

# The Whistle

**FREEDOM TO CARE**

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**Promoting public accountability - Protecting freedom of speech in the workplace**

## **Now is the Time to Speak up (If not now, when?)**

Never before in human history have so many people taken responsibility for speaking up. Never before have so many across the world called politicians and governments to account. Never before has the weak public accountability of government been such a threat to global peace, and never before have so many said No. We are all whistleblowers now.

Speaking up does not necessarily mean standing on a soapbox and bellowing. On Sunday 16<sup>th</sup> March people gathered in 129 countries, from Iceland to Indonesia, including 50 US states, for the greatest ever candlelit vigil, that passed around the world as night fell. Joining 6,400 vigils, people everywhere 'spoke up' for peace. "May our candles rekindle the light of reason and hope so war will be averted in Iraq and peace will prevail in the world", said Archbishop Tutu.

War was not averted, but the speaking up has just begun. In the USA a Congressman who wants to see the abolition of 'weapons of mass destruction', i.e. America's weapons of mass destruction, has announced that he is seeking the Democratic nomination for President of the USA. **Dennis Kucinich**, who has already introduced a Bill in Congress proposing a Department of Peace, says he is working for a world in which "war becomes archaic". He told supporters, "Let us work to make non-violence an organising principle in our own society. Let us declare our intent for peace."

Others are speaking up with bold ideas. Former United Nations Assistant General Secretary, **Robert Muller**, has drawn up a 25-point World Peace Plan to get rid of all international conflicts and wars forever. He proposes a new Marshall Plan to help poor countries with savings from disarmament and demilitarisation. The creation of nuclear free zones and demilitarised areas would

be guaranteed by the UN, with total nuclear disarmament by the year 2010.

Now even some UK soldiers serving in Iraq are speaking up. In their circumstances this requires extraordinary courage and independence of mind. At the end of March 2003 it was reported that three British soldiers have been sent home after speaking out against the loss of life among Iraqi civilians. The three belong to the 16 Air Assault Brigade, which has been deployed in southern Iraq.

The **three whistleblowing soldiers**, who were stationed at Colchester in Essex, now face court martial and are finding themselves legal advisors.

**"If we are peaceful**, if we are happy, we can blossom like a flower, and everyone in our family, our entire society, will benefit from our peace."

(Vietnamese Zen Buddhist master **Thich Nhat Hanh**, who spoke out to both sides during the Vietnam War.)

"To know and not to act is not to know."  
(**Wang Yang-ming**.)

"It has been reported by Nu'man ibn Bashir that the Prophet (peace be upon him) said: 'There are people who do not transgress the limits of Allah, and there are others who do so. They are like two groups who boarded a ship; one of them settled on the upper deck, and the other, on the lower deck. So, when the people of the lower deck needed water, they said: 'Why should we cause trouble to the people of the upper deck when we can easily have plenty of water by making a hole in our deck?' Now, if the people of the upper deck do not prevent this group from such foolishness, all of them will perish.'"

(Quoted in: Farid Esack, **On being a Muslim**, Oneworld, Oxford, 1999.)

## RECENT FtC CASES

Chris Clode

In two cases, Freedom to Care has made referrals to the Manager of the Child Protection List at the Department of Health (this is the list of people deemed to be unfit to work with children). In both these cases, staff members who were blowing the whistle about adults who were unsafe to work with children, were themselves victimised.

In one case, in a Midlands Social Services Department, the whistleblower was an experienced worker in a children's home concerned about the nature of a close relationship between a volunteer and a girl in the home. After over two years of support for the worker from FtC, a new Director had come to this Department and the worker, who has gone through pre-emptive suspension and an unfounded disciplinary, is at last getting a hearing with the Director appointing an independent external investigator to look at the case.

The other case, in South West England, involves a teacher at a boarding school whistleblowing over other staff having sexual relationships with their female pupils. The whistleblower lost his job and the school is now closed. As FtC has been informed that some of the allegedly abusive staff are teaching elsewhere, we have submitted their names to the Child Protection List, in view of the apparent lack of ongoing concerns being expressed by the local Social Services Department.

### Councillors charged

Following FtC advice, a nurse in a North West hospital who was raising concerns about poor care standards and was harassed for it, has now been reinstated satisfactorily and her concerns are being looked at.

