
NOTE: FOR SEVEN NUMBERS THIS NEWSLETTER ON WHISTLEBLOWERS WAS PUBLISHED PERIODICALLY. TODAY AND HENCEFORTH IT WILL BE PUBLISHED ON (AT PRESENT PROPOSED) NATIONAL WHISTLEBLOWER’S DAY, JULY 30. SEE EXPLANATION BELOW.

“A people who mean to be their own Governors must arm themselves with the power which knowledge gives.” James Madison.

OMNI’s endowed fund at UA’s Mullins Library for the purchase of books and films on Victims includes books and films on corporations and on resistance to US Imperialism Abroad and Repression at Home—including whistleblowers and investigative reporters, true heroes, true valor.

My blog: The War Department and Peacemaking
http://jamesrichardbennett.blogspot.com/

Newsletters:
http://www.omnicenter.org/newsletter-archive/

Index:
http://www.omnicenter.org/omni-newsletter-general-index/

See: Wikileaks, Assange, Manning, Corporate Crime, Surveillance Newsletters.

OMNI NATIONAL/INTERNATIONAL DAYS PROJECT

#3 AND #4 ARE BELOW. For 1 and 2 see newsletter url just above.
Contents of #5

Wikipedia Whistleblowers

National Whistleblowers Center (NWC)

Protect Federal Employee Whistleblowers

GAP’S Bridging the Gap

GAP: Government Accountability Project

OSHA and Whistleblowers

Greenwald, Documentary War on Whistleblowers

Amy Goodman, Democracy Now Programs on WB

More on Kiriakou

Contents #6, May 22, 2013

Write, Call for John Kiriakou

GAP: Bridging the Gap Spring 2013

Railway Whistleblowers Get Federal Protection

US Government Quick Guide

Department of Labor Whistleblower Regulations

Greenwald, Obama’s War on Whistleblowers (one Google page)
Contents #7 June 26, 2013

OMNI Showing War on Whistleblowers Film June 26

Ann Wright on Obama Admin. vs. Manning

GREENWALD

Dick: Greenwald’s War on Whistleblowers Film

Greenwald’s War on Whistleblowers

Greenwald on Whistleblowers and Government Threats

EDWARD SNOWDEN

Leaker Snowden

Send Thanks to Snowden

Support for Snowden Around the World

Google Search

Bridging the Gap Executive Director

Vance v. Rumsfeld, Tortured Whistleblowers Sue
Contents #8  July 30, 2013 National Whistleblower Day

NWC Requests July 30 Be National Whistleblower Day

NWC’s The Whistleblower’s Handbook

Google Search for NWC

Greenwald, NSA’s Enhanced Cell Phone Tapping

General Cartwright Reveals Cybernet Warfare Against Iran

Pilger, Leakers vs. US Fascism

Amy Goodman Interviews Chris Pyle, 1970s Whistleblower

Bunnatine Greenhouse: Iraqi Oil Contracts Whistleblower

La Franiere, Crackdown on Leakers

Insider Threat Program: President Obama’s Crackdown on Leakers

NWC Requests that Obama and Congress Declare July 30th National Whistleblower Day
Official Recognition Sought for Founding Fathers' Support of the First American Whistleblowers of 1777

Washington, D.C. June 13, 2011. Today, the National Whistleblowers Center (NWC) issued a call-to-action requesting that the President of the United States and Congress declare July 30th as National Whistleblower Day.

As set forth in today's op-ed piece by Stephen M. Kohn in the *New York Times,* "The Whistle-Blowers of 1777," ten sailors and marines contacted the Continental Congress with allegations that the Commander of the United States Navy had committed serious misconduct, including the torture of British prisoners. Instead of retaliating against the whistleblowers or attempting to cover up the misconduct, America's Founding Fathers provided material support to the whistleblowers, and enacted America's first ever whistleblower law on July 30, 1778.

Copies of the original documents from the Continental Congress are reproduced here. Stephen M. Kohn, Executive Director of the NWC, issued the following statement:

On July 30th, 1778, the Founding Fathers expressed unanimous and strong support for whistleblowers in enacting America's first whistleblower law. In a time of war, when the existence of the republic itself was at stake, they did not hide behind 'national security' to cover up embarrassing facts about the first Commander
of the U.S. Navy. Instead, they ensured full public disclosure of the misconduct allegations, took prompt corrective action, and they provided direct material assistance when the whistleblowers appealed for help from retaliation.

Despite the severe financial strain of the budding republic, Congress provided over $1,000 to ensure that the whistleblowers would have the best legal assistance possible in defending their reputations and freedoms from the retaliation they faced.

The Founding Fathers demonstrated the courage of their convictions and established once and for all that exposing misconduct of the highest-ranking government officials is at the heart of American democracy.

The contributions of modern day whistleblowers such as Ernie Fitzgerald (billions in Department of Defense fraud); Bunnatine "Bunny" Greenhouse (illegal no-bid contracts in Iraq); Sherron Watkins, Cynthia Cooper, and Harry Markopolos (rampant fraud on Wall Street); Bradley Birkenfeld (billions in fraud by UBS); Dr. Frederic Whitehurst (fraud in forensic laboratories); Coleen Rowley, Jane Turner, and Sibel Edmonds (FBI abuses) have been significant in the preservation of democracy. And the list goes on.

But unlike the Founding Fathers, our government has not acknowledged the contributions of these patriots and heroes. Instead, their contributions to the public interest have been officially censored.

A national day of recognition is essential to honor both the courage of the Founding Fathers in 1777 and the continuing contributions of Americans who have had the courage to, in the words of America's first whistleblower law, 'give the earliest information to Congress or any other proper authority of any misconduct, frauds, or
misdemeanors.'

The full story of this untold historic episode was first set forth in *The Whistleblower's Handbook: A Step-by-Step Guide to Doing What's Right and Protecting Yourself*.

Links:

- [Action Alert calling for National Whistleblower Day](#)
- [Original Continental Congress documents of first whistleblowers](#)
- [More information on *The Whistleblower's Handbook*](#)


"Don't let your boss catch you reading it."

-Wall Street Journal


By Stephen M. Kohn
Lyons Press (2013)
$16.95

**About the book:**

Summary

Every single day, thousands of American workers report fraud, violations of environmental rules, health and safety hazards, and political corruption. When done right, whistleblowing has strengthened democracy, protected the environment, and saved taxpayers and investors from huge financial losses.

