6

Target: whistleblowers

Ralph Nader's book *Unsafe at any Speed,* published on 1 November 1965, was an indictment of auto safety.[1] In December, General Motors initiated surveillance of Nader, including attempts to entrap him in discreditable activities.[2] The entire operation was kept secret, a classic example of cover-up. But when the surveillance was exposed, it backfired in a major way, with Senate hearings leading to media coverage that damaged GM and the entire auto industry.

After Nader became convinced he was being spied on, he sought and obtained press coverage. Journalists asked auto manufacturers for their comments. The companies denied that Nader was being investigated. To explain why not, one industry source said, "Think what a blunder it would be if a company were caught at it."[3] Eventually, under pressure from the press, GM admitted to its investigation of Nader. This became big news.

Discrediting Nader was difficult. GM apparently went through *Unsafe at any Speed* looking for anything that might be wrong. In the Senate auto safety hearings, Senator Carl T. Curtis repeatedly interrupted Nader, implying he was in it for the money. At hearings in Iowa on auto safety, Karl M. Richards, of the Automobile Manufacturers Association, asked Nader who was paying his expenses. But such attempts to smear Nader, who lived a spartan lifestyle, were unsuccessful.

GM tried to pin blame on private investigators, implying that GM had requested they only examine Nader's value as an expert witness and, by delving into Nader's private affairs and sex life, they had exceeded their brief. GM had tried to maintain distance from the investigation by using an outside law firm as the go-between. In November 1966, Nader sued GM and Vincent Gillen, a private investigator. GM then distanced itself from Gillen, but this was a mistake: Gillen had secretly taped conversations showing GM's interest in discrediting Nader.

GM did one thing right: it made a public apology. The president of GM, James M. Roche, admitted the investigation to the Senate committee. He later apologized on national television. These acknowledgments were seen as statesmanlike, lessening the damage to GM.

Nader launched several court cases against GM in an attempt to discover and expose what had really happened. But these cases did not generate very much additional public attention, because the cases were slow and complex and the audience for the subsequent revelations was so much smaller than for the original exposé.

Nader found that people working in the auto industry were afraid to speak out. Nader himself, because he was not an employee, was less vulnerable to intimidation, but the surveillance and efforts to discredit him would have deterred many in his situation. Thomas Whiteside, in his definitive account of the investigation, rhetorically asked, "Under such an intimidating barrage, who but a Nader could have emerged without having had his personal integrity and critical reputation

1. Ralph Nader, *Unsafe at any Speed: The Designed-in Dangers of the American Automobile* (New York: Grossman, 1965).

2. Thomas Whiteside, *The Investigation of Ralph Nader: General Motors vs. One Determined Man* (New York: Arbor House, 1972). I thank Jamey Wetmore for referring me to this book. See also Justin Martin, *Nader: Crusader • Spoiler • Icon* (New York: Basic Books, 2002).

3. Whiteside, *Investigation of Ralph Nader*, 42.

destroyed?"[4]

Nader was a whistleblower, a person who speaks out in the public interest.[5] Like many other whistleblowers, Nader came under attack. He not only survived but made the attack backfire: the publicity about GM's investigation turned *Unsafe at Any Speed* into a best-seller and launched Nader's career as the world's most well-known and effective consumer advocate.[6] In this, his case is quite different from the stories of most whistleblowers, which read like tragedies.

The previous chapters have dealt with forms of physical violence — massacres and police beatings — and how these can backfire against the perpetrators. Attacks on whistleblowers seem to be something quite different. Very seldom are whistleblowers physically assaulted. They might be spied upon, as occurred to Nader, or harassed, reprimanded, and fired, as happens to so many whistleblowers who are employees. The common feature in all these cases is a perceived injustice. Violence against those who are peaceful, or in a position of relative weakness, is seen as unjust. Reprisals against a law-abiding citizen are also seen as unjust. What makes these reprisals especially upsetting is that whistleblowers set out to serve the public interest, by speaking out about corruption or dangers to the public. The discrepancy between what whistleblowers have done and what is done to them is so striking that there is a great potential for backfire.

