The Whistleblowing Game

TRUTH & CONSEQUENCES

ON THE SPRING of 1982 thirty-one-year-old engineer Rick Parks came to Harrisburg, Pennsylvania, home of the crippled Three Mile Island (TMI) nuclear power plant. The infamous accident of three years earlier had left TMI a nuclear invalid, its reactor's building filled with hundreds of gallons of Krypton 85 gas and "hot" water that needed to be disposed of. TMI's owner, General Public Utility (GPU) hired Bechtel North American Power Corporation, one of the world's foremost nuclear management companies, to direct the salvage operation. Since negative public opinion was threatening the entire future of nuclear power, Bechtel spared no expense in rounding up the best talent in the business.

Enter Rick Parks, who had learned his trade in the Navy working on nuclear submarines and had paid his dues at various nuclear power plants across the country. Bechtel recruited Parks to join the cleanup squad at TMI, paying him $40,000. As one of the two top engineers reporting to the director of operations, Parks was responsible for all procedures used in the cleanup, as well as for monitoring the start-up of the plant once the salvage was completed. Parks believed in nuclear power, and was committed to doing his personal and professional best to get TMI back into operation.

Shortly after joining the TMI cleanup though, Parks became aware of a serious boondoggle. A lack of communication between Bechtel, GPU, and the Nuclear Regulatory Commission (NRC), the federal overseer, was skyrocketing cleanup costs by millions of dollars. What was worse, Parks, his boss, site manager Larry King, and director of plant engineering Ed Gischel noticed that Bechtel was deliberately using shortcuts to circumvent safety procedures. Bechtel was not conducting required quality-control tests, and the cleanup crews were using a crane that hadn't been tested. Had it buckled, it could have ruptured the reactor's containment vessel which held the nuclear core. Parks also alleged that Bechtel was allowing contaminated sewage to be trucked out of the plant and disposed of illegally.

Parks and his colleagues spent several frustrating months trying to have these concerns addressed through internal channels, but the more they asked, the more harassment they received from upper management. The trio was told to stop wasting time, that these concerns were not their responsibility.

Rick Parks grew anxious. The professional and moral conflict in him sharpened. On the one hand, he was happy in his field: he had prominence, stature, and opportunity for advancement. But as an operations engineer, Parks had both the know-how and the access to clearly evaluate the potential dangers at TMI. The safety of the workers was at stake, as was the greater public safety. It seemed absurd to Parks that publicity tours guided over 250 people a day through a plant that was little more than an accident waiting to happen. Parks was also concerned about the future of the industry. The initial accident at TMI had raised public alarm over the feasibility of nuclear power; a second accident could quash the entire nuclear industry. Moreover, Parks felt that his professional ethics were under fire. He was being asked to "sign off" on operations that did not warrant approval; he felt betrayed by what he saw as management's rejection of his personal values: candor, concern, and professional integrity.

In February 1983 Parks filed a complaint with the NRC offices in Washington, D.C. He was promised confidentiality, but it soon became clear that his identity had been divulged to Bechtel. Within a week Larry King, who supported his chief engineer, was put under investigation and fired; and Parks was stripped of many of his

William McGowan, who has written for the New York Times Magazine, *last appeared in the April* New Age Journal *with his article on the Berlin counterculture.*

ILLUSTRATION: JACK CROMPTON

BY WILLIAM McGOWAN


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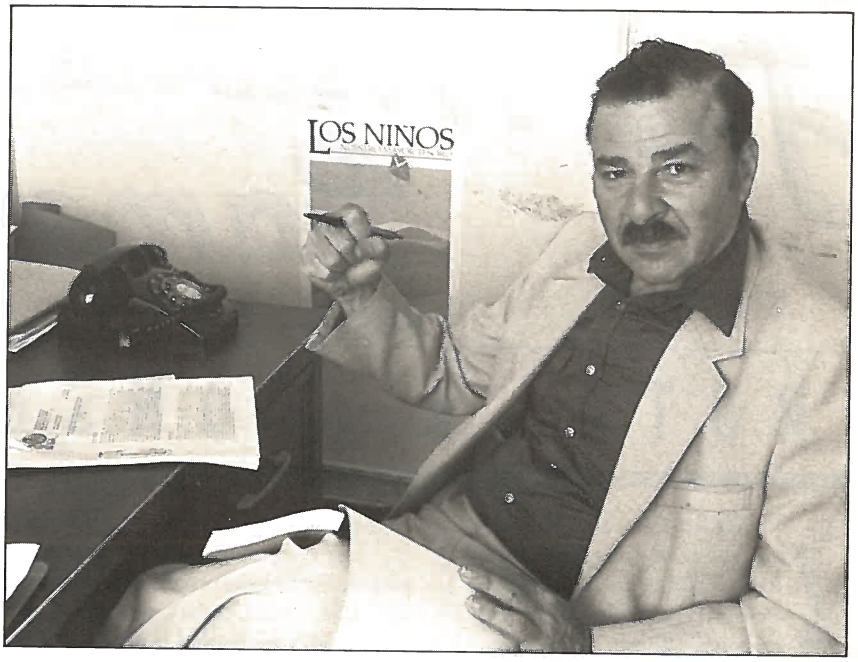
Irwin Levin: New York City Social Worker

SOON AFTER New York City social worker Irwin Levin, a twenty-year veteran, was assigned to the position of senior supervisor at the Brooklyn field office of Special Services for Children in 1979, he began noticing irregularities in his subordinates' handling of child abuse cases. During a routine review of case files, Levin discovered that caseworkers had made inadequate investigations and had failed to follow up on Family Court mandates designed to protect the children from further harm. By the time Levin became aware of the situation, two children had already died.