Now, from the world's leading whistleblower attorney, comes the first-ever consumer guide to whistleblowing. The Handbook sets forth twenty-one basic rules every potential whistleblower needs to know. With The Whistleblower's Handbook, Stephen Martin Kohn has become the first author to not only explain American laws regarding whistleblowing, but also to provide a guide for how whistleblowers around the world can protect themselves using the Foreign Corrupt Practices Act.

The Whistleblower's Handbook is the authoritative reference for anyone who has ever wondered how they might blow the whistle - and, once they've done so, how to prevail.

ORDER NOW FROM THE NWC STORE!
Renowned Whistleblowers Host Book Signing Party for Stephen Kohn

What's New in the Third Edition?

The Third Edition is revised and updated through February 2013. Included are new sections and updates on:

* The historic Birkenfeld $104 million dollar reward

* The newly enacted Whistleblower Protection Enhancement Act

* Reward under the Foreign Corrupt Practices Act

*The Whistleblower's Handbook includes a 20-page Q&A on the Dodd-Frank Act rewards provisions. This section explains the SEC's regulations that went into effect on August 11, 2011, and provides insights on how to maximize potential rewards.

The Whistleblower's Handbook also explains how whistleblowers can use the Dodd-Frank Act to blow the whistle on violations of the Foreign Corrupt Practices Act (FCPA). Readers learn how whistleblowers anywhere in the world can now submit anonymous reward claims for reporting corruption of local officials.

Table of Contents

- Acknowledgments
- Preface: What to Do if the Boss Is a Crook
- Introduction: Tough Questions Facing Every American
Worker

- Rule 1: Understand the Maze
- Rule 2: Follow the Money
- Rule 3: Yes, You Are a Whistleblower
- Rule 4: Find the Best Federal Law
- Rule 5: Don't Forget State Laws
- Rule 6: Always Ask: Is the Taxpayer on the Hook?
- Rule 7: Check for Tax Cheats, the IRS Qui Tam
- Rule 8: Know Dodd and Frank: Securities and Commodities Qui Tam Claims
- Rule 9: If Working for the Government, Use the First Amendment
- Rule 10: Make Sure Disclosures Are Protected
- Rule 11: Beware of "Hotlines"
- Rule 12: Cautiously Use "Self-Help" Tactics
- Rule 13: Be Prepared for the Lid to Blow
- Rule 14: Delay is Deadly
- Rule 15: Get the Proof Needed to Win the Case
- Rule 16: Get to the Jury
- Rule 17: Win the Case: Prove Motive and Pretext
- Rule 18: Get Every Penny Deserved
- Rule 19: Make the Boss Pay Attorney Fees
Rule 20: Don't Take "Hush Money"

Rule 21: Never Forget: Whistleblowing Works

Conclusion: Whistleblowing and the American Dream

Checklist 1: Whistleblower Reward Laws (Qui Tam)

Checklist 2: Whistleblower Protections Under Federal Law

Checklist 3: Whistleblower Protections Under State Common Law

Checklist 4: What to Look for When Blowing the Whistle on Fraud Against the Government

Checklist 5: Proof of Retaliation

Checklist 6: Discovery in Whistleblower Cases: Obtaining the Evidence Needed to Win a Case Against an Employer

Checklist 7: Dodd-Frank Act "Q&As"

Annotated Chapter Sources

Resources for Whistleblowers

Index

ORDER NOW!

MORE  http://www.whistleblowers.org/index.php?option=com_content&task=view&id=1199&Itemid=124#

I wrote to NWC and about the UBS WB June28, check out the others

1. National Whistleblowers Center - Father of UBS Whistleblower ...

whistleblowers. nonprofitsoapbox.com/index.php?option=com...
The National Whistleblower Center is supporting Bradley Birkenfeld's clemency petition and encourages every American to take a minute out of their day on ...

2. National Whistleblowers Center - Washington - Local Business ... https://www.facebook.com/pages/National-Whistleblowers.../432227111...

Today the National Whistleblower Center filed an Amicus Curiae brief with the Merit Systems Protection Board (MSPB), in the case of Day v. Department.

3. National Whistleblowers Center | MSPB Watch mspbwatch.net/tag/national-whistleblowers-center/

Nov 27, 2012 – Posts about National Whistleblowers Center written by mspbwatch. ...which counts down until December 14, 2012, the day the House of ...


The National Whistleblower Center (NWC) is a nonprofit, nonpartisan, tax exempt, educational and advocacy organization, founded and operated by the ...

5. National Whistleblower Assembly - C-SPAN Video Library www.c-spanvideo.org/program/293679-1

May 24, 2010 ... of whistleblower protections held the first day of a two-day assembly to ... protections for people who ...

Greenwald With a Look at the Next NSA Bombshell

By Emma Roller, Slate Magazine, NRS, 30 June 13

E llen Greenwald previewed a yet-to-be-published document about the National Security Agency surveillance program during a speech at the Socialism 2013 Conference in Chicago on Friday night.

Speaking via Skype (hence the blurry photo above), Greenwald said the Guardian is planning to publish a document showing that new technology allows the National Security Agency to direct one billion cell phone calls every day into its data repositories.

"What we are really talking about here is a globalized system that prevents any form of electronic communication from taking place without its being stored and monitored by the National Security
Agency," Greenwald told the liberal crowd. "It doesn't mean they're listening to every call. It means they're storing every call and have the capacity to listen to them at any time."

In his speech, Greenwald excoriated the press for criticizing former contractor Edward Snowden's decision to leak the NSA documents, saying a climate of fear permeates investigative journalism and cripples the mainstream reporters' ability to speak truth to power.

"In their minds, the only kinds of leaks that are bad are leaks that the government doesn’t want disclosed to the public," Greenwald said. “The only thing that is journalism to them is when they carry forth the message that has been implanted in their brains by the political officials whom they serve. And I think this behavior highlights the true purpose of establishment journalism more powerfully than anything I or anybody else have ever written.” . . .

http://vaccineliberationarmy.com/2013/07/06/ed-snowden-war-on-whistleblowers/

Beyond Snowden: US General Cartwright has been indicted for espionage
21st Century Wire Tuesday, 02 July 2013

While the world focuses on Washington’s pursuit of NSA whistleblower Ed Snowden, another much more high ranking member of the US power structure has been indicted for espionage this week…

US General James Cartwright was regarded by Washington insiders as ‘Obama’s General’, and now he’s facing prosecution for **blowing the whistle on ‘Operation Olympic Games’ which planted the Stuxnet and Flame viruses in Iranian nuclear** facilities in order
derail Iran’s civilian nuclear program. At closer examination, it appears that Cartwright’s revelations didn’t so much harm US interests per say, but they hindered Israeli ambitions towards a war with Iran.

http://vaccineliberationarmy.com/2013/07/06/ed-snowden-war-on-whistleblowers/

Understanding Leaks is Understanding the Rise of a New Fascism.
Tuesday, 25 June 2013 09:41 By John Pilger, Truthout | Op-Ed


Think the world needs an alternative to media that just serves those in power? Click here to make a tax-deductible donation to Truthout and keep independent journalism strong.

