



When Public Servants

Become Enemies of the State

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By A.H. Martin

What happens to Federal employees when the bureaucracy that employs them no longer sees them as a team player but rather a weak link; not a member of their “team,” or worse, a whistle blower?

This article will give just a brief glimpse into the lives of two such public servants. Every American citizen should care about the treatment of Federal civil servants. Simply stated, if the rights of the public’s servants can be easily compromised, so can the rights of every and any citizen if they find themselves in the unfortunate position of being bullied by the Federal Bureaucracy, in other words, an Enemy of the State.

In the movie “Enemy of the State” Will Smith found himself being hunted down by a very powerful Federal agency. The leaders of that agency believed he had something that would compromise, or expose the Government’s management integrity—or lack thereof. By no fault of his own, Will Smith, a private citizen, was targeted and the orders were given to terminate the problem—his life—because he threatened some very powerful ideologies. Gene Hackman was the Federal employee, and he too was targeted. There is a saying that goes something like truth is stranger than fiction.

Within the bricks and mortar of the Federal infrastructure—many Federal employees, and private citizens find themselves targeted as enemies of Federal executives, managers and political appointees. They find themselves there not because they intentionally sold secrets to China or gave military intelligence to the Soviet Union. Rather they find themselves being enemies of management employees because they tried to help another employee, who their boss didn’t like, or stood up for a member of the

public...an act that political appointees simply didn’t appreciate, or exposed an exploitation of power.

Martin Salazar is one of those employees. Salazar testified in support of a Discrimination Case before the Equal Employment Opportunity Commission (EEOC) for a coworker, Shirley Smith. In return for his support of a mother of two, he could be facing over 12 months in Federal Prison because management was upset with Shirley and even more upset that Salazar would challenge their authority. The young mother, Shirley Smith served 24 months in Federal Prison for filing a false EEO statement, she charged the agency with discrimination through an EEO complaint and she didn’t win the complaint.

In order for the Federal management to retaliate effectively against Martin Salazar for aiding Shirley, collaboration with several parts of government is essential.

The case is in Aiken, South Carolina regarding Martin Salazar (if you Google his name), you will find that his crime was signing a retirement settlement agreement with the wrong birth date on the forms—forms which the agency, who initiated the charges, prepared. He was charged with making a false statement.

You may wonder why their lawyers didn’t do a better job of defending them. You may also refuse to believe that our justice system could be so unjust. Surely there is more to this story. Well there is and it goes something like this.

Remember the firings of the U.S. Attorneys? Well it takes a U.S. Attorney to decide if they will prosecute a case. Some U.S. Attorneys wouldn’t prosecute cases on clearly Administrative matters, while others overzealous U.S. Attorneys will. The US Attorney in Aiken South Carolina is one of those that would and did. South Carolina has a history of taking actions to put the fear of God in people of color and/or minorities; reminding these people of “their place.”

Both Martin and Shirley are minorities. Martin is a Mexican American, Shirley is African American. If those in power want to send a message to Federal employees not to testify for other employees, or if the people in power want to silence whistleblowers both within and outside of government, sending people to prison for filing discrimination lawsuits is one sure way to accomplish this.

Federal managers and executives only need the “right” U.S. Attorney—one that is a “team player”—to be willing to use their power to retaliate against the employee. The Federal Judicial system is a powerful tool. Lawyers are intimidated every day to comply with the wishes of powerful people at the expense of their client. This is the reality of the legal and judicial system we have in the United States.

Is it illegal? Is it unethical? Is it immoral? Yes to all three questions. The more complicated question is “what can we do about it”? The answer—not much—if you have limited financial resources or political influence.

After his support of Ms. Smith, Mr. Salazar became a true enemy of the Department of Energy (DOE) management officials, and the division they worked for.

These officials do what most Federal managers do when they don’t like an employee who exposes errors/issues—they targeted him, harassed him, alienated him, and bullied him, hoping he would give up and leave. He filed discrimination charges against the DOE, which was the only way he could try to protect himself, his job to provide for his family.

The DOE proposed a unilateral settlement with Salazar. He accepted. The DOE prepared the settlement agreement and validated his retirement documents. Both were based upon the DOE’s calculations and set dates for each function; the erroneous separation date and retirement date. Once enacted by the government 16 months later, they charged him with making a false statement. He was arrested, charged and found guilty in Federal District court of making a false statement as he was not part of the “team.” He is now facing 12 Months in Federal Prison for this “crime” he did not commit.

