February 10, 2020

The Honorable Mitch McConnell                           The Honorable Chuck Schumer
Senate Majority Leader                        Senate Minority Leader
317 Russell Senate Office Building                322 Hart Senate Office Building
Washington, DC 20510                           Washington, DC 20510

Dear Majority Leader McConnell, Minority Leader Schumer, and Members of the United States Senate:

The Government Accountability Project, the Liberty Coalition, the Project On Government Oversight (POGO), and the Taxpayers Protection Alliance urge the Senate to send a strong signal to whistleblowers that they are valued and will be protected if they disclose wrongdoing, by amending to the Senate rules to clearly state that senators are prohibited from outing a whistleblower who has worked through proper channels.

Since early November 2019, Senator Rand Paul (R-KY) has engaged in escalating attacks on the confidentiality of the intelligence community whistleblower who used proper channels to report concerns about President Donald Trump’s July 25, 2019 call with the president of Ukraine.1 The whistleblower has expressed their desire to remain anonymous, but Senator Paul’s attacks have continued, and he recently delivered remarks on the Senate floor that included the name of a federal employee alleged to be the whistleblower.2 It is irrelevant whether Senator Paul has correctly identified the whistleblower; he has made it clear that his goal is to expose the whistleblower’s identity, and that alone is enough to deter future whistleblowers from coming to Congress.

Whistleblowers are vital to our system of government. Disclosures from brave public servants have sparked congressional investigations, led to important reforms, returned money to taxpayers, and saved lives.3 When the Department of Justice didn’t comply with the congressional investigation into Operation Fast and Furious, the cooperation of federal whistleblowers ensured that oversight continued.4 A disclosure by Army whistleblower Mike Helms led the Department of Defense to change its policies on providing medical care to civilians wounded in combat zones.5 An anonymous whistleblower worked

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with POGO to expose how the Air Force was wasting millions of dollars that had been appropriated for post-9/11 counterterrorism work to instead fund luxury flight accommodations for senior leadership.\(^6\)

These are just a few examples from a long history of whistleblowers’ service to our country. Without these insiders coming forward, it is uncertain whether the wrongdoing they expose would ever come to light. They are truly invaluable to Congress.

As the branch of government entrusted with “all legislative powers,” Congress has a constitutional duty to conduct oversight of trillions of dollars in spending as a key function of our system of checks and balances.\(^7\) Congressional oversight benefits when individuals speak up when they see wrongdoing. Whistleblowers are fundamental to Congress’s ability to exercise its oversight authority.

Actions like those taken by Senator Paul will do lasting damage to Congress’s chances of hearing from whistleblowers in the future. In fact, a recent survey of federal employees highlighted the troubling finding that over one-third are now less likely to report wrongdoing to the appropriate authorities, due to attacks on the intelligence community whistleblower from the president and Members of Congress.\(^8\)

Senator Paul claims that his attacks against the federal employee suspected of being the whistleblower are fully consistent with Senate rules and the law.\(^9\) While that may be true, it does not make his actions right. It is vital for the Senate to send a signal, stronger than the one sent by Senator Paul, to whistleblowers that if they come forward to expose wrongdoing, Congress will protect them.

We therefore urge you to amend the Senate rules to clearly state that outing a whistleblower who is working either with Congress or through protected channels established in law will not be tolerated by Members or their staff.

Sincerely,

Government Accountability Project
Liberty Coalition
Project On Government Oversight
Taxpayers Protection Alliance

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\(^7\) U.S. Constitution art. I, § 1.

\(^8\) Survey Data: Impeachment Findings, Government Business Council, December 16, 2019, 10. [https://admin.govexec.com/media/gbc/docs/pdfs_edit/121619results.pdf](https://admin.govexec.com/media/gbc/docs/pdfs_edit/121619results.pdf)