



Enemies of the People:

Whistleblowers and the status dynamics of community critics

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An Enemy of the People
2012 Broadway Revival

Mayor Peter Stockman
(Richard Thomas)



Dr. Thomas Stockman
(Boyd Gaines)

Whistleblower Movie Heroes



Frank Serpico



Karen Silkwood

A Brief History of Whistleblowing



“ Resolved, that it is the duty of all persons in the service of the United States, as well as all other inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge.”

Whistleblower Legislation

- * False Claims Act- 1863

- *Qui Tam laws: Qui tam pro domino rege quam pro se ipso in hac parte sequitur:
“He who sues on behalf of our Lord the King and on his own behalf.”

- *These laws have been altered and strengthened at various times



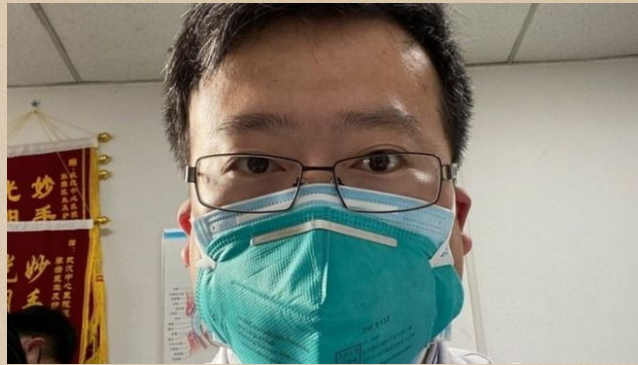
Senator Chuck Grassley

“Whistleblowers are often
treated like skunks at a picnic.”





I am that gadfly which God has attached to the state, and all day long and in all places am always fastening upon you, arousing and persuading and reproaching you... (Plato, The Apology)



Dr. Li Wenliang



Dr. Rick Bright



Capt. Brett Crozier

Three Whistleblowers

Critics of the community



Elin Baklid-Kunz



Michael Winston



Katharine Gun

Critics, O2C2's, and Denouncers



Dr. Peter Ossorio

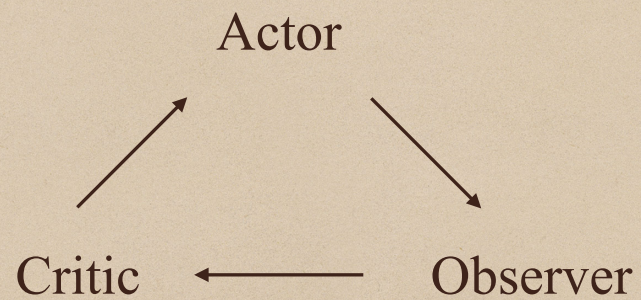
"For the Appraiser, or Critic, the world is either satisfactory or unsatisfactory in a given respect." (Ossorio, Behavior of Persons)

"Judgments about what one of us would, properly, do can be wrong and they will almost certainly become outdated at some time. And if they are, I can resist; I can go my own way;"- (Ossorio, Behavior of Persons)