There are laws against retaliation for filing discrimination complaints and testifying. There are also laws against selective prosecution. But who is going to enforce these laws—the Justice Department? The Justice Department was unable, or unwilling to handle the overzealous prosecution of six children in Jena Louisiana. Laws are only as good as the desire and agenda of the empow-

ered individuals responsible for enforcing them.

If Federal executives and managers choose to validate bad dates on retirement papers, that they themselves prepared, and also prosecute unsuccessful discrimination lawsuits, which result in federal crimes of false statement, and then send Federal employees to prison, then the general public, and *not* just the Federal employee, is at the mercy of Federal Agency officials and U.S. Attorneys, who choose to use the judicial system as a tool to retaliate, bully and destroy the lives of those they do not like, who are not considered “team players.”

Interestingly enough Martin Salazar obtained “sworn Declarations/Affidavits” from two of the three main government witnesses. These same government witnesses made declaration unlike those at the trial, and only now state the truth, “after the fact”, because they are protected from criminal perjury by the very US Attorney that prosecuted this case... can we say “conflict of interest”? In fact, the statements from these government witnesses are more egregious acts than the charges faced by Salazar. Although the U.S. Attorney and the Court were made aware of the potential perjury, neither the U.S. Attorney, or the Court was concerned with these violations; they obtained the ill results of a conviction despite the fact it came from absolute and known lies.

In other words the U.S. Attorney in Aiken, South Carolina is not protecting the public from a criminal, or seeking to uncover the truth, but merely seeking a conviction. Now that they have a conviction, the truth and justice are not of concern. The U.S. attorney is not interested in pursuing witnesses who helped railroad an innocent man. They get away with the real crime—an innocent man goes to prison—where is the justice?

The nightmare of Shirley Smith and Martin Salazar’s life is not a movie and unfortunately not unique.

They, like countless other Private Citizens and Federal Employees, have suffered and have not only lost a job but have lost the God given freedoms of American life for themselves and their families, with the impact of the future consequences from Federal convictions, which is immeasurable.

Federal employment is competitive but it can also be life threatening in untold ways. More and more people are entering public service because jobs in the private sector are not readily available.

People want security. At the same time the prison industrial complex is flourishing. Taxpayers are funding the destruction of thousands of lives like Martin’s and Shirley’s on frivolous issues and selective prosecutions. Good people who did the right thing are going to Federal Prison because high ranking Federal employees have friends in positions of power, and exploit these advantages for personal agendas.

The Federal Government is the nation’s largest employer. Over 1.8 million people are employed by our government. The Federal government’s reach touches the lives of absolutely every American Citizen. To be a Federal civil, or public servant brings to mind images of postal workers, forest rangers, FBI Agents, air traffic controllers and of course tax collectors, just to name a few. As an employer, the Federal government has a solid reputation of offering its’ employees job security, and decent salary and good benefits. What the public often doesn’t realize is the that there is a dark side to that good government job.

The dark side reflects an employer that has unlimited money, unbridled power, and undeserved respect within the minds of the American public, media, and judicial system. When an employee finds themselves on the other side of an issue that contradicts management—whether the issue be public safety, national security, or public health, the employee can easily become, to borrow a movie title, an “Enemy of the State”.

Not only is the employee’s livelihood at stake, but also at risk are their lives and the lives of their families; becoming pawns in the abuse of power in “protecting Federal government”; Moreover, the government is spending untold Millions of taxpayer’s dollars to carry out these atrocities, and will continue to do so at our expense, in covering up Federal executives and managers errors and personal agendas.

Without exposure of the conduct of the Federal bureaucracy unjust actions against its Citizens and against its employees, and a change in the culture of institutional and bureaucratic bullying, we are all vulnerable to becoming *Enemies of the State*. •

What can you do to help? SIGN THE ONLINE PETITION AND PASS IT ON.

CNN News has conducted an investigation of the Martin Salazar story. But they do not believe it affects the general public. Without a public outcry Shirley and Martin’s story will continue to be repeated over and over again—different names—different circumstances—but same theme and same outcome. **Call CNN and tell them that you would like the story regarding Salazar made public, David Fitzpatrick, CNN (212) 275-7824.** Mr. Fitzpatrick has already collected the information. He needs to be convinced that Salazar and Smith are not unique but are an example of a pattern within Federal agencies. Your call may not only save his life but may save yours or someone you love who may become an unknowing Enemy of the State.