A Grants Officer in a North West Wales Housing Department has been off sick following a high profile case where his evidence led to two County Councillors being criminally charged, one found guilty, one with the charges to remain on the file. The latter resumed as a councillor and started a campaign of slander against the Officer, whose managers have begun to behave cautiously in giving him support. FtC has been advising him.

In a North West local authority, a couple were council-housed next to another tenant who claimed he had sole access to the only pathway to both houses. In trying to get the local authority to challenge this, the couple have uncovered a network of Council staff prepared to protect and cover-up for the neighbour. Delays by the Authority led to an Ombudsman application running out of time. FtC was contacted by the couple to advise.

In South Wales, our whistleblower on abuse in Cardiff (see previous issues of *The Whistle*) has been told he should have a case for compensation. But FtC has intervened again because of delays by the Commissioner for Children commencing an investigation into the allegations that link health care professionals and criminals to the sexual abuse and prostitution of children.

### Flintshire corruption

FtC continues to give support to the victims of Flintshire victims (also in previous issues of *The Whistle*, and substantial information on our website at [www.freedomtocare.org](http://www.freedomtocare.org)). Flintshire is doing everything to drag its heels on the case against its former Internal Auditor, **Andy Sutton** - having appealed against the Tribunal decision in Andy's favour, the Appeal Judge said that the result of the Appeal should be completed by the end of March. It has been asked that the case be delayed to July - conveniently after the Welsh Assembly Elections in May - where the full revelations and publicity for his case would probably seriously embarrass politicians in Flintshire and the Assembly.

Andy and his family have spent over £100,000 on fighting Flintshire's harassment and constructive dismissal of him to prevent him investigating allegations of malpractice and corruption against Councillors and Chief Officers. FtC continues to campaign for him.

### Put your MP to Work!

"Backbenchers are obsolescent in Labour's new dispensation. Constituency work can be done by social workers, the parliamentary job by sheep, and communication with electors will soon be via email from Downing Street". So says **Austin Mitchell** MP (an FtC patron), on the accountability of British government. (*House Magazine*, 30th Sept 2002.) Put your MP to the test, speak out. You can fax your MP via :

<http://www.faxyourmp.org.uk>.

## CloverCare

Chris Clode, National Coordinator of *Freedom to Care*, provides TRAINING for the handling of public concerns within social care through his consultancy, *CloverCare*. (*FtC and Clovercare are financially completely separate.*)

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## NHS Finance Director sacked for whistleblowing on false data

Because he blew the whistle on fiddled statistics about cancelled operations, **Ian Perkin** was dismissed in December 2002 as Finance Director at **St George's Hospital** in Tooting, London after 16 years of loyal service. His dismissal letter criticised his "management style", even though he had been given a good management award only six months earlier. In January 2003 he decided to take his case to an Industrial Tribunal.

Mr Perkin had earlier supported a junior colleague who had spoken up after being asked to submit lies about the number of cancelled operations. That colleague says she was told to make a 'zero' return, when the actual figure was 23. It now appears that a zero return was made for a three week period in which, in fact, 86 operations had been cancelled on the day for non-clinical reasons. The hospital is contesting this. It may be relevant that it was awarded a 2-star (instead of 3) rating in hospital league tables due to its poor record on cancelled operations. Such league tables affect a hospital's income from government.

Mr Perkin's MP, Liberal Democrat **Ed Davey**, says: "Ian Perkin voiced concerns about falsified figures on operations and about new financial regimes proposed for the NHS. He's been sacked for his pains. When NHS staff are punished for telling the truth, just because it rocks the boat a little, then we should all be very worried." The alleged falsification occurred in September and October 2001, and has since been corrected.

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### OPINION

#### Regulation and/or Integrity?

Lawrence Smyth

Higher standards are simply unattainable, in this new and fast moving world. This is what real life is all about today; or is it? Are we fooling ourselves, that society is 'somebody', who really gives a damn? We might have most of the questions, which will invariably be in proportion to our cumulative experience in life, but in truth, who can begin to locate the answers, not to mention attempting to seek lasting solutions to the associated problems? Almost every week that passes, seems to laud the introduction of a new raft of Regulation, which at face value promises to deliver even greater protection to us, the consumers. The template of Regulation is

unequivocally universal. The *modus operandi* is patently an example of uniformity within an otherwise disordered society. The unstated purpose is clearly one of smoothing the passage of commerce, whilst replacing personal accountability. But the outcome is also consistent and all too often disappointing. Regulation is the ultimate protection tool of industry; an effective Disclaimer. Consumer protection is a secondary benefit. For consumers it simply does not deliver and is increasingly seen to be unable to deliver the protection, which is otherwise promised and arguably reasonably expected.

