

# 181 Public Interest Organizations Support Swift Action to Restore Strong, Comprehensive Whistleblower Rights

September 8, 2008

To: Sen. Joseph Lieberman; Sen. Susan Collins; Sen. Daniel Akaka; Sen. George Voinovich; Rep. Henry Waxman; Rep. Tom Davis; Rep. Todd Platts; Rep. Chris Van Hollen

The undersigned organizations, representing millions of Americans, write to support the completion of the landmark, eight-year legislative effort to restore a credible Whistleblower Protection Act. We offer our support to expeditiously conclude the process of reconciling House and Senate passed versions of this vital good government legislation, H.R. 985 and S. 274.

Unfortunately, every month that passes has very tangible consequences for scores of whistleblowers who still lack viable legal rights. In just the first three months of this year, since both chambers passed their versions of the legislation, whistleblowers have a 2-49 win-loss record in initial decisions from administrative hearings at the Merit Systems Protection Board (MSPB). For final rulings by the MSPB, the record is 2-53 under the current Chair. Since January, the Federal Circuit Court of Appeals, which has a monopoly on appellate review, has ruled against whistleblowers in another thirteen consecutive decisions on the merits, leaving a track record of 2-203 since October 1994 when Congress last strengthened the law!

We stand ready to provide any information that would help expedite the process, and to help you come to agreement on any unresolved issues. Any compromise should protect several critical provisions, which have already passed with overwhelming support. It is crucial that the final bill:

- Grant employees the right to a jury trial in federal court;
- Specifically protect federal scientists who report efforts to alter, misrepresent, or suppress federal research;
- Extend meaningful protections to FBI and intelligence agency whistleblowers;
- Strengthen protections for federal contractors, as strong as those provided to DoD contractors and grantees in last year's defense authorization legislation;
- Extend meaningful protections to Transportation Security Officers (screeners);
- Neutralize the government's use of the "state secrets" privilege;
- Bar the MSPB from ruling for an agency before whistleblowers have the opportunity to present evidence of retaliation;
- Provide whistleblowers the right to be made whole, including compensatory damages;
- Grant comparable due process rights to employees who blow the whistle in the course of a government investigation or who refuse to violate the law; and
- Remove the Federal Circuit's monopoly on precedent-setting cases.

We know that your offices share the commitment of every group signing the letter below and we deeply appreciate the years of effort to create more accountability in government. Please let us know how we can participate to expeditiously complete this badly needed good government reform. Once the reconciled version becomes law, the real winners will be the public!

Sincerely,

Adele Kushner, Executive Director  
**Action for a Clean Environment**

Dan Lawn, President  
**\*Alaska Forum on Environmental Responsibility**

Susan Gordon, Director  
**\*Alliance for Nuclear Accountability**

Rochelle Becker, Executive Director  
**Alliance for Nuclear Responsibility**

Gil Mileikowsky, M.D.  
**Alliance for Patient Safety**

Linda Lipsen, Senior Vice President for Public Affairs  
**American Association for Justice (AAJ)**

Mary Alice Baish, Acting Washington Affairs Representative  
**American Association of Law Libraries**

F. Patricia Callahan, president and general counsel  
**American Association of Small Property Owners**

Christopher Finan, president  
**American Booksellers Foundation for Free Expression**

Caroline Fredrickson, Director, Washington Legislative Office  
**American Civil Liberties Union**

Michael D. Ostrolenk  
**\*American Conservative Defense Alliance**

Dr. Paul Connett, Executive Director  
**\*American Environmental Health Studies Project, Inc.**

John Gage, National President  
**American Federation of Government Employees**

Charles M. Loveless, Director of Legislation  
**\*American Federation of State, County & Municipal Employees (AFSCME)**

Mary Ellen McNish, General Secretary  
**\*American Friends Service Committee**

Caitlin Love Hills, National Forest Program Director  
**\*American Lands Alliance**

Jessica McGilvray, Assistant Director  
**\*American Library Association**

Alexandra Owens, Executive Director  
**American Society of Journalists and Authors**

Patricia Schroeder, President and CEO  
**\*Association of American Publishers**

Ms. Bobbie Paul, Executive Director  
**Atlanta WAND (Women's Action for New Directions)**

