Whistleblower Discussion Questions

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1. Whistleblowing generally is defined as “employees or former employees who report misconduct to persons who have the power to take action.” Is that the appropriate definition given all the other stakeholders, especially to government activities?

2. Many whistleblowers claim they were driven by idealistic values— to right a wrong and bring the evildoers to justice. Is this the appropriate motivation for whistleblowing?

3. Whistleblowers’ lives—especially their professional lives—typically are ruined after whistleblowing. Some ex-whistleblowers suggest that the appropriate threshold for whistleblowing is ‘when lives are at stake’. For government whistleblowers like Ernie Fitzgerald, what do you believe is the appropriate criteria for deciding to whistleblow? Specifically, under what conditions do you believe each of the following criterion is appropriate:

- The amount of taxpayer dollars?
- The vulnerability of the affected population?
- The nature of the transgression? (Moral? Ethical? Legal? Other?)
- The status of the transgressor?
- The pervasiveness of the transgression across a government entity? (Multiple agencies? Number of people within an agency?)
- Prior efforts to resolve issue internally?
If the whistleblower is guaranteed his/her job?

Other criteria?

(Note [from Wikipedia]: “In 1968, Mr. Fitzgerald reported a $2.3 billion cost overrun in the Lockheed C-5 aircraft program. As a congressional witness before the Joint Economic Committee, he rejected the advice of Air Force officials and testified with candor and transparency about billions of dollars in avionics program cost overruns and other technical problems....In response to Mr. Fitzgerald’s testimony, President Richard M. Nixon directed that he be fired....Mr. Fitzgerald was ultimately terminated by Defense Secretary Melvin Laird....Mr. Fitzgerald was a driving force for whistleblower protections [who] continued to fight a four decade long campaign against fraud, waste, and abuse within the Department. Consequently, he was instrumental in the enactment of the Civil Reform Act of 1978, a precursor to the Whistleblower Protection Act of 1989.)

4. When is it best to start with an internal channel (e.g., HR department) rather than an external channel (e.g., local investigative news reporter) when voicing concerns about questionable organizational practices?

5. People often think of whistleblowers unfavorably; as 'rats, snitches, finks, and the like'.

Should government whistleblowers worry about their status among their friends and foes in state government?

How can government whistleblowers best protect themselves from attack by 'the opposition'? In other words, how can they protect themselves from meaningful retaliation?

6. Many government whistleblowers have personal and professional relationships with many past and present government officials, especially elected officials. Is there a good way to use such relationships in government whistleblowing efforts?

7. What should someone do to prepare for whistleblowing related to behavior by government officials? The Center for Public Integrity has published a book entitled Citizen Muckraking. That text includes chapters on acquiring documents via the Freedom of Information Act, the use of local heroes to help make one's case, and opposition research. In essence, what is the best way to acquire the information a potential whistleblower needs to proceed? Even after acquiring seemingly damning evidence, how vital is obtaining legal counsel before proceeding?

8. What is the most effective role of the news media in cases of government whistleblowing? Which media and how should media personnel be approached? What should be avoided?

9. What other types of success, other than bringing the ‘wrongdoers to justice’, can a government whistleblower achieve; for example, the adoption of a social responsibility perspective by senior government officials or creating an environment that encourages effective internal whistleblowing?

10. What personality traits might encourage or hinder a government whistleblower from acting?

11. Should whistleblowers ‘feel guilty’ or ‘feel responsible’ for the wrongdoer’s punishment?
12. Jensen’s “Ethical Tension Points in Whistleblowing” (Journal of Business Ethics, 1987) suggests what he calls procedural and substantive questions that cause conscientious whistleblowers to struggle. His procedural-related questions are as follows:

- Am I properly depicting the seriousness of the problem?
- Have I secured the information properly, analyzed it appropriately, and presented it fairly?
- Are my motives appropriate?
- Have I tried fully enough to have the problem corrected within the organization?
- Should I blow the whistle while still a member of the organization or after having left it?
- Should I keep anonymity?
- How ethical is it to assume the role of a judge?
- How ethical is it to set in motion an act which will likely be very costly to many people?

His substantive-related questions are as follows:

- How fully am I living up to my moral obligations to my organization and my colleagues?
- Am I appropriately upholding the ethical standards of my profession?
- How adversely will my action affect my family and other primary groups?
- Am I being true to myself?
- How will my action affect the health of such basic values as freedom of expression, independent judgment, courage, fairness, cooperativeness, and loyalty?

Now consider the case of Ms. Frances Williams, who was a board member on one of New Mexico’s regional housing authorities. She raised questions about the expenditure and management of its funds (see Hyman 2011 “The Region III Housing Authority Case: Frances F. Williams Interview” for more information). How would you have answered these questions had you been her?

13. Is internal whistleblowing an act of loyalty or disloyalty by the whistleblower? Is whistleblowing an example of pro-social or anti-social behavior?

14. What is the appropriate definition of whistleblowing? Should it be defined broadly or narrowly? Does the following definition seem appropriate?

“Whistleblowing is an open disclosure about significant wrongdoing made by a concerned citizen totally or predominantly motivated by notions of public interest, who has perceived the wrongdoing in a particular role and initiates the disclosure of her or his own free will, to a person or agency capable of investigating the complaint and facilitating the correction of wrongdoing” (cited in Verschoor 2010).
15. What would be an appropriate ‘code of ethics’ for whistleblowers?

16. Are whistleblowers made by circumstances, cost-benefit analysis, attributions assigned to wrongdoers, personal intra-organization relationships, personality traits, ethical belief systems, or some combination?

17. Do organizations benefit from internal whistleblowing? If so, then what can organizations do to encourage effective internal whistleblowing?

18. When, if ever, are organization members ethically obligated to whistleblow? Do organizations that encourage whistleblowing absolve themselves from ethical and legal responsibility for wrongdoing?