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THE REGISTER CITIZEN

Opinion: We must strengthen whistleblower protections

By Preston Tisdale
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Photo: Associated Press

Then-National Security Council aide Lt. Col. Alexander Vindman testifies before the House Intelligence Committee on Capitol Hill in Washington last year during a public impeachment hearing of President Donald Trump's efforts to tie U.S. aid for Ukraine to investigations of his political opponents.

It takes tremendous courage to speak out publicly and to expose wrongdoing at your company, the government agency where you work, or to call out fellow police officers who overstep their authority. Even with existing laws to protect these whistleblowers, there can be significant repercussions.

And it is getting worse. Whistleblowers are under attack. That can have a chilling effect on society, potentially allowing fraud, conflicts of interest, injustice and even corruption to remain hidden.

Whistleblowers shed light on incompetence and corruption that would otherwise go unseen. They provide public service in all areas of society.

Recently, in response to a wave of protests sparked by the killing of George Floyd in Minneapolis and other Black Americans, the Connecticut state Legislature passed an important police accountability bill designed to improve policing in Connecticut.

One crucial aspect to the bill involves the duty to intervene if they see an officer using excessive force. Thankfully, there is a law on the books designed to protect police officers who call out fellow officers for their wrongdoing. While this bill is a step in the right direction, one concern is that despite the laws that protect whistleblowers, they still may face repercussions.

Unfortunately, amid the COVID-19 pandemic, we've seen alarming attempts to punish whistleblowers.

The highly publicized case of Dr. Rick Bright is just one example. He was ousted as director of the Department of Health and Human Services' Biomedical Advanced Research and Development Authority because he spoke up.

Well in advance of COVID-19 becoming a pandemic, he warned the Trump administration of the urgent need to stock up on masks and related supplies.

When Bright testified before Congress in May he said that lives were lost due to the federal government's painfully slow response to the pandemic. He said he was retaliated against for opposing the use of hydroxychloroquine, the dangerous chemical that President Trump advocated as a preventative treatment for the virus.

In response to speaking up with the truth, he was bounced from his high-ranking position and verbally attacked by President Trump and other administration officials. Trump called him a "disgruntled employee."

Whistleblowers, and, incidentally, the news media, are key to keeping the powerful from hiding questionable and often self-serving arrangements. Throughout history, they have had enormous impact. Whistleblowers exposed Watergate, the failures of the Vietnam War and the massive accounting fraud that brought down Enron and WorldCom. They exposed secret Swiss bank accounts and the health dangers of nicotine in tobacco products.

According to the D.C.-based National Whistleblower Center, a whistleblower typically works inside the organization where the wrongdoing occurs. But it's not always necessary to be an agency or company "insider." What is important, according to the center, is that the individual discloses information about wrongdoing that would not be otherwise known.

Unfortunately, current whistleblower protection laws are no longer sufficient. Retribution still occurs.

Some states even have made it a crime for employees to file public complaints about the employer. The twisted logic: "You really weren't intending to be an employee. You got a job here so you could go undercover and try to find something to expose."

During the Trump impeachment hearings, a crucial witness, Lt. Col. Alexander Vindman, was prematurely transferred back to the Pentagon from his position at the White House National Security Council. He had publicly testified that he was alarmed after hearing Trump ask Ukrainian president Volodymyr Zelensky to investigate former Vice President Joe Biden and his son. "It is improper for the president of the United States to demand a foreign government investigate a U.S. citizen and a political opponent," he said.

Vindman, a 44-year-old Purple Heart recipient, was escorted out of the White House just two days after the Senate failed to convict Trump on the charges for which he had been impeached.

Clearly, whistleblower protection is insufficient. In many cases, laws protect the anonymity of the whistleblower but there are times, as with Vindman, when their identities become public. They are still being retaliated against.

They are courageous despite the potential, and even likelihood, of being scorned. They often live in fear of reprisals.

We need to protect the whistleblower in these cases and others. The laws are weak. We must maintain the integrity behind the intent of the whistleblower laws. We need to do more.

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