

Who is responsible for enforcing the US whistleblower law? The president.

[PRI's The World](#)

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By [The World staff](#)



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US President Donald Trump arrives aboard Air Force One at Joint Base Andrews, Maryland, on Sept. 26, 2019. Trump is facing an impeachment inquiry after the details of a phone call with the president of Ukraine surfaced this week as part of a whistleblower complaint alleging Trump abused the power of his office for personal political gain.

Credit: Jonathan Ernst/Reuters

A whistleblower report released on Thursday said President Donald Trump not only abused his office in attempting to solicit Ukraine's interference in the 2020 US election for his political benefit, but that the White House tried to "lock down" evidence about that conduct.

In a report released by a Democratic-led congressional committee, the whistleblower said White House officials intervened to shift records of a controversial phone call between Trump and Ukraine's president from

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the computer system on which they would normally be stored.

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"Instead the transcript was loaded into a separate electronic system that is otherwise used to store and handle classified information of an especially sensitive nature," the report said. "One White House official described this act as an abuse of this electronic system because the call did not contain anything remotely sensitive from a national security perspective."

The whistleblower is a CIA officer and was assigned at one point to work at the White House, two sources familiar with the probe into his complaint said. The New York Times first identified the whistleblower as a CIA officer, which Reuters confirmed.

Trump reacted with fury on Thursday and assailed Democrats for launching an impeachment inquiry into him this week over the Ukraine affair.

Trump told staff from the US mission to the United Nations he wanted to know who provided information to the whistleblower, according to an [audio recording provided to the Los Angeles Times](#) by an attendee.

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"I want to know who's the person, who's the person who gave the whistleblower the information. Because that's close to a spy," Trump can be heard saying on the recording.



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"You know what we used to do in the old days when we were smart? Right? The spies and treason, we used to handle it a little differently than we do now," Trump said.

The White House did not dispute the comments.

The World's Marco Werman spoke to attorney David Colapinto of the National Whistleblower Center in Washington, DC, about the protections granted by the 1989 Whistleblower Protection Act and the whistleblower report about Trump.

"There are two phases to a whistleblower case," Colapinto said. "We're in the first phase, where the whistleblower has submitted his or her concerns and try to get them to the appropriate authorities. They've now gotten to Congress. That's phase one. Phase two is if the whistleblower is identified and suffers retaliation by his or her agency, then phase two would kick in and they would have to file a complaint through the administrative process, depending upon where you work and who you report to."

Marco Werman: So, what exactly are the protections, then? If you're a whistleblower, how are you protected from any of this?

David Colapinto: Whistleblower protections for federal employees generally are weak. It is a complex process and for someone who works in the intelligence community like we're dealing with this whistleblower in the news this week, the protections are even worse. If something were to happen hypothetically to this intelligence community whistleblower — say the person gets fired tomorrow — they could file a complaint through an administrative process within the intelligence community. But do you know who has the authority to make the final decision in that case? The Director of National Intelligence is the final decision-maker. There's no judicial review. There's no right to file a complaint in court. There's no right to bring a retaliation case to a jury of your peers. And under that administrative process, who is responsible for ensuring that it is properly enforced? The answer to that is Donald Trump, the president of the United States. Congress says in the statute the president of the United States is responsible for the

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enforcement of the whistleblower laws.

"And under that administrative process, who is responsible for ensuring that it is properly enforced? The answer to that is Donald Trump, the president of the United States."

For federal government whistleblowers, what is the culture that surrounds them that maybe inhibits their willingness to step forward?

This is an unusual circumstance where I think because of the seriousness and the significance, it has received attention. Most whistleblower complaints do not receive the same level of attention. There are a lot of complaints that just get mired in the administrative process that has been set up. ... The government agencies that are assigned to investigate whistleblower complaints, like the Office of Special Counsel and the inspectors general, they are poorly funded, they don't have enough people to investigate these allegations when they come out. And so it's a very long, labor-intensive process to blow the whistle in the federal government.

How do US whistleblower laws compare to what other countries have in place?

Believe it or not, overall, the whistleblower laws in the United States are stronger than most countries. That is true for both government employees and in the private sector. The European Union, for example, has just recently mandated that corporations in Europe establish whistleblowing procedures.

The principles that they adopted are very good. They have yet to be fully implemented, and we'll see how that goes. But up until this time, it has been very difficult in a lot of countries around

the world.

What is your reaction to Trump's comments calling the whistleblower "almost a spy," not to mention his allusion to executions for traitors and spies?

It is shocking, absolutely shocking, that the head of the United States government, whose duty it is to enforce the laws protecting whistleblowers, particularly in the intelligence community, would make such a statement comparing someone who has followed the rules and done the correct thing by reporting misconduct which is being verified every day. This whistleblower was already found credible by the inspector general before the complaint became known. The fact that the president would say such a thing is just truly astonishing, and it shows how disconnected from reality he is. I'm not even sure the president understands what his role is.

"The comments by the president are very disturbing, and if the identity of the whistleblower is unmasked against that person's will, then retaliation is sure to follow."

What are you going to be looking out for as this drama continues to unfold?

The No. 1 thing is to protect the whistleblower. The comments by the president are very disturbing, and if the identity of the whistleblower is unmasked against that person's will, then retaliation is sure to follow. Certainly, there will be a smear campaign by the White House, which is already underway without knowing the whistleblower's identity, and that is the biggest concern. The rest will take care of itself in terms of

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Congress analyzing and investigating what happened and whether or not any action needs to be taken under the Constitution.

This interview has been condensed and edited for clarity. Reuters contributed to this report.

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