THE WHISTLEBLOWER
WHO EXPOSED WARRANTLESS WIRETAPS

DIRECTIONS: Read the article and answer the questions. Mark "T" for True and "F" for False.

Describe the character and history of Thomas M Tamm

2. ____ In the spring of 2004, Tamm stumbled upon the existence of a highly classified NSA program that seemed to be eavesdropping on U.S. citizens.

3. ____ The unit had special rules that appeared to be hiding it from a panel of federal judges who are required to approve such surveillance.

4. ____ When Tamm started to ask questions, his supervisors encouraged him to keep going and continue his inquiry.

5. ____ Tamm called the NYT from a payphone at a subway station near Pennsylvania Avenue.

6. ____ Eighteen months after he disclosed what he knew, the Times published the article revealing that Bush had ordered the taps.
7. A federal investigation was launched to find out who the leaker was, and President Bush called the disclosure a “shameful act.”

8. Tamm was the New York Times’ only source for the story.

Describe what happened to Tamm after the publication of the story.

10. Tamm’s disclosure was not motivated by other factors he found disagreeable with the Bush administration.

11. Tamm revealed multiple operational details about how the program worked as well as other sources.

12. Tamm no longer works for the Justice Department, and is $30,000 in debt.

13. Tamm may have caught the FBI’s attention after he sent out an email from his Justice Department computer.

Outline the 2 ways of looking at Tamm (hero vs. traitor) and identify which one you believe him to be so far.

15. Tamm used to, as a toddler, crawl around Hoover’s desk, and his brother was an investigator for the 9/11 Commission.

16. Tamm’s associates said he was not a very good lawyer, and had difficulty connecting with juries.

17. When John Ashcroft became head of the Justice Department, he abhorred the death penalty and blocked the department from using it.

18. In 2002, Tamm was assigned to help investigate Zacarias Moussaoui believed to be the 20th hijacker.

19. Tamm uncovered evidence that the U.S. was using interrogation tactics abroad that would be illegal in America.
20. Tamm joined one of the most units within the Justice Department – making requests for national security wiretaps.

21. Congress created the FISA court in 1978 after abuses by the intelligence community.

22. What is the role of the FISA court? What does it do? What are the penalties for not following its rules?

23. Vice President Dick Cheney came to the conclusion that the FISA court procedures were too cumbersome and time-consuming to permit agencies to quickly identify al Qaeda terrorists in America.

24. Cheney’s chief counsel David Addington respected the FISA court and objected to Cheney’s view.

25. The code name for Bush’s warrantless wiretap program was “Stellar Wind.”

26. If a phone seized in Pakistan had dialed a number in the U.S. the NSA would target that phone.

27. The telecommunication companies were reluctant to work with the NSA on the program and worked to deny access if warrants were not in place.


29. Tamm was assured by his colleagues that the program was completely legal.

30. At the time, a new assistant attorney general named Jack Goldsmith was challenging secret legal opinions written by John Yoo, that justified the secret surveillance program.

31. Recount what happened when John Ashcroft was in the hospital...
32. Tamm had uncovered evidence that the program was being objected to by high officials in the Justice Department and Office of Legal Council when he leaked the information.
33. Tamm consulted an old law school friend about reporters who might be willing to pursue a story that involved wrongdoing in a national-security program.
34. Tamm considered giving the story to Seymour Hersh at the New Yorker.
35. Tamm was calm and collected when he made the call to the New York Times.
36. When Tamm ended the call to the Times, he wondered if what he had done might earn him the death penalty.
37. Tamm hoped the story would run prior to the 2004 election, and contributed $300 to the Democrats.
38. It took more than a year for the story to run, over the personal appeals of President Bush.
39. Bush warned the New York Times that they would have “blood on their hands” if the story ran.
40. Then senator Barak Obama agreed fully with the Bush administration, and labeled the publication of the story an act of treason.
41. Tamm suffered from depression, botched a drug case, and eventually resigned in 2006.
42. On Aug. 1, 2007, FBI agents with guns seized Tamm’s desktop computer, his children’s laptops, his private papers, some of his books, and his family Christmas-card list.
43. Tamm’s college-age son was asleep when FBI agents entered his bedroom.
44. Tamm was home at the time the FBI agents entered his house.
45. Tamm had told his wife about his leaking of classified information to the New York Times.
46. After the raid, the Justice Department prosecutors encouraged Tamm to plead guilty to a felony for disclosing classified information—an offer he refused.
47. If Tamm was a “do-gooder” the government could face a problem if it tried to bring a case to trial.
48. Prosecuting Tamm might be a problem since Obama had denounced the wiretapping program.
49. Tamm’s lawyers say what he did was based on his view of a higher responsibility.
50. According to Asa Hutchinson (under secretary of the Dept. of Homeland Security) what Tamm did “reflected a lawyer’s responsibility to protect the rule of law,” and she is helping with his defense.

Thomas Tamm currently serves as a public defender in Washington County, Maryland. He was an anonymous whistleblower to The New York Times, making the initial disclosures which led to reporters winning Pulitzer Prizes in 2006. Although Maryland agreed to drop ethics charges against him in 2009 relating to those disclosures, and the USDOJ announced it had dropped its investigation in 2011, the D.C. Office of Bar Counsel announced in January 2016 that it had brought disciplinary charges against Tamm relating to those events. Tamm in March 2016 agreed to public censure by the District of Columbia Court of Appeals in order to allow him to proceed with his life and career. (Wikipedia)
How do you see it? Is Tamm a whistleblower worthy of praise or is he a leaker guilty of treason? Justify your answer.