In one of those cases, twenty-two-month-old Brian M. had been hospitalized with severe bruises and a lacerated penis. Before the hospital had an opportunity to discover the causes of these injuries, a man claiming to be the baby's uncle had Brian released in his custody and returned to the mother. (This "uncle," it was later discovered, was the mother's boyfriend.) A caseworker visited the mother and reported that she was "caring and gentle." He believed the mother's story that the child had



PHOTOGRAPH: MARTHA COOPER

"fallen out of the crib." "It was treated as a closed case and ignored after that," says Levin. What the caseworker neglected to find out was that the boyfriend had a complaint on record of abusing someone in his own family. A week later Brian was admitted to the hospital again, this time severely beaten and unconscious. He died within two weeks. The boyfriend was arrested for the murder of the child.

In the second case, six-month-old Elizabeth W. died as a result of alleged child abuse. As with Brian, the caseworker had neglected to follow up despite a previously reported incidence of abuse. In this case, too, the mother's boyfriend was arrested for murder.

"For me to yell about something it has to be terrible," says Levin, who was extremely distraught at the deaths of the children. "In the past I've been a team player, never tried to rock the boat, but this was loud and clear neglect of the job, involving gross error and calculated indifference on the part of the caseworker staff. Nor were these incidents of incompetence isolated. It was rampant throughout the office."

For a year, Levin peppered his superiors with formal complaints, thirty in all, citing staff workers for insufficient and negligent work.

responsibilities. The tension quickly escalated. A friend of Parks bumped into TMI's plant manager, who confided hearing that Parks's wife had approached the plant to get some "dirt" on her husband, perhaps to have his kids taken away from him. Parks took this as a warning: his wife had died three years earlier. To protect his children he sent them to live with his brother, a thousand miles away. Bechtel flew Parks to Maryland on business, and when he returned he found his house vandalized and his papers rifled, although no connection to TMI was ever made.

Parks was scared. The accepted internal channels for registering complaints were collapsing around him, and the engineer was unsure how GPU or Bechtel would react if he went public with his allegations. Parks got in touch with the Government Accountability Project (GAP), a public-interest group in Washington, D.C., that advises and supports whistleblowers. "They told me I'd be running up a red flag and that a bull would surely come charging," says Parks, "but I really couldn't do anything else but blow the whistle. There was just too much potential for workers to be hurt or for the public to suffer radiation leaks."

On March 23 Parks held a press conference with GAP's support. He outlined his charges, documenting the problems with the crane and also mentioning administrative and procedural irregularities—such as NRC licensing prescriptions which were not being followed—that contributed to the dangerous situation at TMI. That same

Nothing was done. His suggestion to establish an office complaint committee was ignored, says Levin.

Getting no response from his bosses or the internal channels, Levin decided to go outside the agency. He contacted New York City Council president Carol Bellamy's office. There they encouraged him to produce more evidence to prove his charges, although they couldn't assure him that he would not be breaking laws of confidentiality. At lunch, Levin would furtively dart into the file area, grab a folder, sneak it out, and hand it over. It made him "paranoid as hell," thinking about the consequences of being caught. He knew he could be fired, and it seemed to the forty-eight-year-old Levin that the prospects of losing both his career and his pension loomed darkly.

The city council president's office used Levin's material to hold a splashy press conference. Much publicity was generated, but still nothing was done.

Levin wrote to the governor's office and sent an unsigned letter to the Children's Aid Society with his documentation of caseworker and supervisor negligence. The governor made no reply whatsoever; Children's Aid sent Levin's anonymous letter and copies of the confidential files back to Levin's superiors. Using a handwriting analyst, they uncovered him and charged him with breaching confidentiality laws. The Human Resources Administration put him under investigation. His coworkers petitioned to have him fired or reassigned. Instead of defending him, the union sided with the staff against Levin's allegations. The staff began excluding him from meetings.

By this time (according to subsequent court evidence), seven more children had died as a result of staff negligence. But as vigorously as Levin continued to complain, his superiors told him they couldn't talk to him because he was under investigation. One of them offered him fatherly advice: "Irwin, if you would confess your guilt the case for the children would improve, you know."

Levin was upset and angry. He was found guilty by the agency's internal affairs department of breaking confidentiality laws and was demoted, fined, and suspended for four months. The professional social workers association he belonged to abandoned him.

Levin began having nightmares. One of them involved watching a good friend drown right in front of him as authorities in the background looked on impassively. Financial pressures set in. He began to skip child-support payments. When Levin applied for part-time work, his supervisors gave him a negative evaluation and he went jobless. "I believed that right would win out," he says. "I'd give them the records and they'd do something about it. But as the thing went on, I felt that I was the only guilty party in all this. I wondered what it took to wake some people up."

It was nearly two years before press attention and the intercession of one sympathetic city politician, Councilwoman Ruth Messinger, won him reinstatement to his original work level and a refund on his fine and penalties. An inspector general's report released by the city this year found that in seventeen of the twenty-two cases cited by Levin, negligence and gross abuse of discretion had occurred. The mayor's office is looking into the possibility of prosecuting the negligent caseworkers on criminal charges. The city is also examining the prospects for broadening the training of its caseworkers. Asserting that no city worker should be punished for bringing the existence of wrongdoing to light, Mayor Edward Koch distributed a notice to every city employee explaining how to blow the whistle, even recommending that whistleblowers go to the media with their allegations if they don't get an appropriate response within internal channels.

Although Levin is buoyed by all this, he still fears that the breaching of confidentiality laws might haunt others in the future who are victimized by bureaucrats trying to cover their flanks. "I was trying to protect children," says Levin, "but the bureaucracy only wanted to protect itself. I knew that saving kids, not my own ass, had to be my first priority."

day, he filed a discrimination complaint with the Department of Labor, alleging harassment at work. The next day, Bechtel issued Parks an indefinite suspension, with pay. Their official explanation was that they didn't want him exposed to further harassment. Parks believes the real reason is that they didn't want him unearthing any incriminating documents to bring to public light.