This chapter follows a different format from the previous four. After describing, in the next section, what typically happens to whistleblowers, I focus on the failure of official channels, something that is counterintuitive to whistleblowers and observers. Then I look at the other methods of inhibiting outrage and conclude with an example of a whistleblower, Andrew Wilkie, who did just about everything right.

Whistleblowing

Whistleblowers can be thought of as part of society's alarm and self-repair system, bringing attention to problems before they become far more damaging.[7] Whistleblowers have

4. Ibid., 176.

5. Nader was a whistleblower in this general sense, though not according to narrower definitions such as "the disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action" as given by Janet P. Near and Marcia P. Miceli, "Organizational Dissidence: The Case of Whistle-blowing," *Journal of Business Ethics* 4 (1985): 1–16, at 4.

6. Nader has taken an active interest in whistleblowing. See Ralph Nader, Peter J. Petkas, and Kate Blackwell, eds., *Whistle Blowing: The Report of the Conference on Professional Responsibility* (New York: Grossman, 1972).

7. C. Fred Alford, *Whistleblowers: Broken Lives and Organizational Power* (Ithaca, NY: Cornell University Press, 2001); Quentin Dempster, *Whistleblowers* (Sydney: ABC Books, 1997); David W. Ewing, *Freedom Inside the Organization: Bringing Civil Liberties to the Workplace* (New York: Dutton, 1977); Myron Peretz Glazer and Penina Migdal Glazer, *The Whistleblowers: Exposing Corruption in Government and Industry* (New York: Basic Books, 1989); Geoffrey Hunt, ed., *Whistleblowing in the Health Service: Accountability, Law and Professional Practice* (London: Edward Arnold, 1995); Geoffrey Hunt, ed., *Whistleblowing in the Social Services: Public Accountability and Professional Practice* (London: Edward Arnold, 1998); Nicholas Lampert, *Whistleblowing in the Soviet Union: Complaints and Abuses under State Socialism* (London: Macmillan, 1985); Marcia P. Miceli and Janet P. Near, *Blowing the Whistle: The Organizational and Legal Implications for Companies and Employees* (New York: Lexington Books, 1992); Terance D. Miethe, *Whistleblowing at Work: Tough Choices in Exposing Fraud, Waste, and Abuse on the Job* (Boulder, CO: Westview, 1999); Charles Peters and Taylor Branch, *Blowing the*

spoken out about police corruption, pedophilia in the churches, corporate mismanagement, biased appointment procedures, environmentally harmful practices, and a host of other issues.

Although whistleblowers are extremely valuable to society, most of them suffer enormously for their efforts. Ostracism, harassment, slander, reprimands, referral to psychiatrists, demotion, dismissal, and blacklisting are common methods used to attack whistleblowers. Bosses are the usual attackers with co-workers sometimes joining in.

Many whistleblowers are conscientious, high-performing employees who believe the system works. That's why they speak out. They believe that by alerting others to a problem, it will be dealt with. Many do not think of themselves as whistleblowers at all — they believe they are just doing their job. So they are shaken to the core when the response to their public-spirited efforts is to vilify them as disloyal, to question their work performance, to withdraw emotional support, and to mount attacks. As well as suffering financial losses and severe stress, whistleblowers are at increased risk of relationship breakdowns and health problems.

Even worse than this, though, and unlike Nader's confrontation with the auto industry, few whistleblowers seem to bring about any change in the problems they speak out about. The treatment of whistleblowers is a double disaster for society: capable and courageous individuals are attacked and sometimes destroyed, while the original problems are left to fester. This is illustrated by two longstanding Australian cases.