It would be all too negative to elaborate, and dwell upon, the weaknesses of what is in effect at best a compromise solution to the complex problem of achieving good governance within the commercial world. Do we need Regulation? Yes, most certainly we do. Should Regulation have replaced the long established values of integrity, competence and accountability? Absolutely not in this writer's experience and opinion.

By reviewing or testing against bench-marked standards of ethical behaviour in commerce, we can establish levels of applied personal integrity. By way of interview and examination we can readily assess competence, as required in each and every field; a pre-requisite, is it not, for sustainable quality business, in every aspect of commerce? By auditing results and consequences of action or output we can measure the quality of input and tangible benefits to consumers. By eliminating many of the obstacles to greater personal achievement, whilst attending to those things, which are otherwise seen to impede commercial progress, we can expect to raise industry standards.

We may never deliver to expectation, for such is the nature of the consumer, as it is with the provider, that when more is offered more is expected. Consumers will always ask for more. Again always and everywhere there will be exceptions to each and every rule. This will be the case, given the infinite complexity of both the natural world and its people. But it was once said that we always get the governments which we deserve.

*[Abridged version of a longer article, available from Lawrence Smyth. He is an FiC member, worked for financial services for years, and is now leading a democratic reform of the Northern Ireland Agricultural Producers' Association.]*

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## FORTUNATE ARE THE PEACEMAKERS

*Geoffrey Hunt*

We all know that religions, in their institutionalised form, have too often been either the cause of war or the support for it. Even today the cathedrals of the United Kingdom are filled with the disheartening sight of military paraphernalia and sentiments directed at victory "over them". And all that in the name of a Jesus who would surely have protested: "Not in my name!" For he taught, "Love your enemies. Do good to those who hate you. Bless those who curse you. Pray for those who treat you badly."

For too long we have allowed emotional attachment to prophets, religious figures and churches to blind us to the teachings of those whose insight we recognise. It is time to let go of worship of the teacher and understand the teaching. Whatever the religion, if we really make the effort to find the *truth of the teachings* in ourselves and our lives we shall see that letting go of religious attachment is the key to religious insight, and ultimately to peace.

Only religious insight, derived from the effort of inner self-examination and understanding the great teachings, can free us from the illusion of 'them and us'. Institutional religions which reinforce 'them and us' commitments are a travesty of religious insight and a source of new divisions, hatred and conflict. Institutional religion has either fed the flames or it has created a moral vacuum because it has caused people to turn away from the very possibility of religious insight.

The German philosopher **Immanuel Kant** made this point in the 18<sup>th</sup> century. Kant, who was both deeply religious and deeply suspicious of Church Christianity, said "Should it once happen that Christianity stops being lovable (which could indeed occur were it armed with imperious authority, instead of its gentle spirit) then rejection and rebellion against it would inevitably come to be the dominant way of thought among men..." Kant is not generally thought of as a whistleblower. Yet he received a warning from the King that he would face "unpleasant consequences" if he continued 'debasing' the teachings of the Bible. Kant politely pointed out that he had not said anything derogatory about the Bible. It seems, instead, that he took the *teachings* of Jesus seriously.

It is time to remember that anyone who has the slightest insight of a kind we might call 'existential' will sooner or later be labelled with the term 'whistleblower' or 'dissident'. Such insight is available to all, with effort. Jesus, the

prophet Mohammed (p.b.h.) and the Buddha were all rejected by the religious and political officialdom of their age.

Another philosopher who took the teaching seriously while criticising the Church was the much-reviled Christian whistleblower of the 19<sup>th</sup> century, **Soren Kierkegaard**. He declared: "Christian heroism, and indeed one perhaps sees little enough of that, is to risk unreservedly being oneself, an individual being, this specific individual human being before God, alone on this enormous exertion and this enormous accountability."

