

# INTELLECTUAL SUPPRESSION

*Why environmental scientists are afraid to speak out*

BY BRIAN MARTIN

**S**uppose that an environmental scientist uncovers a risk to the public or the environment, for example a hazardous chemical, unanticipated ecological destruction from a planned development, or a flaw in data presented in an environmental impact statement. What then? Surely this information, after verification, should be quickly communicated to responsible authorities so that appropriate action can be taken.

But what if the 'responsible authorities' have different priorities – or even are responsible for the problem? In these cases outsiders, such as politicians, the media or environmental organisations, must be alerted.

Unfortunately, this scenario is the exception rather than the rule. Most environmental scientists are afraid to take a public stand if it means appearing to challenge powerful corporations, governments or professions. They are afraid of what top officials in their organisation may think and do. They are aware of legislation which prohibits them from speaking to the media about their work without permission. They are afraid that they might be blocked from promotion, shunted to less interesting work, or even dismissed.

When a person is attacked because their research, teaching or public statements are threatening to a powerful interest group, this can be called suppression of intellectual dissent. Typically, the powerful interest group is a corporation, government or profession.

Suppression of dissent is a worldwide phenomenon, and is most commonly exercised against political dissidents. Overt suppression is the exception: suppression of dissent works most effectively when it is self-imposed.

Environmental scientists are not exempt. Methods of attack against environmental scientists include blocking of publications,

refusal of permission to attend scientific meetings, withdrawal of research funding, denial of appointments, removal of support staff, transfers to different positions, dismissals, blacklisting and character assassination.

The reason for these attacks is straightforward. There are powerful interests involved in environmentally destructive practices and policies. Scientific experts can either provide legitimacy to these practices and policies, or undermine them. In many fields, such as nuclear research, most experts are beholden to corporate or government patrons

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through jobs or consultancies. If even a few scientists speak out against the standard view, this punctures the illusion of unanimous scientific agreement. The dissident scientists are a threat to the vested interests. So, in at least a few cases, they are subject to attack. These attacks discourage others from speaking out.

## **Conspiracy of silence**

No-one knows how many cases of suppression actually occur. Undoubtedly it is much more common than most people realise. Some types of cases are almost impossible

to document, such as when a person known as a critic is ruled out of contention for a job or when a scientific paper is rejected by a journal. Therefore, most of the documented cases involve more dramatic and clear-cut methods of attack, especially dismissals.

There is another reason why only a small fraction of suppression cases are publicised. The person who is attacked often prefers no publicity. They may be intimidated or embarrassed by the experience, and want to keep a low profile so that they can get on with their job. Since those who launched the attack seldom want publicity either, the result is silence.

Yet another complication is the difficulty of demonstrating that suppression has occurred. Suppression is never admitted: usually, the scientist being attacked is said to be performing inadequately. There are inevitably ambiguities and differences of opinion as to motivations and consequences. For all these reasons, those cases that are public, documented and relatively clear-cut are just the tip of an iceberg of suppression of dissent.

Certainly, in many years of investigating cases, I have found suppression to be a commonplace occurrence. By talking to one or two key people within an organisation, it is often possible to find out about a whole series of cases. There are also regular patterns in certain areas. For example, I have collected information about dozens of cases of attacks on scientist critics of nuclear power in at least 10 different countries.

Open communication is the lifeblood of science and free speech is the currency of democracy. But neither is welcome to powerful vested interests. Since the salaries of most scientists in Australia are paid by the taxpayer, the results of their investigations should be available to all without fear or favour. But this is not the case. As the saying goes, knowledge is power. Suppression of the few serves to intimidate the many.

The result is a timid scientific community which serves the interests of power more than the interests of truth or the public.

## Examples

### *The public sector*

Dr John Coulter was for 20 years a scientist at the Institute of Medical and Veterinary Science (IMVS) in Adelaide. He was also a prominent and articulate environmentalist and this led to attacks from industry on a number of occasions. For example, after he gave a talk mentioning hazards of the pesticides heptachlor and dichlorvos and actions of the US manufacturer Velsicol, pressure was applied to the Director of the IMVS by Velsicol Australia.


Coulter also took a strong stand within the IMVS on chemical hazards. In 1980, he released his report on the mutagenic properties of ethylene oxide – a sterilising agent used in the IMVS – to both the appropriate IMVS safety committee and the workers at risk. Immediately afterwards, Coulter was dismissed from his position. After a lengthy court case, Coulter and the IMVS agreed to say he was retrenched. The court transcripts show that the reasons given for dismissal – including poor performance – did not stand up to scrutiny.