Samuel H. Sage, President  
**\*Atlantic States Legal Foundation, Inc.**

Jay Stewart, Executive Director  
**\*Better Government Association**

Matthew Fogg, First Vice-President  
**\*Blacks in Government**

Nancy Talanian, Director  
**Bill of Rights Defense Committee**

Diane Wilson, President  
**\*Calhoun County Resource Watch**

William Snape, Senior Counsel  
**Center for Biological Diversity**

Charlie Cray, Director  
**Center for Corporate Policy**

Gregory T. Nojeim, Senior Counsel and  
Director, Project on Freedom, Security & Technology  
**Center for Democracy and Technology**

Joseph Mendelson III, Legal Director  
**\*Center for Food Safety**

J. Bradley Jansen, Director  
**Center for Financial Privacy and Human Rights**

Paul Kurtz, Chairman  
**\*Center for Inquiry**

Robert E. White, President  
**\*Center for International Policy**

Merrill Gozner, Director  
Integrity in Science  
**Center for Science in the Public Interest**

Linda Lazarus, Director  
**Center to Advance Human Potential**

Craig Williams, Director  
**\*Chemical Weapons Working Group & Common Ground**

Leonard Akers  
**\*Citizens Against Incineration at Newport**

Evelyn M. Hurwich, President and Chair  
**Circumpolar Conservation Union**

David B. McCoy, Executive Director  
**Citizen Action New Mexico**

Doug Bandow, Vice President for Policy  
**\*Citizen Outreach**

Deb Katz, Executive Director  
**Citizens Awareness Network**

Barbara Warren, Executive Director  
**\*Citizens' Environmental Coalition**

Elaine Cimino  
**\*Citizens for Environmental Safeguards**

Laura Olah, Executive Director  
**\*Citizens for Safe Water Around Badger**

Anne Hemenway, Treasurer  
**\*Citizen's Vote, Inc.**

Rick Piltz  
**\*Climate Science Watch**

John Judge  
**Coalition on Political Assassinations  
9/11 Research Project**

Zena Crenshaw, 2<sup>nd</sup> Vice-Chair  
**3.5.7 Commission on Judicial Reform**

Sarah Dufendach, Vice President for Legislative Affairs  
**Common Cause**

Clarissa Duran, Director  
**Community Service Organization del Norte**

Joni Arends, Executive Director  
**Concerned Citizens for Nuclear Safety**

Lokesh Vuyyuru, MD, Founder  
**\*Concerned Citizens of Petersburg**

Daniel Hirsch, Member, Executive Committee  
**Concerned Foreign Service Officers**

Matthew Fogg, President  
**Congress Against Racism & Corruption in Law Enforcement (CARCLE)**

Ellen Bloom, Director of Federal Policy  
Ami Gadhia, Policy Counsel  
**Consumers Union**

Cathy Harris, Founder, Executive Director  
**\*Customs Employees Against Discrimination Association**

Mary Elizabeth Beetham, Director of Legislative Affairs  
**Defenders of Wildlife**

Sue Udry, Director  
**Defending Dissent Foundation**

Ben Smilowitz, Director  
**Disaster Accountability Project**

James J. Murtagh, Jr., President  
**\*Doctors for Open Government**

Thea Harvey, Executive Director  
**\*Economists for Peace and Security**

Lisa Walker, executive director  
**Education Writers Association**

Gregory Hile  
**EnviroJustice**

Chuck Broschious, President  
**Environmental Defense Institute**

Judith Robinson, Director of Programs  
**\*Environmental Health Fund**

Peter Montague, Ph.D, Director  
**\*Environmental Research Foundation**

John Richard  
**Essential Information**

George Anderson  
**Ethics in Government Group (EGG)**

Steven Aftergood, Project Director  
**Federation of American Scientists**

Marilyn Fitterman, Vice President  
**Feminists For Free Expression**

Ellen Donnett, Administrative Director  
**\*Fluoride Action Network**

Andrew D. Jackson, Asst. Campaign Coordinator  
**Focus-On-Indiana for Judicial Reform**

Wenonah Hauter, Executive Director  
**Food and Water Watch**

Bob Darby, Coordinator  
**Food Not Bombs/Atlanta**

Andy Stahl  
**\*Forest Service Employees for Environmental Ethics (FSEEE)**

Tom Ferguson, Coordinator  
**Foundation for Global Community/Atlanta**

Ruth Flower, Legislative Director  
**Friends Committee on National Legislation (Quakers)**