As we face the prospect of more and more war from those who appear already to have forgotten the lessons of two world wars and the monumental failure of their great cruelty in Vietnam, it is well to re-read the prison diaries of **Dietrich Bonhoeffer**, the Christian pastor who spoke up against Hitler and was hanged in a prison camp on 9<sup>th</sup> April 1945. He too was thinking about the teachings, not the teacher-worshipping Church: "How this religionless Christianity looks, what form it takes, is something that I'm thinking about a great deal..." A year later he was dead, but his words live on.

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**"Happy are the merciful, for they shall be shown mercy. Happy are the pure in heart, for they shall see the face of God. Fortunate are the peacemakers, for they shall be called sons of God."** A teaching of Jesus.

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### FtC's ANNUAL WORKSHOP

Freedom to Care will be holding its 2<sup>nd</sup> Annual Workshop for Members, on **Saturday 7<sup>th</sup> June 2003** (11am – 4 pm) in Rugby. There are only 20 places. Members interested should respond now to **Sheila Porter-Williams** on 01788 811438 or <[sheilaFTC@porter-williams.freemove.co.uk](mailto:sheilaFTC@porter-williams.freemove.co.uk)>.

The Workshop is suitable for FtC Members who may become more active. Sessions on: Whistleblowing & Accountability; Practical Whistleblowing; Public Interest Disclosure Act; FtC as a campaigning group; advocacy role play.

If you are arriving by train, please notify Sheila of your time of arrival at Rugby Station and a lift will be arranged. Please ensure that your train arrival is not later than 10.30am. Drinks will be provided but, since the Workshop is free, Members are asked to bring their own sandwiches/food. (No convenient shop nearby.) A contribution to child-minder costs may be considered.

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## Why don't Academics Speak Out More?

"As sober professionals, we are not supposed to step outside our specialised fields of knowledge to criticise the private interests that threaten the global system and cause mass human rights violations. We are supposed to restrict our public statements to topics that will not reflect badly on our employers or upset funding sources. Adopting such an impartial, apolitical role means that we acquiesce in research and education moulded to fit a corporate-shaped economy. In truth, neutrality is impossible: to do nothing is to vote for disaster." David Cromwell and David Edwards, 'Silence is Tarnished', *Times Higher Education Supplement*, 10 Nov 2000, p. 18.

## Self-righteousness or self-examination?

*Edited version of a speech given by Geoff Hunt at Student's open air 'Teach-in on the War', at University of Surrey, 25<sup>th</sup> March 2003.*

We are all capable of hypocrisy. It is so much easier to tell the truth about someone else than about oneself. Take the war against Iraq. It begins with the very idea that the way to deal with a bully is to be an even bigger bully. Have Bush and Blair considered what bullies *they* are being? Not for one moment. And those of us who wish to speak out about the war must be careful that we do not make the same mistake – bullying those who are bullying the bully! It is an endless chain, but we can break the chain. In fact, we do not have to break anything – we just have to let the chain go. Let go of the anger, hatred and violence within. It can be done. I was among the one million people who marched through London on 15<sup>th</sup> February this year. What a great day in history. One million people on the march, and not even a spark of anger or violence. The teaching of non-violent protest of **Leo Tolstoy, Mahatma Gandhi, Martin Luther King and Bertrand Russell** is perhaps now the *only* way for all humanity.

Self-righteousness has often provided a wrongheaded justification for violence (or 'counter-violence'). In the Iraq conflict political

leaders on both sides are self-righteous – both claim God and Justice is on their side. We 'know' so much about the inhumane methods and undemocratic regime of Saddam Hussein. But, what do we know about ourselves? Certainly, if the political leaders of UK and USA examined themselves first they might find they have a lot of work to do at home. The self-righteousness is rampant. I will give just three examples: weapons of mass destruction, humiliation of prisoners of war, and dictatorial powers.

## WMDs and Humiliation of Prisoners

Listening to news and documentaries it is deeply puzzling how little is said about the fact (well, *nothing* that I've heard) that the countries with most Weapons of Mass Destruction are the USA and UK. Why don't they take out the beam in their own eye before trying to take out the mote in someone else's? Then, there's the matter of the photos of USA prisoners and the Geneva Convention. Yet, we have not only seen photos of Iraqi prisoners, but this week's Time magazine on p. 45 shows the face of a black USA soldier who attacked his own comrades because he felt they treated him badly. The US government shocked human rights workers and all decent people when it put prisoners in cages at Guantanamo and called them "illegal combatants" so that it would not have to observe the Geneva Convention. There have been 19 suicide attempts among these prisoners. Whatever they may have done, where is the 'moral superiority' in treating them this way?