In his book, Propaganda, published in 1928, Edward Bernays wrote: "The conscious and intelligent manipulation of the organised habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country."

The American nephew of Sigmund Freud, Bernays invented the term "public relations" as a euphemism for state propaganda. He warned that an enduring threat to the invisible government was the truth teller and an enlightened public.

In 1971, whistleblower Daniel Ellsberg leaked US government files known as The Pentagon Papers, revealing that the invasion of Vietnam was based on systematic lying. Four years later, Frank Church conducted sensational hearings in the US Senate: one of the last flickers of American democracy. These laid bare the full extent of the invisible government: the
domestic spying and subversion and warmongering by intelligence and "security" agencies and the backing they received from big business and the media, both conservative and liberal.

Speaking about the National Security Agency (NSA), Senator Church said: "I know the capacity that there is to make tyranny in America, and we must see to it that this agency and all agencies that possess this technology operate within the law . . . so that we never cross over that abyss. That is the abyss from which there is no return."

On 11 June, following the revelations in The Guardian by NSA contractor Edward Snowden, Daniel Ellsberg wrote that the US had now entered "that abyss."

Snowden's revelation that Washington has used Google, Facebook, Apple and other giants of consumer technology to spy on almost everyone, is further evidence of a modern form of fascism - that is the "abyss." Having nurtured old-fashioned fascists around the world - from Latin America to Africa and Indonesia - the genie has risen at home. Understanding this is as important as understanding the criminal abuse of technology.

Fred Branfman, the antiwar activist who exposed the "secret" destruction of tiny Laos by the US Air Force in the 1960s and '70s, provides an answer to those who still wonder how a liberal African-American president, a professor of constitutional law, can command such lawlessness. "Under Mr. Obama," he wrote, "no president has done more to create the infrastructure for a possible future police state." Why? Because Obama, like George W Bush, understands that his role is not to indulge those who voted for him but to expand "the most powerful institution in the history of the world, one that has killed, wounded or made homeless well over 20 million human beings, mostly civilians, since 1962." [See William Blum's books. --Dick]

In the new American cyber power, only the revolving doors have changed. The director of Google Ideas, Jared Cohen, was adviser to Condoleeza Rice, the former secretary of state in the Bush administration who lied that Saddam Hussein could attack the US with nuclear weapons. Cohen and Google's executive chairman, Eric Schmidt - they met in the ruins of Iraq - have co-authored a book, The New Digital Age, endorsed as visionary by the former CIA director Michael Hayden and war criminals Henry Kissinger and Tony Blair. The authors make no mention of the Prism spying program, revealed by Edward Snowden, that provides the NSA access to all of us who use Google.

Control and dominance are the two words that make sense of this. These are exercised by political, economic and military designs, of which mass surveillance is an essential part, but also by insinuating propaganda in the public consciousness. This was Edward Bernays's point. His two most successful PR campaigns were convincing Americans they should go to war in 1917 and persuading women to smoke in public; cigarettes were "torches of freedom" that would hasten women's liberation.

It is in popular culture that the fraudulent "ideal" of America as morally superior, a "leader of the free world," has been most effective. Yet, even during Hollywood's most jingoistic periods, there were exceptional films, like those of the exile Stanley Kubrick and adventurous European films that would have US distributors. These days, there is no Kubrick, no Strangelove, and the US market is almost closed to foreign films.

When I showed my own film, The War on Democracy, to a major, liberally-minded US distributor, I was handed a laundry list of changes required, to "ensure the movie is acceptable." His memorable gesture to me was: "OK, maybe we could drop in Sean Penn as
narrator. Would that satisfy you?"

Lately, Katherine Bigelow’s torture-apologizing *Zero Dark Thirty* and Alex Gibney’s *We Steal Secrets*, a cinematic hatchet job on Julian Assange, were made with generous backing by Universal Studios, whose parent company until recently was General Electric. GE manufactures weapons, components for fighter aircraft and advance surveillance technology. The company also has lucrative interests in "liberated" Iraq.

The power of truth tellers like Bradley Manning, Julian Assange and Edward Snowden is that they dispel a whole mythology carefully constructed by the corporate cinema, the corporate academy and the corporate media. WikiLeaks is especially dangerous because it provides truth tellers with a means to get the truth out. This was achieved by *Collateral Murder*, the cockpit video of an US Apache helicopter allegedly leaked by Bradley Manning. The impact of this one video marked Manning and Assange for state vengeance. Here were US airmen murdering journalists and maiming children in a Baghdad street, clearly enjoying it and describing their atrocity as "nice." Yet, in one vital sense, they did not get away with it; we are witnesses now, and the rest is up to us.
Christopher Pyle, Whistleblower Who Sparked Church Hearings of 1970s on Military Spying of Olympia Peace Activists

Senate Advances Expanded, "Orwellian" Gov’t Surveillance with FISA Amendments, CISPA

**TOPICS**
National Security Agency, Domestic Surveillance, Whistleblowers

**GUESTS**
**Chris Pyle**, author of four books. His most recent is *Getting Away with Torture*. In 1970, he disclosed the military’s spying on civilian politics and worked for three congressional committees to end it, including Senator Frank Church’s Select Committee on Intelligence. He teaches constitutional law and civil liberties at Mount Holyoke College.

**RELATED**
Apr 20, 2012 | STORY
As NSA director General Keith Alexander blasts the leaks that exposed widespread surveillance of Americans, we’re joined by Chris Pyle, a former military instructor who exposed the CIA and Army’s monitoring of millions of Americans in the 1970s. Pyle discovered the Army and CIA were spying on millions of Americans engaged in lawful political activity while he was in the Army working as an instructor. His revelations prompted Senate hearings, including Senator Frank Church’s Select Committee on Intelligence, ultimately leading to a series of laws aimed at curbing government abuses. Now teaching constitutional law and civil liberties at Mount Holyoke College, Pyle says the NSA is known for attacking its critics instead of addressing the problems they expose.

