

OBAMA PROVIDES PAPER PROTECTION FOR WHISTLEBLOWERS ... WHY NOW?

Yesterday, Obama issued an Executive Order setting up nominal protection for national security whistleblowers who go to their chain of command (though not, apparently, the Special Counsel or Congress).

While they caution this doesn't amount to sufficient protection—because it doesn't offer legal review, and doesn't protect disclosures to Congress—people I trust on Whistleblower issues (Project on Government Oversight, Government Accountability Project, and ACLU, for example) welcome this as a good first step.

And I was pleasantly surprised by this language, too, extending protection not just to reporting of “abuse” but also “violation of law.”

The term “Protected Disclosure” means:
(a) a disclosure of information by the employee to a supervisor in the employee's direct chain of command up to and including the head of the employing agency, to the Inspector General of the employing agency or Intelligence Community Element, to the Director of National Intelligence, to the Inspector General of the Intelligence Community, or to an employee designated by any of the above officials for the purpose of receiving such disclosures, that the employee reasonably believes evidences
(i) **a violation of any law**, rule, or regulation; or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; [my emphasis]

Call me crazy, but there have been people persecuted for reporting even (especially!) law-breaking in the intelligence community.

What I'm really curious, though, is what explains the timing of this? It's not like Obama has halted all the current cases against whistleblowers (indeed, the order only protects whistleblowers for actions after procedures are set up, which the order doesn't require for 270 days). And while Congress did pass whistleblower protections last month, the bill has to make it through the Senate.

Is this an attempt to stave off court rulings because whistleblowers don't have other alternatives but leak? Is it a response to an undisclosed incident of retaliation for an example of serious abuse (I'm thinking of Benghazi, or General Kip Ward, or something like that)? Is it a pre-election effort to counteract Obama's well-deserved reputation as someone who doesn't support whistleblowers? Is it just a way to put in place mechanisms to rein in Mitt (this doesn't go into effect until July) if he wins the election? Or has the Obama Administration finally recognized that there are reasons DC is a leaky sieve and some of those reasons are entirely justified, apolitical reasons?