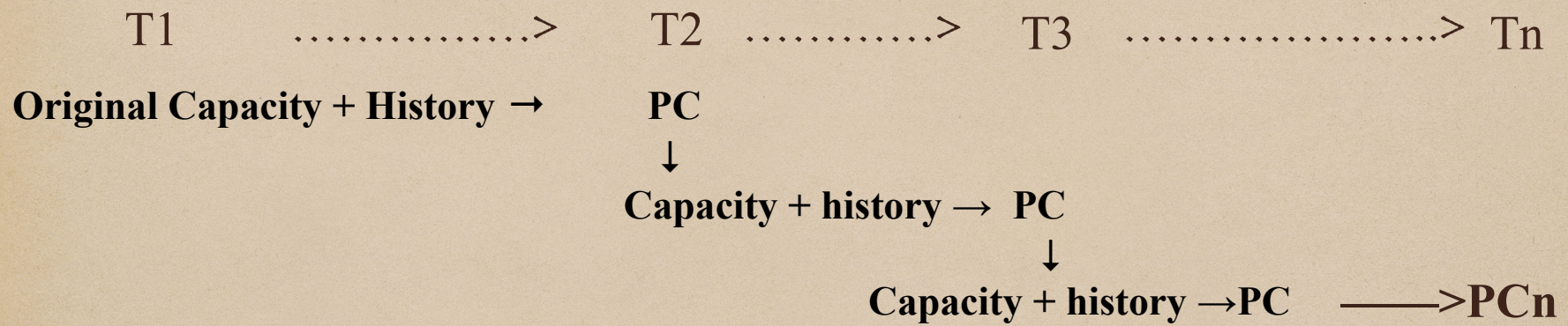
Regulating Behavior

Actor-Observer-Critic

A-O-C Feedback Loop



Developmental Schema



T= Time

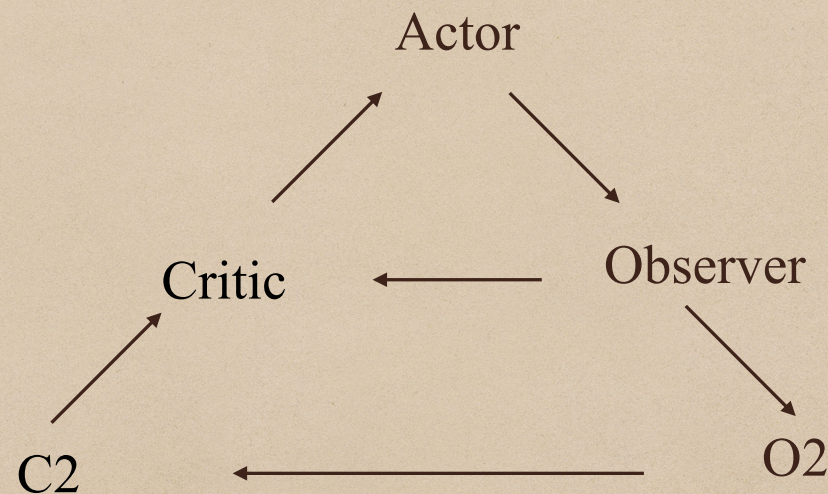
PC= Personal characteristics

O2C2 -Observer Critic of the Observer Critic

O2C2: Learning self
-regulation /Judgment

Circumstances, reasons and significance
connected to community

O2C2 enhances competence
of child/student/colleague, etc.
to choose effectively



O2C2's include persons such as parents, teachers, coaches,
clergy, therapists, etc (Holt)

Community Parameters

Any community can be described using the following parameters:

- *Members

- *Statuses

- *Social Practices

- *Language/Locutions

- *Choice Principles

- *World

Community and Behavior Maxims

- *A person requires a community in order for it to be possible for him to engage in human behavior at all.**
- * A person requires that the community be one way rather than another in order for him to behave in one way rather than another.**
- * A person's place in the community provides reasons and opportunities to engage in one behavior rather than another.**
- * If a person participates in a social practice he must do it in one of the ways it can be done.**
- * If a person makes non-normative choices in his participation in the social practices of the community, that calls for an explanation.**
- * A person may act as a representative of the community or as merely a member.(Ossorio, *Place*)**

Welcome and Unwelcome Critics

“Judgments about what one of us would, properly, do can be wrong and they will almost certainly become outdated at some time. And if they are, I can resist; I can go my own way; ...” -Ossorio

Formal Command Structures and Unwanted Community Regulators/Critics

*Tony Putman, Ray Bergner, C.J. Peek and Richard Heinrich

*Perspective variability and community resilience

*Balance between opinion diversity and organizational order

*Coordinated approaches to achieve the mission

The Whistleblower: From O2C2 to Denouncer

“When the people at the top make decisions for expediency or based upon greed for any other reason than...in the customers’, shareholders’, employees’, and taxpayers’ interest, they need to go.”-Michael Winston

- (1) **The inside Community Critic, community regulator notes actions or practices by management that violate the core standards of the community and the formal organizational management rejects , ignores, undermines, etc. this complaint made by the inside community critic.**
- (2) **The Whistleblower Dilemma**
- (3) **From O2C2 to Denouncer**
- (4) **Degradation Begets Degradation**
- (5) **Appeal to the Judiciary**

The Observer-Critic Sees Wrongdoing

When a Critic, typically inside an organization, notes actions or practices by management that violate the core standards, practices, values, regulations, or mission of that organization or community, then the Critic typically, where possible, brings this to the attention of management, within the power structure, to correct.