**TRANSCRIPT**

*This is a rush transcript. Copy may not be in its final form.*

**JUAN GONZÁLEZ:** We want to go on to the National Security Agency director, General Keith Alexander, who testified before Congress Wednesday, a week after a trove of secret documents about his agency’s widespread surveillance program stunned the nation and sparked heated debate. During his testimony, Alexander denied claims he has personal wiretapping abilities at the agency and insisted phone data collection has helped prevent dozens of terrorist attacks. He refused to publicly answer questions about how the NSA had made the transition to collecting phone records of Americans. Alexander also said he hoped for greater transparency around the surveillance programs, but he argued some secrecy helps the agency’s mission. He was also asked about the impact of the NSA leaks. This was his response.

**GEN. KEITH ALEXANDER:** Great harm has already been done by opening this up. And the consequence, I believe, is our security is jeopardized. There is no doubt in my mind that we will lose capabilities as a result of this and that not only the United States, but those allies that
we have helped, will no longer be as safe as they were two weeks ago. And so, I am really concerned about that. I’m also concerned that, as we go forward, we now know that some of this has been released. So what does it make sense to explain to the American people so they have confidence that their government is doing the right thing? Because I believe we are, and we have to show them that.

**JUAN GONZÁLEZ:** The disclosure of the secret NSA surveillance program was based on information leaked by Edward Snowden, a former CIA employee who most recently worked inside the NSA’s Hawaii office for the private firm Booz Allen Hamilton. In an exclusive interview with the *South China Morning Post*, Snowden said, quote, "I’m neither traitor nor hero, I’m an American." He also said he intends to stay in Hong Kong until he’s asked to leave, and he intends to fight any extradition attempts by the U.S. government. Snowden also told the paper, quote, "People who think I made a mistake in picking [Hong Kong] as a location misunderstand my intentions. I am not here to hide from justice; I am here to reveal criminality."

**AMY GOODMAN:** Well, for more, we’re joined by Christopher Pyle, who first exposed domestic spying in the 1970s here in the U.S. Pyle discovered the CIA was spying on millions of Americans engaged in lawful activity while he was in the Army and worked as an instructor. After he left, he wrote about the Army’s vast and growing spy operations. His article from 1971 began, quote, "For the past four years, the U.S. Army has been closely watching civilian political activity within the United States." Pyle’s story prompted Senate hearings, including Senator Frank Church’s Select Committee on Intelligence. These ultimately led to a series of laws aimed at curbing government abuse. Chris Pyle is the co-author of *Military Surveillance of Civilian Politics*, *Getting Away with Torture* and *The Constitution Under Siege*. He now teaches constitutional law and civil liberties at Mount Holyoke College and recently wrote a piece headlined, "Edward Snowden and the Real Issues." He joins us from Chicopee, Massachusetts.

**BUNNATINE GREENHOUSE**

*Bunnatine Greenhouse*

- *Democracy Now! Interview with Bunny Greenhouse*
Fired Army Whistleblower Receives $970K for Exposing Halliburton No-Bid Contract in Iraq

Tags: Bunnatine Greenhouse, Videos, Government Contractor Fraud

• Bunny Greenhouse Speaks on Ethics

Tags: Bunnatine Greenhouse, Videos

• Bunnatine “Bunny” Greenhouse to Speak on “Ethics and the Whistleblower”

Washington, D.C. May 10, 2010. Whistleblower Bunnatine "Bunny" Greenhouse will speak on "Ethics and the Whistleblower" in conjunction with artist Marcia Annenberg's lecture and exhibition "News/Not News" at Boricua College in New York City on Wednesday, May 19, 2010 at 6:00 pm EST.

Mrs. Greenhouse will speak about her work as a public servant, and her commitment to preserving integrity, honesty and accountability in government contracting. Mrs. Greenhouse stood alone in opposing the approval of a highly improper multi-billion dollar no-bid contract to Halliburton for the reconstruction of Iraqi Oil. In return for her courage she was retaliated against and removed from her position as the Procurement Executive, the highest-ranking civilian-contracting official at the Army Corps of Engineers. Her case continues today.

Tags: Bunnatine Greenhouse, Government Ethics, Press Releases, Government Ethics, Government Contractor Fraud

• Greenhouse's Most Recent Letter Causes A Stir

Dispute over Whistleblower Access to Federal Court Intensifies

Washington, D.C. September 3, 2009. As reported in a front-page story of today's Washington Times, internationally respected whistleblower, Bunnatine (Bunny) H. Greenhouse, has issued an appeal to the U.S. Senate to pass strong protections for all federal employees. Mrs. Greenhouse was the only major Bush Administration executive to challenge the Halliburton "no bid" Iraq reconstruction contracts.

Tags: Bunnatine Greenhouse, Press Releases

• Greenhouse Appeals for Effective Whistleblower Legislation
Washington, D.C. September 3, 2009. As reported in a front page story of today's Washington Times, internationally respected whistleblower, Bunnatine Greenhouse, has issued an appeal to the U.S. Senate to pass strong protections for all federal employees. Mrs. Greenhouse was the only major Bush Administration executive to challenge the Halliburton "no bid" Iraq reconstruction contracts. In 2005, Mrs. Greenhouse was featured in a Washington Post Style section article A Web of Truth: Whistle-Blower or Troublemaker, Bunny Greenhouse Isn't Backing Down and also on NOW: Politics & Economy Bunny Greenhouse.

"We urge every American to read Bunny's letter and to TAKE ACTION! ," said Stephen M. Kohn, NWC Executive Director. "This is not a Democrat or Republican issue. This is not a partisan issue. This is an issue that goes to the heart of accountability and oversight. In the House of Representatives Democratic leader Chris Van Hollen (D-MD) joined with his republican colleague Todd Platts (R-PA) to introduce an effective whistleblower law that would give Bunny Greenhouse her day in court, The Senate should follow this bi-partisan lead and ensure that the promises made to whistleblowers during the 2008 election campaign are fulfilled."

Bunny Greenhouse Letter
NWC Press Release: Greenhouse's Most Recent Letter Causes A Stir
Read a 12-part series on the Whistleblower Protection Blog analyzing the Senate Whistleblower Bill.

Background on Bunny Greenhouse
Tags: Bunnatine Greenhouse, National Security

Whistleblowers Unite For Justice

Voice of America releases video on Bunny Greenhouse

Tags: Bunnatine Greenhouse

Whistleblower Makes Herself Heard on the Hill
Don't be fooled by Bunnatine H. Greenhouse's nickname. "Bunny" might have a soft and cuddly side, but it's her watchdog self that got her in trouble. When Greenhouse blew the whistle on noncompetitive multibillion-dollar contracts to Kellogg Brown & Root, then a Halliburton subsidiary, for work in Iraq's oil fields, she thought she was following her oath of office.

