



BY TELEFAX AND FIRST CLASS MAIL

November 23, 2004

Thomas J. Ridge, Secretary
Department of Homeland
Security
Naval Security Station
Nebraska and Massachusetts
Ave., NW
Washington, D.C. 20528

Dear Secretary Ridge:

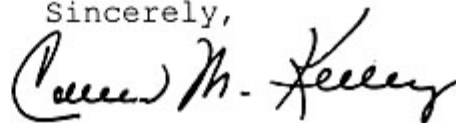
Enclosed for your attention and response is a joint letter from the General Counsels of the National Treasury Employees Union (NTEU) and the American Federation of Government Employees (AFGE) to Joe Whitley, General Counsel for the Department of Homeland Security. That letter sets forth the significant constitutional violations arising out of the implementation of DHS Management Directive Number 11042 (entitled "Safeguarding Sensitive But Unclassified (For Official Use Only) Information") and DHS Form 110000-6 ("Non-Disclosure Agreement"). We are writing to urge you to take immediate action to withdraw the Directive and stop the further dissemination of the Non-Disclosure Agreement

The Directive and the Agreement impose unprecedented restrictions and conditions on the free speech rights of DHS employees. As the letter to Mr. Whitley states, our members fully appreciate the need to safeguard classified and other highly sensitive information against unauthorized disclosure, as do we. The Directive and Non-Disclosure Agreement, however, go well beyond this legitimate purpose. They cover a virtually unlimited universe of information that is relevant to important matters of public concern and whose disclosure would have no adverse impact upon the national security.

In fact, we strongly believe that the Directive and Agreement actually undermine our national security and the public interest. They do so by, among other things, providing a convenient device for officials to suppress and cover up evidence of their own misconduct or malfeasance. Thus, under the Directive and Agreement, any DHS official or employee can simply stamp a document "for official use only," thereby subjecting any employee who might disclose the information for a legitimate public purpose to severe sanction. Further, under the Agreement, employees are required to consent to an inspection "at any time and any place" (presumably including one's home or personal belongings) to ensure compliance with the Directive. This provision is grossly intrusive and provides an obvious opportunity for harassment and abuse at the unbridled discretion of government officials.

As we are sure you will agree, history teaches us that an institutional culture that suppresses whistleblowers and discourages dissent does not serve the national interest. For those reasons, we urge your prompt personal attention to the matters raised in the enclosed letter.

Sincerely,



Colleen Kelley
National President
NTEU



John Gage
National President
AFGE

Enclosure