"I was obsessed," Parks recalls of this nightmarish time. "Not just in proving my innocence but in proving that the NRC, GPU, and Bechtel were guilty. All my time was bound up in this." Four months later, Parks agreed to be reassigned by Bechtel to the Cool Water Plant in the Mojave Desert. Within half a year he was laid off.

Soon after being terminated by Bechtel, Parks signed on with GAP as a consultant on their work with nuclear plants. Since then, there has been a conspicuously happy ending to his whistleblowing episode. In September 1983 the crane project was completely revamped; the NRC also conceded Parks's accuracy in his charges of administrative and procedural irregularities; and in May 1984 the charges of illegal reprisals against Parks by Bechtel were verified (at press time, NRC commissioners were debating what penalties to assess GPU, Bechtel's contractor, and Parks was considering filing a civil suit against Bechtel).

In the meantime, the former nuclear engineer's life has taken an ironic twist. The solidly pronuke Parks has been a pivotal figure in helping California antinuclear groups delay the opening of the

Billie Garde: Oklahoma Census Administrator

IF YOU WANTED a good time in 1980, a really good time, all you had to do was go to John Hudson's Muskogee, Oklahoma, office of the U.S. Census Bureau. With one eye on a Democratic congressional seat and the other eye on every woman in his office, Hudson spent his time using census employees for political campaign work, hiring women on the condition that they "party" with visiting politicians, and encouraging pot smoking among his workers.

In fact, soon after Hudson hired twenty-six-year-old Billie Garde as his assistant and personnel recruiter, it became clear to her what her job would entail. According to charges later verified by the inspector general's office of the federal Department of Commerce, Garde was supposed to sleep with her boss, hire other women who would follow suit, and tamper with civil service exams to conform to Hudson's wishes. Garde, however, refused to go to bed with Hudson, counseled other women in the office who were also being sexually pressured as to how they could resist, and changed back data that Hudson had forced her to alter.

PHOTOGRAPH: KIPP BAKER

Billie Garde was horrified by Hudson's nefarious use of his political power, even more so since many of the harassed women in the office were former students of Garde's from her years as a high school teacher. Still, for the first couple of weeks, Garde kept her silence. As she later explained, she wanted to "give the problem to somebody else." She had recently divorced her husband and needed the job. Garde also suspected that Hudson's superiors were aware of the wrongdoing and possibly even sanctioned it.

After a month and a half, though, the situation became so oppressive that Garde began pursuing a cau-

Diablo Canyon nuclear power plant for safety reasons. He has been able to get over one hundred on-site workers to divulge significant cases of oversights and slipups in construction. GAP's director, Louis Clark, says of Parks: "He's effective because workers identify with him. As an engineer, he knows what they're talking about, and he also understands the stresses they suffer by coming forward. We can only empathize with the workers. Parks has been there."

Like others who have gone on to support whistleblowers after their own cases were resolved (see accompanying profiles), Parks is a firm believer in the very process itself. "Whistleblowing definitely has an impact," he says. "I've seen it in the way NRC officials investigating cases in California are more conscientious than ever before. Most times the law exists to protect the public, only the government isn't enforcing it. Whistleblowers help put the legal apparatus into effect."

Parks is currently working to set up a whistleblowers' support group for the nuclear industry, and he adheres to a credo shared by support groups and whistleblowers alike: "You may not be your brother's keeper," says Parks, "but if you know of a problem that endangers your brother, you *have* to work hard to remove it."

WHISTLEBLOWING is a complicated game in which the player strives for the grand prizes of Truth and Justice while praying that the consolation prizes—career, friends, and sanity—still remain within reach. Hugh Kaufman, an Environmental Protection

tious strategy. She talked to the staff of the congressman who had given Hudson the political patronage job, but nothing came of that. Garde also approached the Census Bureau's assistant regional administrator in Denver, but to no avail. Somehow, word of Garde's dissidence leaked back to Hudson, setting off a wave of retaliation and harassment that stretched over four months. According to witnesses, he disconnected her phones and emptied her office once when she was away on business. Witnesses also attested to seeing Hudson in a local bar, pounding a table and saying that he wanted her dead. Finally he fired her.

Garde's reactions to all this gradually increased in intensity. At first the retaliations seemed childish. She even remembers laughing when her phones were cut off. Then as things got nastier, she grew more apprehensive. She would come home shaking and in tears. Still, she couldn't go public with her charges. She was told by political contacts, "Everything will work itself out—don't worry."

At this point Garde left Muskogee and moved to Washington, D.C., looking for a new job. Then the phone calls from the Muskogee newspapers began. Some of her former students had made calls to reporters to tell them of the goings-on at the census office, and they all said that Garde could confirm the charges.

"I felt for them," Garde says of her former students, "they were still there, and God knew what tragedy might come out of it. But I wouldn't talk to the papers until I was absolutely sure that the problem couldn't be taken care of internally." She returned to one of the top census officials in Washington and pleaded with him to do something about the situation. He refused. So Garde confirmed the reporter's queries.

"Census Sex, Pot Allegations Made," screamed the Muskogee Daily Phoenix & Times-Democrat on a blistering hot June 26, 1980. Within hours of that first edition, Hudson apparently wielded his influence to help Garde's ex-husband strip her of her custody rights; Larry Garde claimed that Billie's move to Washington left her too unstable to raise the children (he was later to wonder whether he had been "used as a pawn to shut Billie up"). "I got real desperate right about then," says Billie Garde. "I thought that I was running loose in a Kafka novel."

Spurred by the publicity and her desire to regain custody of her daughters, Garde went to the Department of Commerce and the Equal Employment Opportunity Commission in Washington. When those agencies seemed to be moving too slowly for Garde, she approached the Government Accountability Project (GAP), and five months later they held a press conference corroborating most of her charges with their own independent investigation. Finally, a year to the day after the headlines broke, Hudson pleaded guilty to all counts of a Grand Jury indictment, which charged him with patronage abuse, lying to federal investigators, intimidating office workers, and using his office personnel for political purposes, among other charges. Hudson was sentenced to a year in jail and three years probation. His political career was finished.