## Democracy & Dictatorial Powers

Blair said in Parliament that a post-war Iraq 'must have a representative government'. Yet it is the UK's democracy that should be an issue for Blair. **Bush and Blair** are so concerned about Saddam's dictatorial powers and yet they have no concern about their own. Why has the Labour government resisted since coming to power the implementation of the Freedom of Information Act that it promised its citizens? It has been delayed yet again - to 2005.

Then there is the matter of 'Royal Prerogative'. As a *Guardian* newspaper reporter recently put it: "The exercise of Royal Prerogative lies close to the heart of whatever in British government is most arbitrary, most secretive, and least accountable."

**Jack Straw** himself once said "The royal prerogative has no place in a modern western democracy ... Accountability of the executive is fundamental to any democracy." But that was before he got into Government. Royal prerogative enables prime ministers to order the country to war (without consulting parliament), to select staff

for top echelons of political life, church and the law, and to hide information from the courts, even if injustice will result.

Such unaccountable powers become critical during crises and the declaration of war and the waging of it. Are we all asleep in the UK that we do not see how immoral and dangerous Royal Prerogative is? We have little excuse for not knowing. In the 1982 Falklands 'emergency' the Opposition leader **Michael Foot** suggested the House of Commons had a right to make a decision on the matter. **Margaret Thatcher**, disagreed and said the Prime Minister and cabinet alone could decide, and "Afterwards the House of Commons can pass judgement on the government." Meanwhile Mrs Thatcher was condemning Argentina's leader, Galtieri, as a "dictator".

It is true that in the case of the decision to attack Iraq Blair did secure two parliamentary votes, but it is not as though he had modestly waited for parliament to decide on the matter. He wanted them to follow him, and for many MPs there was not much else they could have done in the power games of the House and Labour Party. Blair was reluctant to engage parliament. In fact, before the first Commons vote he had refused to guarantee a debate or a vote before committing UK to war – and it was only Tony Wright's initiative through the Public Administration Committee to investigate the PM's powers that persuaded Blair he ought to take a vote. His threat to resign also put pressure on the MPs in his party. If Blair had not had behind him the authority of 'Royal Prerogative' (no longer royal but prime ministerial) would he have behaved in such a dictatorial fashion?

Tony Wright had to ask: "Why do we have endless debates about whether to kill foxes, but no debate on whether to kill people?"

#### **'Executive privilege' in USA**

In the USA there is something similar – it is called 'executive privilege', and many say it is unconstitutional. That has not bothered a number of presidents, including George Bush Jnr. It is Saddam's dictatorial powers he is concerned about, not his own.

'Executive privilege' was used by **Nixon** against Senate to cover up Watergate. He appealed to it in refusing to give up tape recordings to the special prosecutor. **Clinton** also used it to obstruct justice over drug-enforcement incompetence, the Lewinski affair and inquiries into financial scandals. **George Bush** has recently used it to block investigations into connections between the FBI and murderous gangsters. Vice President

**Cheney** had to be sued by the US Comptroller General because he insisted on appealing to 'executive privilege' to deny information on national energy policy.

#### **Conclusion**

The self-righteous hypocrisy of some UK & USA political leaders is a writ-large version of something that lies in all human beings. If we who oppose the hypocrisy of Bush, Powell and Rumsfeld, and that of Blair and Straw, fall into anger, abuse and violence then we too are dicing with hypocrisy. Our resistance must be firm but peaceful.

The responsibility is not that of governments and politicians and military men in any country. They are no different from the rest of us. It is yours and ours, right here and now. I ask you then to let go of all self-righteousness and fear, and resist and resist again without anger and without violence.

#### **Another Broadmoor Whistleblower**

In March 2003, **Julia Wassell**, former director of women's services at Broadmoor, the high security hospital (UK), claimed she had been victimised by her employer after raising concerns about 'institutionalised sexual abuse' at the hospital. The hospital has had a long history of whistleblowing situations.

The chief executive of the employing organisation denied that she had been dismissed because of their concerns, and that in any case the concerns were exaggerated.

