

Thomas Michael Devine

Education

J.D., Antioch School of Law, Washington, D.C., 1980.

B.A., Georgetown University, Washington, D.C., School of Government (Political Theory), Phi Beta Kappa, Cum Laude, captain of debate team that set national record for tournament championships, selected for All-American debate team, winner of Gaston White and Merrick medals as best freshman and varsity debater, respectively.

Legal Experience

ASSOCIATE DIRECTOR. Government Accountability Project (GAP), Washington, D.C., 1979-80.

As part of degree program, founded still existing law school apprenticeship clinic for legal representation and analysis specializing in the law of dissent.

LEGAL DIRECTOR. GAP, 1980-present. Upon graduation, assumed leadership of organization's substantive work, including litigation, investigations, legislative advocacy, media outreach and grass roots public education. Overall, has formally or informally helped over 7,000 government or corporate "whistleblowers." As part of duties, testified in Congress over 50 times, authored friend of the court briefs in fora ranging from administrative boards to the Supreme Court, and served as an expert witness on the law of dissent. Been a leader in successful campaigns to pass or defend 34 whistleblower laws or policies from the municipal to the international level, including the Whistleblower Protection Act of 1989; the Military Whistleblower Protection Act; and jury trial rights for federal DOE and NRC whistleblowers in the 2005 Energy Policy Act; as well as corporate employee protection provisions creating a right to jury trial in the 2002 Sarbanes-Oxley law and 12 newly-enacted specific corporate statutes; federal law requiring U.S. representatives to World Bank and other multilateral development banks to create whistleblower policies equivalent to Sarbanes Oxley law; congressional bans on nondisclosure agreements that imposed blanket prior restraint as a generic condition for receiving or retaining security clearances; Washington state and Washington, DC whistleblower statutes that established new "best practices" at the state and municipal level; won case establishing U.N. precedent for international organizations that employees may blow the whistle publicly and led campaigns that resulted in corresponding free speech policies at the UN, World Bank and African Development Bank. Monitored implementation of laws and led efforts to reinforce original provisions, such as government whistleblower rights in fourth generation after a 13 year campaign to pass the Whistleblower Protection Enhancement Act. Made 14 trips to Serbia to serve as a primary expert helping to draft that nation's whistleblower law; develop implementation procedures; and train judges, law enforcement officers and prosecutors on its provisions as a consultant or for GAP. Founding member and on Board of Whistleblowers International Network. Shared leadership or participated actively in periodic campaigns that stopped defense and health industry from gutting the False Claims Act. Hasn't lost a retaliation case since 2006, and was on counsel team for 2016 Supreme Court victory preserving the Whistleblower Protection Act in *Department of Homeland Security v. MacLean*. Helped whistleblowers to dissent more effectively through leadership role in successful campaigns to: prevent approval or withdraw dangerous prescription drugs from the market such as Vioxx and Paxil for teenagers; prevent licensing of two nuclear power plants suffering systematic violations of quality assurance laws; obtain overhaul of Three Mile Island cleanup; prevent deregulation of meat and poultry inspection; end "Star Wars" anti-ballistic missile defense model; expose mission breakdowns at agencies charged with protecting whistleblowers, and pass law to restore structural integrity to U.S. Forest Service law enforcement program on timber theft. Served as member of Department of Health and Human Services Commission on Research Integrity, charged with drafting whistleblower protection rules whose adoption will be a condition for

universities, or any other institutions, to receive federal research funds.

Initiated international freedom of expression program, drafting model whistleblower protection law approved by Organization of American States, shared leadership of campaign that led to United Nations whistleblower policy as the first Intergovernmental Organization to legalize public freedom of speech, and was subsequently adopted by the World Bank and other IGO's; served as an expert for drafting and training to implement Serbian whistleblower law, OAS and African Union whistleblower policies for their staffs, and advocacy of freedom of expression as indispensable human rights dimension for anti-corruption campaigns at law school and U.S. State Department conferences or speaking tours in Argentina, Iceland, Ghana, Jamaica, Macedonia, Mexico, Slovakia, South Africa, Tanzania and D.C., as well as seminars for over 300 foreign visitors to Washington, DC in State Department sponsored meetings. Dubbed by U.S. State Department staff as "Ambassador Whistleblowing." Founder and Board member for Whistleblowers International Network. Regular participant at conferences organized by institutions such as the UN, OAS, Organization for Economic Cooperation and Development (OECD), Public Service International (PSI) global public employees union, and International Whistleblower Research Network. Conducts training both for international and domestic law enforcement and investigative agencies on how to work most effectively with whistleblowers.

CONSULTANT/EXPERT. Management Systems International, Inc. Expert to play leadership role in preparing Serbian whistleblower law that was enacted, and subsequently train the nation's judges. Preliminary work to develop whistleblower programs for Indonesian agencies. (2013-2016)

ADJUNCT PROFESSOR. Antioch School of Law/District of Columbia School of Law. Teaches classes and supervises clinical program in whistleblower protection (1981-2007, 2013, 2015-current)

RESEARCH ASSISTANT/WRITER. Dobrovir, Oakes and Gebhardt, Washington, D.C. (1976-78) Researched and analyzed Freedom of Information Act documents. Co-authored report on the Malek-May Manual to circumvent the civil service laws for federal hiring.