The same day the Grand Jury returned the indictment, Larry Garde returned Billie's daughters to her temporarily. Two months later he signed a joint-custody agreement. "One side of me wanted a crusade," Garde recalls, "the other just wanted the kids back. I was about ready at one point to stand up in court and say it was all a lie if only they would return my kids."

Garde, meanwhile, has been left with a staggering load of legal bills from her fight to regain custody, and she is currently awaiting the outcome of a hearing of the Equal Employment Opportunity Commission to determine whether she lost custody of her children due to retaliatory actions by Hudson and can therefore be awarded damages.

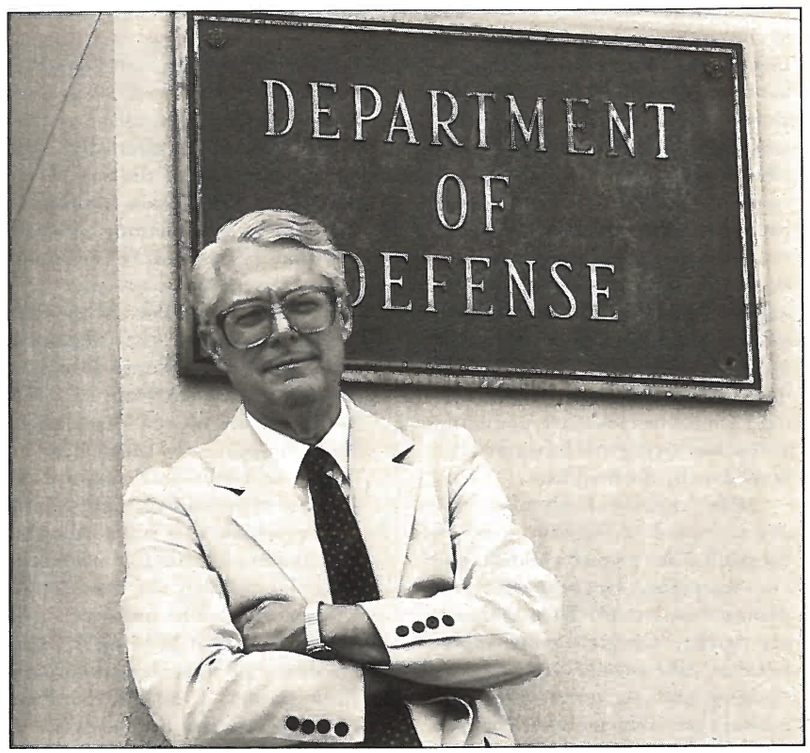
When asked to reflect on her whistleblowing experience, Garde—now a second-year law student and director of GAP's Citizen Clinic—is ambivalent. "I've been asked if I'd do it all again, but I can't answer that with a straight yes or no. If it was Billie Garde versus the System, yes. But because it involved two little kids, I'd say no."

Agency (EPA) employee, whose report on the agency's willful ignorance of toxic waste dangers helped depose EPA chief Anne Burford Gorsuch, considers whistleblowing a "five-dimensional chessboard." The player must be disciplined, says Kaufman. "It's important to control anger, to make sure that when you move it's a planned move, not a reactive one."

The greatest danger is reprisal, which in Rick Parks's case was subtle: hidden threats, loss of job responsibilities, perhaps a career blacklist. It could, however, be direct—and violent. Karen Silkwood's kitchen was allegedly sprayed with the very plutonium she claimed the Kerr-McGee nuclear plant was mishandling. New York City detective Frank Serpico was ostracized by fellow cops after reporting widespread graft and corruption, and there are still lingering questions about whether his partners contributed to his getting shot on a raid.

Karen Silkwood and Frank Serpico may be the most dramatic whistleblowers of our times, but they are far from being representative portraits. More common are the estimated thousands of people who supersede their bosses' authority to point out problems of waste, fraud, and abuse in government and private-sector jobs; according to certain statistics, such whistleblowing episodes appear to be on the rise. The government's Office of Management and Budget (OMB), which collates the allegations received by eighteen federal agencies—from the Department of Agriculture to the Veteran's Administration—reports that the total number of com-

A. Ernest Fitzgerald: Pentagon Cost-Analyst



PHOTOGRAPH: ROBERT SHERBOW/UNIPHOTO

FIFTY-EIGHT-year-old A. Ernest Fitzgerald knows that it was the act of "committing the truth" that cost him his Defense Department job in 1969. The civilian cost-analyst blew the whistle on Air Force cost overruns and was rewarded with a four-year legal battle that cost him $60,000 in attorney's fees and $1 million in pro bono legal work. In the end, Ernie Fitzgerald was vindicated. The Pentagon rehired him in 1973 for a lower-paying, less-prestigious job, and he immediately established himself as an in-house whistleblower, encouraging the "closet patriots," as Fitzgerald calls his sources, to keep a careful eye on the Pentagon's spending policies. In 1982 the cost analyst was finally reinstated to his original job. Fitzgerald and his staff have been relegated to fifth floor offices and dubbed the "Attic Fanatics," a paean to their perspicacity for ferreting out the truth.

Fitzgerald began his career with the Air Force in 1965 and quickly made a name for himself as a "tireless tightwad." He started a one-man crusade against large-scale waste and mismanagement in the design, research, and production of key weapons projects. As an award for his conscientiousness, Fitzgerald was nominated for two top civilian Air Force awards and received performance ratings of "outstanding" two years running. Then, in 1967, he wrote an unusually blunt letter to superiors criticizing the Minuteman missile program. In it, he criticized the military establishment for shady dealings with large military contractors in private industry. "Some time back," Fitzgerald wrote, "lying was a way of life in the program. The solution to the problem is ultra-simple: tell the truth, no matter how painful."