Bill Toomer was the senior quarantine inspector in the state of Western Australia when, in 1973, he requested fumigation of a ship in Fremantle because of the presence of mice and rats. Fumigation is costly and time-consuming and hence disliked by ship owners. Previously, in the state of Victoria, Toomer had refused bribes to ignore infestations of ships. In the Fremantle case, Toomer was overruled by his superior and before long was fined, demoted, and transferred. In 1980, due to the pressure, he retired at age 45. In the past three decades, his case has been brought before numerous politicians and agencies, including the Ombudsman, the Administrative Appeals Tribunal, and the Merit Protection and Review Agency, with a number of them holding formal inquiries. Even today, Toomer's supporters continue to petition the Australian government for compensation and have gathered evidence that Toomer was set up in Fremantle for removal from ship quarantine duties.[8]

For one man to lose his career is bad enough. For millions of dollars to be spent on inquiries is an added burden. But in some ways worst of all is that focusing on the treatment of Toomer distracted attention from the original issue of corruption in quarantine inspections.

Mick Skrijel was a crayfisherman in South Australia in 1978 when he reported to police and politicians what he thought were drug drops off the coast. Afterwards, his catches were stolen, his boat was destroyed by fire, his house was partially burnt, and he was assaulted. Moving to Victoria in the 1980s, his allegations were passed to the newly created National Crime Authority. Skrijel leafleted and picketed NCA headquarters over its inaction — and then the NCA investigated Skrijel himself, who went to prison for five months after a raid found explosives and marijuana on his property. His conviction was later quashed by the Victorian Supreme Court: the judges found the explosives and marijuana could have been planted. Investigating the matter at the request of the government, a

Whistle: Dissent in the Public Interest (New York: Praeger, 1972); Alan F. Westin, with Henry I. Kurtz and Albert Robbins, eds., *Whistle Blowing! Loyalty and Dissent in the Corporation* (New York: McGraw-Hill, 1981).

8. Tony Hewett, "The Whistle Blower," *Sydney Morning Herald,* 6 March 1993, p. 40; Keith Potter, "Protection of Vested Shipping Interests and their Protectors: A Multi Million Dollar 32 Year Cover up" (submission to government bodies), 14 February 2005.

senior barrister, David Quick, recommended an inquiry, with powers to collect evidence and compel testimony, into the possibility that Skrijel was framed, but the government declined.[9]

Vast efforts have been made by Skrijel and his supporters to pursue justice over his case. Somewhere along the line, the original issue of the South Australian drug trade dropped off the main agenda.

These are but sketches of cases that are incredibly complicated, as are most whistleblower stories. But after hearing such stories, there is a burning question that is easy to articulate: "How can whistleblowers do better?"

Official Channels: The Continuing Disaster

Whistleblowing usually involves a twofold injustice. First is the problem — corruption, abuse, a hazard to the public — about which a person speaks out. Second is the treatment of the whistleblower. Both of these have the potential to backfire, if people recognize them as matters for concern and information about them is communicated to receptive audiences. Therefore it is predictable that perpetrators will use the five methods of inhibiting outrage. That is exactly what can be observed in case after case.

I'm going to give special attention to official channels, because they play such a prominent role in whistleblower cases. In the late 1970s, I became aware of several cases in which environmental researchers or teachers had come under attack, for example being denied tenure, having publications blocked, or losing grants. I started writing about the issue under the label "suppression of dissent," and as a result people told me about more cases, and before long I became familiar with a wide variety of cases outside the environmental area.[10] In 1991, the organization Whistleblowers Australia was set up to provide information and support to whistleblowers; most of the group's members are whistleblowers themselves. Through my involvement, especially as president 1996-1999, I heard from many more whistleblowers.

Over the years I've listened to hundreds of whistleblowers tell their stories. These stories are as predictable as they are heart-rending. As well as a litany of reprisals from employers, the most striking feature of the stories is what happens when whistleblowers take their complaints to outside bodies such as ombudsmen, anti-corruption commissions, auditor-generals, and courts. So familiar is the refrain that when a whistleblower mentions an agency, sometimes I jump in and say, "They didn't help, did they?" The whistleblower responds, "How did you know?" I was just going by the odds — hardly anyone reports being helped.

Of course, whistleblowers who contact me may not be representative. After all, they wouldn't be contacting me if an agency had resolved their complaint. But there's solid research to back up my impressions. In the largest study of whistleblowers in Australia, William De Maria found that they reported being helped by an official body in less than one out of ten approaches, and in many cases they felt worse off.[11] This is the best available research on how whistleblowers feel about the performance of official channels.

