



POLITICS

# WHY WHISTLEBLOWERS ARE AS AMERICAN AS THE DECLARATION OF INDEPENDENCE

CALLING SHIT OUT SINCE 1777

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19h ago

Nearly 250 years ago, 10 revolutionary sailors and mariners met in secret. They had

concerns about Commodore Esek Hopkins, who, as commander of the Continental Navy, was torturing captured British sailors and treating them “in the most inhuman and barbarous manner,” according to *The New York Times*. They decided to go to Congress to tell the powers at be what they had seen. Despite Esek’s undeniable power — his brother signed the Declaration of Independence just months prior — Congress voted to suspend Hopkins from his post on March 26, 1777.

These 10 men became the first known political whistleblowers in the U.S. Since then, whistleblowers have been integral in creating the nation we know today. Some of them you might know by name — Mark Felt, Daniel Ellsberg, Edward Snowden, Chelsea Manning — but there have been hundreds of people who faced grave risk to speak truth to power and hold the country accountable to the ideals on which it was founded.

On August 12, 2019, another American exercised their right to, essentially, call shit out: An unnamed whistleblower sent a letter to U.S. Attorney General William Barr and California Representative Adam Schiff accusing President Donald Trump of conspiring with foreign leaders for personal and political gain. In the letter, the whistleblower said that Trump urged Ukrainian President Volodymyr Zelensky to dig up dirt on potential political rival and former Vice President Joe Biden and his son, Hunter Biden, and to investigate a conspiracy theory linked to the FBI inquiry of Russia’s 2016 election interference during a phone call. The whistleblower also noted that the White House may have tried to bury the transcript from that call. The letter said that Trump dangled a meeting with Zelensky as a reward if the Ukrainian President did help him, and notes that many other people in and outside the government were involved with the alleged collusion and cover-up.



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That one letter could change the course of history. Already, House Speaker Nancy Pelosi announced that the House of Representatives will file a formal impeachment

inquiry of President Trump with well over 200 Representatives supporting her call.

And in many ways, few things are more American than this. “We're a leader in this realm and whistleblowing is really in our DNA,” Allison Stanger, author of *Whistleblowers: Honesty in America from Washington to Trump* told NPR. “So that's why this particular moment is so interesting.”

This isn't the first time whistleblowing has brought the nation to the brink of presidential impeachment. Felt, who is more commonly remembered as “Deep Throat,” was a pivotal anonymous informant in the Watergate scandal, and Ellsberg released the Pentagon Papers; these two actions eventually led to President Richard Nixon's demise. Linda Tripp secretly recorded phone conversations with Monica Lewinsky and encouraged her to document the details of Bill Clinton's treatment toward her, which Tripp then gave to Independent Counsel Kenneth Starr, whose report in part led Congress to file articles of impeachment against Clinton.





“A whistleblower armed with the truth wields enormous pressure on wrongdoings and folks who believe that they have a way to do whatever it is they want to do,” **Tripp told ABC News in 2018**. “But it all comes at an enormous price for the whistleblower.”

It's true: **David Colapinto**, a lawyer and one of the founders of the **National Whistleblower Center**, told MTV News that whistleblowers risk losing their careers, damaging their reputations, and even “bodily harm.” Think of **Snowden, the former CIA employee** who, in 2013, leaked classified information from the NSA that showed the extent of the global surveillance programs run by the American and British government. The U.S. government filed a criminal complaint against him, and he's now living in asylum in Russia. And many people would consider Snowden lucky by whistleblower standards: **Frank Serpico**, a New York City police officer who confronted the corruption within the police department was shot in the face during a botched drug raid. He lived but left the U.S. a year after the 1971 attack.

So it should come as no surprise that today's whistleblower wants to keep their identity a secret. Moreover, they have a right to keep their identity confidential, and unmasking who the whistleblower is is dangerous not only for the individual but also for the public perception of the case.

“This is going to become a very hot political issue in the United States, and people are going to be taking sides,” Colapinto told MTV News. “People are going to be charged up and there is a tactic that is often used in political fights of this nature: Shoot the messenger to distract, go on a smear campaign, those types of things to discredit a whistleblower, which has nothing to do with the merits of the case.”

Trump and his supporters are already doing that with time to spare. On September 27, the president claimed via tweet that the whistleblower could be a “**partisan operative**,” and called their information “**Another Fake News Story**,” and their actions “a political hack job,” **according to NPR**. He even seemed to threaten the whistleblower, saying

whoever shared the details was “close to a spy” and that “in the old days” spies were dealt with differently, *the New York Times reported*.



**Donald J. Trump**

@realDonaldTrump

Sounding more and more like the so-called Whistleblower isn't a Whistleblower at all. In addition, all second hand information that proved to be so inaccurate that there may not have even been somebody else, a leaker or spy, feeding it to him or her? A partisan operative?

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While most congresspeople aren't making grand statements specifically about the whistleblower just yet, *Texas Republican Senator John Conron echoed Trump's statements, tweeting*: “How can you be a whistleblower if you are merely relying [sic] what other, unnamed people are telling you, i.e., no personal knowledge?”

