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The Honorable Samuel Bodman
Secretary, Department of Energy
1000 Independence Avenue S.W.
Washington, D.C., 20585

Dear Mr. Secretary:

I am writing regarding recent reports about Wackenhut's security guard force at the Nevada Test Site (NTS). In your recent testimony to the Senate Armed Services Committee, you indicated that you want the NTS to be made ready to resume nuclear weapons testing, and the Bush Administration has been relentless in its push for funds to develop new nuclear weapons. The development of new nuclear weapons and the resumption of testing would be the wrong signal to send to countries whose nuclear weapons programs we are trying to curtail, such as Iran and North Korea. Moreover, the deficiencies highlighted by these reports raise serious questions about the security of the Nevada Test Site and other DOE nuclear weapons facilities.

There have been two recent incidents that call into serious question the competence of the Wackenhut guard forces at the Nevada Test Site:

- In August 2004, a force-on-force exercise was held at the NTS. It is my understanding that during this exercise, two Wackenhut guards confronted each other after rounding a corner of a building, one "shot" the other in a friendly fire incident, and the second then started a fist fight with the first because he was angry about being "killed". Needless to say, the guard force failed the force-on-force exercise. This matter was alluded to in a January 21, 2005 memo to then-Secretary Abraham from then-Deputy Secretary Kyle McSlarrow and Ambassador Linton F. Brooks, who oversees the Department's nuclear weapons complex, when they referred to "recent significant physical security performance problems at the Nevada Test Site" (please see <http://www.pogo.org/m/hsp/hsp-01262005-Abraham.pdf>).
- A February 11 2005 Department of Energy Inspector General (DOE IG) report indicated that a Wackenhut employee (along with a DOE employee) improperly took government and personal handguns to a training exercise at the NTS in 2003.

Of course, this is not the first time that Wackenhut guard forces have demonstrated staggering deficiencies at DOE facilities:

- In September 2004, a disastrous force-on-force exercise was held at the Oak Ridge National Laboratory. According to press reports, a mock attack force began a security drill, only to be confronted by armed Wackenhut guards who did not know a drill was taking place. A New York Times article on the subject indicated that guards involved in this incident were told they could be fired if they told anyone about it, and also reported that even *after* this disastrous miscommunication, guards at Oak Ridge were found to be using live ammunition when practicing discharging and reloading their weapons even though they were supposed to be using blanks.
- A March 2004 DOE IG report found that four DOE sites where Wackenhut Corporation holds the security contract (Nevada Test Site, Savannah River, Rocky Flats, Oak Ridge's Y-12) "had eliminated or modified significant portions of the training while others were not using realistic training delivery methods," such as not conducting basic training in the use of shotguns, and modifying or excluding other required security training elements.
- In January 2004, the DOE IG also found that Wackenhut supervisory personnel had cheated on they were tipped off in advance during a DOE drill developed to ensure that the Oak Ridge site's protective force could respond to potential security threats, such as a terrorist attack. Government investigators concluded that Wackenhut's actions were improper and had tainted the test results to the degree that they could not be relied upon.

Wackenhut's performance is consistently well below par, and its continued presence at DOE nuclear weapons facilities raises serious questions about the Department's ability to secure its nuclear weapons and weapons-usable materials. Consequently, I ask for your prompt assistance in answering the following questions:

- 1) Please fully describe the recent security incidents that took place at the NTS and Oak Ridge facilities that involved Wackenhut security guard forces.
- 2) What actions has DOE taken to ensure that such incidents do not occur again?
- 3) The New York Times reported that guards involved in the Oak Ridge incident were told they could be fired if they told anyone about it. Would you support the dismissal of any personnel who reported serious flaws in a force-on-force exercise?
- 4) The New York Times also reported that even *after* this disaster, guards at Oak Ridge were found to be using live ammunition when practicing discharging and reloading their weapons even though they were supposed

to be using blanks. What has the Department done to address this problem?

- 5) I have been informed that one of the interim corrective actions taken by DOE to solve the security deficiencies at the Nevada Test Site is to relocate members of the guard forces currently employed at the equally poorly protected Oak Ridge site. Is this true? If so, how would this action improve security at the NTS, given the persistent security deficiencies at the Oak Ridge site?
- 6) In light of the numerous reports of Wackenhut personnel cheating on security tests, altering training requirements, violating regulations, failing at security exercises and retaliating against whistleblowers, do you believe that Wackenhut should be allowed to continue to provide security at DOE facilities? Why or why not?

Thank you very much for your attention to this important matter. Please provide your response no later than March 11, 2005. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,



Edward J. Markey