Then there are whistleblower laws, often

9. Hall Greenland, "Mick's War," *The Bulletin* 121 (17 June 2003): 32–37.

10. Brian Martin, "The Scientific Straightjacket: The Power Structure of Science and the Suppression of Environmental Scholarship," *Ecologist* 11 (January-February 1981): 33–43; Brian Martin, C. M. Ann Baker, Clyde Manwell, and Cedric Pugh, eds., *Intellectual Suppression: Australian Case Histories, Analysis and Responses* (Sydney: Angus & Robertson, 1986).

11. William De Maria, *Deadly Disclosures: Whistleblowing and the Ethical Meltdown of Australia* (Adelaide: Wakefield Press, 1999); William De Maria and Cyrelle Jan, "Behold the Shut-eyed Sentry! Whistleblower Perspectives on Government Failure to Correct Wrongdoing," *Crime, Law & Social Change* 24 (1996): 151–66.

seen as the salvation for whistleblowers. But the laws fall far short of their promise. Whistleblower laws are written in different ways, but they all have a fundamental shortcoming: they only offer remedies *after* a whistleblower has spoken out and suffered reprisals. Many of the laws have other flaws. Often they require that a whistleblower report matters internally first before going to the media — in fact, contacting the media may nullify protection. Such conditions seem designed to minimize public concern. But even whistleblower laws that look good on paper may give only an illusion of protection.[12] In Australia, there are whistleblower laws in every state and territory but there is not a single case in which an employer has been prosecuted for reprisals against a whistleblower. In South Australia, whistleblowers have pushed for years for the state's whistleblower act to be applied, to no avail.

Even if the laws were implemented, they are almost always slow and procedural, dampening outrage. In many cases, it is virtually impossible to collect adequate evidence of reprisals. For example, ostracism is terribly debilitating but exceedingly difficult to prove. Likewise, subtle harassment, such as not informing an employee about meetings, denying routine privileges, or changing rosters, is hard to document. Therefore, the reality of the whistleblower's experience seldom emerges in formal investigations. Another problem is that whistleblower laws focus on the treatment of the whistleblower, with neglect of the original issue complained about.

There are some who give a more positive assessment of whistleblower laws. In Britain, the group Public Concern at Work, which worked towards the country's 1999 whistleblower law, is supportive of it.[13] On the other hand, Geoff Hunt, founder of the UK group Freedom to Care[14] — a national support group for whistleblowers, made up primarily of whistleblowers, similar to Whistleblowers Australia — says

> The UK law is, in our opinion, very nearly useless. We are not alone in thinking this and the law has had quite a bad press over the last two or three years. Its greatest success, it seems to me, has been in simply using its very existence (regardless of merits/demerits) to threaten ignorant employers.[15]

Hunt's alternative is to base whistleblowing on a human right: the right to freedom of speech in the workplace.

In Australia and Britain, governments have passed whistleblower laws but retain draconian defamation laws, which are frequently used to stifle free speech, and official secrets acts that prevent government employees from speaking publicly about virtually any aspect of their work. This is compatible with the judgment that whistleblower laws are more about symbolic politics — giving the appearance of government concern about an issue — than making effective interventions on behalf of those who speak out in the public interest.[16]

The United States is the country with the longest experience with measures to protect whistleblowers, starting in the 1970s. What seems to happen is that laws are passed and then found to be ineffective, so new laws are

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12. Brian Martin, "Illusions of Whistleblower Protection," *UTS Law Review* 5 (2003): 119–30.

13. Anna Myers, "Whistleblowing — The UK Experience," in *Whistleblowing around the World: Law, Culture and Practice,* ed. Richard Calland and Guy Dehn (Cape Town: Open Democracy Advice Centre; London: Public Concern at Work, 2004), 101–18.

14. Freedom to Care. http://www.freedomtocare.org/ (accessed 29 June 2006). [*Note added 2010:* Freedom to Care has closed down.]

