contamination from cleanup, in areas which DOE admits are prone to earth movement.

3) DOE's cleanup of the area immediately adjacent to and upgradient from the majority of the public recreational areas in the wildlife refuge violates the regulatory standards in two places. Together with eight other nearby areas of residual contamination, this poses a risk of public exposure to contamination because, as DOE admits, these areas are prone to earth movement.

4) DOE laboratory results remain unreliable.

5) New studies show low levels of radiation may be much more dangerous than previously believed, so that the cleanup and the decision to allow public access to the site need to be reviewed.

6) DOE admits that the cleanup plans have been impacted by DOE's inability to review its own documents which were seized during the FBI raid and which have remained under seal since then. These DOE technical documents should be released from the grand jury vault, and after the public and the regulators have reviewed them, independent verification of the cleanup should commence.

Breuer also notes that "Congressman Mark Udall has repeatedly asked the DOE to allow the author of this paper and others from the Ambushed Grand Jury Citizens' Investigation to go onsite to show him, DOE, the regulators, and the media the areas where contamination has been excluded from the cleanup plans and where we have information indicating that a threat of radiation exposure or contamination exists. DOE refused."

Balkany and co-author McKinley, also continue to call for the release of secret grand jury materials in the case. In March, US District Judge Richard Matsch, although admitting that he found grand jurors' concerns "serious and substantial," ruled that he lacked the authority to release the materials.

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