Whistleblowing has always been a risky and controversial exercise, and attempting to take down the person who leaks information as a means to weaken the entire investigation is nothing new. When Ellsberg leaked the Pentagon Papers, then-President Nixon had a unit in the White House break into his psychiatrist's office to find dirt on Ellsberg and leak it to the press.

“It serves to discredit [the whistleblower] and hopefully that people won't take it seriously,” Colapinto said of such smear campaigns. “It's really engaging in a campaign against the individual who is not equipped to play on the same level. It's not a level playing field to have the operation of the White House working against an individual.”

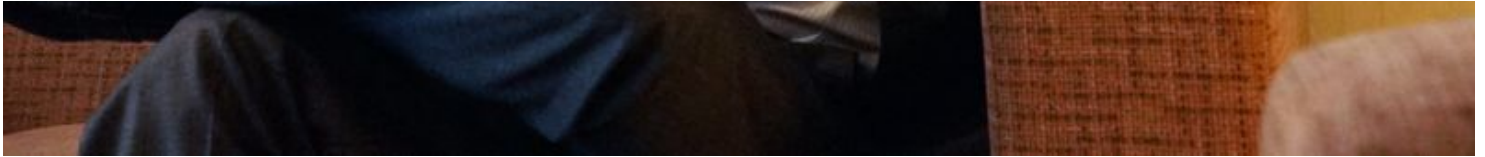
There are protections on whistleblowers in the U.S., and whistleblower complaints are supposed to follow a distinct process to better ensure those protections are honored and upheld. This process has understandably changed since 1777: Those 10 men went



directly to Congress with their complaint, but modern-day whistleblowers have to follow a procedure outlined in the **1998 Intelligence Community Whistleblower Protection Act**, in which they submit a complaint to the Inspector General. The IG has 14 days to review the concern, determine if it's credible, and decide whether or not it falls into the category of an urgent concern, which is a flagrant violation of law or abuse of authority. If they find it is credible and urgent, they must submit it to the Director of National Intelligence, who has seven days to send it to Congress, either alone or with a statement of position by the agency. Then, their job as a whistleblower is essentially done.

But that's not what always happens. There have only been a few public-facing political whistleblowers since the 1998 law was enacted, including Manning, Snowden, and the whistleblower currently in the news. Snowden bypassed the system by confiding in journalist Glenn Greenwald and **Manning bypassed the system** by illegally sending troves of classified documents to WikiLeaks. For what it's worth, both of them had their individual reasons for not following protocol — Manning said she decided to send the documents to Wikileaks for “practical reasons,” **according to the *New York Times***.





by Barton Gellman/Getty Images

The current whistleblower, though, did everything according to the procedure — and things still got messy.

The IG took his 14 days to review the concern, determined that it was a credible and urgent concern, and submitted it to the Director of National Intelligence, Joseph Maguire.

“That actually helped in this case because you can't say, OK, there's no merit to what's being said here,” Colapinto told MTV News. “This isn't just something that somebody made up or is unfounded or is a wild accusation. This is a serious charge against the President and it is well-founded. So in that sense, the statute [helps] the whistleblower.”

And that's where things broke down.

Maguire had seven days to decide to take the complaint to Congress alone or to take the complaint to Congress along with a statement. Instead, the first group he told about the accusations about Trump and his White House was Trump's White House, *according to the Washington Post*. Then, he went to the Department of Justice, which is run by Attorney General William Barr, who is also mentioned in the whistleblower complaint.

*Maguire testified on September 27* that he withheld the complaint for a host of reasons, including that there could have been some presidential privilege. Mostly, though, it seemed that he just didn't know what to do. He said it was an “unprecedented” matter about 100 times, and reminded Congress that he had been in the position for just a few weeks.

Now, finally, Congress has the complaint — and it's already changing the current trajectory of government, as the House works through their scheduled recess to assess

it.

“The [whistleblower] complaint gives us a pretty good road map of allegations that we need to investigate,” **Intelligence Committee Chair Representative Adam Schiff (D-CA) told reporters on September 26.** “There is a whole host of people apparently who have knowledge of these events.”

Intelligence Committee member Representative Raja Krishnamoorthi (D-IL) told reporters Thursday that the group intends to talk to the whistleblower first. “I am concerned about the president making the statements he has about the whistleblower and whether he’s going to retaliate against [them],” the Congressman said, **according to Reuters.** “We have to do everything we can to protect the whistleblower.”

Not everyone is following Krishnamoorthi’s lead, though: **The New York Times has already published information about** the whistleblower, despite acknowledging in that same piece that doing so “was dangerous.” The *Times*’s executive editor, Dean Baquet, **said they decided to publish the** story anyway to “provide information to readers that allows them to make their own judgments about whether or not [the whistleblower] is credible.”

Whether that should be considered a good enough reason or not, it’s clear that the information this whistleblower provided is important not only to the government but to the American people as well. Despite the dangers whistleblowers face, if they believe they’re protecting something bigger than their own safety — something that could change the course of history — it might be worth the risk.

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