

From: Schmaler, Tracy (SMO)
To: 'Schultz, Eric'; Miller, Matthew A (SMO)
Sent: 6/30/2011 10:46:50 AM
Subject: RE: The Atlantic: The Obama Administration's Whistleblower Problem

ATF has denied on the record it was retaliation. I haven't gotten calls either but have seen the ruling. Need to be cognizant of timing - ruling came out a year ago. **DP**
DP The other helpful fact - he didn't work in Phx or on this op - I believe he's from California.

From: Schultz, Eric [mailto: **Eric H. Schultz**]
Sent: Thursday, June 30, 2011 10:34 AM
To: Schmaler, Tracy (SMO); Miller, Matthew A (SMO)
Subject: FW: The Atlantic: The Obama Administration's Whistleblower Problem

DP

DP I'm happy to direct reporters to this but nobody is calling me about it. Think we could get someone to point this out?

<http://www.theatlantic.com/politics/archive/2011/06/the-obama-administrations-whistleblower-problem/241262/>

The Obama Administration's Whistleblower Problem

By Conor Friedersdorf

Jun 30 2011, 7:10 AM ET [Comment](#)

An ATF agent claims he was fired for publicly criticizing an ill-fated program. Is the president's reputation for targeting leakers about to get worse?

Somewhere in the federal bureaucracy, there is a middle-aged woman sitting in a cubicle wearing business casual clothing, eating a turkey sandwich from a brown paper bag, and trying to decide whether the government misconduct she's privy to should be exposed. Perhaps her agency is infringing on the constitutional rights of American citizens, or violating statutory law, or merely wasting millions of taxpayer dollars. Or it could be that the particular failure threatens national security, or public health, or the robustness of the international or national economy.

Our dutiful bureaucrat doesn't have to ponder the matter for long. She knows what she ought to do: inhale, put cool steel to pursed lips, and blow the whistle. Inside the bathroom stall at work, in her Hyundai sedan during the evening commute, and worst of all in bed at night, she weighs her duty to the American public against the consequences that will befall her husband, kids, and shelter-adopted mutt if her superiors fire her for making them look bad. Somewhere in the federal bureaucracy, this woman or someone like her hasn't decided what she'll do -- and she is less likely to come forward now than she was when the Obama Administration took office because, for reasons big and small, fair and possibly unfair, it has acquired a reputation for retaliating against whistleblowers.

The most recent example is practically breaking news. In A Fox News interview, a Bureau of Alcohol, Tobacco and Firearms agent claimed Tuesday that he was fired for helping to expose the now infamous "Fast and Furious" operation. That was the code name given when ATF agents permitted criminals to illegally smuggle guns into Mexico in hopes of tracing them to big time drug traffickers. As the Houston Chronicle reports: "The weapons purchased in gun stores in and around Phoenix, as many as 2,500, got away from ATF surveillance and eventually reached the cartels in Mexico."

Oops.

Did the agent get fired for testifying before Rep. Darrel Issa's (R-Calif) inquiry into the matter? As yet, the truth hasn't outed. Since his allegations are being reported credulously on national television, however, the White House should address them, if only for the sake of our turkey sandwich eating bureaucrat. An executive branch with a better track record might be able to rely on its reputation. Unfortunately, Team Obama has a tattered reputation on the subject of whistleblowers.

Why?

- 1) Its prosecution of Thomas Drake, a former National Security Agency employee who helped a reporter write about waste and mismanagement at that agency. His case is the subject of this lengthy Jane Mayer piece in the *New Yorker*.
- 2) Last year an FBI linguist observed something he took to be illegal, informed a blogger of whatever it was, and got sentenced to 20 months in prison. Not even the judge knows what he leaked.
- 3) The Obama Administration is trying to force *New York Times* reporter James Risen, whose national security reporting has exposed vital information during three presidencies, to reveal a confidential source.

The significance of his case is explained here.

- 4) Although the arrest and prosecution of Bradley Manning is defensible, his treatment in custody has been indefensible, and sent a powerful signal to potential whistleblowers in the military.

"In 17 months in office," *The New York Times* reported earlier this month, "President Obama has already outdone every previous president in pursuing leak prosecutions. His administration has taken actions that might have provoked sharp political criticism for his predecessor, George W. Bush, who was often in public fights with the press." And how *should* we treat whistleblowers instead? Succinctly put, "their acts of courage and patriotism, which can sometimes save lives and often save taxpayer dollars, should be encouraged rather than stifled."

Those are the words of candidate Barack Obama.