15. Geoff Hunt, personal communication, 12 July 2004.

16. For a general account of this process, see Murray Edelman, *Politics as Symbolic Action: Mass Arousal and Quiescence* (Chicago: Markham, 1971).

passed and the cycle is repeated. There are now dozens of different laws offering whistleblower protection, but none provides an easy road for whistleblowers.

Tom Devine of the Government Accountability Project is one of the country's most highly experienced whistleblower advisers. He is author of *The Whistleblower's Survival Guide,* the most useful manual for U.S. whistleblowers.[17] In his *Guide,* Devine assesses a host of different routes for whistleblowers, finding that even the most promising ones are very far from ideal. For example, most federal government agencies now have hotlines for reporting misconduct, but Devine says "for those whistleblowers who seek to make a difference while avoiding retaliation, hotlines are in most cases worthless at best."

The Office of the Special Counsel, set up specifically to receive whistleblowing disclosures from federal employees, has severe deficiencies in practice. For example, although the OSC can demand that government agencies adequately investigate charges made by whistleblowers, it seldom exercises its power: "The OSC's annual report for fiscal 1995 reveals that out of 333 whistleblowing disclosures, the office forwarded only two for agency investigation." Devine says that "On balance, these flaws in the system mean that an OSC whistleblowing disclosure is likely to be unproductive or even counterproductive — unless it is part of a larger strategy involving other institutions."[18]

The False Claims Act is the most powerful tool against fraud in government contracts. Through the act, whistleblowers can initiate suits against government contractors; if the government decides to take over a case, whistleblowers are guaranteed a share of any money recovered as a result of their disclosures. Reflecting the effectiveness of the act, a group of government contractors — most of which had been found guilty of fraud and paid large fines — campaigned in the 1990s to neuter the act. But even with the False Claims Act, a whistleblower faces daunting hurdles. It can be difficult to find a lawyer willing to cover the huge legal expenses in a case that can easily last years. In the court case, whistleblowers must eventually reveal their identity, risking permanent exclusion from their field of work. During the Justice Department's review of the case, which may last years, whistleblowers are legally prohibited from speaking about the evidence to public audiences. And there are various other pitfalls along the way.[19]

In a more recent article, Devine reaches a similar conclusion:

> On balance, in practice U.S. statutory whistleblower laws have been Trojan horses, creating more retaliation victims than they helped achieve justice. … the system has been rigged so that realistically it routinely endorses retaliation …[20]

After the failure of whistleblower laws in the 1970s and 1980s, Congress passed a stronger law in 1989, and then bolstered it with amendments in 1994. But, according to Devine,

> … the pattern of futility persists. Between passage of the 1994 amendments and September 2002, whistleblowers lost 74 of 75 decisions on the merits at the Federal Court of Appeals, which has a monopoly on judicial review of administrative decisions.[21]

This is because the law is filled with loopholes

17. Tom Devine, *The Whistleblower's Survival Guide: Courage Without Martyrdom* (Washington, DC: Fund for Constitutional Government, 1997).

18. Ibid., 51, 68, 69.

19. Ibid., 76–82.

20. Tom Devine, "Whistleblowing in the United States: The Gap between Vision and Lessons Learned," in Calland and Dehn, *Whistleblowing around the World,* 74–100, at 83–84.

21. Ibid., 85.

and the court regularly interprets the law to favor government administrators. Devine concludes that although whistleblower laws receive "popular acclaim," in practice U.S. government whistleblowers are suffering "a government secrecy campaign of unprecedented severity since the McCarthy era in the 1950s and legal rights little better than window dressing for an empty house."[22] Note that Devine refers to government whistleblowers. In the private sector, there is not even a pretense of legal protection.

Why don't official channels work? Imagine an independent agency that ruled solely on the facts, without regard to power structures, and that could implement and enforce changes in accord with its rulings. A single employee who found solid evidence of corruption at the top of the organization would then be able to topple senior managers and bring about major changes in policies and practices. Given that corruption is found in nearly every large organization, whether in government or corporations, such an agency would be a mortal threat. So it's no surprise that no such agency exists. Instead, the various oversight bodies are toothless tigers — underfunded, with restricted mandates, vulnerable to attack should they be effective — and thus give the appearance of addressing problems without much substance.