In September 2001 Ms Wassell presented the results of a survey which showed 56 complaints of sexual abuse and five rapes.

An independent review followed in March 2002 and this concluded that the venues for mixed-gender activities in the hospital did not provide a safe environment and said that the employer was not "sufficiently positioned, committed and able" to ensure the safety of women patients.

[See *Health Service Journal* 13 March 2003 pp. 8-9.]

#### **ARE YOU BEING HEARD?**

To receive *The Whistle*, attend meetings, receive advice, meet like-minded people, and learn to steer your way through the maze of unaccountable behaviour by organisations, join us. Send a cheque for £21 for one year membership, payable to 'Freedom to Care' (or £10 low income) to our West Molesey PO Box (see Back page).

## American Diplomat blows Whistle on his Government's Lies

**John Brady Kiesling**, a political counsellor at the U.S. embassy in Athens, Greece, resigned from his post on 24<sup>th</sup> February 2003, citing strong opposition to George Bush's policy on Iraq.

In a letter to his boss, Secretary of State Colin Powell the 45-year-old diplomat said the administration was involved in "a systematic distortion of intelligence" and "a systematic manipulation of public opinion" not seen since the days of Vietnam. The administration's "fervent pursuit of war with Iraq" was contrary not only to U.S. interests but to the nation's much-vaunted values. "Has '*oderint dum metuant*' (meaning 'let them hate so long as they fear') really become our motto" Kiesling asked, recalling a favourite phrase of Caligula, the unbalanced Roman emperor who ruled with a passion for sadism.

"The only hope is that President Bush realizes that the political cost of a catastrophic decision would be so high that he should find an alternative."

Kiesling says he began to grow worried last September when the war-drums began beating about Iraq. "I started drafting a letter to send to the State Department's dissent channel," he says, "but then, I gave up, watching things deteriorate."

Particularly troublesome, he recalls, was the spread of disproportionate terror and confusion in the public mind, linking al-Qaeda to the regime in Iraq. "There is no connection," he told *TIME* in his first telephone interview since his return to the United States as a simple citizen on March 6. "It's very dangerous and foolish to take down Saddam [Hussein]. Even if that happens, it doesn't mean that tragic events such as those of Sept. 11 can't happen."

He knows his resignation won't put the brakes on the administration's war plans. "I have no such illusion," he says. "The only hope is that President Bush realizes that the political cost of a catastrophic decision would be so high that he should find an alternative."

[See *TIME* magazine 12 March 2003]

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### A LESSON FROM HISTORY

## The Continuing Significance of the Clive Ponting case

Former assistant secretary at the Ministry of Defence (MoD), **Clive Ponting**, was acquitted after a high profile trial in which he was accused

of breaching the UK's Official Secrets Act. He was the civil servant who had responsibility for 'the policy and political aspects of the operational activities of the Royal Navy' during the time of the Thatcher government's 1982 war with Argentina over the Falkland islands/Malvinas. Ponting had the job of drafting replies and answers on the sinking of the Argentinean warship *Belgrano* by the Royal Navy on 2nd May 1982.

Because he believed that the Government was positively and deliberately misleading the Commons, a select committee and the public, and thought this was unethical, he acted out of professional conscience in sending two documents to **Tam Dalyell** MP. The documents got to the Chairman of the select committee on Foreign Affairs, who, in turn, gave them back to the Secretary of State at the MoD. Ponting was then prosecuted for breach of sec. 2(1)(a) of the Official Secrets Act (OSA).

Section 2 of OSA is draconian and was hurried through parliament in 1911 with no detailed scrutiny and little debate - it prohibits unauthorized dissemination of official information. More accurately, this section made it a criminal offence for a person holding office under Her Majesty to communicate official information to any person other than a person to whom he is authorized to communicate it, or a person to whom it is his duty in the interest of the state to communicate it.

In the trial both prosecution and defence accepted that Dalyell was not a person authorized to receive official information. But was an MP (member of parliament) a person to whom it was Ponting's duty in the interest of the state to pass such information? A common sense answer from any member of the public might be Yes. Much of the trial centred on this point.