Invited to testify before a congressional committee in 1968, Fitzgerald disclosed the details of how the Air Force had allowed the Lockheed Corporation to exceed its contract estimate on the C5A cargo plane by nearly $2 billion. "I was confident

plaints of illegalities and unethical procedures jumped from 5,200 in a six-month period in 1981 to 12,500 in a similar half-year period in 1983.

There also appears to be a trend toward safer, more supportive whistleblowing: over twenty states have passed anti-reprisal laws; national hotlines for reporting government fraud and abuse have been set up; and informal networks of whistleblowing support groups have begun to mushroom. Numerous corporations have established employee grievance and appeals procedures. Control Data Corporation, which employs 55,000 people worldwide, was cutting fresh ground when it established its Employee Advisory Resource program in 1976. Staffed by 180 counselors and administrative personnel, the program offers a twenty-four-hour counseling service and provides well-established channels for having complaints independently investigated. Control Data has been so successful with its program that it now contracts the advisory service to approximately twenty other corporations.

According to both academics and business analysts, this movement toward increased opportunity and protection for whistleblowers—however questionable its effect—reflects attitudinal changes that have emerged from the '60s. There's a "new sense of activism and personal moral commitment," writes Columbia University professor Alan Westin in *Whistle-Blowing!*, which has grown out of the civil rights, antiwar, consumer and student protest movements. He suggests that "older Americans also came to feel a new sense of

that as soon as I could make known the dramatic waste and abuse of taxpayer moneys I was seeing, the Pentagonal paragons of virtue would take crisp, decisive action to set things right," Fitzgerald has written about his case.

For Fitzgerald, though, the truth turned out to be painful. At first there were mild threats from higher-ups to quiet him, and when that didn't slow down the dogged Fitzgerald, the Pentagon used a more direct tactic: a little bureaucratic reorganizing that abolished Fitzgerald's job. In addition, the Defense Department set up an investigatory unit to pin Fitzgerald on "moral lapses." At one point his dossier presented him as both a closet homosexual and a womanizer, as well as a dope user.

Ernie Fitzgerald made his explosive disclosures with no thought to the consequences. As a cost-control expert, he was offended by the practice of offering private contractors blank checks to build weapons. But there was more to his dissent than professional outrage. Fitzgerald had a vision of a weapons procurement system spinning madly out of control. He saw military men boosting their careers while they feathered their postretirement nests by toadying to contractors. He also saw more money poured into a system that produced fewer weapons, many of them substandard. Fitzgerald was further distressed by the manner in which responsible bureaucrats committed to sound defense and fiscal sanity were cut down when they attempted to speak up. According to Fitzgerald, critics identified as internal dissidents received the "mushroom treatment" to prevent them from obtaining further information, which meant "feeding them manure and keeping them in the dark."

Fitzgerald was by no means a silent critic. He wrote a book about his ordeal, *The High Priests of Waste*, and lectured around the country. His efforts paid off. A military-reform movement has blossomed both inside and outside of government corridors, and now that Fitzgerald has regained his position within the Pentagon, colleagues from around the country approach him with instances of procurement abuse.

And Ernie Fitzgerald, fourteen years older and wiser for his efforts, has revised his tactics. He has set himself up as in-house ombudsman; figuring that his public visibility offers him some protection from future retaliation, he now takes up causes for others who prefer to "leak" information rather than publicly announce it. "No one except the very naive, the masochistic, the slightly deranged, or perhaps the independently wealthy would want to become a whistleblower," says Fitzgerald. Now that he is offering to be a third-party whistleblower to protect critics from undue reprisals, Fitzgerald notes, "If whistleblowers don't have to unmask themselves, they can at least be saved from lighting themselves on fire."

personal responsibility for confronting unlawful or illegitimate authority with a moral protest... (and that such action) brought about important changes in law and public policy which, in time, won overwhelming public approval. As millions of young people who had been activists or had supported personal activism during their college years moved into corporate employment in the 1970s, a major source of whistleblowing also moved inside the corporate gates."

As a result, says Sissela Bok, author of *Secrets: On the Ethics of Concealment and Revelation*, more employees are willing to place their personal ethics over company or office loyalty. "People today are much more aware of the ethical dimension to their organizational behavior," she says. They recognize the choices available to them when confronting situations which are ethically questionable. On the whole, a great many people still don't want to take the risks involved, but they are recognizing unethical actions for what they are, and that's significant."

Arnold Brown, business analyst and trend-spotter for the New York City–based firm of Weiner, Edrich, Brown, takes Westin's historical perspective and Bok's behavioral hypothesis one step further. Brown believes there's a "growing dissatisfaction with situational ethics, applying one set of ethics to homelife and one to the workplace. People are adopting a standardized, fixed code of ethics, an adaptation of the Judeo-Christian moral code." And for those people who find themselves face-to-face with a situation where their "higher" ethical code is directly opposed to a workplace ethic—for example, where one person's insider information on labor negotiations indicates that management is unfairly and illegally dealing with union teams—then, says Brown, "that person feels required to be a whistleblower.

"You do have to be a missionary," admits Brown, "and you probably have to have a martyr complex to be a good whistleblower. Fortunately, belief will be enough."

ON A MUGGY summer evening in Greenbelt, Maryland, Joe S. sits in an air-conditioned office and talks about his motivating philosophy. The wispy-haired fifty-nine-year-old, dressed in white shirt, wrinkled dark pants, and tattered sneakers, is heavy-jowled and has a rolling, orator's voice. Until he retired and made his money in the stock market, he had been a federal labor relations specialist.

Joe S. blew the whistle on his boss, who he claims had been engaged in improper conduct in union negotiations. He says that, as a result, his boss stripped him of his job responsibilities. Joe S. filed charges with his agency's inspector general, but the report of his boss came up clean, and he resigned nine months later after having exhausted all internal channels. Since then, Joe S. has taken up the cause of third-party whistleblowing, using his legal expertise to assure that at least other whistleblowers receive a just hearing and appropriate action.