Conrad Martin, Executive Director  
**Fund for Constitutional Government**

Karyn Jones, Director  
**\*G.A.S.P**  
Group to Alleviate Smoking Pollution

Gwen Marshall, Co-Chairman  
**Georgians for Open Government**

Denny Larson, Executive Director  
**\*Global Community Monitor**

Paul F. Walker, Ph.D., Legacy Program Director  
**Global Green USA**  
(The US Affiliate of Green Cross International, Mikhail Gorbachev, Chairman)

Bill Owens, President  
**\*The Glynn Environmental Coalition**

Tom Devine, legal director  
**Government Accountability Project**

Molly Johnson, Area Coordinator  
**Grandmothers for Peace, San Luis Obispo County Chapter**

Alan Muller  
**\*Green Delaware**

Jenefer Ellingston  
**Green Party of the United States**

James C. Turner, Executive Director  
**HALT, Inc. -- An Organization of Americans for Legal Reform**

Tom Carpenter, Executive Director  
**Hanford Challenge**

Helen Salisbury, M.D.  
**Health Integrity Project**

Vanessa Pierce, Executive Director  
**\*Healthy Environment Alliance of Utah (HEAL Utah)**

Gerry Pollet  
**\*Heart of America Northwest**

Doug Tjapkes, President  
**\*Humanity for Prisoners**

Scott Armstrong, Executive Director  
**\*Information Trust**

Arjun Makhijani, Ph.D., President  
**Institute for Energy and Environmental Research**

Donald Soeken, President  
**Integrity International**

Michael McCray, Esq., Co-Chair  
**International Association of Whistleblowers**

Mory Atashkar, Vice President  
**Iranian American Democratic Association**

Mark S. Zaid  
**James Madison Project**

John Metz, Executive Director  
**\*JustHealth**

Brett Kimberlin, Director  
**Justice Through Music**

Elizabeth Crowe, Director  
**\*Kentucky Environmental Foundation**

Tom FitzGerald, Director  
**\*Kentucky Resources Council, Inc.**

James Love  
**\*Knowledge Ecology International**

Jonathon Moseley, Executive Director  
**\*Legal Affairs Council, Fairfax Virginia**

James Plummer  
**Liberty Coalition**

Greg Mello, Executive Director  
**\*Los Alamos Study Group**

Jill McElheney, Founder  
**Micah's Mission**  
Ministry to Improve Childhood & Adolescent Health

James Landrith, Founder  
**The Multiracial Activist**

Marsha Coleman-Abedayo, Chair  
**\*No FEAR Coalition**

Larry Fisher, Founder  
**National Accountant Whistleblower Coalition**

Tinsley H. Davis, Executive Director  
**National Association of Science Writers**

Dominick DellaSala, Ph.D., Executive Director of Programs and Chief Scientist  
**\*National Center for Conservation Science & Policy**

Joan E. Bertin, Esq., Executive Director  
**National Coalition Against Censorship**

Russell Hemenway, President  
**\*National Committee for an Effective Congress**

Sally Greenberg, Executive Director  
**National Consumers League**

Terisa E. Chaw, Executive Director  
**National Employment Lawyers Association**

Andrew Jackson  
**National Judicial Conduct and Disability Law Project, Inc.**

Paul Brown, Government Relations Manager  
**National Research Center for Women & Families**

Sibel Edmonds, President  
**\*National Security Whistleblowers Coalition**

Pete Sepp, Vice President for Policy & Communications  
**National Taxpayers Union**

Colleen M. Kelley, National President  
**National Treasury Employees Union**

Steve Kohn, President  
**National Whistleblower Center**

Amy Allina  
**National Women's Health Network**

Terrie Smith, Director  
**\*National Nuclear Workers For Justice**

Sr. Simone Campbell, SSS, Executive Director  
**NETWORK, A National Catholic Social Justice Lobby**

Ron Marshall, Chairman  
**New Grady Coalition**

Rick Engler, Director  
**New Jersey Work Environment Council**

Alice Slater, Director  
**Nuclear Age Peace Foundation, New York**

David A. Kraft, Director  
**Nuclear Energy Information Service (NEIS)**

Michael Mariotte, Executive Director  
**Nuclear Information and Resource Service**