**Tags:** Bunnatine Greenhouse, News, Government Contractor Fraud

- "Federal News Tonight" Interview of Bunny Greenhouse

Bunny Greenhouse and her attorney, Michael D. Kohn, were interviewed on Federal News Tonight on News Channel 8 on June 2, 2009.

**Tags:** Bunnatine Greenhouse, Videos

- Greenhouse Suffers Retaliation After Testifying to Congress


Within hours of testifying in Congress, Ms. Greenhouse received an email from the Army Corps Chief of Staff demanding pre-clearance of any testimony Greenhouse may wish to present to Congress. Ironically, Greenhouse's testimony was presented before the House Committee on Oversight and Government Reform about legislation aimed at protecting whistleblowers from just this kind of action.

**Tags:** Bunnatine Greenhouse, Government Ethics, Government Contractor Fraud

- Former Federal Procurement Exec Highlights Need for Whistleblower Protection in Stimulus Bill

Washington, D.C. February 9, 2009. Bunnatine ("Bunny") H. Greenhouse, the highest ranking procurement official to oppose the no-bid, cost plus contracts to Halliburton for the reconstruction of Iraq, weighed in on the need for Congress to include real whistleblower protections as part of the stimulus-bailout bill (read her letter).

**Tags:** Bunnatine Greenhouse, Press Releases, National Security, Government Ethics, Government Contractor Fraud
Halliburton Whistleblower Requests Your Help To Protect Taxpayers

Personal Letter From Bunny Greenhouse

"I urge you to contact your Senators and let them know that whistleblower protection is a critical part of the stimulus package for protection of the public trust. I urge you to contact your Representatives and tell them to hold strong -- and refuse to cut whistleblower protections from the bill. Federal employees, like me, who risk their careers to protect taxpayer money need to be protected."

Click here to learn more about Bunny Greenhouse.

Tags: Bunnatine Greenhouse

Meet Iraq Whistleblower Bunny Greenhouse This Tuesday!

Tags: Bunnatine Greenhouse, News

SHARON LAFRANIERE, “LEAK SCORECARD SPURS CRACKDOWN.” NYT. ADG (7-21-13), 11A.
James E. Cartwright is the focus of an investigation into the disclosure of information about cyberattacks against Iran’s nuclear program.

By **SHARON LaFRANIERE**

Published: **July 20, 2013** 364 Comments

Soon after **President Obama** appointed him director of national intelligence in **2009**, **Dennis C. Blair** called for a tally of the number of government officials or employees who had been prosecuted for leaking national security secrets. He was dismayed by what he found.
The charges filed last month against Edward J. Snowden, the former National Security Agency contractor, are the seventh leak-related prosecution brought by the Justice Department.

Pfc. Bradley Manning, who gave secret documents to WikiLeaks, has been cited by Edward J. Snowden as an inspiration.
Stephen Jin-Woo Kim, a State Department adviser and another target of a leak inquiry.

In the previous four years, the record showed, 153 cases had been referred to the Justice Department. Not one had led to an indictment.

That scorecard “was pretty shocking to all of us,” Mr. Blair said. So in a series of phone calls and meetings, he and Attorney General Eric H. Holder Jr. fashioned a more aggressive strategy to punish anyone who leaked national security information that endangered intelligence-gathering methods and sources.

“My background is in the Navy, and it is good to hang an admiral once in a while as an example to the others,” said Mr. Blair, who left the administration in 2010. “We were hoping to get somebody and make people realize that there are consequences to this and it needed to stop.”

**The Obama administration has done its best to define those consequences, with an aggressive focus on leaks and leakers that has led to more than twice as many prosecutions as there were in all previous administrations combined.** It also led to a significant legal victory on Friday when a federal appeals court accepted the Justice Department’s argument that the First Amendment does not protect reporters from having to reveal the sources suspected of leaking information to them.

In tracing the origins of this effort, present and former government officials said the focus on leaks began at the administration’s highest levels and was driven by pressure from the intelligence agencies and members of Congress.

An unprecedented cascade of disclosures, including hundreds of thousands of secret diplomatic cables made public by WikiLeaks, according to these officials, gave the search for leakers a growing sense of urgency, while technological advances made the job of finding them easier. And prosecutors — until recently — were given more latitude to comb through journalists’ records to hunt for suspects.
The charges filed last month against Edward J. Snowden, the former National Security Agency contractor now holed up in a Moscow airport, are the seventh leak-related prosecution brought by the Justice Department. And the department’s next case may be aimed at just the kind of top-level target that Mr. Blair said he had hoped for: James E. Cartwright, a retired general who was vice chairman of the Joint Chiefs of Staff until August 2011. General Cartwright has been identified as a focus of an investigation into the disclosure of classified information about American-led cyberattacks on Iran’s nuclear program.

Supporters of the crackdown — even those with qualms about seeking evidence from journalists — say a culture of leaking must be reined in to protect covert sources and high-risk intelligence operations and reassure allies that it is safe to share intelligence.

“Somebody finally said this has got to stop,” said John D. Negroponte, a former diplomat and director of national intelligence under George W. Bush. “Maybe if there are more prosecutions, it will.”

But critics argue that the Cartwright case, and now the appeals court ruling, show how the antileak campaign has gone too far, producing a chilling effect on news gathering without deterring leakers. Mr. Snowden has said he was inspired by the deeds of Pfc. Bradley Manning, who is facing a court-martial after divulging the diplomatic cables to WikiLeaks.

“I think it has gotten away from them,” said Morton H. Halperin, who served in national security or diplomatic positions in three previous administrations. “If the president doesn’t fix this, I think his claim that he understands the importance of balancing the First Amendment against claims of national security will lack any credibility.”

Implicitly at least, Mr. Holder seemed to acknowledge some of the criticism this month when he restored and bolstered longstanding Justice Department restraints on seeking evidence from journalists. He said those restrictions “will help ensure the proper balance is struck when pursuing investigations into unauthorized disclosures.”

Mr. Holder’s move came in response to a torrent of criticism after the revelations this spring that prosecutors had secretly subpoenaed the phone logs for more than 20 phone lines of The Associated Press in one leak inquiry and two days of phone logs of a Fox News reporter, James Rosen, in another investigation aimed at a State Department adviser, Stephen Jin-Woo Kim. Prosecutors also obtained a court-ordered search warrant for Mr. Rosen’s e-mails by identifying him as a criminal co-conspirator of Mr. Kim’s.