Related Experience

STUDENT LOBBYING DIRECTOR. Youth Franchise Coalition, Washington, D.C., 1969-70. Directed successful national student campaign and congressional advocacy effort to include 18 year old vote as part of the Voting Rights Act of 1970.

CO-DIRECTOR. Project 18, Chicago, Illinois, 1970. Shared leadership of drive that registered 200,000 newly-enfranchised 18-20 year old voters.

Board of Directors, Disaster Accountability Project. 2007; Board member: 2007-to date.

Berrett-Koehler Author's Coop Board of Directors. 2011-2014.

Whistleblowers International Network (2017-to date)

Awards

Hugh Hefner First Amendment Award (Government), 1989.

National Magazine Award (public interest category, co-winner), 1990.

American Bar Association, Young Lawyers Division -- honored as one of top 20 young lawyers for "Making a Difference," 1990.

Fund for Constitutional Government – 1998 Defenders of the Constitution Award

Freedom Forum – 2006 Freedom of Information Hall of Fame

Washingtonian Top Employment Lawyers list – 2010-2019.

Publications (Authored or co-authored)

BLUEPRINT FOR CIVIL SERVICE REFORM, Fund for Constitutional Government, 1976.

ABUSE OF AUTHORITY: THE OFFICE OF SPECIAL COUNSEL AND WHISTLEBLOWER PROTECTION, 4 *Antioch Law Journal* 5 (1986)

PROFESSIONAL CODES OF CONDUCT -- THE GAP BETWEEN VALUES AND REALITY, presented to and published by International Electrical and Electronic Engineers Society (1986)

WHISTLEBLOWER PROTECTION -- THE GAP BETWEEN THE LAW AND REALITY, *Howard Law Journal* (1987)

BEWARE THE BIG BROTHER MODEL, presented to and published by the International Electrical and Electronics Engineers Society. (1988.)

THE WHISTLEBLOWER SURVIVAL GUIDE: COURAGE WITHOUT MARTYRDOM, Fund for Constitutional Government. (1997)

THE CHILLING EFFECT OF INVOLUNTARY EXPOSURE: presented to and published in proceedings for conference on anonymity in internet communications by the American Association for the Advancement of Science. (1997)

SECRECY AND ACCOUNTABILITY IN SCIENTIFIC RESEARCH, XIII Forum for Applied Research and Public Policy 65. (1998)

THE WHISTLEBLOWER PROTECTION ACT OF 1989: FOUNDATION FOR THE MODERN LAW OF EMPLOYMENT DISSENT, *Administrative Law Journal* (Publication of American Bar Association Section of Administrative Law and Regulatory Practice) (1999)

THE ART OF ANONYMOUS ACTIVISM: Fund for Constitutional Government, with staff from Public Employees for Environmental Responsibility and Project on Government Oversight. (2002)

THE WHISTLEBLOWER PROTECTION STATUTE PREPARED FOR THE ORGANIZATION OF AMERICAN STATES AND THE GLOBAL LEGAL REVOLUTION PROTECTING WHISTLEBLOWERS, 35 *The Geo. Wash. Int'l L. Rev.* 857 (2003)

CHALLENGING THE CULTURE OF SECRECY: A Status Report on Freedom of Speech at the World Bank. (With analogous studies on Asian Development Bank, European Development Bank, and Inter-American Development Bank. Funded by Ford foundation (2004)

DEFENDING PAUL REVERE FROM FRIENDLY FIRE: PROVIDING THE FREEDOM TO WARN FOR NATIONAL SECURITY WHISTLEBLOWERS, *Administrative Law Journal* (Winter 2005-06)

RUNNING THE GAUNTLET: The Campaign for Credible Corporate Whistleblower Rights

THE WHISTLEBLOWER PROTECTION ACT BURDENS OF PROOF: GROUNDRULES FOR CREDIBLE FREE SPEECH RIGHTS, *Proceedings of Middlesex University International Symposium on Whistleblower Rights*, (accepted for spring 2014 publication)

THE CORPORATE WHISTLEBLOWER'S SURVIVAL GUIDE: A Handbook for Committing the Truth (Barrett Kohler, 2010) Winner of Get Abstract International Business Book of the Year at 2010 Frankfurt, Germany Book Fair.

INTERNATIONAL HANDBOOK ON WHISTLEBLOWER RESEARCH (Elgar 2013), co-authored chapter on *The Key to Protection: Civil and Employment Law Remedies*.

CONSUMER ENCYCLOPEDIA, Consumer Federation of America (2014), entry on whistleblowing.

WHISTLEBLOWERS, LEAKS AND THE MEDIA: The First Amendment and National Security, co-authored chapter on *The National Security Whistleblower's Tightrope: Legal Rights of Government Employees and Contractors*" (American Bar Association 2014).

VARIOUS JOURNALISTIC PUBLICATIONS. Authored or co-authored over 45 newspaper, syndicate or magazine op-ed articles on First Amendment protection, constitutional torts, civil service law, False Claims Act, scientific freedom, protection of national forests, meat and poultry inspection, mid-air collisions, nuclear power safety and Strategic Defense Initiative.