

For further information, please contact Robert MacLean:

Phone: 310-218-6176

Email: RJMACLEAN@GMAIL.COM

- Press Release -

Thirteen national security whistleblowers on Monday, May 11, sent President Barack Obama an open letter asking that he take immediate steps to end the “second-class status” of federal employees like themselves and to criminalize bureaucratic retaliation against government workers who exercise their free speech rights in the public interest.

The group applauded Obama’s long-standing interest in and advocacy for whistleblower rights, saying that it was also “heartened by your special relationship with America’s young people and by your call on them to make a significant contribution to their country through public service.”

However, the group noted in their letter, “A call to public service without needed whistleblower protection can only - at some future date - put at risk those most inspired by your leadership.”

It asked the president to take “concrete steps in favor of national security whistleblowers that will help to restore time-honored values of openness, honesty and transparency to the federal service – and help those entrusted with the nation’s secrets to do their jobs in a manner consistent with the public interest.”

“In the years before your presidency, each one of us undertook a largely solitary battle in favor of the values we share with you,” they noted. “And in doing so, each one of us, together with our families, and sometimes our friends and colleagues, have paid a heavy price for our ethical dissent.

“As the federal government of necessity grows in response to the many crises that you have inherited from your predecessor, the lack of protection currently afforded to whistleblowers means that federal workers – the front line in the fight against fraud and waste, and best guarantee that taxpayer dollars are spent wisely and government works effectively – must either sit on the sidelines or, still forced to look over their shoulders for signs of reprisal, risk their careers.”

The group pointed out that the Merit Systems Protection Board (MSPB), charged with adjudicating federal worker claims, has found only one case

of illegal retaliation in 56 decisions on the merits. And only three whistleblowers out of 212 prevailed in decisions on the merits in the Federal Circuit Court of Appeals since October 1994, when the current whistleblower “protection” law last was modified.

The letter pointed to the “special vulnerability” of people like those who signed it, who do not have any “real safeguards” against retaliation.

“Instead, for protecting this nation, we and others face having our security clearances yanked, as well as a rosary of humiliation, demotions, threats, punitive polygraphs and myriad other intimidatory measures.” Meanwhile, even as independent agencies and organizations corroborate whistleblower complaints, the letter noted, “wrongdoers are mostly allowed to retain their posts - and many even receive promotions.”

“For all that you have accomplished in little more than 100 days in office, we are sure you would agree that ensuring true transparency and accountability means the enforcement of a zero-tolerance policy for repression and retaliation, and the guaranteeing of the legal rights of every federal employee,” the group concluded.

One of the letter signers, Martin Edwin Andersen, called on President Obama to endorse a proposal by Rep. Chris Van Hollen (D-Md.), who has reintroduced legislation (HR) 985 - supported by the president during last year’s campaign - that would allow national security whistleblowers federal court access, full due process and jury trials.

“For too long national security whistleblowers have been left to feel that they are the contemporary ‘300’ of American bureaucratic Sparta,” Andersen said, referring to the epic film about King Leonidas and a force of 300 men who fought to the death against an army of autocratic and decadent Persians at Thermopylae in 480 B.C.

“The Van Hollen approach would at least provide us with real shields rather than paper shields when doing battle against entrenched bureaucratic wrongdoing.”

The signers of the letter to President Obama include:

Martin Edwin Andersen

Former senior advisor for policy planning at the Department of Justice’s Criminal Division; Winner of the U.S. Office of Special Counsel’s 2001 “Public Servant Award”

Mark Danielson

Department of Energy Special Response Team (SRT) whistleblower

Michael DeKort

Former Lockheed Martin program manager/systems engineer; exposed waste, fraud and abuse on Coast Guard Deepwater program and major security/safety issues

Bogdan Dzakovic

Aviation Security whistleblower regarding the 9-11 attacks, as well as current issues within the Transportation Security Administration

Richard E. Hoskins II

Formerly of the Federal Air Marshal Service; Only Non-Air Marshal to report corrupt behavior and violations of veterans rights to the Office of Special Counsel and Congress