Most employees who speak out do so without consulting with whistleblower groups and without any awareness of the evidence about the weaknesses of official channels. Many such employees believe justice is to be found somewhere in the system, so when they suffer reprisals, they make a submission to an agency, wait months or years and then, when the result is negative, go on to another agency. This is an ideal way to reduce public anger from the injustice being done.

Other Ways for Whistleblowers to Go Wrong

I've described shortcomings in official channels at some length, because whistleblowers so often go wrong in pursuing them. The other methods of inhibiting outrage also play important roles in whistleblower cases.

Cover-up

Those who attack whistleblowers usually like to keep things quiet. Only foolish employers announce to the world that they have fired a prominent dissident. When whistleblowers go to court, employers often agree to a settlement under the condition that neither party speaks about the settlement itself. Acceptance of such a so-called gagging or silencing clause is often a precondition for a settlement.

Whistleblowers often want to keep things quiet too. Many of them are embarrassed and humiliated by the allegations against them and do not want others to be aware of their difficulties. Often they are making complaints to official bodies and assume that publicity will hurt their case. In many cases, lawyers advise keeping quiet. The upshot is that whistleblowers commonly cooperate with employers in covering up information about what is happening. The same applies to the original problem they revealed. The result is that public indignation is minimized.

Devaluation

Devaluation is part of the standard treatment of whistleblowers: harassment, referral to psychiatrists, reprimands, and the like are potent means of discrediting a person in the eyes of fellow workers. Spreading of vicious rumors is part of the package, including malicious comments about the whistleblower's work performance, personal behavior, and mental state. To counter this, whistleblowers need to behave impeccably — a difficult task when under intense scrutiny and immense stress — and to document their good performance and behavior. This can be done, but only if the whistleblower is able and willing to muster the information and make it available.

Reinterpretation

Employers typically deny any wrongdoing and say treatment of the employee is completely justified and nothing to do with public interest disclosures. Whistleblowers need to challenge

22. Ibid., 92.

the official line by providing solid documentation for every one of their claims.

Intimidation and Bribery

Whistleblowers are often intimidated by threats and actual reprisals. Many whistleblowers are surprised and shocked by reprisals. After all, they thought they were doing the right thing. Very few had any idea of what was in store for them. It is common to hear them say, in retrospect, "I was naive."

Furthermore, the way whistleblowers are treated serves as an object lesson to coworkers, most of whom avoid the whistleblower for fear of becoming targets themselves. Employees know their jobs are safer if they do not speak out; sometimes promotions are in order if they join in a witch-hunt.

Whistleblowers often accept settlements in legal actions because they cannot afford to continue the case or they are exhausted by years of procedural battles. As legal commentator Thane Rosenbaum comments, "A settlement is tantamount to an entirely lawful, economically efficient bribe."[23] Settlements with gag orders essentially use bribery to enforce cover-up.

It is perhaps no surprise that all five methods of inhibiting outrage are found in whistleblower cases. What is disturbing is that whistleblowers so often collaborate in these methods, especially in cover-up and using official channels. They can be highly reluctant to focus on taking their message to the widest possible audience. Yet this has proved time and again the most effective way to mobilize support for addressing the matter raised by the whistleblower and for providing personal protection from reprisals.[24]

23. Thane Rosenbaum, *The Myth of Moral Justice: Why Our Legal System Fails to Do What's Right* (New York: HarperCollins, 2004), 96.

24. Devine, *Whistleblower's Survival Guide*; Brian Martin, *The Whistleblower's Handbook: How to Be an Effective Resister* (Charlbury, UK: Jon Carpenter, 1999).

Andrew Wilkie

Just a week before the U.S. government launched its invasion of Iraq in March 2003, Andrew Wilkie, an analyst in the Office of National Assessments, one of Australia's government intelligence agencies, resigned from his position and challenged the Australian government's reasons for joining the assault.[25] Through good sense and good luck, Wilkie avoided every one of the traps that snare most whistleblowers.

