



## COMMENTARY

DANIELLE BRIAN

# Whistleblowers Deserve Rewards, Not Punishment

For the past 20 years, the Project On Government Oversight (POGO) has worked with whistleblowers — many of them government employees — to expose waste, fraud and abuse in the federal government.

We always advise potential whistleblowers that the safest course in exposing wrongdoing is to make their evidence public while remaining anonymous.

Why? Because powerful interests almost always try to discredit the messenger, rather than acknowledge wrongdoing.

POGO has learned firsthand just how harrowing such retaliation can be. Congress will consider a resolution filed by Rep. Don Young, R-Alaska, to hold POGO, its staff and board in contempt of Congress.

The reason is the roles of POGO and two government whistleblowers in exposing and ending one of the largest industrywide schemes for shortchanging the government on payments for drilling oil from federal lands.

POGO's litigation against oil companies generated \$438

million in settlements, and its investigations led to improved Interior Department regulations to prevent future fraud.

During POGO's investigations into oil royalties, we came across two government employees who already had been trying to fix the problem for over 10 years.

In order to recover past underpayments, POGO explored filing a False Claims Act lawsuit, a suit filed by private citizens who allege fraud against the federal government and receive a percentage of any recovery.

The two whistleblowers were invited to join the lawsuit. Not surprisingly, they feared retaliation, and declined. POGO decided that, in keeping with the spirit of the act, the honorable action was to share the recovery with them.

Given that POGO's lawsuit ultimately precipitated the second largest False Claims Act settlement in history, the House Resources Committee, which oversees the agencies that failed to collect the proper payments, should have held hearings to explore the regulatory shortcomings that led to the cheating. Instead, as so

**Powerful interests almost always try to discredit the messenger, rather than acknowledge wrongdoing.**

often happens in cases involving whistleblowers, POGO and the employees became the target of the committee's investigation. The investigation has lasted more than a year and wandered off in pursuit of ever-shifting theories of wrongdoing.

During this time, we have discovered a widespread misunderstanding about government whistleblowers in the media, Congress and even among our own public-interest allies. For example, many do not realize that federal employees can file False Claims Act lawsuits and receive a portion of the recovery.

Others do not know that whistleblowing usually means reporting misconduct to one's colleagues and supervisors, rather than going outside one's agency.

Most important, many do not realize that retaliation against whistleblowers is a

real and recognizable phenomenon. POGO knows because the organization has been through it before.

On the eve of the controversial 1993 House vote to fund the \$13 billion Superconducting Super Collider, POGO acquired a draft of the Energy Department's report concluding that 40 percent of expenditures on the project were waste. Many members of Congress subsequently credited POGO with the program's cancellation. In response, Energy inspector general agents flashed their badges at POGO's doorway, demanding to know POGO's sources. POGO declined to comply.

In 1995, POGO came under attack from the Air Force over our investigation into the burning of hazardous wastes at Area 51.

POGO acquired an unclassified Area 51 employee manual from years past, to prove the

existence of the secret base. The Air Force retroactively classified the manual and then used POGO's possession of it to demand access to the organization's files. POGO again refused to comply.

In recent months, Representative Young has asked his colleagues to hold POGO in contempt because it refused to give him telephone records for an 18-month period, as well as documents protected by attorney-client privilege. Now, he wants to hold POGO in contempt for refusing to answer questions about the oil royalty litigation.

Blowing the whistle makes enemies in high places. These stories of retaliation need to be told so policymakers will work to prevent retaliatory acts in the future.

Rather than punishing and silencing government whistleblowers, who are the most important foot soldiers in the war against abuse and fraud, policymakers should be rewarding and celebrating them.

Danielle Brian is executive director of the Project On Government Oversight in Washington, D.C.