Robert J. MacLean

Former Federal Air Marshal, U.S. Department of Homeland Security
National Whistleblower Liaison, Federal Law Enforcement Officers Association (FLEOA)

Spencer A. Pickard

Former Federal Air Marshal, U.S. Department of Homeland Security

Coleen Rowley

Retired FBI Agent (retired 2004) and former Minneapolis FBI Division Legal Counsel

Craig R. Sawyer

Former Tier-1 level U.S. Navy SEAL Operator, decorated for "Heroic Service" in combat; "Original 33" Federal Air Marshal and whistleblower, as an ATSAIC (manager) in the Federal Air Marshal Service, against gross mismanagement and retaliation.

Lt. Eric N. Shine

Graduate of the United States Merchant Marine Academy at Kings Point [1991]; Federal maritime engineering watch officer

George R. Taylor

U.S. Department of Homeland Security/Federal Air Marshal Service

Frank Terreri

Federal Law Enforcement Officers Association (FLEOA) director of labor relations;
FLEOA Federal Air Marshal Agency President

Russell D. Tice

Former intelligence analyst and capabilities operations officer for Special Access Programs (SAP) Information Warfare, National Security Agency (NSA)

(Non-National Security Whistleblower Category)

Peter D. Nesbitt

FAA Whistleblower Alliance

May 11, 2009

President Barack H. Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama:

Like millions of Americans we, the undersigned national security whistleblowers, are inspired by the bold and creative measures you have taken to put people back to work while at the same time re-engineering government to make it more responsive to people's needs and more accountable to voters and taxpayers.

We are particularly heartened by your special relationship with America's young people and by your call on them to make a significant contribution to their country through public service.

For those reasons and more, we write you today to ask that you take concrete steps in favor of national security whistleblowers that will help to restore time-honored values of openness, honesty and transparency to the federal service – and help those entrusted with the nation's secrets to do their jobs in a manner consistent with the public interest.

A call to public service without needed whistleblower protection can only - at some future date - put at risk those most inspired by your leadership.

We the undersigned feel we have a special bond with you and your Administration, given your long-standing support for federal employee free speech and against acts of bureaucratic retaliation against those who dare to "commit the truth." We have been thrilled by your strong statement of support for whistleblowers, both during your presidential campaign and the transition:

Often the best source of information about waste, fraud, and abuse in government is an existing government employee committed to public integrity and willing to speak out. Such acts of courage and patriotism, which can sometimes save lives and often save taxpayer dollars, should be encouraged rather than stifled as they have been during the Bush administration. We need to empower federal employees as watchdogs of wrongdoing and partners in performance. Barack Obama will strengthen whistleblower laws to protect federal workers who expose waste, fraud, and abuse of

authority in government. Obama will ensure that federal agencies expedite the process for reviewing whistleblower claims and whistleblowers have full access to courts and due process.

In the years before your presidency, each one of us undertook a largely solitary battle in favor of the values we share with you and against the kind of wrongdoing that resulted in many of the American people flocking to your standard last year. And in doing so, each one of us, together with our families, and sometimes our friends and colleagues, have paid a heavy price for our ethical dissent.

While we national security whistleblowers made critical disclosures that exposed corruption and protected life at the expense of our own careers and financial security, our federal peers took the safe route by turning a "blind eye" and remaining silent, so that their careers could advance.

The steps we are asking that you take are a necessary remediation for past wrongs and would be a clear signal to those now heeding your call for service that by adhering to the standards you have so clearly embraced, they will not become – as we did not so long ago – victims of bureaucratic wrongdoers, who may still feel that they can get away with continued misdeeds.

As the federal government of necessity grows in response to the many crises that you have inherited from your predecessor, the lack of protection currently afforded to whistleblowers means that federal workers – the front line in the fight against fraud and waste, and best guarantee that taxpayer dollars are spent wisely and government works effectively – must either sit on the sidelines or, still forced to look over their shoulders for signs of reprisal, risk their careers.