But Mr. Holder’s conciliatory message was seemingly undermined by the Justice Department’s success in overturning a lower court’s ruling that a reporter for The New York Times, James
Risen, had a First Amendment right to refuse to reveal his sources in the trial of a former C.I.A. analyst, Jeffrey Sterling. Mr. Sterling was charged in 2010 with disclosing classified information to Mr. Risen about a covert operation to deceive Iranian scientists described in Mr. Risen’s 2006 book, “State of War.”

Mr. Risen has previously vowed to go to jail to protect his sources. On Saturday he said in a statement, “I remain as resolved as ever to continue fighting.”

The targeting of General Cartwright in the investigation of disclosures about cyberattacks on Iran also represents an escalation of effort. If charged, he would be by far the most senior official ever to face criminal prosecution for divulging information to the news media. Other high-ranking officials have faced minor criminal charges for mishandling information, but only low-to-mid-level analysts, contract workers and technicians have been indicted on charges of releasing secrets to journalists.

The closest parallel would be the case against I. Lewis Libby Jr., the former chief of staff to Vice President Dick Cheney who was convicted in 2007 of lying to a federal grand jury and to F.B.I. agents investigating the unmasking of a covert C.I.A. operative to a newspaper columnist.

“The Cartwright case stands alone,” said Steven Aftergood, who studies government secrecy for the nonprofit Federation of American Scientists. “It is a sign that the administration is not backing off its antileak crusade. It is still going full tilt.”

General Cartwright has not commented on the reports that he is being investigated, but his lawyer, Gregory B. Craig, has said any suggestion that his client betrayed his country is “preposterous.”

President Bush also faced damaging leaks during his tenure. But his Justice Department prosecuted only one official under the Espionage Act for disclosing national security secrets, a Pentagon analyst first investigated in 2004 and convicted in 2006. As a conservative, President Bush would have faced a greater public backlash had he sought to imprison leakers, said Gabriel Schoenfeld, a senior scholar with the Hudson Institute, a conservative-leaning research organization.

Mr. Bush “was not willing to spend the political capital,” Mr. Schoenfeld said. “This president is very hawkish on this.”

So far, the Obama administration has won two felony convictions for unauthorized disclosure of national security secrets. Private Manning has also pleaded guilty to 10 offenses and is now being tried in military court on others. A fourth felony prosecution crumbled, producing a minor misdemeanor conviction, and Mr. Holder has privately said he regrets pursuing it.
In June, Mr. Holder said his department’s record number of leak prosecutions was a logical legal response to an increase in both the number and seriousness of leaks. But in interviews, former prosecutors and other administration and Congressional officials offered a different perspective.

Though the Justice Department issued no explicit directive to pursue leakers more vigorously, according to these officials, the climate in which leaks were judged changed markedly as a new team of national security officials joined the Obama administration and quickly ran head-on into what it saw as distressing lapses in controlling state secrets.

“There was a lot of pressure to use every possible investigative tool,” said one senior former prosecutor who spoke on the condition of anonymity because he is not authorized to speak for the Justice Department.

According to Mr. Blair, the effort got under way after Fox News reported in June 2009 that American intelligence had gleaned word from within North Korea of plans for an imminent nuclear test — a disclosure that eventually led to the indictment of Mr. Kim. The report infuriated the Central Intelligence Agency not only because it indicated that the United States was privy to the private discussions of North Korean leaders, but also because it was broadcast mere hours after a classified report with that information had been distributed to intelligence officials.

In subsequent meetings and phone calls, Mr. Blair said, he and Mr. Holder, who declined a request for an interview, agreed that leaks were flourishing partly because the government was too passive in addressing them. Of 153 referrals to the Justice Department of national security leaks during President Bush’s second term, only 24 had led to F.B.I. investigations. In half of those cases, investigators had identified suspects, but none of them had faced charges, although two investigations were in an advanced stage and ultimately produced indictments in 2010.

Mr. Holder’s “attitude, the same as mine, was to speed up the process and make it more effective,” Mr. Blair said. “So, yes, that would mean more aggressive prosecution.”

The Justice Department imposed a tight deadline to decide whether to open criminal inquiries into leaks, shortening to just three weeks a review process that had often dragged on for months. Leaks considered unworthy of prosecution were marked for administrative inquiries. Underscoring the administration’s determination, Robert M. Bryant, Mr. Blair’s national counterintelligence executive, was put in charge of stanching leaks.

The White House has kept a careful distance from the Justice Department prosecutions, but President Obama seemed unwavering in his support for them. When government transparency advocates told him in March 2011 that chasing whistle-blowers was sullying his record, the president disagreed, saying some disclosures had been very damaging to national security.
And members of Congress continuously clamored for a tougher approach. At a closed hearing in December 2009, members of the Senate Select Committee on Intelligence, led by Dianne Feinstein, Democrat of California, scolded Mr. Holder, Mr. Blair and the F.B.I. director, Robert S. Mueller, saying they had not adequately protected national security secrets.

“A tipping point was reached in 2009,” said one knowledgeable Senate aide, who spoke on the condition of anonymity because he is not an official spokesman. “There was an official change of policy.”

Mr. Blair said, “We had to do 50 push-ups and promise to do better.”

Past overreaching notwithstanding, the Cartwright investigation suggests that zeal has not waned.

The inquiry was prompted by a detailed account of a series of United States- and Israeli-led cyberattacks on Iran’s nuclear program, in a June 2012 article in The New York Times and in a book published days later, both by David E. Sanger, a Times reporter. Part of the operation, called Olympic Games, was revealed two years earlier because of a programming error, but much of it remained highly classified, setting off an aggressive search for the source or sources of Mr. Sanger’s information.

Lucy A. Dalglish, a media lawyer and the dean of journalism at the University of Maryland, says that case and others carry a strong message.

“They are not going to give up on national security investigations, and they are still going to go after reporters’ information if they think they need to,” she said.

*Ashley Southall contributed reporting.*

A version of this article appeared in print on July 21, 2013, on page A1 of the New York edition with the headline: Math Behind Leak Crackdown: 153 Cases, 4 Years, 0 Indictments.

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**Obama's Plan to Crack Down on Whistleblowers Leaked**

Thursday, 11 July 2013 09:14 By Marisa Taylor and Jonathan S Landay, McClatchy Newspapers | Report, RSN
Washington - In an initiative aimed at rooting out future leakers and other security violators, President Barack Obama has ordered federal employees to report suspicious actions of their colleagues based on behavioral profiling techniques that are not scientifically proven to work, according to experts and government documents.

