



## POLITICS

# Judge orders fired head of whistleblower agency reinstated while fight continues over Trump removal



President Donald Trump boards Air Force One at the Naval Air Station Joint Reserve Base in New Orleans, Sunday, Feb. 9, 2020. (AP Photo/Ben Curtis)

BY ALANNA DURKIN RICHER AND [ERIC TUCKER](#)

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WASHINGTON (AP) — A U.S. judge on Monday ordered the fired head of the federal agency dedicated to protecting whistleblowers to be reinstated while a court fight continues over [his removal by President Donald Trump](#).

U.S. District Judge Amy Berman Jackson's order came hours after Hampton Dellinger sued the Republican president over his removal as the leader of the Office of Special Counsel, which is responsible for guarding the federal workforce from illegal personnel actions, such as retaliation for whistleblowing.

The judge said Dellinger must be allowed to serve as special counsel through midnight on Thursday while she considers his request for a temporary restraining order to keep him in the job. She said the Trump administration cannot "deny him access to the resources or materials of that office or recognize the authority of any other person as Special Counsel."

"I am grateful to have the opportunity to continue leading the Office of Special Counsel and I am resuming my work tonight," Dellinger in an email after the ruling.

The Trump administration swiftly filed court papers saying it was appealing the judge's order.

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His firing was the latest move in Trump's sweeping effort to shrink and reshape the federal government, testing the limits of well-established civil service protections by [moving to dismantle federal agencies](#) and push out staffers.

Also on Monday, the U.S. Office of Government Ethics posted on its website that Trump had removed its director, David Huitema, who like Dellinger was confirmed by the Senate last year to a five-year term.

The White House had said before the judge's ruling reinstating Dellinger that recently confirmed [Department of Veterans Affairs Secretary Doug Collins](#) has been named the acting leader of both agencies.

Huitema said in an interview that he was notified over the weekend of his removal in an email that provided no explanation. Huitema said he was "extremely disappointed," adding that he was committed to the mission of the office and its staff, "who represent the best of public service."

Dellinger was fired in a Friday evening email from the White House personnel director. Dellinger noted in his lawsuit, filed in Washington federal court, that special counsels can be removed by the president "only for inefficiency, neglect of duty, or malfeasance in office."

"The effort to remove me has no factual nor legal basis — none — which means it is illegal," Dellinger said in an email.

The Office of Special Counsel investigates whistleblower claims of reprisal, can pursue disciplinary action against employees who punish whistleblowers and provides a channel for employees to disclose government wrongdoing. In his lawsuit, Dellinger said the office's "ability to protect the civil service and investigate alleged misconduct is needed now more than ever," noting the "unprecedented" number of firings without cause of federal employees with civil service protections in recent weeks.

Stephen Kohn, chairman of the board of National Whistleblower Center, called Dellinger's firing "irresponsible and dangerous."



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"This action undermines a critical government program that has saved taxpayers billions of dollars and is designed to encourage reporting of waste, fraud and abuse of taxpayer dollars," Kohn said in a statement. "Additionally, the Office of Special Counsel maintains confidential lists of hundreds or thousands of federal employees who have blown the whistle on serious fraud, waste, and abuse. All of whom are now in immediate danger of being exposed."

The Office of Special Counsel is also responsible for enforcing [the Hatch Act](#), which restricts the partisan political activities of government workers. Dellinger's firing comes as Trump administration employees have touted their support on social media for his policies even though the Hatch Act is meant to restrict political advocacy while on duty.

The independent agency is separate from Justice Department special counsels, who are appointed by the attorney general for specific investigations, like [Jack Smith](#).

Before becoming special counsel, Dellinger served as an assistant attorney general in the Biden administration Justice Department overseeing its Office of Legal Policy. He was also a deputy attorney general in the North Carolina Department of Justice and was chief legal counsel in the governor's office there.



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