Not only did the U.S. Office of Special Counsel fall into ridicule under the stewardship of George W. Bush appointee Scott Bloch. In the last nine years, the Merit Systems Protection Board (MSPB), charged with adjudicating federal worker claims, has found only one case of illegal retaliation in 56 decisions on the merits. And only three whistleblowers out of 212 prevailed in decisions on the merits in the Federal Circuit Court of Appeals since October 1994, when the current whistleblower "protection" law last was modified.

We the undersigned, national security whistleblowers from agencies across the federal government, know the special vulnerability people like us have in trying to do right by our principles and by the country we love. And we still do not have any real safeguards against retaliation. Instead, for protecting this nation, we and others face having our

security clearances yanked, as well as a rosary of humiliation, demotions, threats, punitive polygraphs and myriad other intimidatory measures. To be sure, these are meant not only to destroy our careers – and in the process our physical and mental well being, our marriages and the tranquility necessary for nurturing our families in a wholesome environment. They also serve as a warning to others – that the price is high, too high, and the possibility for real vindication remote. Even if Inspectors General, Congressional committees, the reputable news media, or other outside groups are fully able to corroborate our complaints, wrongdoers are mostly allowed to retain their posts - and many even receive promotions.

For all that you have accomplished in little more than 100 days in office, we are sure you would agree that ensuring true transparency and accountability means the enforcement of a zero-tolerance policy for repression and retaliation, and the guaranteeing of the legal rights of every federal employee.

We urgently need a law to protect national security whistleblowers from retaliation, including those in agencies where even paper protections do not exist. We ask you to make one of your highest priorities support for whistleblower protection legislation that would end our second-class status compared to that of all other federal employees, contractors, and private sector workers who report threats to public health and safety, violations of laws or regulations, or waste, fraud and mismanagement. We also ask that you seek the criminalization of bureaucratic retaliation against whistleblowers, whose only “crime” is the exercise of their employee free speech rights for the common good.

Finally, we respectfully request that for those of us who have lost jobs, reputations and significant professional opportunities because we stood fast in favor of the principles you maintained even before you announced your presidential candidacy, consideration be given to “making us whole” once again. In giving us the opportunity to restore our often shattered lives, others will know that better times are in store for people who tell truth to power on behalf of the American people.

With warmest best wishes to your and to your family, we remain,

Martin Edwin Andersen

Former senior advisor for policy planning at the Department of Justice’s Criminal Division; Winner of the U.S. Office of Special Counsel’s 2001 “Public Servant Award”

Mark Danielson

Department of Energy SRT whistleblower

Michael DeKort

Former Lockheed Martin program manager/systems engineer; exposed waste, fraud and abuse on Coast Guard Deepwater program and major security/safety issues

Bogdan Dzakovic

Aviation Security whistleblower regarding the 9-11 attacks, as well as current issues within the Transportation Security Administration

Richard E. Hoskins II

Formerly of the Federal Air Marshal Service; Only Non-Air Marshal to report corrupt behavior and violations of veterans rights to the Office of Special Counsel and Congress

Robert J. MacLean

Former Federal Air Marshal, U.S. Department of Homeland Security
National Whistleblower Liaison, Federal Law Enforcement Officers Association (FLEOA)

Spencer A. Pickard

Former Federal Air Marshal, U.S. Department of Homeland Security

Coleen Rowley

Retired FBI Agent (retired 2004) and former Minneapolis FBI Division Legal Counsel

Craig R. Sawyer

Former Tier-1 level U.S. Navy SEAL Operator, decorated for "Heroic Service" in combat; "Original 33" Air Marshal and whistleblower, as an ATSAIC (manager) in the Federal Air Marshal Service, against gross mismanagement and retaliation.

Lt. Eric N. Shine

Graduate of the United States Merchant Marine Academy at Kings Point [1991]; Federal maritime engineering watch officer

George R. Taylor

U.S. Department of Homeland Security/Federal Air Marshal Service

Frank Terreri

Federal Law Enforcement Officers Association director of labor relations; FLEOA Federal Air Marshal Agency President

Russell D. Tice

Former intelligence analyst and capabilities operations officer for Special Access Programs (SAP) Information Warfare, National Security Agency (NSA)

(Non-National Security Whistleblower Category)

Peter D. Nesbitt

FAA Whistleblower Alliance