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To: Honorable Eric H. Holder  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave.  
Washington, D.C., 20530-0001  
U.S.A.

May 3, 2009

**Request for Criminal Investigation of Deception and Fraud Committed  
by Broadcasting Board of Governors (BBG)  
and Radio Free Europe/Radio Liberty, Inc. (RFE/RL)**

Dear Attorney General Holder:

This letter is a formal criminal complaint accusing BBG and RFE/RL of systematic and sustained fraudulent deception of RFE/RL's foreign personnel in the Czech Republic. Simultaneously, it is a formal request for criminal investigation.

We, the undersigned, former employees of RFE/RL, residing in Prague citizens of Croatia (Snjezana Pelivan) and Armenia (Anna Karapetian), are suing RFE/RL for violation of our labor and human rights (national equality).

BBG is a Federal agency that supervises all U.S. nonmilitary broadcasting services including RFE/RL. Fully U.S.-funded, RFE/RL describes itself as "a private, nonprofit corporation", which "receives federal grants as a private grantee".

As will be shown below, RFE/RL deprives several hundreds of its non-Czech and non-American employees in the Czech Republic of legal protections granted to the Czech employees by Czech labor laws and to American citizens by American laws. RFE/RL discriminates such foreign employees intentionally and systematically by offering them a standardized Employment Agreement, which stipulates:

*The parties understand that the laws of the United States govern this agreement. Furthermore, all conditions of employment are governed by the applicable laws of the United States, the laws of the District of Columbia or the policies of the Company."*

In fact, that innocuously looking text is a fraudulent deception performed by RFE/RL consciously, regularly, repeatedly and with evident discriminatory intentions.

Direct consequences of RFE/RL fraudulent actions are:

**Czech Parliament is scheduled to discuss RFE/RL personnel policies and actions discriminative to its foreign employees in the Czech Republic;**

**RFE/RL, the U.S. Congress-funded organization, is to face charges of human rights violations in the European Court of Human Rights in French Strasbourg – the first American organization ever;**

**Croatia and Armenia have the right to join their citizens in Strasbourg, thus broadening the international scope of the scandal;**

**Ongoing and invariably negative to RFE/RL international media coverage of the lawsuits will continue, further undermining not only RFE/RL's reputation as the tool of American public diplomacy, but also American public image abroad.**

Herewith, we ask you to determine in the course of your investigation the officials of BBG (presently consists of the remaining four out of eight members appointed by President Bush; Hillary Clinton, since her inauguration as the Secretary of State, is a BBG member ex officio) and of RFE/RL (president Jeffrey Gedmin, since January, 2007) personally liable for misuse of U.S. taxpayers' money on detrimental to U.S. public reputation lawsuits abroad, stemming from the fraudulent employment practices.

### **American "Applicable Laws" Are Not Applicable**

Most foreigners hired in Prague by RFE/RL, which broadcasts to 20 countries in 28 languages, are the nationals of Ukraine, Russia, Tajikistan, Iraq, Iran, former Yugoslavia, Armenia, Georgia, Afghanistan, etc. As a rule, they do not even suspect that, in total contradiction to employment agreements served to them by RFE/RL management, they, being foreigners working in Prague for RFE/RL, an American employer abroad, are expressly exempt from whatever protection provided to Americans by U.S. labor laws, civil and human rights acts. They cannot claim protective jurisdiction of the U.S. Equal Employment Opportunity Commission (EEOC); American courts are closed to them for the same reason as is EEOC – the lack of jurisdiction.

There is only one party to such employment agreements that knows that American "applicable laws" are not applicable at all. This party is experienced and served by corporate lawyers in Washington and Prague. It is BBG and RFE/RL. In particular, to foreigners working for RFE/RL abroad, are not applicable:

Fair Labor Standards Act,

Equal Pay Act,

Civil Rights Act of 1964,

Americans With Disabilities Act,

Family and Medical Leave Act,

District of Columbia Human Rights Act of 1977, and so on.

<http://www.gentrylocke.com/showarticle.aspx?Show=242>

Applicable to them are only the "policies of the Company" contained in RFE/RL Policy Manual. Here RFE/RL performs another act of intentional deception: not a single foreign

employee of RFE/RL (ourselves included) was, at the time of hiring, acquainted with or even orally informed of the crucial RFE/RL termination-of-employment policies and their practical meaning:

***"Employment at will.***

*RFE/RL's relationship with its employees is governed by an 'employment-at-will' philosophy. This means that ...either party may terminate an agreement at any time for any reason."*

**Fraudulent Deception Portrayed as "Voluntary Choice of Law"**

In courts, RFE/RL calls the deception of its foreign employees a "voluntary choice of law". However, to any reasonable person is clear, that a deceived foreigner, not seldom a homeless and penniless refugee, does not have any possibility to make an informed election of laws that will govern her/his labor relations with the powerful American institution. And, in addition, why should not RFE/RL, famous for its defense of civil rights and human dignity, be trusted from outset?

