

June 16, 2020

Open Letter From Law Enforcement Whistleblowers to Congress

We are law enforcement officers who have dedicated our lives to protecting the public. We also have blown the whistle on law enforcement abuses of power that betray our mission by endangering the public's rights or lives. Now more than ever before, America is blowing the whistle on deeply ingrained abuses. The truth is changing the course of history. Congressional and local leaders are proposing sweeping reforms. It is long overdue that America holds our profession accountable.

Why is it accountability so overdue? You need proof. That is why those reforms will not make the difference they should without whistleblower protection. While videos have sparked a national awakening, defending freedom needs more than a smartphone. In many cases, it requires testimony from those willing to bear witness. The only witness may be a fellow officer. That means these reforms will not work as intended unless they directly attack the Blue Wall of Silence that permeates law enforcement.

Deep-seated cultural bias has made it a lonely, dangerous struggle for those exercising their free speech rights to hold their fellow officers and leaders accountable. Law enforcement whistleblowers don't just risk putting their careers in a chokehold. In too many instances, we have risked our lives. Whistleblowing for us is "committing the truth," because we are treated as if we had committed a crime.

Accountability often is impossible without testimony from those who bear witness. So if there are no anti-retaliation rights in police abuse legislation, its reforms may be left unenforced. Unenforceable laws can intensify community backlash, because they are magnets for cynicism and resentment. That is why Congress included whistleblower protection in over 60 federal remedial laws. Now the same standards need to be in police bills for the reforms to be credible.

How can whistleblowers make a difference enforcing police reforms? We know from experience that every rule has exceptions, and that law enforcement officers must be able to defend themselves and the public against serious threats of death and bodily harm. However, their testimony could turn citizen rights into reality for major safeguards that must be the rule such as:

- the ban on chokeholds;
- controls on other deadly force;
- expanded liability;
- pattern and practice investigations,
- oversight of mandatory body cameras;
- restrictions on No Knock warrants;
- controls on transfer of military equipment to state and local police;

- open and transparent forensic crime laboratory operations; and
- accurate and complete records for a national registry.

Most fundamental, the truth, the whole truth and nothing but the truth is the foundation for oversight and enforcement, whether it is through police internal affairs investigations, citizen review boards, or congressional hearings. That means a legal protection for those who report evidence of wrongdoing. Without it, those new controls may be a mirage in reality.

We have risked our careers, and sometimes our lives, despite no credible protection against retaliation. But it has been a lonely battle against the Blue Wall of Silence. New police reforms will have to reverse a longstanding way of life that has sustained accountability-free abuses of power. That will not happen unless our trickle of truth turns into a river. That river will not flow without legally safe channels to commit the truth.

Respectfully submitted,

Frank Serpico
Former New York City police officer

Jay Brainard
Federal Security Director
Transportation Security Administration

Matthew Fogg
Former U.S. Marshal

Lynn Gannon,
Former Special Agent, [Department of Interior OIG (and three others previously)]

George Greco
Former Drug Enforcement Administration Special Agent

Richard Larrabee,
Special Agent, U.S. Department of Interior

Robert MacLean
Former Federal Air Marshal

Keith McNichols
Special Agent Drug Enforcement Administration

Fred Whitehurst
Former Supervisory Special Agent, FBI
Co-Chair, National Whistleblower Center

Steve Zanolvic
Former Deputy U.S. Marshal

Cc: The Honorable Jerry Nadler,
Chair, U.S. House Judiciary Committee

The Honorable Jim Jordan,
Ranking Member, U.S. House Judiciary Committee

The Honorable Carolyn Maloney,
Chair, U.S. House Oversight and Reform Committee

The Honorable Mark Meadows,
Ranking Member, U.S. House Oversight and Reform Committee

The Honorable Lindsey Graham,
Chair, U.S. Senate Judiciary Committee

The Honorable Dianne Feinstein,
Ranking Member, U.S. Senate Judiciary Committee

The Honorable Ron Johnson,
Chair, U.S. Senate Homeland Security and Governmental Affairs Committee

The Honorable Gary Peters,
Ranking Member, U.S. Senate Homeland Security and Governmental Affairs Committee

Members of the U.S. Senate Whistleblower Protection Caucus

Members of the U.S. House Whistleblower Protection Caucus