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SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS,
AND INTERNATIONAL RELATIONS
Christopher Shays, Connecticut
Chairman
Room B-372 Rayburn Building
Washington, D.C. 20515
Tel: 202 225-2548
Fax: 202 225-2382

Statement of Rep. Christopher Shays
February 14, 2006

All federal employees are ethically bound to expose violations of law, corruption, waste and substantial danger to public health or safety. But meeting that obligation to "blow the whistle" on co-workers and superiors has never been easy. Breaking bureaucratic ranks to speak unpleasant and unwelcome truths takes courage and risks invoking the wrath of those with the power and motive to shoot the messenger.

Yet seldom in our history has the need for the whistleblower's unfiltered voice been more urgent, particularly in the realms of national security and intelligence. Extraordinary powers needed to wage war on our enemies could, if unchecked, inflict collateral damage on the very rights and freedoms we fight to protect. The use of expansive executive authorities demands equally expansive scrutiny by Congress and the public. One absolutely essential source of information to sustain that oversight: whistleblowers.

On September 11, 2001 we learned the tragic price of relying on Cold War paradigms and static analytic models that could not connect the dots. Since then a great deal of time and money has been spent retooling the national security apparatus to meet new threats. In the fight against stateless terrorism, we need intelligence and law enforcement programs to function strictly according to the law and with ruthless efficiency. And we need whistleblowers from inside those programs, national security whistleblowers, to tell us when things go wrong.

But those with whom we trust the nation's secrets are too often treated like second class citizens when it comes to asserting their rights to speak truth to power. Exempted from legal protections available to most other federal employees, national security whistleblowers must traverse a confusing maze of inconsistent regulations and procedures that too often afford them far less process than is due.

They work in a secretive community institutionally and culturally hostile to sharing information with each other, much less with those of us outside their closed world. In that environment, reprisals for whistle blowing can easily be disguised as personnel actions that allegedly would have been taken anyway for failure to be a team player. And whistleblowers in critical national security positions are vulnerable to unique forms of retaliation. Suspension or revocation of a security clearance can have the same chilling effect as demotion or firing, but clearance actions are virtually unreviewable under current whistleblower protections.

Last year, the Government Reform Committee approved a bill to strengthen whistleblower protections for most federal employee. To help define the full scope of the problem faced by national security whistleblowers, the proposal also directed the Governmental Accountability Office to study possible correlations between protected disclosures and security clearances revocations.

It is in that same cause we convene today – to better understand the plight of national security whistleblowers in this new and dangerous era. Should security clearance revocations be included in the list of personnel practices managers may not use against whistleblowers? What additional protections would draw out needed disclosures without infringing on the legitimate powers of the executive branch to keep secrets?

This is an open hearing because employee rights and management accountability must be discussed openly. There is nothing top secret about gross waste or the abuse of power. At the same time, witnesses with access to secured information have assured us their testimony will avoid even the inadvertent disclosure of classified material and we will of course take care to observe those boundaries.

We are joined today by a panel of whistleblowers who will describe their difficult journeys, a panel of experts on whistleblower protections and a panel of those in government to whom whistleblowers look for fairness and due process when their courage is met with resistance and reprisals.

Welcome.