Acts of deception during the hiring process, and subsequent arbitrary terminations of contractually deceived and discriminated foreign employees cannot be reconciled with the imperative of "good morals" stressed expressly and repeatedly by Czech labor and civil legislation.

The mode of termination of our employment with RFE/RL (independently of each other and at different times), being a product of discriminatory policies toward foreigners and deceptive employment agreements, clearly violates the principle of good morals. We were terminated without any stated reason, without any prior warning, without any, if deserved, preliminary corrective or disciplinary measures, without any transgressions on our side. In addition, none of us has received even the contractual severance payment, for we refused to sign a letter of consent with such terminations and give up the right to seek court protection.

There are many other similar cases of arbitrary, unmotivated terminations of RFE/RL foreign employees. Under pressure of unfavorable existential circumstances (dim employment prospects, financial need, minor and senior dependents, etc.), they were forced to accept severance payments prepackaged by RFE/RL as the "shut up" money.

Snjezana Pelivan's wrongful termination claim was on March 16, 2009, rejected by the Czech Constitutional Court on the ground that unmotivated termination can be reconciled with the country's social and state fundamentals. Matters of fraud and deception raised in this request for U.S. criminal investigation, were not subject of consideration in Czech civil lawsuits as not claimed. They will be claimed in European Court of Human Rights.

The case of Anna Karapetian (FYI: mother of three minor children) is still pending in the Czech Supreme Court. In view of the decision by Constitutional Court in Pelivan's case, the Karapetian's case has the same perspective: Strasbourg.

**In Strasbourg, the U.S. Radio and the Czech Republic, as its host country, will have an unenviable task to prove that total legal vacuum created for RFE/RL foreign employees in the Czech Republic by fraudulent actions of RFE/RL**

**management and by the Czech courts, can be reconciled with European Convention of Human Rights and Fundamental Freedoms. Fundamentals of the Czech social and state order are, for the Court in Strasbourg, irrelevant.** Just as they are irrelevant for this request for criminal investigation.

### **RFE/RL Hypocrisy is Condemned by International Media**

Hospodarske noviny (Business newspaper), Prague:

*"The paradox situation is created. Management of the broadcasting organization, which long years advocated worldwide the commitment to human rights, presently itself violates the rights of its employees."*

Editorial *"Equality with Precondition. Practice of Free Europe Contradicts Its Ideals"*, Lidove noviny, Prague:

*"Prague headquarters of RFE/RL, which pretends to be a messenger of freedom, democracy and the rule of law, behaves as an employer in such a way as if the principles it heralds, are relevant "just" for the whole planet but not for what is going on inside that estimable organization itself. Employees are divided in three castes... That situation, as it seems, is brutally abused by the management of the radio station. With foreign employees from the third caste, the propagators of democracy deal as colonial power with rightless aborigines. No less astonishing, even outright scandalous, is the situation when the Czech courts consider such undertakings to be correct."*

In an article titled *"Doomsday of Radio Liberty. From Double Standards to Double Morals?"* published by the human rights Chronicle of Moscow Helsinki Group and widely hosted by the Russian, Ukrainian, Central Asian Internet sites, the actions of RFE/RL are called "larceny".

Armenian daily AZG, Yerevan:

*"These legal cases are a stamp of shame, a stigma on the history of the well-respected Radio Free Europe/Radio Liberty, which has supported democracy for decades... The serious and substantiated charges against RFE/RL are already a tremendous blow to the reputation and the prestige of an institution with a glorious history."*

Ted Lipien, president of Internet resource Free Media Online (San Francisco), whose article was hosted and referred to by numerous Internet sites including USA Today and New York Times servers, called the court cases against RFE/RL "major embarrassment".

### **"Employment-at-will" Is Morally Unwelcome in the United States Itself**

On May 21, 2008, a respectable Philadelphia attorney-at-law Alice W. Ballard wrote to the American Law Institute:

*"Employment-at-will doctrine leaves employees vulnerable to malicious, immoral, and capricious terminations. It is unsupportable in principle and evil in action. Academic opposition to the rule is nearly unanimous. There are at least 74 law review articles condemning the rule as unsound law, immoral in result, bad economics, and unjust policy."* <http://www.ali.org/doc/Motion-Employment-Ballard-201.pdf>

In forty three U.S. states the courts on different occasions ruled the "employment-at-will" doctrine to be contrary to "public policy". In ten of those states, it was found to violate also "the Covenant of good faith and fair dealing".

