

SPECIAL ACTION ALERT: WHISTLEBLOWER RIGHTS CAMPAIGN

The Reason We Need You to Take Action:

Whistleblowers play a critical role in keeping our government accountable to the American people. Recent events from suppressed cost estimates for prescription drug benefits under Medicare to prisoner abuse at Abu Ghraib have confirmed the necessity of protecting government employees from retaliation for “committing the truth.”

The Whistleblower Protection Act (WPA) is the source of statutory free speech rights for any federal worker seeking to challenge breaches of the public trust. The law has been functionally overturned through a series of decisions by the Federal Circuit Court of Appeals, which has a monopoly on judicial review of whistleblower cases. Since Congress unanimously strengthened the law in 1994, that court has defied statutory language and congressional intent by drastically limiting the circumstances under which an employee is even eligible for protection. Although on paper "any" lawful disclosure can qualify for protection, after judicial sophistry "any" means "virtually no" in practice. Whistleblowers are *not protected* for making disclosures to co-workers, supervisors or others within the chain of command or suspected wrongdoers, acting in connection with job duties, challenging policy-based misconduct, or if they are not the first to expose any given misconduct. The law has been gutted to irrelevance.

The Good News:

The campaign to restore credible whistleblower rights to federal employees took a giant leap forward last week! On Wednesday, July 21, 2004, the Senate Governmental Affairs Committee approved bill S. 2628, the “Federal Employee Protection of Disclosures Act” by a unanimous voice vote. ([GAP Press Release](#)) The bill is the first stand-alone whistleblower protection bill to be approved by the Senate Committee in ten years. The bill was originally sponsored by the Chair of the Committee, Susan Collins (R-ME) and Daniel Akaka (D-HI) and has a growing bi-partisan list of Senate co-sponsors. ([Bill text & Co-sponsors](#)) The bill is now ready for a floor vote by the entire Senate!

In the House of Representatives bill H.R.3281 is the companion bill to S.2628. ([Bill Text & Co-sponsors](#)). It was introduced by Rep. Todd Platts (R-PA) and now has a bi-partisan list of 41 Co-sponsors. But the House Government Reform Committee, Chaired by Tom Davis (R-VA) has yet to act on H.R. 3281. Chairman Davis has made public statements committing to act on whistleblower legislation ([GAP Press Release on Rep. Tom Davis](#)), but has not yet scheduled a mark-up to approve the bill for a vote on the House floor.

The Challenge:

We stand an excellent chance of getting this legislation enacted this year, but it will take a showing of support for the bill from more than just the good government organizations who work on this issue year-round. Congress knows how GAP and our coalition partner organizations feel about this bill. They need to hear from **YOU!**

HOW YOU CAN HELP

1. Please contact Rep. Tom Davis, or other members of the Government Reform Committee to urge them to act on this legislation before the end of this Congress. ([Govt. Reform Comm. Home page](#))

The Honorable Tom Davis, Chair
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

(202) 225-5074 Fax: (202) 225-3974

In your message urge him to act on the legislation by holding a mark-up, reporting the Bill favorably for a floor vote, and pushing the House leadership to schedule that vote *before the end of this Congress!* (See sample letter below)

2. Ask organizations or community groups you are involved with to write a letter supporting stronger whistleblower rights or share this action alert with other members and ask them to contact all members of the House Government Reform Committee. We are glad to help identify offices where organizational letters would have the most impact. Please be sure to send us a copy of anything you send.
3. Contact your local newspaper editorial board, share the information on our action alert, and ask them to prepare an editorial recommending that Congress do the right thing by restoring the Whistleblower Protection Act.
4. Call all available radio talk show programs with open lines, and recruit others to do the same thing you are, particularly with congressional House home offices. Be sure you give the phone number and contact person they should get in touch with. This will substantially increase the likelihood of them following through. Listeners of the call-in shows tend to be the most active in communicating with legislators, and politicians take each call to the home office as representing ten votes.

If you're interested in helping on this or any other GAP whistleblower rights projects, you have the right and a standing invitation to ask us for any necessary support – i.e., background, updates, contacts. We are on call for you to get in touch as needed. Contact National Security Director Doug Hartnett through telephone (202-408-0034, ext. 136) or email (hartnett@whistleblower.org) or Legal Director Tom Devine (ext. 124 or whistle47@aol.com) to help make a difference.

Sample letter to Chairman Davis:

Dear Chairman Davis:

I urge you to support the strongest possible legislation to protect whistleblower rights, and to do everything in your power as Chair of the Government Reform Committee to ensure the legislation is enacted this year.

Time and time again whistleblowers have provided critical information that has saved lives and literally billions of taxpayer dollars. They are the lynchpin that prevents bureaucratic abuses of power that perpetuate fraud, waste, and risks to the public's health and safety. Yet, the individuals who bravely step forward to challenge the wrongdoing they witness on the job far too often suffer career-ending retaliation. Congress has unanimously supported whistleblower rights, but a series of court decisions has made it virtually impossible for whistleblowers to defend themselves by denying the protection Congress intended when it unanimously passed the Whistleblower Protection Act.

Congress' oversight role in our democratic system depends on the free flow of information about what is actually occurring inside government agencies. Please stand up for federal employees who stand up for taxpayers and the public trust. Pass H.R. 3281 before the end of this Congress.

Sincerely,

Sample Letter to other Members of Congress:

(Same as the letter above, but with a different opening paragraph)

Dear Representative _____:

I urge you to support the strongest possible whistleblower rights by Co-sponsoring H.R. 3281, the Whistleblower Protection Enhancement Act, introduced by Rep. Todd Platts. In addition I ask that you work to get this important legislation enacted before this Congress adjourns.