Baklid-Kunz

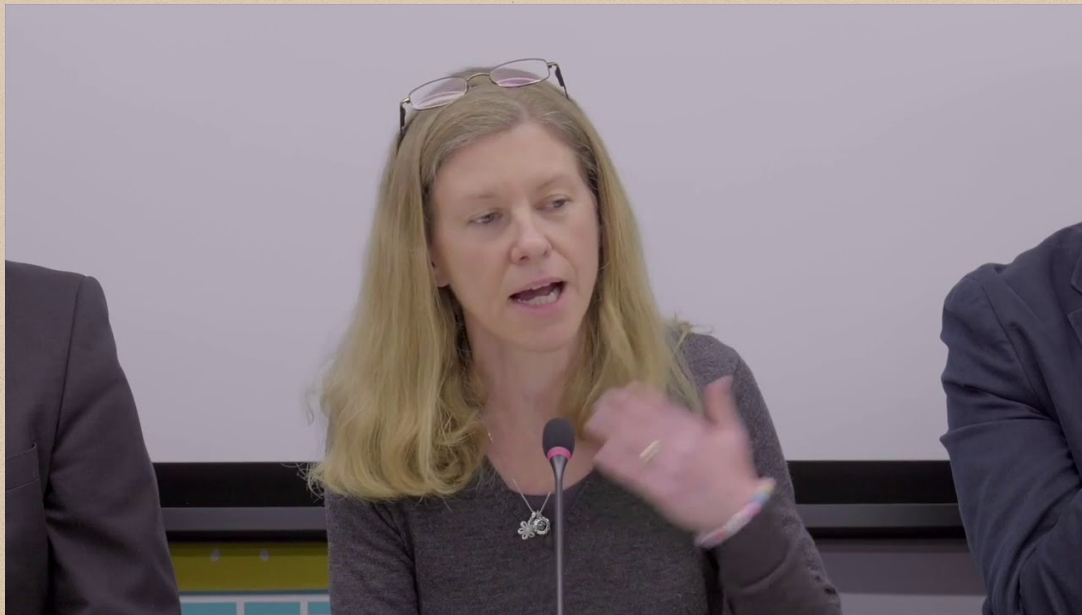
“Halifax was like a family for me. All of my friends were there, and I really looked up to some of my bosses. I was incredibly proud of that hospital, and the work we did in the community.”(Mueller) But she begins to notice patterns suggesting that the hospital is billing patients, other insurance carriers, and Medicare for services that are not actually performed.



Winston

Soon after becoming employed at Countrywide, Winston notices this license plate in the parking lot: “Fund ‘em” . He soon recognizes that this is in fact a policy of the mortgage lending company: Fund anyone.

Katherine Gun, a translator at her desk in the GCHQ, British intelligence, reads an email asking agents to research and gather information on 6 ambassadors to the UN who represent six of the rotating countries on the Security Council. Gun recognizes an attempt at blackmailing these ambassadors into voting for war.



(02:00-3:09)

The Whistleblower Dilemma

However, if the Critic, whether inside or outside the organization's power structure, finds himself/herself unable to effect correction of the violated core practices/standards, the dilemma arises of what to do and what action/behavioral possibilities are available to the Critic.



Baklid-Kunz

“I remember standing in front of that group and telling them how proud Halifax was that we’d had a compliance program since 1998, and we do this so that we don’t become the Enron of Daytona Beach...” she says. “And once I learned what was going on, I felt that I was two personalities. I felt like I was getting up there lying to these people, because we weren’t doing any of the things our policy said we would. That’s why when I learned all this I told my boss, ‘I can’t do this anymore....’