Paul Smith, a scientist with the Tasmania Forestry Commission, joined a direct action against a forestry operation while he was on leave and was shown on television as part of the demonstration. He was called in by the Commissioners and questioned at length about his motives. He was told that he was disloyal to the Commission and that this was unacceptable. No further action was taken against him.

The case of the Victorian Department of Conservation and Environment (DCE), where a number of scientists have experienced difficulties over the last few years, illustrates how the entire culture of an organisation may be shaped by conflicts over controversial research. In 1990, DCE botanist David Cameron wrote a paper presenting a new definition of rainforest. It was withheld from public circulation by the Department for over a year. The definition of rainforest is a sensitive political issue, since it affects ongoing negotiations between environmentalists and forest industry interests. As Cameron's definition increased the area

designated as rainforest, it was thus unwelcome to some powerful figures in the DCE.

It was only in the light of the embarrassment caused by an earlier ABC *Earthworm* program, which exposed the Departmental suppression of rainforest definition documents, that the DCE allowed two Departmental scientists, including David Cameron, to speak to a public symposium on the definition of rainforest in November 1991.



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Even then, Cameron was given clear guidelines as to what he could say.

In other instances, DCE scientists have requested that their names be *removed* from reports after changes have been made at higher levels in the Department. In 1990 the former Director-General of the Department circulated a memo cautioning scientists who had spoken (on scientific issues) to the media, threatening them with disciplinary action.

### *Industry*

Scientists working for industry are well aware that if they speak out critically about their employers, they face severe penalties, quite likely dismissal. So predictable are the reprisals that few industry scientists take the risk. The three US General Electric nuclear engineers who in 1976 came out publicly critical of nuclear power knew this, and resigned rather than attempt to keep their jobs. The nuclear industry instigated bitter attacks on their motives and character.

### *Academia*

These cases illustrate that government and industry scientists can be throttled. But what about university researchers. Surely they

have their academic freedom?

Universities sometimes do provide a haven for dissent. In 1977 Dr Philip Keane of the Botany Department and the late Peter Rawlinson of the Zoology Department of La Trobe University spoke out about the spread of Cinnamon Fungus (*Phytophthora cinnamomi*) in Victorian forests. The Chairman of the Forests Commission of Victoria wrote nine letters to the Vice-Chancellor of the University suggesting that action be taken to stop their activity. All top university officials rejected this attempt to limit academic freedom.

The biggest danger to university scholars comes from within their own institutions. Within many university departments, there are strong peer pressures to be 'scientific' and 'scholarly'. Usually this is seen as incompatible with media attention on controversial issues, popularisation, or involvement in direct political action. Dissent is channelled into narrow professional forums where its impact is greatly reduced.

Those who stick to 'scholarly' methods and deal with 'safe' (not too controversial) topics usually increase their prospects for advanced degrees, tenure and promotion. This helps explain why, for example, many of the academics who have been prominent critics of forestry practices – such as Philip Keane and Peter Rawlinson, mentioned above, and philosophers Val Plumwood and Richard Sylvan – are from university departments other than forestry.

## **Professional associations**

Some scientists look to professional associations to provide support against attacks. Occasionally associations are helpful. But, perhaps surprisingly, professionals and professional bodies are themselves often responsible for attacks on dissidents.

Dr Juliet Lavers, a medical practitioner working in Burnie, Tasmania, in the late 1980s, spoke out about organochlorines discharged from a pulp mill. She was the main technically qualified person taking a stand, and her views were presented at public meetings, in newspapers and on television. Following an anonymous complaint, she was summonsed by the Tasmanian Medical Council in Hobart to answer a complaint that she had received undue advertising as a result of her media profile. Although the Council rejected the complaint, such a pro-

cedure can be intimidating and discourage participation in public debates.

Dr Sharon Beder, a trained engineer, was a key figure in generating concern in Sydney about the discharge of sewage and industrial waste into the ocean. Many engineers in the Water Board were extremely hostile to anyone who questioned the Board's policies. One top member of the Institution of Engineers, the key professional body, threatened Beder with the possibility of a disciplinary tribunal. John Tozer, a Coffs Harbour engineer who spoke out against a proposed ocean outfall for sewage, was the subject of a formal complaint from six government engineers. In both cases, ironically, codes of professional ethics were invoked as a way of silencing criticism.

