

the ART of Anonymous Activism:

Serving the Public While Surviving Public Service



POGO

The Project On Government Oversight investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, we are a politically-independent, nonprofit watchdog that strives to promote a government that is accountable to the citizenry.

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GAP

The mission of the Government Accountability Project is to protect the public interest and promote government and corporate accountability by advancing occupational free speech, defending whistleblowers and empowering citizen activists. We also advise public agencies and legislative bodies about management policies and practices that help government deal more effectively with substantive information and concerns, while protecting the jobs and identities of those who provide this critical information.

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PEER

Public Employees for Environmental Responsibility is a private, non-profit organization that protects the government employees who protect our environment. PEER works with and on behalf of these resource professionals to effect change in the way government agencies conduct business. PEER promotes environmental ethics and government accountability.

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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.

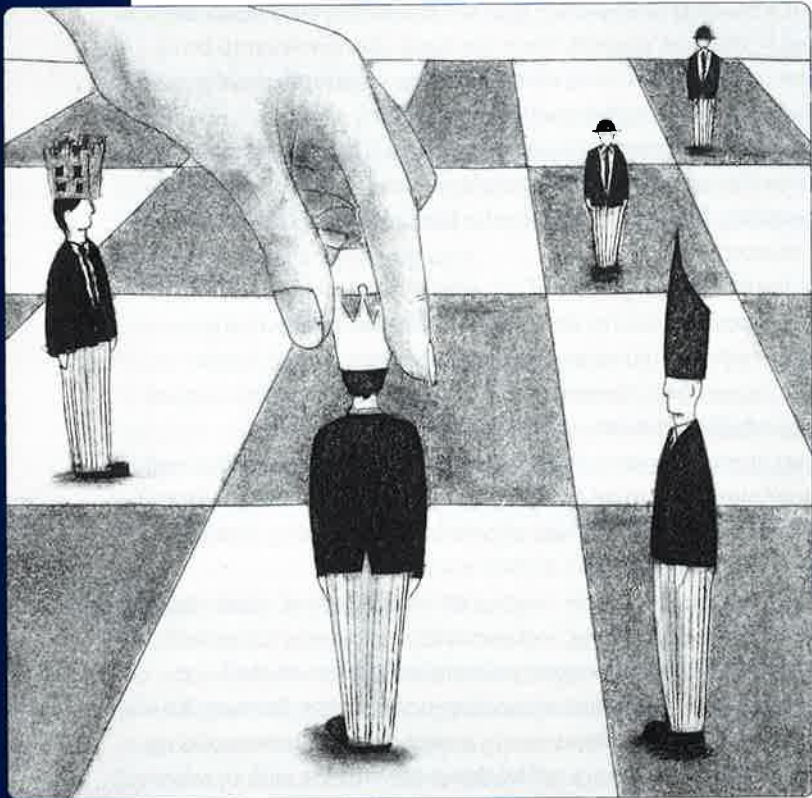
In most cases, it merely means exposing what is occurring behind closed doors in what are supposed to be *public* agencies. A fundamental precept of our system is that the people’s business should be conducted so that the people can learn what is being done in their name.

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.

Perhaps eventually

we could realize the ideal in which
loyalty to an organization means loyalty
to ethical standards characteristic of
the organization at its finest.

*Natalie Danecker, Can Whistleblowing Be Fully Legitimated?*⁴



Deliver the Message, Not the Messenger



Embattled employees have several options available to break the bunker mentality that persists in many agencies. While the best offense is often a good defense, employees of conscience can utilize pro-active techniques to spur change in the way agencies conduct the public's business.

Advocacy Partners

In many instances, the evidence of agency misconduct inherently identifies the employee source. For example, a sensitive memo with an extremely small circulation or an e-mail sent to only one recipient. In these cases, public release of the "smoking gun" document would create collateral career damage for the person who is known to have released it.

Unless the document has titanic significance, ending one's career in order to expose one act of misconduct is hard to justify. Particularly when this one act of agency misconduct is part of a larger pattern that will go on uninterrupted (or only briefly suspended) after the furor of the initial exposé blows over.

The key then is to stay undercover and work with others to devise a way to pry loose the critical document in a way that leaves no fingerprints. Sometimes developing and implementing such a plan takes weeks, months or even years. Considering the alternatives, the wait and the effort in planning are well worth it.

By working on their own time with an outside advocacy group willing and able to protect the confidentiality of its sources, internal anonymous activists can maximize their impact. Strict confidentiality procedures coupled with ready legal assistance also work to maximize protection for employees.