Prof. Patrick Birkinshaw, has written (1996):

"It remains a severe criticism of our system of government that there is no equivalent of the US Civil Service Reform Act 1978—as amended—which protects civil servants who 'blow the whistle' in the public interest from punishment by administrative disciplining. The Act protects those servants who leak information which they reasonably believe reveals violation of the law or regulations or 'mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety'. Where the disclosure concerns foreign intelligence and counter-intelligence, it must be made to designated officials who have to inform the appropriate Congressional Committee. Similar protection covers FBI agents and other officials.



Reports of investigations are submitted to Congress, the President and the complainant. These provisions were extended in 1989 following the **Oliver North** episode. That Act provides a safeguard against administrative reprisals, but not against a criminal prosecution where a crime is committed." (P. Birkinshaw, *Freedom of Information*, 2nd edn., Butterworths, 1996, p. 102.)

Fortunately for Ponting, the prosecution lost the case not because they didn't have the law on their side but because the jury refused to be browbeaten. The new Public Interest Disclosure Act would not have helped Ponting had it been enacted at the time, because the OSA has precedence. At present the UK Labour Government is still dragging its feet over enacting a Freedom of Information Act of a kind which every advanced democratic nation already has.

#### READING:

Ponting, C. *The Right to Know*, 1985.

David Vincent, *The Culture of Secrecy: Britain 1832-1998*, Oxford University Press, 364 pp., £25, 2000, ISBN 0-19-820307-1.

This book is a must-read for anyone interested in understanding the general lack of public accountability of the British Government and its entrenched habits of secrecy. It is reviewed by Clive Ponting in *The Times Higher Education Supplement*, 3rd March 2000 - he describes it as "the best book ever written on the history of official secrecy in Britain."

**NOTE:** Consider also the case of UK civil servant **Sarah Tisdall**, who leaked documents to *The Guardian* newspaper relating to the arrival of American Cruise missiles at a British airbase and was imprisoned for breaching OSA.

## "Time" honours Whistleblowers

In its end of 2002 edition (30th December 2002 - 6th January 2003) **TIME** magazine ran a cover story on three executive women in the USA who blew the whistle on the incompetence and wrongdoing of their organizations. They are **Cynthia Cooper** (World.com), **Coleen Rowley** (FBI), and **Sherron Watkins** (Enron). The three whistleblowers were honoured as "Persons of the Year 2002". For **TIME**'s full coverage go to their website at: <http://www.time.com/time/personoftheyear>

## Then Challenger, Now Columbia

After **Challenger** exploded killing seven astronauts in 1986 it was revealed that two whistleblowers had drawn attention to the danger of launch during low temperatures. They were subsequently victimised by NASA for telling the truth. The **Columbia** disaster in February 2003 shows that some lessons in accountability had been learned. But apparently still not enough.

Before the disaster NASA engineers were deeply concerned that a lift-off collision with foam debris might later cause the shuttle's left wing to break off and destroy the spacecraft. And that is exactly what happened. But they never sent their warnings to NASA's management. It is now becoming clear that there had been an extensive exchange of internal emails about the danger, but very little action.

Engineers worried about the shuttle's safety during its final three days in orbit, with one asking whether officials were "just relegated to crossing their fingers" and another questioning why such a critical issue had been raised so late. "Why are we talking about this on the day before landing and not the day after launch?" wrote William C. Anderson, an employee for one of the NASA contractors. This was less than 24 hours before the shuttle broke up on re-entry.

The concerns prompted a request six days into the mission for the U.S. Strategic Command to take satellite photos of suspected damage to the shuttle's left wing. For a number of weeks NASA denied it ever made such a request.

### FREEDOM TO CARE

... is an independent, non-profit & entirely voluntary organisation. We are not lawyers. We are the UK's first whistleblower organisation, founded in 1991. We are a company limited by guarantee (Reg. 2973440).

**PATRONS** are John Hendy QC, Allan Levy QC and Austin Mitchell MP.

**FOUNDER** is Prof. Geoffrey Hunt.

**WHAT WE DO** We lobby and campaign for greater public accountability of large organisations and support conscientious employees who speak up.

**STRUCTURE** *Board of Directors:* Harold Hillman, Geoff Hunt, Andy Taylor, Chris Clode; *Company Secretary:* Rob McGregor; *National Coordinator:* Chris Clode; *Treasurer:* Chris Thomas; *Membership Officer:* Sheila Porter-Williams

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