Perhaps the most amazing example of professional attack was the dossier on critics of fluoridation compiled by the American Dental Association. Containing extracts from newspaper articles and correspondence, the dossier lists reputable scientists such as the late Dr George Waldbott along with fringe medical practitioners and organisations such as the American Nazi Party. The dossier thus implies guilt by association for all opponents of fluoridation. This dossier was circulated throughout the world, especially when Waldbott or other leading opponents were testifying against fluoridation, and in the 1960s was twice published in the prestigious *Journal of the American Dental Association*.

### The public arena

Because of their credentials and authority as experts, scientists who take a stand that threatens vested interests are more at risk of being suppressed than are members of the public.

In the early 1970s, several individuals wrote to the *Adelaide Advertiser* critical of fruit fly spraying by the South Australian Government. No special response was made to these correspondents. But when Clyde Manwell and Ann Baker, zoologists at the University of Adelaide, wrote such a letter, there were vehement denunciations in State Parliament and then a sustained attempt to dismiss Manwell from his position as Professor.

Yet even for those who are employed outside mainstream science, there is no haven from attack.

Defamation law is a well-known means for silencing criticism and debate. In Australia, defamation cases are most commonly brought by the rich and powerful, such as corporations and politicians, against media organisations. This subverts free speech. For example, former NSW Premier Robert Askin was widely known to be corrupt, but because of the possibility of defamation, the story could only be told after he died.

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Threats of defamation suits are commonly used to discourage criticism. This has happened to me several times. The draft of my booklet, *Nuclear Knights*, a critique of the views of nuclear proponents Sir Philip Baxter and Sir Ernest Titterton, was sent to both of them before publication. Baxter did not comment but threatened to sue. (In the event, he didn't.) On another occasion, nuclear engineer Leslie Kemeny threatened to sue me and the *Ecologist* over my article 'The naked experts', which they published. In these as in most cases, threats of defamation actions are simply bluffs, attempts to discourage further comment or publication. Most would not stand up in court, but the threats nevertheless have a chilling effect on free speech.

Even more chilling are the few cases in which large monetary damages are awarded. Nuclear critic Alan Roberts felt the chill after he wrote a review of a book by Lennard Bickel, *The Deadly Element*. The review, published in the *National Times* in 1980, led to a legal action by Bickel against the publisher, John Fairfax and Sons. The jury awarded Bickel \$180,000 for defamation.

In 1990, Dr Mark Diesendorf, co-ordinator of the Australian Conservation Foundation's Global Change Program, criticised statements by Dr Brian O'Brien, formerly head of the WA Environmental Protection Au-

thority, which minimised the likely impacts of the greenhouse effect. Diesendorf also pointed out that O'Brien's employment as a consultant to the coal industry should be taken into account when evaluating his views. O'Brien has now issued proceedings against both Diesendorf and the ACF.

In the United States, the tactic of using legal actions to harass citizens who speak out in a way that threatens vested interests has been well documented by Penelope Canan and George Pring, who call these cases 'Strategic Lawsuits Against Public Participation' or SLAPPs. The most popular legal claim for this purpose is defamation, but also used are business torts, judicial process abuse, and conspiracy. For example, in a small town in Colorado, a few citizens circulated a petition against the town government annexing land for a housing development. They were sued by the developers on a number of grounds.

SLAPPs are intimidating. They inhibit open debate and free speech, and divert the energies of individuals from the original issue to the task of defending against a legal action.

Another method used in the public arena is character assassination, usually by the circulation of rumours and damaging information. Rachel Carson, author of the immensely influential *Silent Spring* in 1962, was subject to vicious attacks by pesticide interests. Since she worked as an independent scientist and writer, there was little that could be done to her directly, so her credibility was attacked by claims that she was biased, emotional, unscientific and so forth.

### Remedies

John Coulter survived his dismissal from the IMVS and went on to become a Federal senator from South Australia and Leader of the Australian Democrats. Few scientists who are attacked do so well. Many are intimidated and thereafter toe the line. Many, understandably, prefer to stick to their research, avoiding controversial topics in order to avoid the stress of confrontation. But some dissident scientists are destroyed, both in career terms and psychologically, by the attacks made upon them.