"The truth should always come out," he says. "The good ones should always benefit, the evil ones should always be punished. Anything different is a form of corruption." He sighs. "But we know that justice does not always triumph,

Bill Bush: NASA Engineer

PHOTOGRAPH: STEVE DEAL

SURROUNDED BY 3,700 computerized case files in the back room of his Huntsville, Alabama, home, National Aeronautics and Space Administration (NASA) engineer Bill Bush is a veritable one-man whistleblowing clearinghouse. Typical of the support he gives his nightly callers is the conversation he had with Shirley Stoll. The Missouri woman is a nurse who recently reported cases of patient abuse to her superiors and has since been harassed and dismissed; she's now fighting for redress. "I'm concerned about the truth, too," Bush told her in his soft Southern drawl as he sat amidst cartons of legal documents and newspaper clippings. "I think you've got them whipped. Stay calm," Bush assured her, "I'm with you all the way."

Bush is no stranger to Stoll's feelings of persecution and paranoia. He was a top-flight project engineer at NASA's Marshall Space Flight Center in Huntsville throughout the '60s and early '70s. As an integral member of Wernher Von Braun's Saturn V rocket engine project as well as the Skylab design team. Bush had high performance ratings that won him merit pay-increases. But as the focus of the NASA space effort switched from Marshall to Houston, Bush and his colleagues were eclipsed. Dozens of middle-aged engineers at Marshall were reassigned to unfamiliar jobs in what they saw as a calculated effort to force them into early retirement. One of Bush's peers, a high-level engineer who was making $37,000, was assigned to inspecting three fire extinguishers. Others were given similarly meaningless jobs. Some did crosswords all day; others read or wrote novels. A few even started a flea market inside the center's gates.

Bush himself was reassigned in 1974 to supervise work that was actually being done by engineers in Europe. "As far as I could tell," Bush recalls, "my only discernible assignment was to spend three minutes a day checking time sheets." An internal NASA memorandum, accidentally routed to one of the idle engineers, shed considerable light on the problem. The memo stated quite explicitly that promotion opportunities should be restricted to those engineers between the ages of twenty-eight and forty.

"At first I was miffed," says Bush, "then I got real angry. I was forty-nine, at the height of my mental powers, and I could see my career going right down the tubes. They were making me a second-class citizen because I was getting older." He filed a grievance with the Civil Service Commission and sent letters to

that good people lead short and unhappy lives. The work that I'm doing is simply balancing the scale to help the people who do good. That's the side that I want to be on."

The other two people in this informal whistleblowing support session agree. Psychiatric social worker Don Soeken, who is leading the group, has been counseling whistleblowers like Joe S. since 1977 and has seen more than fifty whistleblowing clients. He added this "specialty" to his private practice and government public-health work after testifying before a House subcommittee on the misuse of psychiatric fitness-for-duty exams; Soeken—whose job involved administering these exams—claimed that they were being used to squeeze mentally healthy whistleblowers out of their jobs. The practice was discontinued in January 1984.

Pam O'Brien, an attractive, sharp-featured woman, is another of Soeken's clients. She filed a sexual harassment charge against the Navy subcontractor for whom she had worked, claiming that he pressured many women in the office into sleeping with clients. Her case is still being appealed, and Joe S. and Soeken are offering tactical suggestions to help O'Brien improve her legal odds.

After the meeting is over, O'Brien talks about the initial impact of whistleblowing. "The pressure is constantly on you," she says softly. "You feel like everybody's attacking you. You get totally consumed but you can't explain that to family and friends. They listen at first, but after a while they get tired of you. That's why Don is so important. He gives you the perspective that you're

members of Congress referring to his $32,000-a-year job as a "travesty and a waste of time." A reporter called up seeking verification of the grievance. Bush confirmed the story. "My whistleblowing was not that much of a conscious thing," says Bush, "it just mushroomed on its own."

His superiors and many of his coworkers were not pleased. "You're trying to sink our ship," said one of his bosses. A fellow engineer posted a public notice calling for Bush's tarring and feathering. Huntsville, a one-company town, changed for Bush almost overnight. Friends no longer stopped by; social invitations tapered off. Bush says that people in town turned the other way, pretending not to see him as he walked by.

The community may have shunned him, but the press didn't, and the relentless spotlight further angered his superiors. Bush was all over the media, being interviewed on television, mentioned in editorials, quoted in front-page news stories. NASA was pressured by the Civil Service Commission to disavow its internal policy of alleged age discrimination.

But management personnel at Marshall still had a trick up their sleeve. They notified Bush that he was going to be fired for a "course of conduct which has produced public notoriety." Basically," says Bush, "the letter was threatening me for exercising my right to free speech." But rather than firing Bush, Marshall officials demoted him two full pay grades, slicing $10,000 off his annual salary.

Bush appealed to the Civil Service Commission to get his old job back and also filed a civil suit against the director of the Space Center claiming that he had conspired to deprive him of First Amendment freedoms. He spent every working moment attending to the case, poring over law books to assist his attorney. Bush also began aiding other federal whistleblowers by sharing the information he was uncovering.

Three and half years after Bush was first reassigned, the Civil Service Commission directed NASA to reinstate him to his former rank and reimburse him for back pay. Bush took his civil suit all the way to the Supreme Court before it was finally defeated in a landmark decision that restricts a federal employee's ability to sue his boss.

So now Bill Bush is back at his jerkwater job for NASA, expending his energies in support of fellow whistleblowers, fielding frenzied calls at night, and collecting, bit by bit, every known whistleblowing episode from 2200 B.C. to the present. He also counsels potential whistleblowers, advising them to approach the act in fear and trembling. "Understand that you are getting into something that could blast your life," Bush cautions them. "Make sure it's over something worthwhile. Once you offend the bureaucracy, it's not like offending God, who forgives. They'll never forget."

not alone and provides you with personal and case-related strategies."