Jay Coghlan, Executive Director  
**\*Nuclear Watch New Mexico**

Gwen Lachelt, Executive Director  
**\*Oil & Gas Accountability Project**

Sean Moulton, Director, Federal Information Policy  
**OMB Watch**

Patrice McDermott, Executive Director  
**OpenTheGovernment.org**

Paul Loney, President  
**\*Oregon Wildlife Federation**

Ellen Paul, Executive Director  
**\*The Ornithological Council**

Joe Carson, Chair  
P. Jeffrey Black, Co-Chair  
**OSC Watch Steering Committee**

Judy Norsigian, Executive Director  
**Our Bodies Ourselves**

Betsy Combier, President and Editor  
**Parentadvocates.org**

Former Special Agent Darlene Fitzgerald  
**Patrick Henry Center**

Paul Kawika Martin, Organizing, Political and PAC Director  
**Peace Action & Peace Action Education Fund**

Bennett Haselton, Founder  
**\*Peacefire.org**

Rev. Paul Alexander, Ph.D., Director  
**Pentecostals & Charismatics for Peace & Justice**

Vina Colley, President  
**\*Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS)**

David Banisar, Director, FOI Project  
**Privacy International**

Robert Bulmash, President  
**\*Private Citizen, Inc.**

Ronald J Riley, President  
**Professional Inventor's Alliance**

Danielle Brian, Executive Director  
**Project On Government Oversight**

Ellen Thomas, Executive Director  
**Proposition One Committee**

David Arkush, Director, Congress Watch  
**Public Citizen**

Jeff Ruch, Executive Director  
**Public Employees for Environmental Responsibility**

Lucy A. Dalglish, Executive Director  
**The Reporters Committee for Freedom of the Press**

Kirsten Moore, President and CEO  
**Reproductive Health Technologies Project**

Tim Little, Executive Director  
**\*Rose Foundation for Communities and the Environment**

John W. Whitehead, president  
**The Rutherford Institute**

Adrienne Anderson, Coordinator  
**Safe Water Colorado and Nuclear Nexus Projects**  
**Rocky Mountain Peace and Justice Center**  
(Whistleblower Anderson v Metro Wastewater)

Angela Smith, Coordinator  
**\*Seattle Healthy Environment Alliance (Seattle HEAL)**

Dr. Roland Chalifoux  
**The Semmelweis Society International (SSI)**

Rufus Kinney  
**\*Serving Alabama's Future Environment (SAFE)**

Shane Jimerfield, Executive Director  
**\*Siskiyou Project**

Andrea Shipley, Executive Director  
**\*Snake River Alliance**

Matthew Petty, Executive Director  
**\*The Social Sustenance Organization**

Clint Brewer, President  
**Society of Professional Journalists**

Kevin Kuritzky  
**The Student Health Integrity Project (SHIP)**

Daphne Wysham, Co-Director  
**Sustainable Energy and Economy Network (SEEN)**

Jeb White, Executive Director  
**Taxpayers Against Fraud**

Marylia Kelley, Executive Director  
**\*Tri-Valley CAREs**  
Communities Against a Radioactive Environment

Paul Taylor  
**Truckers Justice Center**

Francesca Grifo, Ph.D., Director  
Scientific Integrity Program  
**Union of Concerned Scientists**

Dane von Breichenruchardt, President  
**U.S. Bill of Rights Foundation**

Dr. Joseph Parish  
**\*U.S. Environmental Watch**

Gary Kalman, Director, Federal Legislative Office  
**U.S. Public Interest Research Group (U.S.PIRG)**

Dr. Jeffrey Fudin, Founder  
**Veterans Affairs Whistleblowers Coalition**

Nada Khader, Foundation Director  
**\*WESPAC Foundation**

Gloria G. Karp, Co-Chair  
**\*Westchester Progressive Forum**

Mabel Dobbs, Chair  
Livestock Committee  
**Western Organization of Resource Councils**

Ann Harris, Executive Director  
**We the People, Inc**

Janet Chandler, Co-Founder  
**Whistleblower Mentoring Project**

Linda Lewis, Director  
**Whistleblowers USA**

John C. Horning, Executive Director  
**\*WildEarth Guardians**

Kim Witzak  
**WoodyMatters**

Cc: Senate Majority Leader Harry Reid  
Senate Minority Leader Mitch McConnell  
Speaker Nancy Pelosi  
House Majority Leader Steny Hoyer  
House Minority Leader John Boehner