First, and most importantly, Wilkie spoke out in public. He did not report his concerns through official channels by writing a memo or talking to his boss. Instead, he contacted veteran journalist Laurie Oakes, who made Wilkie's resignation and revelations into a top news story. Wilkie persisted with this approach, giving numerous interviews and talks in the following months. His approach was the antithesis of cover-up.

Second, because of who he was and how he behaved, Wilkie resisted devaluation. His background was conservative. In public, he wore a suit and tie and spoke calmly and factually, a terrific performance for someone under so much stress. His background, demeanor, and principled stand undermined attempts to portray him as a traitor or a radical. When government figures made personal aspersions against Wilkie in Parliament and claimed he was not an Iraq expert, this backfired as journalists exposed their unscrupulous behavior and double standards.[26]

Third, Wilkie kept the focus on the main issue, the official reasons for the Australian government joining the attack on Iraq. He consistently countered the government line and did not pursue issues outside his expertise.

Fourth, Wilkie did not use official channels to make his protest. By resigning, he avoided

25. Andrew Wilkie, *Axis of Deceit* (Melbourne: Black Inc. Agenda, 2004).

26. Mike Seccombe, "Howard's Rottweilers Still Biting at the Heels of Whistleblower," *Sydney Morning Herald,* 11 September 2003, p. 7.

all the usual reprisals at work. He also avoided the exhausting and time-consuming appeals to various official bodies.

Fifth, Wilkie stood up to intimidation. He might have been charged under one of the government acts requiring government employees to keep quiet, but by going public he made it difficult for the government to act against him. By speaking out, he also resisted the bribery implicit in keeping quiet to hold a job.

Wilkie also had perfect timing. For maximum response, the message needs to get to an audience when it is most receptive. Just before the invasion of Iraq was the ideal time, when media attention was intense and debate over justifications was fierce. Wilkie punctured the apparent unanimity of government Iraq experts, and so made a tremendous impact on the debate. Wilkie's timing was also ideal: mass protest against the Iraq invasion was at its height, so there was a large receptive audience for his message.

According to the backfire model, Wilkie did just about everything right. But that does not mean things were easy for him. After all, he sacrificed his career for the sake of speaking out. But it is worthwhile remembering that large numbers of whistleblowers lose their careers, and years of their lives, in futile efforts to obtain justice within the system. Seldom do they have any lasting effect on the issue about which they raised the alarm. Whistleblowers have much to learn about being effective. Whether or not one agrees with Wilkie's claims about Iraq, his method of speaking out is a model for others.

What to Do

Whistleblower advice manuals[27] make the following sorts of suggestions:

- document claims exhaustively before going public, in order to be able to counter denials and destruction of evidence;
- consult widely before acting, including with family, friends, and sympathetic co-workers;
- build alliances with others willing to help expose wrongdoing, including co-workers, journalists, and public officials;
- be aware that official channels have significant limitations;
- be prepared for reprisals.

These recommendations are entirely compatible with challenging each of the methods of inhibiting outrage.[28]

Whistleblowers and their supporters have much to gain by thinking strategically. If they put themselves in the shoes of the guilty parties, they can imagine tactics that will keep the main issue off the public agenda. Cover-up, attacks on the credibility of the whistleblower, cover stories, and intimidation are predictable, so preparations should be made to counter them. Official channels also serve to keep issues out of the public eye by shifting attention to the treatment of the whistleblower and treating the matter in-house. It is an immense challenge for most whistleblowers to stop assuming justice can be obtained within the system and instead to seek support and vindication in the court of public opinion.

Acknowledgements

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27. Devine, *Whistleblower's Survival Guide*; Martin, *Whistleblower's Handbook.*

28. Brian Martin with Will Rifkin, "The Dynamics of Employee Dissent: Whistleblowers and Organizational Jiu-jitsu," *Public Organization Review* 4 (2004): 221–38.