"You've got to be practical about whistleblowing," Soeken explains. "You don't want to do it in such a way that you sacrifice your whole life. Generally I tell potential whistleblowers, 'What difference does it make whether you save the government a million bucks if you're going to lose your job? Better to keep your job and find another way of saving the million bucks.' Many whistleblowers are too naive to realize that if you go into a field looking for butterflies there might be a rattlesnake in the grass."

"Whistleblowers are also mistaken in thinking that their moral standards will be upheld," says Joe S. "It never occurred to me that I might be a sacrificial lamb when I blew the whistle. I was simply standing up for what I saw as right. I was pushed by a corrupt system and went along until I couldn't stand it anymore.

"Most whistleblowers are accustomed to telling the truth and getting rewarded for it," says Soeken. "When they're not, they take it as a personal betrayal. It shakes them right down to their footings. This is especially true of those people who do not come out of the subculture of protest, who don't have a preestablished cynicism toward government or corporations. When these people blow the whistle and are persecuted for it, they are shocked."

When a client comes to Soeken, the psychotherapist first reviews the case and sends the documentation out for legal advice. Then he and the client plot out a strategy for reclaiming, if necessary, the whistleblower's integrity, job, and family. Soeken also spends time helping clients relax under the stress of the situation. "I remind those who are in a system where they draw salary to be very careful," says Soeken. "If they have to bite the hand that feeds them, maybe they can get someone else to do it for them. That's the new movement in whistleblowing—third-party leaking."

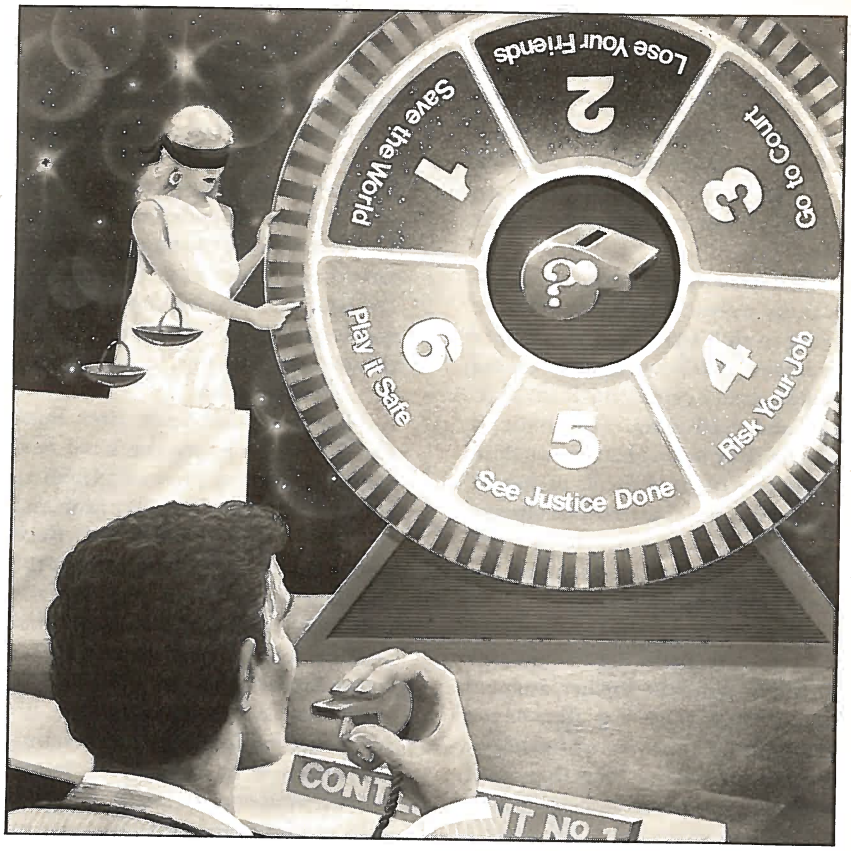
THE MOST FORMIDABLE support group for leakers and whistleblowers is undoubtedly the Government Accountability Project, which was founded in 1975 as an adjunct to the Institute for Policy Studies, a liberal think tank. GAP began as an information and resource clearinghouse, but after three years the agency shifted gears into a more active, counseling mode and has recently declared its independence from the Institute. GAP's hard-working core of four staffers and twelve Antioch Law School students function as a watchdog for federal agencies, often double-checking federal investigations in addition to handling a current roster of whistleblowing clients. Executive director William J. Dircks of the Nuclear Regulatory Commission has said that GAP "has served a useful purpose in the nuclear industry," adding, "We welcome them into the process."

Besides its success in aiding Rick Parks at Three Mile Island, GAP has also worked with whistleblowers from ten other nuclear power plants, including Ohio's Zimmer, Michigan's Midland, California's Diablo Canyon, and Chicago's La Salle, in pressing allegations of unsafe practices and quality-assurance violations. GAP succeeded in keeping three of the plants off-line while the projects were either scrapped (Midland), converted to coal power (Zimmer), or remedied (La Salle). Diablo Canyon

How To Blow the Whistle

THE QUESTION of how to blow the whistle is closely bound up with the issues of when—and to whom—to blow it. Part of the anguish of whistleblowing stems from deciding if the wrongdoing or unethical activity really merits going public. Often whistleblowers are torn between doing nothing, and thereby tacitly endorsing the misdeeds, or making a public protest which, if wrong, could destroy or damage the integrity of an organization and the careers of its officers through unjust publicity. "Putting the whistle to one's lips does not guarantee that one's facts are correct," writes Columbia University professor Alan Westin in *WhistleBlowing!*. Sissela Bok, an ethics professor at Harvard University, adds in her book, *Secrets: On the Ethics of Concealment and Revelation*, that "whistleblowing has to remain a last alternative because of its destructive side effects."

The basic criteria established in the Civil Service Reform Act of 1978 for determining whether a given situation merits blowing the whistle include the discovery of instances of waste, fraud, or mismanagement. Westin's standards, primarily applied to the private sector, are: Is the practice under scrutiny clearly illegal or potentially dangerous, or is it simply questionable business policy (such as investing in South Africa or promoting nuclear power), which may run counter to the whistleblower's personal politics? Sissela Bok emphasizes that the issue should have considerable impact on the "public interest" for it to be worthy of the whistleblower's harsh spotlight.



Once the whistleblower is convinced that the problem demands attention, Westin recommends "assessing the facts on which your protest would be based." Can you persuasively document the wrongdoing? he asks. Do you know all the relevant facts and appropriate laws? Is it possible that "personality conflicts, career disappointments, or plain ego gratification might be affecting your judgment"? The Government Accountability Project's Louis Clark warns whistleblowers against the "obsessive desire for vindication." It is, he says, "the single thing that

began operating on low power last spring despite GAP's allegations of shoddy design. At GAP's helm is thirty-five-year-old Louis Clark, a soft-spoken, bearded lawyer who was first trained as a Methodist minister. When a potential whistleblower approaches GAP, Clark begins by testing the value of the case. He is shrewd, and knows what issues will capture the interest of Congress, the media, and the public. "What sells" he says half-apologetically, "is not really a question of what is exciting or sexy, but what is of sufficient interest to prompt real reform. If the prospect isn't there, why do it?"

Clark then determines whether whistleblowing is necessary at all. He reviews all other options first, including leaking—presenting substantiated information anonymously—which he suggests is as significant as whistleblowing. Frequently Clark tells prospective whistleblowers that, even though their disclosures would be significant, they themselves don't have the mettle needed to survive what the system has in store for them. "You're just not the same person once you become a whistleblower," says Clark. "Your spouse has to adjust to that. But many can't. They didn't marry an unemployed person, or an unemployable person, or somebody

destroys most of them."

The first step, most whistleblowing experts agree, is to exhaust all the proper channels, making sure that you have a well-documented paper trail to protect yourself. Within the government, each agency has an inspector general responsible for investigating grievances and complaints, and those civil servants who believe they have been retaliated against for their whistleblowing can take their cases to the Merit System Protection Board and file a complaint with the Department of Labor. In the private sector, many corporations have adopted "open door" policies, which allow employees free access to top management, who will listen and follow up on charges and complaints without reprisal to the whistleblower. Should that fail, the employee can register the complaint with government agencies that regulate the specific corporate practice (such as the Environmental Protection Agency or the National Institute of Occupational Safety and Health).

Another option available to the whistleblower is not to blow the whistle, but to "leak" the information or allegations to a third party, such as a journalist or a public-interest group. "In almost every case I handle I ask whether we can deal with this without the person involved blowing the whistle at all," says Clark. "I have to consider what's verifiable without this person—what can be proved solely on the anonymously presented documentation? Of course, sometimes you have to tell someone, 'Either you go public or it won't be revealed at all.'"

Intimately tied to the question of how to blow the whistle is the matter of how to maintain your psychological stability, especially during the inevitable retaliation phase. According to psychiatric social worker Don Soeken, being as detached and as realistic as possible are the two pillars of right-minded whistleblowing. Soeken centers much of his counseling on helping whistleblowers cope with the stressfulness of the situation as well as seeing the inherent "power struggle." "The first thing I do," says Soeken, "is review the whole event with them and get them to realize that they are suffering for a good cause, even if they have made a few strategic errors along the way. Most of us—whistleblowers included—have been sheltered from the extreme power that can be loosed upon a person who is bucking the system. I try to go over with them just how much power is stacked against them so that they are realistic in their fight for reinstatement or vindication."

Then, says Soeken, "try to find the best law firm in town, with adequate resources to fight the opposition. Avoid one-man or one-woman operations. You need heft. Get your story in the best newspaper in town. Once it's set in print, you have something in your hand to read over to yourself and to give to others. Your authenticity is always questioned as a whistleblower."

After taking these steps, Soeken's clients are advised to look for another job. "You won't get anywhere in the organization in which you're blowing the whistle. Be flexible. Whistleblowers have a tendency to get very rigid, which makes them more desperate than necessary. They don't see the light at the end of the tunnel. Options are very important for them."

"There's no question that you have to be prepared for burning your bridges," says Hugh Kaufman, an Environmental Protection Agency whistleblower and in-house critic. "You have to know what the downsides are and accept all the consequences. You have to be optimistic, but you also have to be prepared to lose. If you can't handle the downsides, for whatever reasons, you just shouldn't get into it. If I had been ousted during my whistleblowing, I was fully prepared to drive a cab."

Whistleblowing counselors suggest that if you are going to blow the whistle, don't do it alone. Approach a whistleblowing support group, which can provide legal advice and perspective, offer help in shaping the allegations, and extend to the whistleblower the credibility of an established group. For further information on blowing the whistle, contact the Government Accountability Project, 1555 Connecticut NW, Washington DC 20036, (202) 232-8550; Don Soeken, 6215 Greenbelt Parkway, Greenbelt MD, (301) 953-7358; Bill Bush, 8613 Camille Drive SE, Huntsville AL, (205) 881-6595.

who'd be in the media all the time or be a source of embarrassment in the community or church."

The moral support that GAP provides centers on advising whistleblowers to acknowledge the positive effect their actions have had on their personal sense of well-being. "You don't have a lot of evidence to show the whistleblower that his actions have made a staggering difference in his organization," says Clark. "So I zero in on what it means to them in terms of personal growth. I want people to feel good just for doing the right thing. Despite the fact that they may not have changed anything, they are not the same people now, and they should be at peace with where the decision got them. It's this sense of inner righteousness that gets them through the trauma of the experience and makes them fight more effectively."

"So, who's wrong?" Joe S. asks back at Don Soeken's support session. "Is it the individual or the system?" In response, he figuratively lays his cards on the table, certain he is playing with the deck stacked against him but just as sure that he will come up with the four aces. "I'm convinced it's the system that's wrong," he says, "and I'm doing everything I can to change that situation."