Moreover, if the guise of anonymity remains in place, the employee source may be made privy to the agency response or damage control strategy to the very charges the employee launched. This insider role is especially likely when the employee source is the agency expert on the topic and his or her knowledge is needed to craft the agency's defense. Needless

to say, being on the inside of the agency damage control team can be especially advantageous in keeping a controversy alive by exposing deliberate agency misstatements or attempts to perpetrate a cover-up.

In any event, whether working with co-workers, citizen groups or legislative staff, employees should try to pin down specific confidentially commitments before exposing themselves to risks. Some groups that may be less sensitive to the plight of the whistleblower may choose to risk exposing their identity for the greater good. Congressional staff may not realize they are exposing you by aggressively demanding answers to charges that sound much like points you are known to have made internally.

The following techniques of “anonymous activism” have proven to be extremely effective:

Choosing an Advocacy Partner

The best way for public employees to secure their right to First Amendment Freedom of Speech is to first exercise their right to First Amendment Freedom to Assemble. In other words, form or affiliate with an outside group that can provide you with the resources, connections and assistance to address the problems internal to your agency. This outside affiliation is key to effectively utilizing your limited time outside of work.

The outside partner may be a union, non-profit organization or a professional society. Whatever you choose, it is essential that your partner share your goals and priorities, so that your concerns do not have to be subordinate to a pre-set agenda.

The advocacy partner acts as both a shield to protect the identity of employees and a conduit to the outside world so that the employee concerns can be known. This partner may also be able to help identify other allies within your agency.

Classic Example — The Leaked Document

An embarrassing document has been broadly circulated within an agency. An employee who wants to make sure that this document enters the public domain could directly try to contact a reporter with it or could entrust it to an advocacy partner. The partner can negotiate terms for its use with the reporter, organize others to comment about it on the record and publicly follow-up by pushing the agency for a response. The group can also post documents on the web, issue broader press releases and place supportive opinion pieces in local newspapers.

In other words, it helps to have friends.

CASE STUDY: Leaving No Fingerprints

As a James Watt protege with a history of right-wing advocacy, Gale Norton faced skeptical senators during her confirmation hearings to serve as Interior Secretary. She was grilled about whether she could set aside her ideology particularly on high profile issues, such as President Bush's proposal to drill for oil in the Arctic National Wildlife Refuge. To allay those concerns Norton unequivocally pledged to relay only "the best scientific evaluation of the environmental consequences" from oil development in the Refuge.

She lied.

After her confirmation, Alaska's Senator Frank Murkowski wrote Norton requesting her agency's assessment of the effects of oil drilling on the Porcupine caribou herd in the Arctic National Wildlife Refuge. Norton directed Murkowski's questions to the U.S. Fish and Wildlife Service (FWS), which oversees the refuge. FWS reported its conclusions back to Norton but the conclusions did not suit her — so she simply doctored the responses.

FWS employees contacted PEER and provided the group with the paper trail consisting of two letters: one from the FWS to Norton, and the other from Norton back to Murkowski and the Senate Energy & Natural Resources Committee. The contrast between the letters is remarkable. Secretary Norton made 17 substantive changes in what were supposed to have been scientific findings. All of Secretary Norton's changes were designed to minimize impacts of projected drilling activity.

An exposé in *The Washington Post* ran on the very day Secretary Norton was giving a keynote speech at the Society for Environmental Journalists conference in Portland, Oregon. When asked about the discrepancies, Norton got herself into even more trouble by giving misleading answers.

Norton admitted "mistakes were made" but ascribed discrepancies to typographical errors. While she admitted setting aside agency scientific findings, Norton now claimed to be relying on other "peer-reviewed" data. In fact, the data she used was from a non-peer-reviewed study by an outspoken drilling proponent who acknowledged oil giant BP Explorations for providing "encouragement, funding and useful comments" on his research.

This episode helped sink the drive to open up the Arctic Refuge. Moreover, the true sources of the documents were never revealed.