<http://www.bls.gov/opub/mlr/2001/01/art1full.pdf>

In 1995, RFE/RL moved to Prague from Munich, Germany. In Germany, even at the time when that country was formally occupied, RFE/RL abided by German labor laws, which covered all RFE/RL employees regardless of their nationality, citizenship or, quite often, statelessness. It did not hinder RFE/RL to gain the audiences and effectively combat Communist lies of the "evil empire" and its satellites, even at times of unrelenting jamming. Today, RFE/RL audience, for instance in Moscow, is below statistical error.

**Therefore, we ask you to investigate not only moral motives (low) but also ruinous practical consequences of intentional and deceptive legal discrimination of RFE/RL foreign employees in the Czech Republic.**

### **"Public Disaster Instead of Public Diplomacy" at Taxpayers' Expense**

According to the "United States International Broadcasting Act of 1994", members of BBG serve collectively as the Board of Directors of RFE/RL. BBG "makes all major policy determinations governing the operations of RFE/RL". The Office of Human Resources within BBG "provides worldwide personnel management policies, programs, and services that enable the Agency to carry out its mission while enhancing the well being of its employees" <http://www.bbg.gov/office/index.html> Such is the BBG's self-presentation. The Washington Post is less enthusiastic:

*"Employee poll makes BBG the worst place to work. It is not a good example of how a federal agency works with its employees. That's what the latest Federal Human Capital Survey, conducted by the Office of Personnel Management, indicates".* <http://www.washingtonpost.com/wp-dyn/content/article/2009/04/23/AR2009042304188.html>

Unfortunately, discriminative to foreigners policies and practice of RFE/RL in the Czech Republic, remain the same even after Hillary Clinton became the member of BBG and of RFE/RL Board of Directors.

By law, RFE/RL is part of the "United States international broadcasting", which "shall be consistent with the broad foreign policy objectives of the United States". RFE/RL Mission Statement: "RFE/RL mission is to promote democratic values and institutions... RFE/RL strengthens civil societies by projecting democratic values... RFE/RL provides a model for local media..." Such is the RFE/RL's self-presentation.

<http://www.rferl.org/info/mission/169.html>

Voices of "local media" to which RFE/RL "provides a model", are sobering:

*"Swindlers and blackmailers at RFE/RL. The history of employment terminations gained an international publicity"*

<http://www.armtown.com/news/ru/gol/20090430/45359/>

*"RFE/RL-- Public disaster instead of public diplomacy"*

<http://azg.am/print/EN/2009041504>

*"Czech sovereignty ends at RFE/RL"*

<http://en.mirzexezerinsesi.net/articles/2009/04/01/lidove-noviny-czech-sovereignty-ends-at-rfe-rl>

*"In Czech court, the Radio suffered a devastating victory. Its president got a final court verdict, which confirms that RFE/RL foreign employees will not have protection not only in American courts (that he knew before) but also in the Czech courts. And the Radio, its president, assumed such a power status, which is unavailable to any authoritarian dictator in the countries to which RFE/RL heralds its human rights sermons... The radio station has quite good lawyers. It has very bad management that even now cannot grasp that American Congress yearly takes from taxpayers over eighty million dollars to finance not the lawyers office but public diplomacy, which does not tolerate public scandals"*

[http://www.golos.am/index.php?option=com\\_content&task=view&id=45359](http://www.golos.am/index.php?option=com_content&task=view&id=45359)

We were proud to work for American RFE/RL and contribute to its noble mission – in spite of its cynical management. So are hundreds of our foreign colleagues whose voices carry to their countrymen the message of civil liberties, rule of law and human rights -- despite the fact that they themselves have no rights at RFE/RL. Due to fraudulent deceptions, RFE/RL president now concentrates, in one person, the functions and powers of a breadgiver, an interrogator, a prosecutor, a judge in his own court without defense, an executor of his own judgement, which is final and must not be motivated. And it is not in Guantanamo, which presently is being dismantled as American legal and political shame.

Your investigation will help to dismantle at RFE/RL in Prague the remaining preserve of "no rights to foreigners", evidently overlooked till now by the present Washington administration.

Sincerely,

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cc:

President Barack Obama  
Hon. Hillary R. Clinton, Secretary of State (member of BBG, RFE/RL Board of Directors)  
Hon. Patrick J. Leahy, Chm. Senate Judiciary Comm.  
Hon. John Conyers Jr., Chm. House Judiciary Comm.  
Hon. John F. Kerry, Chm. Senate Foreign Relations Comm.  
Hon. Richard G. Lugar, Senate Foreign Relations Comm.  
Hon. Howard L. Berman, Chm. House Foreign Affairs Comm.  
Hon. Daniel K. Inouye, Chm. Senate Appropriation Comm.  
Hon. David R. Obey, Chm. House Appropriation Comm.