The techniques are a key pillar of the **Insider Threat Program**, an unprecedented government-wide crackdown under which millions of federal bureaucrats and contractors must watch out for “high-risk persons or behaviors” among co-workers. Those who fail to report them could face penalties, including criminal charges.

Obama mandated the program in an October 2011 executive order after Army Pfc. Bradley Manning downloaded hundreds of thousands of documents from a classified computer network and gave them to WikiLeaks, the anti-government secrecy group. The order covers virtually every federal department and agency, including the Peace Corps, the Department of Education and others not directly involved in national security.

Under the program, which is being implemented with little public attention, security investigations can be launched when government employees showing “indicators of insider threat behavior” are reported by co-workers, according to previously undisclosed administration documents obtained by McClatchy. Investigations also can be triggered when “suspicious user behavior” is detected by computer network monitoring and reported to “insider threat personnel.”

**More at The Real News**

Federal employees and contractors are asked to pay particular attention to the lifestyles, attitudes and behaviors – like financial troubles, odd working hours or unexplained travel – of co-workers as a way to predict whether they might do “harm to the United States.” Managers
of special insider threat offices will have “regular, timely, and, if possible, electronic, access” to employees’ personnel, payroll, disciplinary and “personal contact” files, as well as records of their use of classified and unclassified computer networks, polygraph results, travel reports and financial disclosure forms.

Over the years, numerous studies of public and private workers who’ve been caught spying, leaking classified information, stealing corporate secrets or engaging in sabotage have identified psychological profiles that could offer clues to possible threats. Administration officials want government workers trained to look for such indicators and report them so the next violation can be stopped before it happens.

“In past espionage cases, we find people saw things that may have helped identify a spy, but never reported it,” said Gene Barlow, a spokesman for the Office of the National Counterintelligence Executive, which oversees government efforts to detect threats like spies and computer hackers and is helping implement the Insider Threat Program. “That is why the awareness effort of the program is to teach people not only what types of activity to report, but how to report it and why it is so important to report it.”

But even the government’s top scientific advisers have questioned these techniques. Those experts say that trying to predict future acts through behavioral monitoring is unproven and could result in illegal ethnic and racial profiling and privacy violations.

“There is no consensus in the relevant scientific community nor on the committee regarding whether any behavioral surveillance or physiological monitoring techniques are ready for use at all,” concluded a 2008 National Research Council report on detecting terrorists.

“Doing something similar about predicting future leakers seems even more speculative,” Stephen Fienberg, a professor of statistics and social science at Carnegie Mellon University in Pittsburgh and a member of the committee that wrote the report, told McClatchy.

The emphasis on individual lifestyles, attitudes and behaviors comes at a time when growing numbers of Americans must submit to extensive background checks, polygraph tests and security investigations to be hired or to keep government or federal contracting jobs. The U.S. government is one of the world’s largest employers, overseeing an ever-expanding ocean of information.

While the Insider Threat Program mandates that the nearly 5 million federal workers and contractors with clearances undergo training in recognizing suspicious behavior indicators, it allows individual departments and agencies to extend the requirement to their entire workforces, something the Army already has done.

Training should address “current and potential threats in the work and personal environment” and focus on “the importance of detecting potential insider threats by cleared employees and reporting suspected activity to insider threat personnel and other designated officials,” says one of the documents obtained by McClatchy.

The White House, the Justice Department, the Peace Corps and the departments of Health and Human Services, Homeland Security and Education refused to answer questions about the program’s implementation. Instead, they issued virtually identical email statements directing inquiries to the Office of the Director of National Intelligence, declined to comment or didn’t respond.

Caitlin Hayden, a spokeswoman for the White House National Security Council, said in her statement that the Insider Threat Program includes extra safeguards for “civil rights, civil
liberties and privacy,” but she didn’t elaborate. Manning’s leaks to WikiLeaks, she added, showed that at the time protections of classified materials were “inadequate and put our nation’s security at risk.”

**Reply from the National Security Council**

Even so, the new effort failed to prevent former National Security Agency contractor Edward Snowden from taking top-secret documents detailing the agency’s domestic and international communications monitoring programs and leaking them to The Guardian and The Washington Post newspapers.

The initiative goes beyond classified information leaks. It includes as insider threats “damage to the United States through espionage, terrorism, unauthorized disclosure of national security information or through the loss or degradation of departmental resources or capabilities,” according to a document setting “Minimum Standards for Executive Branch Insider Threat Programs.”

McClatchy obtained a copy of the document, which was produced by an Insider Threat Task Force that was set up under Obama’s order and is headed by Director of National Intelligence James Clapper and Attorney General Eric Holder. McClatchy also obtained the group’s final policy guidance. The White House, the Justice Department and the Office of the Director of National Intelligence declined requests for both documents, neither of which is classified.

Although agencies and departments are still setting up their programs, some employees already are being urged to watch co-workers for “indicators” that include stress, divorce and financial problems.

When asked about the ineffectiveness of behavior profiling, Barlow said the policy “does not mandate” that employees report behavior indicators.

“It simply educates employees about basic activities or behavior that might suggest a person is up to improper activity,” he said.

“These do not require special talents. If you see someone reading classified documents they should not be reading, especially if this happens multiple times and the person appears nervous that you saw him, that is activity that is suspicious and should be reported,” Barlow said. “The insider threat team then looks at the surrounding facts and draws the conclusions about the activity.”

Departments and agencies, however, are given leeway to go beyond the White House’s basic requirements, prompting the Defense Department in its strategy to mandate that workers with clearances “must recognize the potential harm caused by unauthorized disclosures and be aware of the penalties they could face.” It equates unauthorized disclosures of classified information to “aiding the enemies of the United States.”

All departments and agencies involved in the program must closely track their employees’ online activities. The information gathered by monitoring, the administration documents say, “could be used against them in criminal, security, or administrative proceedings.” Experts who research such efforts say suspicious behaviors include accessing information that someone doesn’t need or isn’t authorized to see or downloading materials onto removable storage devices like thumb drives when such devices are restricted or prohibited.

“If you normally print 20 documents a week, well, what happens if the next week or the following week you have to print 50 documents or 100 documents? That could be at variance from your normal activity that could be identified and might be investigated,” said Randy
Trzeciak, acting manager of the Computer Emergency Response Team Insider Threat Center at Carnegie Mellon University’s Software Engineering Institute.