Collective Voice

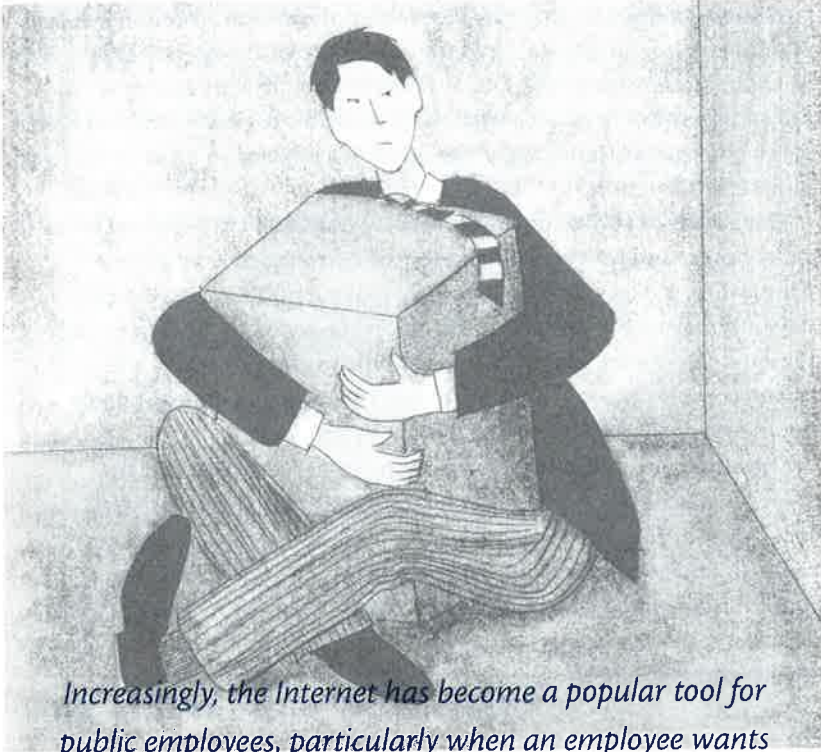
Union organizers know that collective action provides both power and anonymity for members of groups. While bad managers can punish individual employees for simply bringing up problems, both retaliation and smears are more difficult to carry out when a group of employees speak with one voice. The larger the group, the more powerless is management. For example, GAP effectively recruited the President of the Food Inspectors Union to publicly speak for a designated number of whistleblowers, providing cover for those concerned about harassment.

There are a variety of ways to demonstrate this principle in action. One technique is to use *employee surveys* to document or dramatize problems within public agencies without putting individual employees in the spotlight. Surveys are written by a small but representative group of employees. The questions are worded to key in on the most important problems facing the agency.

Once the survey is finalized, an advocacy partner works with employees to distribute the survey, encourage participation, and tabulate the results. The result is a targeted audit of agency leadership, addressed by the people who best know its strengths and weaknesses.

When the results are sent back to survey participants, agency leaders, and local decision makers, the results are also released to the media. As described in Chapter IV, the press amplification helps keep agency leaders accountable to the results, ensure they address the problems identified and make needed changes.

In 1999, PEER conducted a survey of the Wisconsin Department of Natural Resources. The results were astounding. Nearly half the respondents believed that the agency's scientific studies were influenced by politics, and the same number stated that they didn't trust DNR administrators to "stand up against political pressure in protecting the environment." More importantly, more than 9 in 10 respondents called for a restructuring of the agency so that the DNR secretary would not be a direct appointee of the Governor. This call for de-politicization resonated with Wisconsinites, and hundreds of citizens demonstrated outside the state capitol in Madison, calling for democratic reforms at the DNR. Even the Secretary himself, resigning two years later, echoed the survey results, and called for a restructure of the agency.



Increasingly, the Internet has become a popular tool for public employees, particularly when an employee wants to leak a "smoking gun" document that speaks for itself.

There are a number of benefits to conducting employee surveys. Aside from diagnosing problems within the agencies and holding leaders accountable, they often inspire individual employees, who no longer feel so alone in their cubicles, and solicit solutions from the rank and file. Best of all, this is accomplished without threatening the job security of any of the participants.

An Anonymous Publishing House

The problems that vex public employees frequently involve complicated bureaucratic maneuvering to accomplish or conceal misuse of funds, abuse of power, or violation of laws. Sometimes, the general public does not readily understand these stories without some previous familiarity with the issue or the internal workings of the agency.

While seemingly arcane, these problems often have profound impacts on public policy far beyond the internal culture of the agency. One tool to get these insider stories out into the public domain is through the publication of white papers, written by anonymous employees and edited by the communications staff of the advocacy partner to make sense to the public and the media.

The format of a white paper allows a lay translation of technical terms and concepts and provides context for the current details of agency malfeasance. It is an excellent vehicle for making public otherwise exclusively internal agency problems. The editing provides an “English to English” translation necessary to attract and hold the reader’s attention and to explain complex issues in a readable way. The result is a media-friendly report that could only have been written by an insider.