Suppression can be, and should be, opposed. The first and perhaps most important step is to refuse to be intimidated. Scientists need to be aware that these types of

attacks are due to the exercise of power to serve vested interests. Although suppression is never admitted, scientists should realise that the same sort of thing happens to others and that they are not personally to blame. Often, just exercising one's right to free speech and rejecting attempts to limit it is enough to stop censorship.

There are a host of things that can be done to challenge an obvious case of suppression, including producing a leaflet summarising the key issues, getting supporters to write letters to appropriate officials or to newspapers, forming a support group, holding public meetings and circulating a petition. The most effective techniques are the ones that mobilise support by alerting more and more people to what's going on. The more scientists who speak up, the easier it is for others. (Note that this is just the opposite of playing by the rules and keeping quiet.)

The mass media often run stories on suppression. (They would run more except for contempt law.) They are a much better avenue for support than professional journals, which as a rule are exceedingly cautious and often side with the establishment. Between us, Clyde Manwell and I sent numerous letters and articles about John Coulter's dismissal to a variety of newspapers, magazines and scientific journals. Newspapers were most responsive; scientific journals were the most reluctant to publish anything. Scientists need to overcome their reticence about using the mass media. Most bureaucrats fear a media story far more than a whole series of internal protests, as the Victorian DCE's response to the *Earthworm* rainforest program seems to indicate.

Those who have done research or spoken out on sensitive issues are often quite familiar with the dynamics of suppression, and can provide useful support for others. Until recently, only informal networks existed to link together individuals concerned about suppression, but now there are at least two groups dealing with the issue.

Whistleblowers Anonymous, established in 1991, aims to protect public servants who speak out in the public interest. The organisation supports the introduction of so-called whistleblower legislation, at both Federal and State levels. Former independent Federal Senator Jo Vallentine introduced a Bill to establish a whistleblowers' pro-

tection agency, while independent MP John Hatton plans to introduce a Bill for whistleblower legislation in NSW. Queensland already has a law protecting whistleblowers but, according to Whistleblowers Anonymous, it is flawed by its restrictions: for example, whistleblowing to the media is not covered. Although even the best of whistleblower legislation does not do much to stop several



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types of suppression (for example, censorship of publications and blocking of appointments), such laws are useful in providing symbolic support to critics and, in a few cases, legal protection.

The Tasmanian branch of the national group United Scientists for Environmental Responsibility and Protection (USERP), recently set up a working group on intellectual suppression. They have taken a special interest in legislation that forbids government employees from speaking to the public without permission. For example, the Tasmanian State Services Act says that a permanent employee who 'without the permission of the Minister administering the Agency in which he [sic] is employed or otherwise in the ordinary course of his duties, divulges any information gained by him in his employment in the State Service, is guilty of an offence'. In other words, employees may be penalised for leaking information or speaking out, even if – or perhaps especially if – they are attempting to expose corruption, prevent a danger to the public or simply alert people to issues needing debate.

According to USERP, legislation in other States and the Commonwealth has quite similar provisions. USERP has received a legal opinion that such laws contravene the International Covenant on Civil and Political Rights, to which Australia is a signatory.

USERP has drafted an alternative to the

repressive section in the Tasmanian State Services Act, and is lobbying government scientists in other States, as well as politicians and unions, in order to develop this campaign nationally. Whether or not the campaign is successful, pushing for such changes is helpful because it encourages debate over the right of free speech.

### **Individual courage**

Even if anti-free speech legislation were repealed and whistleblower legislation were passed, this would not abolish suppression of dissent. After all, there are many subtle mechanisms involved, including the awarding of grants, appointments, promotions and preferential treatment. In every case, few scientists will openly criticise the positions of the rich and powerful for fear of affecting their own careers. This is inevitable so long as power and wealth is monopolised by a minority, and scientists and citizens have few alternative avenues for employment.

It will continue to be crucial that some individuals hold to their convictions and speak out in the public interest, even if they are victimised as a result.

A large study of whistleblowers in the United States found that most had suffered financially as a result of their actions, but nearly every one believed that they had done the right thing and would do the same again. These courageous individuals deserve personal support and public defence.

Suppression of scientific dissent provides a lesson for us all. When there is a debate, it is foolish to believe any claim that 'experts agree'. It is quite likely that some experts disagree – but are too afraid to say so. 🌐

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