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Legal justice for servicemembers

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By Lt. Col. Daniel L. Davis, USA (Ret.)

The US Government emphatically states through the website of its Office of Personnel Management that "employees have a responsibility to report waste, fraud and abuse," and that the American "public is also invited to share such concerns." In order to ensure an efficient and honest government, there are programs in place to allow the people who work in the government to report, free from retaliation, when fraud, waste, or abuse occurs. Yet all too often when people decide to take the risk by reporting wrongdoing, they not only aren't protected, but are attacked by the very government whose interests they seek to protect.



The most recent example of this sad penchant involves recently retired Army officer Lt. Col. Jason Amerine, a highly decorated combat veteran. In late 2013 he was part of an exclusive cell operating out of the Pentagon charged with trying to gain the release of US hostages in various parts of the world. Amerine saw firsthand the **dysfunctional interagency squabbling** that sabotaged efforts to win the freedom of some American hostages. He was so incensed by the failures of the agencies that he approached a member of Congress to report the matter. But in January of this year, one of the organizations of that dysfunctional team – the Federal Bureau of Investigations – sought to put Lt. Col. Amerine "in his place" by asking the Army to open an investigation, stripping him of his security clearance and effectively silencing any further actions.

The inability of the multiple government agencies to work together might have been a contributing factor in the **death of one hostage** and caused the US to pay a significantly **higher strategic price** for the release of another. Amerine officially retired from the Army this month, without any charges filed and was awarded the Legion of Merit. While it is gratifying to see Amerine justly cleared of all allegations and winning back his personal honor, the question must be asked: what happened to the individuals in the FBI and CID who were responsible for retaliating against him? The personal hell whistleblowers suffer cannot be overstated.

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In 2012 after returning from my second combat deployment to Afghanistan, like Amerine, I approached several members of the House and Senate to tell them the claims of our most senior civilian and military leaders that the war was going well were simply untrue. I also published an unclassified report exposing the truth. As a result I was treated like a pariah. Daily life became almost unbearable, as I was marginalized by superiors; even friends and coworkers feared to be seen talking to me. I can only imagine how much worse life was for people like Jason Amerine who were subjected to punitive and baseless investigations.

Changes must be made so that governmental agencies and officials are not able to wantonly make spurious accusations against men and women who blow the whistle on fraud, waste, or abuse in an effort to silence them. By making the whistleblowers pay a high personal price, some in the government send a quiet message to others who may consider exposing wrongdoing: don't even think about saying anything because we'll make your life a living hell. Help may be on the way.

Working in conjunction with the Project On Government Oversight (POGO), Senator Barbara Boxer (D-CA) and Representative Jackie Speier (D-CA) introduced the "Legal Justice for Servicemembers Act," which seeks to redress some of the weaker points of existing whistleblower protection provisions. Some of the key features of this bill include permitting legal challenges to retaliatory investigations, establishing fair burdens of proof to establish retaliation, and giving the Inspector General the authority to issue a 90 day "stay" on alleged retaliation while it completes its investigation.

America needs men and women in military service with the moral courage to tell the truth. They carry out a valuable service to the nation by helping to keep government officials honest and by bringing to light situations that need redress which otherwise would remain buried. The least we can do for the courageous people who keep our government accountable is to provide them with legal safeguards.

Lt. Col. Daniel L. Davis, USA (Ret.) – His work on defense, foreign affairs and social issues has been published in The New York Times, Financial Times, CNN, The Guardian, U.S. News & World Report, and other publications. He was also the recipient of the 2012 Ridenhour Prize for Truth-Telling. Please note this op-ed previously appeared in The Hill.



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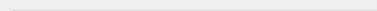
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