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Groups Seek Whistleblower Rights Clarification from Obama

Advocates Call for Action on the President's Promise to Support Stronger Whistleblower Protections

(Washington, D.C.) – President Obama should fulfill his campaign and transition policy commitments to strengthen whistleblower rights to effectively fight waste, fraud and abuse in unprecedented government spending, the Make It Safe Coalition said in a letter sent to the president today. The bipartisan coalition includes good government, consumer protection, civil liberties, transparency, labor, scientific and taxpayer rights groups that represent hundreds of thousands of people.

In the letter, the coalition asks the president to strongly endorse legislation that would protect federal employees who expose waste, fraud, abuse, suppression of federal research, and threats to public health and safety, and give them access to jury trials. The letter also asks the president to direct federal agency heads to institute “no-retaliation” policies for employees.

The groups’ letter states:

With each passing day, more taxpayer dollars are at risk and more federal workers are threatened. Now is the time to realize your promise of openness and support for the protection of the civil servants who will implement out your policies. True transparency and accountability cannot be achieved without your commitment, leadership, and support for legislative change.

The Obama administration has taken steps to improve transparency and accountability in the federal government. It initiated the Open Government Directive and issued a recent memorandum to agency heads directing them to adopt appropriate whistleblower protections to ensure scientific integrity.

But a signing statement issued by the president on March 11, attached to H.R. 1105, the omnibus spending bill, contradicts those earlier steps and could have a chilling effect on lawful whistleblowing disclosures. The signing statement qualified a small but critical provision that would deny a salary to a federal manager who “interferes with or prohibits certain communications between federal employees and members of Congress.” The statement said the

provision would not prevent the administration from supervising, controlling or correcting "employees' communications with the Congress in cases where such communications would be unlawful or would reveal information that is properly privileged or otherwise confidential." In its letter, the groups recognized that the signing statement is open to varying interpretation, but expressed concern that this statement could be interpreted as a warning to federal workers against publicly communicating unclassified information, contrary to their long-standing rights under the law.

The groups urged President Obama to make his position clear and take three concrete steps to fulfill his commitment to transparency and accountability through strengthened federal employee whistleblower rights:

- 1) **Commitment:** Reaffirm his strong endorsement of reforms for federal whistleblower rights made in his campaign statements and transition policy – reforms providing best-practice free speech rights, including full court access for all whistleblowers funded by taxpayers and coverage of government contractors – and appoint a liaison responsible for interacting with whistleblower advocates as set forth in his May 8, 2007 response to a candidate survey.
- 2) **Change:** Actively support the swift enactment of strong whistleblower protections, such as those in the bipartisan H.R. 1507, sponsored by Rep. Chris Van Hollen (D-MD) and Rep. Todd Platts (R-PA), in advance of congressional hearings this year, and communicate that message specifically to Attorney General Eric Holder. The president's help will ensure that Congress enacts strong, comprehensive federal whistleblower protection legislation that gives all federal employees a functional administrative process and access to jury trials.
- 3) **Leadership:** Issue and enforce a directive to all agency managers that they must not tolerate any retaliation against federal employees who expose waste, fraud, abuse, suppression of federal research, threats to public health and safety, and illegality. While this directive alone will not resolve the need for improvements to the law, it will help to send a strong message of support for federal employees and help to end the culture of secrecy.

To read a copy of the letter, go to:

<http://www.citizen.org/congress/govtaccount/articles.cfm?ID=18518> and for more information visit http://action.citizen.org/t/5489/content.jsp?content_KEY=4147

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