The employee-author(s) remain anonymous, of course, but the advocacy partner works with them to ensure that the facts are well documented. This includes citations to publicly available reference materials and photocopies of internal memos not easily available to the public. These employee-written white papers have formed the basis for litigation, been the subject of legislative hearings and helped shift the tide of environmental policy.

CASE STUDY: Tales of Sludge

Plant employees at the Missoula Wastewater Treatment Plant were told not to report numerous spills, bypasses and potential “backflows” from the plant. The problems threatened not only the Clark Fork River (one of Montana’s best fishing streams) but also risked contaminating groundwater and the plant’s own drinking water. After their pleas to the state and federal environmental agencies went unanswered, they turned to PEER.

Working with that group, the plant employees wrote a white paper, entitled *Fouling Our Nest*, documenting a pattern of questionable management practices, including manipulation of fecal coliform tests, equipment breakdowns, dangerous emissions of methane gas and mercury spills.

Fouling Our Nest explained how problems at the plant remained hidden from the public by a departmental culture of covering up issues and retaliating against those who spoke up. Plant employees described how pollution by municipalities often fell through regulatory cracks between state and federal agencies. The white paper also served as a primer on how

sewage treatment plants work and it outlined the points where checks and balances were breaking down.

Fouling Our Nest sparked a public campaign to clean up the plant and served as a blueprint for a citizen suit filed under the Clean Water Act by PEER and local citizens. PEER settled the lawsuit, with the City of Missoula agreeing to upgrade its sewage system, improve its water quality monitoring and pay \$100,000 for pollution prevention projects and PEER's attorney fees.

Increasingly, the Internet has become a popular tool for public employees, particularly when an employee wants to leak a "smoking gun" document that speaks for itself. Scanned versions of photos or internal memos can set the record straight in a powerful way. Advocacy groups' web sites double as bulletin boards for public employees to post these documents. The documents are supplemented with outreach to relevant agency staff, decision makers and media outlets, with links back to the scanned documents and a brief description of their significance. As with white papers, these web links force agency leaders to address a well-documented message, while keeping the messenger safe.

CASE STUDY: Power of the Web

The power of the web was evident in a recent case involving Berkshire Community College in Pittsfield, Massachusetts. School officials illegally damaged sensitive wetland habitat when they constructed soccer fields. The development had serious impacts on two state-listed rare species. In order to hide this from regulators, the school doctored the contour maps before submitting them to the state. When the original contour map is set beside the altered map, it is clear that all evidence of slopes *inside* the soccer fields have been erased.

PEER posted these two maps on its website, along with a short description and e-mailed the link to state regulators and the press. It has triggered an investigation of the wetlands violations and submission of falsified documents.

GAP also used this device as the hook for congressional and media oversight of attempts to deregulate inspection of domestic and imported government-approved meat and poultry. In reports titled *Fighting Filth on the Kill Floor, Free Trade in Filth and Hamburger Hell*, powerful, graphic evidence available online matched the titles. The images helped to spark public outrage that frustrated serious attempts at industry deregulation over the last two decades.

Pen Pals and Other Surrogates

The leading expert on a particular conservation or other public policy issue is often the state or federal specialist. Unfortunately, that expertise is locked away from the public because many government workers are justifiably afraid to exercise their First Amendment rights to offer public comments on the issue.

If done outside of work time, and using non-governmental equipment, such participation is completely legal (see *The Law — Don't Leave Home Without It*) But some offices are so politicized that many employees dare not participate in the process. Thus, the public loses out, as the nation's leading experts cannot weigh in. This is doubly ironic in that the public pays the salaries of the experts who cannot speak in public.

One technique employed by advocacy partners is to place their stationery in the employee's hands to draft public comments, administrative appeals, document requests and the comments, appeals or letters under the signature of the advocacy group staff. This form of ghost writing or "pen pal privileges" is a way to free the expertise resident inside public agencies so it can reach the public domain.

Through this technique the agency is forced to openly confront the hard issues it is desperately trying to avoid. We allow these experts to draft the comments based on their expertise, unafraid of political fallout, because the comments will go out under our signature.

Similarly, the most effective Freedom of Information Act (FOIA) requests are the ones crafted by the employees who are custodians of the documents. These employees know precisely what is in the files, what is not (but should be) in the files and the significance of both.

Guided by employee activists, the public can learn of the existence of incriminating documents or other "smoking gun" evidence of malfeasance. Only through citizen awareness of questionable agency decisions will government entities be forced to focus on their mandated duties.

Anonymous whistleblowers can also play a role in tutoring the staff of congressional oversight committees. In addition to ghostwriting document requests, they can draft committee questions for oversight hearings and work with staff to expose any resulting deception.