Winston

Michael Winston’s warnings to the company executives are dismissed and he is told to play ball or else. “I looked at him and said, ‘I know what you want me to do, but I’m not your guy,’”

” UNIDENTIFIED MALE: So, you work for the British government?

KNIGHTLEY(portraying Gun) : No, not really.

UNIDENTIFIED MALE: No?

KNIGHTLEY: Governments change. I work for the British people. I gather intelligence so that the government can protect the British people. I do not gather intelligence so that the government can lie to the British people.”



The Accusation

Whistleblowing is the choice of bringing attention to the wrongdoing by going outside the authority /command structure/ chain of command .

The whistleblower is, in effect, going to a third party, appealing to this other superior authority, and making an accusation.

The critic is accusing the command structure of failure to carry out core practices of the organization, by failing to monitor and correct actions within the organization critical to the sustenance of the organization or which violate community standards.

The Whistleblower's Degradation Ceremony

- (1)The Wrongdoer, the Perpetrator who is being called out—Management.**
- (2)The Critic/Whistleblower as Denouncer: The person pointing out /Denouncing the Wrongdoing—**
- (3)The Witnesses of the Community**
- (4)Both the Denouncer (i.e., the Whistleblower/Critic) and the Witnesses must be representatives of the Community and acting in the interest of the community**
- (5) The Wrongdoing is shown to be a genuine reflection of the Perpetrator's Character. (Otherwise, Management would have already corrected the problem, but chose not to.)**

Degradation Begets Degradation

“(If you) come at the king, you best not miss”-Omar, *The Wire*

- (1) A person will not choose less behavior potential over more *if given the choice***
- (2) Provocation elicits hostility**
- (3) Management attempts to denigrate and invalidate the Denouncer**
- (4) The whistleblower faces potential restrictions both inside the community and outside in related communities**



Bakilid-Kunz

She is shunned at meetings. Her performance evaluations, which were uniformly stellar, suddenly plunge; she receives zeros in leadership.



Winston

Countrywide retaliates against Winston's insistence on doing the right thing by cutting his team from 200 to 2 staffmembers. His 14 million dollar budget is cut to \$0. His bonus is also eliminated. He suspects his phones are tapped, among other fearful intrusions into his family.



Gun

Gun is prosecuted under the Official Secrets act as betraying the people, as an enemy of the people. She faces two years in jail if convicted. Once charges are brought against Gun, she is not allowed to continue to work. In addition, her husband, a Turkish Kurd, is threatened with deportation as she awaits trial.

Whistleblowers and the Judiciary

Once the whistleblower has denounced the community leadership to a greater community, the matter will tend to fall to a commonly acknowledged status assigner, judicial institutions to determine whether the accusations have merit and whether the leadership will face actual degradation. But life for our “heroic” whistleblowers usually remains a struggle.



In the settlement agreement, the hospital explicitly admitted having violated the Stark Law and accepted a stringent corporate integrity agreement designed to help prevent future violations. But this was only part of Baklid-Kunz's lawsuit against Halifax. Some of the charges that mattered most to her concerned the alleged wrongful admissions and unnecessary surgeries, which she believed had injured and killed some patients.” (Mueller p. 161).



Winston is successful getting verdicts in his favor in the court system, but extensive post verdict legal maneuvering leads to difficulty in collecting his reward Mueller goes on to note that many studies suggest bias in the judgments of appeals justices against plaintiffs and tendencies to back or overturn verdicts (cite).



Gun's legal team decides to get as much information as possible from the government believing at some point that the government itself debated the legality of the war. Near the trial date the government drops all charges.



Gun on the significance of Whistleblowing



Comments, Questions, and Topics for Further Study

*Comments and Questions

*Whistleblower Caveat: Beware the false prophet

*Why do so few step forward as whistleblowers (cf K. Gun)?

*Whistleblowing Writ Large: Protests and great social movements

*Is there a Whistleblower type?

*Other

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