

GOVERNMENT ACCOUNTABILITY PROJECT

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June 26, 2006

Honorable Daniel Akaka
United States Senate
141 Hart Senate Office building
Washington, D.C. 20510

Dear Senator Akaka,

This letter is to offer appreciation and give credit where it is due for your unique congressional leadership for good government. Last week the Senate passed S. 494, your legislation to restore the Whistleblower Protection Act for employees of the federal civil service. For good government activists, this was a miracle. It occurred because of your marathon commitment through the Senate Homeland Security and Governmental Affairs Committee. Thanks to you, individuals who defend the taxpayers again may have a fighting chance to defend themselves.

What will this reform do if it becomes law? Most immediately, it erases the accountability gap created by the Supreme Court in June, which canceled constitutional free speech rights for government employees carrying out their job duties. More generally, once enacted the legislation will be the strongest free speech law in history for federal employees. It restores the high water mark of free speech rights on paper in the original Whistleblower Protection Act, with a credible structure of judicial review for the first time, finally applied to the most significant, previously uncovered scenarios such as security clearance harassment of those exposing breakdowns in the nation's safety net against terrorism.

There is one more challenge for your bill to become law -- overcoming partisan pressures to earn a consensus in a conference committee with the House of Representatives. You are one of the few Senators capable of achieving that all too rare result.

A brief review of the bill's history makes that conclusion obvious. After a disastrous 1999 court ruling, whistleblower rights advocates reluctantly conceded we would have to convince Congress to reenact this law for the fourth time since 1978. The cause was repeated intervention by a hostile, activist court with a monopoly of judicial review which effectively canceled the law. Numerous Senate offices directed me to you as the leader who had to be convinced. The reason? If you believed a problem was

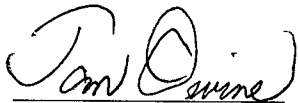
genuine, your credibility, both with Republicans and Democrats, meant the issue would be respected as serious.

Your subsequent, unwavering commitment and stamina continued for six years until we won, no matter which party was in the majority. I also learned another reason for your credibility with other Senators -- exhaustive in-depth research to support every change you advocated. Whenever there was a genuine opportunity for progress, you made the extra effort. No matter how frustrated, you never eased up. Without exception, you sustained a record as graciously polite and unfailingly professional -- an understated demeanor that fostered your impact as a pit bull in the public interest.

Your approach to moving legislation reflects how you make a difference in the Senate. You have earned the majority's respect and trust through hard work and playing it straight without exception. Trust is the key to making a difference in the Senate, and you have it. The constructive partnership between you and Homeland Security and Governmental Affairs Chairman Susan Collins proves that bi-partisan, collegial partnerships for good government are not extinct, only endangered.

The Government Accountability Project is a non-partisan whistleblower support organization, so I am not eligible to be an advocate for or against any political candidate. But I can say that our country needs leaders like you in the Senate. Too many politicians engage in bluster whose real goal is self-promotion, although it sabotages their ability to get results that actually help Americans. You have followed the approach of a public servant who relies on leadership by example. That's why noisy politicians make headlines, while you have made a difference. On behalf of some 4,000 whistleblowers who have turned to me for help since 1979, thanks!

Appreciatively,

A handwritten signature in cursive script that reads "Tom Devine". The signature is written in dark ink and is positioned above the typed name.

Tom Devine
Legal Director
Government Accountability Project