“We’ve come up with patterns that we believe organizations might be able to consider when determining when someone might be progressing down the path to harm the organization,” said Trzeciak, whose organization has analyzed more than 800 cases and works with the government and private sector on cyber security.

But research and other programs that rely on profiling show it remains unproven, could make employees more resistant to reporting violations and might lead to spurious allegations.

The Pentagon, U.S. intelligence agencies and the Department of Homeland Security have spent tens of millions of dollars on an array of research projects. Yet after several decades, they still haven’t developed a list of behaviors they can use to definitively identify the tiny fraction of workers who might some day violate national security laws.

“We are back to the needle-in-a-haystack problem,” said Fienberg, the Carnegie Mellon professor.

“We have not found any silver bullets,” said Deanna Caputo, principal behavioral psychologist at MITRE Corp., a nonprofit company working on insider threat efforts for U.S. defense, intelligence and law enforcement agencies. “We don’t have actually any really good profiles or pictures of a bad guy, a good guy gone bad or even the bad guy walking in to do bad things from the very beginning.”

Different agencies and departments have different lists of behavior indicators. Most have adopted the traditional red flags for espionage. They include financial stress, disregard for security practices, unexplained foreign travel, unusual work hours and unexplained or sudden wealth.

But agencies and their consultants have added their own indicators.

For instance, an FBI insider threat detection guide warns private security personnel and managers to watch for “a desire to help the ‘underdog’ or a particular cause,” a “James Bond Wannabe” and a “divided loyalty: allegiance to another person or company or to a country besides the United States.”

A report by the Deloitte consulting firm identifies “several key trends that are making all organizations particularly susceptible to insider threat today.” These trends include an increasingly disgruntled, post-Great Recession workforce and the entry of younger, “Gen Y” employees who were “raised on the Internet” and are “highly involved in social networking.”

**Report from Deloitte**

Some government programs that have embraced behavioral indicators have been condemned as failures. Perhaps the most heavily criticized is the Transportation Security Administration’s Screening of Passengers by Observation Techniques, or SPOT, program.

The program, which has cost $878 million and employs 2,800 people, uses “behavior detection officers” to identify potential terrorists by scrutinizing airline passengers for signs of “stress, fear or deception.”

DHS’ inspector general excoriated the program, saying in a May 2013 report, “TSA cannot ensure that passengers at United States airports are screened objectively, show that the program is cost-effective or reasonably justify the program’s expansion.”

Interviews and internal complaints obtained by The New York Times quoted TSA officers as
saying SPOT has led to ethnic and racial profiling by emphasizing certain profiles. They include Middle Easterners, Hispanics traveling to Miami and African-Americans wearing baseball caps backward.

Another problem with having employees report co-workers’ suspicious behaviors: They aren’t sure which ones represent security threats.

“Employees in the field are not averse to reporting genuine security infractions. In fact, under appropriate conditions they are quite willing to act as eyes and ears for the government,” said a 2005 study by the Pentagon’s Defense Personnel Security Research Center. “They are simply confused about precisely what is important enough to report. Many government workers anguish over reporting gray-area behaviors.”

Even so, the Pentagon is forging ahead with training Defense Department and contractor managers and security officials to set up insider threat offices, with one company emphasizing how its course is designed for novices.

“The Establishing an Insider Threat Program for Your Organization Course will take no more than 90 minutes to complete,” says the proposal.

Officials with the Army, the only government department contacted by McClatchy that agreed to discuss the issue, acknowledged that identifying potential insider threats is more complicated than relying on a list of behaviors.

**Response from the Army**

“What we really point out is if you’re in doubt, report, because that’s what the investigative personnel are there to do, is to get the bottom of ‘is this just noise or is this something that is really going on?’” said Larry Gillis, a senior Army counterintelligence and security official.

The Army implemented a tough program a year before Obama’s executive order after Maj. Nidal Hasan, a U.S.-born Muslim, allegedly killed 13 people in a 2009 rampage at Fort Hood, Texas. Hasan, who has not gone on trial, has said he was defending the Afghan Taliban.

Gillis said the Army didn’t want a program that would “get people to snitch on each other,” nor did it want to encourage stereotyping.

“We don’t have the luxury to make up reasons to throw soldiers out,” Gillis said. “It’s a big deal to remove a soldier from service over some minor issue. We don’t want to ruin a career over some false accusation.”

But some current and former U.S. officials and experts worry that Obama’s Insider Threat Program could lead to false or retaliatory accusations across the entire government, in part because security officials are granted access to information outside their usual purview.

These current and former U.S. officials and experts also ridiculed as overly zealous and simplistic the idea of using reports of suspicious behavior to predict potential insider threats. It takes years for professional spy-hunters to learn their craft, and relying on the observations of inexperienced people could lead to baseless and discriminatory investigations, they said.

“Anyone is an amateur looking at behavior here,” said Thomas Fingar, a former State Department intelligence chief who chaired the National Intelligence Council, which prepares top-secret intelligence analyses for the president, from 2005 to 2008.

Co-workers, Fingar said, should “be attentive” to colleagues’ personal problems in order to refer them to counseling, not to report them as potential security violators. “It’s simply because they are colleagues, fellow human beings,” he said.
Eric Feldman, a former inspector general of the National Reconnaissance Office, the super-secret agency that oversees U.S. spy satellites, expressed concern that relying on workers to report colleagues’ suspicious behaviors to security officials could create “a repressive kind of culture.”

“The answer to it is not to have a Stasi-like response,” said Feldman, referring to the feared secret police of communist East Germany. “You’ve removed that firewall between employees seeking help and the threat that any employee who seeks help could be immediately retaliated against by this insider threat office.”

CORRECTION: A story about the Obama administration’s Insider Threat Program gave the wrong name and title for Deanna Caputo, the principal behavioral psychologist at MITRE Corp.

(forwarded by David Druding)

Contents of #3 Jan. 31, 2012
GAP: Government Accountability Project
National Whistleblowers Center
Employment Law Group
FDA Illegal Surveillance of Whistleblowers

Contents of #4
GAP: Government Accountability Project
Sirota: Executive Branch War on Whistleblowers
John Kiriakou
Kiriakou’s Book, Reluctant Spy
Pentagon Fails Its Whistleblowers
Hedges: Obama versus Whistleblowers
Public Citizen
NSA
Misc. via Google

END WHISTLEBLOWERS AND LEAKERS NEWSLETTER #8

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Dick Bennett
My blog: