

If you must sin,

sin against God and not the bureaucracy.
For God may forgive your sins but the
bureaucracy never will.

—Hyman G. Rickover³



Blowing The Whistle May Be Hazardous To Your Professional Health



Whistleblowers are in the news these days. From Sherron Watson of Enron to Coleen Rowley of the FBI, they are being held up as role models. In movies and magazines, the media glorifies those who risk everything to expose corruption, greed and illegal activity.

But for those who think that blowing the whistle is glamorous or a path to recognition, think again. The vast majority of whistleblowers suffer in obscurity, frustrated by burned career bridges, and never achieving the validation or recognition they sought. Thus, for every success story, there are a hundred stories of professional martyrdom. These prominent, lionized exceptions stand as beacons of false hope for thousands.

Downsides Are Apparent

In a free society nothing is more powerful than the truth. But few paths are more treacherous than the one that challenges abuse of power to try to make a difference. If you are thinking of publicly opposing an action by your agency or openly reporting wrongdoing at the workplace, here are three good reasons to take a long hard look before acting:

It Is Not a Fair Fight

One person against an entire agency or government is a David versus Goliath struggle. In terms of raw power, the agency holds all the cards.

People who speak out loudly and publicly against their agency face very real repercussions in their jobs. Not all of these repercussions are immediately obvious. For every outspoken critic who is immediately terminated, a number of others are simply transferred to a cubicle with no further job responsibilities.

Some people face direct harassment from their chain of command, a concept called "mobbing" where employees face so much daily persecution and negativity that they finally quit. Others are given lateral transfers to isolating or unpopular field offices. Still others face no immediate consequences, but find

over the years that they are repeatedly passed over for promotions in favor of less dedicated employees who have not been branded troublemakers.

In addition, the agency can:

- **Take away job duties.** This technique is called the “potted palm” gambit because the employee’s new post-whistleblowing duties are as extensive as those of an office plant.
- **Blacklist the employee so that he or she cannot find gainful employment in his or her chosen field, and becomes an example to scare others off from the same fate.**
- **Conduct a retaliatory investigation and charge the person with an offense.** Everything from sexual harassment to stealing paper clips is possible, and smears of alleged misconduct similar to what the whistleblower is challenging are most common. There is no limit to the petty depths an agency may be willing to sink (In one case, an employee was charged with gambling at work because he bought a charitable raffle ticket from a colleague). In other instances, the agency will seek a criminal prosecution for theft or misappropriation of government property. Discipline for petty offenses is an effective way to build a damaging record, where agencies must follow progressive discipline.
- **Discredit or humiliate the whistleblower by questioning the person’s mental health, professional competence, reliability or honesty.** Often the agency can hide behind privacy laws to hint that there is a problem with the employee that the agency is not at liberty to disclose.
- **Set the person up.** Usually, this means setting the person up for failure by giving impossible assignments and then firing or demoting him or her for non-performance. Sometimes, however, it means setting the person up for a criminal charge, disciplinary action or injury, i.e. ordering people with bad backs to move heavy furniture.

It Often Misses The Point

When agency employees go public with tales of malfeasance, the media spotlight often focuses on a personality to the expense of the issue.

Whistleblowers often find that they have become the focus of the story.

There are a number of problems with this scenario. First, agency heads find it easier to attack the messenger than to address the message. Rather than face the problems brought to light, managers may simply try to focus attention on the “disgruntled employee.” The conscientious employee is

then portrayed as vengeful, imbalanced, or self-serving. Women, in particular, face familiar misogynist accusations — they are “too emotional,” or the Freudian favorite, simply “hysterical.”

Second, if and when retaliatory personnel actions are taken, the battle often plays out on terrain that favors the employer, not the employee. If there is going to be a fight, the last place you want it waged is inside your own personnel jacket. This setting allows the agency to turn the tables and put the employee on trial: Is the whistleblower a good employee? In many instances, the work record of the whistleblower is utterly irrelevant to the issue at hand, but it often occupies center stage in a whistleblower case.

Third, where the employee is fighting to reverse the retaliation, the case turns on questions of labor law [see *The Law — Don't Leave Home Without It!*] such as: Was the termination lawful? Is there a legitimate reason for the transfer? Did the agency abuse its discretion? The underlying question about the employee's charges becomes a subsidiary issue.

So, even if the employee wins his or her case and is restored, it may be beyond the jurisdiction of the court to address the problem that the employee risked a career to bring to light. In other words, the victorious employee may return to an even more hostile work environment that continues to suffer from the same dysfunctional or even unlawful work conditions.

It Often Takes the Best and Brightest Out of the Agencies.

Even the most successful whistleblowers end up leaving the agency, too disheartened to pursue their chosen career. The scar tissue caused by waging the battle often exceeds the fruits of the victory.

Even if the victorious employee chooses to remain, it is almost certain that his or her career path will be forever altered. Agency managers will shy away from giving the whistleblowers controversial assignments, or assignments that carry the potential of controversy, in other words, most of the interesting work.

Thus, winning a particular battle doesn't guarantee the war, because the agency in question may be willing to give up a win early on to avoid a long-term brain drain. The conscientious employees who take career risks to address problems are precisely the people the public is best served by keeping in our public agencies. In whistleblower situations, these good professionals are invariably the first casualties.

While these are three formidable reasons to think before blowing the whistle, the human dimension behind them should not be overlooked. Being a whistleblower is stressful. It is a job stress, as a number of whistleblowers have found, that inexorably follows you home.

Employees who face retaliation most directly (as in termination or harassment) incur psychological as well as financial stress. Less obvious but no less real is the strain from a “mind-game” type of retaliation, as employees are transferred to less interesting projects or have responsibilities slowly removed.

Work pressure puts additional tension on personal relationships. Family members often have a harder time understanding or sympathizing with the less dramatic forms of retribution. It is not uncommon for marriages and other relationships to fall apart in the wake of whistleblowing.

These dynamics can lead to stress-related health problems, including ulcers and headaches, anxiety and fatigue, or alcoholism and other self-destructive addictions.

Check Your Parachutes Before You Leap – A Checklist for Whistleblowers

Notwithstanding the above, sometimes an employee is forced to blow the whistle. As explained in later chapters, oftentimes employees do not even think they are blowing the whistle, they are just doing their jobs but wake up one day to find that they invisibly made a transition from valued worker to Public (Agency) Enemy Number One. In other instances, the employee is put into a situation where he or she has nothing to lose by fighting.

When that moment of realization or decision arrives, take a pause to review the following checklist:

Ten Tips for Potential Whistleblowers

Consult Your Loved Ones

As mentioned above, blowing the whistle is a family decision. Before taking any irreversible steps talk to your spouse, your family or close friends — the support group you will need to depend upon in the coming days — about your decision to blow the whistle. If they are not with you, you may want to rethink this path.

Check for Skeletons in Your Closet

Any personal vulnerability or peccadillo you possess can, and most likely will, be used by the agency against you. If there is something in your past you do not want to see on the front page of the newspaper, reconsider blowing the whistle. One practical step is to make a copy of the complete contents of your personnel file as insurance that new but backdated “dirt” cannot be later slipped in.



Document, Document, Document

Keep copious records and a daily diary of relevant information, memorialize conversations with letters to the file and maintain a separate set of documents outside of work in a safe place. Your chances of success will likely depend on how powerful a paper trail you produce. After you blow the whistle, your access to agency records may be immediately cut off.

Do Not Use Government Resources

Do not engage in whistleblowing activity on agency time, even to defend yourself in a retaliation case unless you have specific approval, such as through a union collective bargaining agreement. Avoid using any agency fax machine or other government resources in making your case. Know

that your workplace computer terminal belongs to the agency and any e-mail or memo on it will be in agency hands soon after you blow the whistle. Also be extremely cautious about using the office phone for "unauthorized" conversations.

Check to See Who, If Anyone, Will Support Your Account

Gauge the level of support among your co-workers for the concerns you might raise. Get a sense of whether key people will back up your account. If you can't count on others to later testify as supporting witnesses, you may be well advised to wait before challenging misconduct. Try to stay on good terms with administrative staff members who may be in a position to know of impending agency actions.

Consult an Attorney Early

Do not wait until you are in the "career emergency room" before seeking professional help. Like preventative medicine, using a little preventative legal advice can prevent the need for heroic intervention later.

Choose Your Battles

Pick favorable terrain for highlighting your issue. Don't sweat the small stuff. Waging a battle over an agency practice by contesting poor performance evaluations or retaliatory disciplinary actions can quickly become a trap. In any personnel action, the advantage is with the employer, not the lone employee.

Identify Allies

There is strength in numbers. Do not wait to be isolated by the agency. Share your knowledge with those that might have interest in your evidence. Seek out potential allies before your situation heats up, and work through intermediaries whenever possible. If possible, line up the assistance of sympathetic interest groups, elected officials or journalists. The strength of your support coalition may determine the outcome of the battle ahead.

Have A Well Thought Out Plan

Be clear-headed about precisely what you expect to accomplish and how. Do not premise your actions on some vague notion that the truth will prevail. Plan out a step-by-step scenario of what documents should be released when and how agency responses will be perceived. Try to prepare for agency counter-moves by anticipating agency responses to your charges

and mapping out the counter to those charges. The tenor of this first exchange may determine if the immediate battle with the agency will be quick or drawn out.

Get Yourself a Little Career Counseling

Map out where your actions will leave you a year from now, two years from now, five years, etc. Plan out the route you want to take and how you reasonably expect your professional path to proceed. There is no doubt that you are about to embark upon a professional journey.

A Better Way — The Path of Anonymous Activism

Throwing away your entire career, particularly if there are other ways to ventilate the problem, is imprudent and counterproductive. In addition, bureaucracies prefer to focus on the “disgruntled employee” rather than the substance of the problem. If you can keep the spotlight on the issue and not on you, there is a much greater chance that the problem will be addressed.

As discussed in the next chapter, there are many effective ways to bring agency troubles to light by focusing on the message without exposing the messenger. This approach is called anonymous activism.

This does not mean baseless accusations thrown from the bushes. The specialists within the agency are the public’s eyes and ears. They are the public’s paid experts. They are usually in the best place to expose agency deception or missteps.

Nor does it imply disloyalty. Most of the employees willing to take career risks over public interest concerns do so out of a deeper loyalty to the agency — they are committed to its mission to serve the public. Public service does not mean blind obedience to one’s supervisor or subservience to an agency agenda that subverts the law and the public interest.

In most cases, it merely means exposing what is occurring behind closed doors in what are supposed to be *public* agencies. A fundamental precept of our system is that the people’s business should be conducted so that the people can learn what is being done in their name.

Invariably, when an agency is under heightened public scrutiny, it seeks to appear as if it is doing “the right thing.” Activists within the agency can ensure that anything happening within the agency can and will appear on the front page of the next morning’s newspaper without agency managers knowing how it got there. Once agency management comes to expect that its inner workings will be routinely exposed, that agency will be drawn towards the path to reform.

the ART of Anonymous Activism
