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The Philadelphia Inquirer Magazine

INQUIRER

Truth and Consequences



Whistle blower's expose

corruption, abuse, waste

and fraud — and then

pay a terrible price.

By Dick Polman

INQUIRER

June 18, 1989

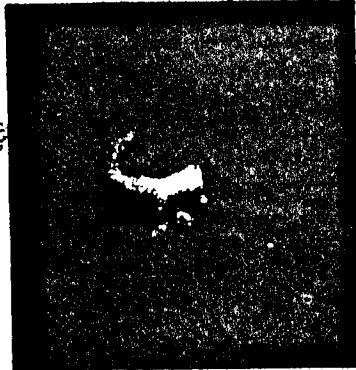
Morality plays

FOR YEARS, PUNDITS AND PUBLISHERS have trumpeted the thesis: America is a land without heroes. No longer, they say, do we have women and men larger than life whom the rest of us can look up to and admire. People to whom integrity and sincerity are all-important. Ronald Reagan, the smiling movie star/horseman/president who so completely commanded the nation's political and psychological center stage during the '80s, filled the bill for some, but others of us found the Reagan-as-hero concept preposterous.

Being a hero is tricky business these days. Most anyone elevated by publicity is likely to have his or her clay feet uncovered almost instantaneously. Thomas Jefferson, Lou Gehrig or any of the standard pantheon might have had similar troubles had investigative journalism been in vogue in their day. But it is not just those nay-saying reporters who chop up would-be saints and spit them out as sinners. We're all involved. Witness the case of America's whistle-blowers — people who have seen government or business corruption firsthand and who have chosen to do something other than just look the other way. They have followed their own strong moral compasses and gone public with what they know, determined to save the system they believe in. Surely, these people unwilling to compromise their principles should be revered as modern-day heroes. But almost always, their reward is to see their own lives shatter as the system they seek to purify crushes them like bugs. They are branded as tattletales, trouble-makers and turncoats by colleagues, employers and sometimes even by their own families.

Doing interviews for today's cover story, staff writer Dick Polman found people who were, indeed, often hard to embrace — people who see the world only in black and white. "Often," says Dick, "these are very conservative, family-oriented people. They don't consider themselves rebels or radicals. In fact, they have more faith in the system than those who don't make waves. They believe, perhaps naively, that government and business can and should work honestly. But there is a thin line between morality and self-righteousness. And to the person sitting next to them at work — the guy who doesn't want to stick his neck out — these can be dangerous people." The fact that we can see them that way "says a lot about the intense pressure to conform today," Dick concludes. "This is a story not just about whistle-blowers, but about all of us and how we live."

Fred Mann



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Illustration by Mark Penberthy

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Telling the truth, paying the price

JW/MOY



T

By **DICK
POLMAN**

HE MAN WAS TOLD TO spread his legs and face the wall. From behind, the chief kicked him in the testicles. The victim yelled in pain, fell to his knees and rolled onto his back.

John Berter, security cop, watched.

"Please don't hurt me," gasped the panhandler. But the chief stepped onto his groin. The panhandler screamed.

Still Berter watched. But he did nothing because he didn't want to buck the chief. "Who is God?" Chief Wilson demanded.

The panhandler had a hard time answering. Finally he whispered, "The man you pray to."

"Wrong," said the boss. "I'm God."

Berter stood by, fighting the urge to speak. He had been trained to respect authority. "This is the chief," he told himself. On this spring day in 1985,

he and a colleague had brought the panhandler to the security office of the Veterans Administration Medical Center in Cincinnati, under orders from Chief Daniel Wilson.

While Wilson told the panhandler to stay out of the lobby, Berter berated himself: "Why didn't we just move him out and tell the chief he was gone?"

But Berter had a wife and son to feed and a new baby on the way. Better to keep quiet and let the chief do his job. The chief was doing it now. He was warning the panhandler beneath him, "If you ever come back here again, I'll make a little girl out of you."

Berter said nothing about this incident, or the other four he witnessed that year. He was no troublemaker. On Oct. 2, 1985, while still the good soldier, he was lauded by the hospital for his

six years of duty. They gave him an award for "meritorious service." He smiled for a picture, but he had knots in his gut. He was shaking hands with the hospital's top administrator, the man who had hired Wilson in the first place. Berter was thinking about the victims he had seen — patients as well as panhandlers — and he feared that his silence made him an accomplice to the violence.

So he decided to blow the whistle. He decided to go to the FBI. He did it because, as he'd later tell a congressional panel, "I couldn't take any more" of the beatings, the guilt, the gnawing sense of complicity. He did it because, he'd later say, "if our society can't tell the difference

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DICK POLMAN is an Inquirer staff writer.

**Whistle-blowers will follow their principles anywhere.
Even if they lead down the road to ruin.**

TRUTH

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between the good guys or the bad guys, our system of justice has failed." He did it, and, as a result, he lost his job, his career and every last buck in his bank account.

But today he tells himself that at least he met the challenge posed a century ago by the French literary romantic Victor Hugo. Framed on his kitchen wall, the words say: "People do not lack strength. They lack will."

THEY ARE COMMONLY known as whistle-blowers. They are workaholics, even perfectionists. They have a strong sense of personal worth. They're trusting souls who believe that evil is no match for good. They aren't rebels by nature. They tend to be cultural conservatives who believe in the virtues of thrift and the bonds of family.

Typically, when the crisis of conscience hits, they can be found on the middle rungs of the career ladder — high enough to have witnessed a betrayal of the public interest, but low enough to be out of the loop. They trust that the system will applaud their virtue, and it's only after the first rude shock of rejection that they confront their naivete. But once wronged, they will risk alienating even their families in the quest for vindication. Even when they bring down their villains, they still lament the institutional evils they cannot correct.

Those who work for Uncle Sam take seriously the federal Code of Ethics that requires workers to "put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department." Yet they learn, too late, that adherence to principle is hazardous to health and career, particularly in an era so marked by scandal that candor has become a casualty of "damage control."

They are the new American heroes, and they are gaining legitimacy as a group. They have emerged, by the thousands, from the bureaucracy during the last two decades, and now they are gaining recognition as a postwar phenomenon. They are studied by sociologists, defended by public-interest lawyers, treated by specialized therapists, lauded and vilified by politicians. They now have broader federal protections under a law enacted this spring. Yet they are often dismissed as snitches by the same society that has always honored

the moral loner, the Gary Cooper lawman who cleans up the town at high noon.

The advent of the whistle-blower parallels the rise of the massive postwar bureaucracies in government and industry. The individualist has yielded to the "organization man," the loyalist who can subsume all personal qualms. Which may explain why whistle-blowers are often so alone — and so important. Celebrities like New York cop Frank Serpico and nuclear worker Karen Silkwood may sell movie tickets, but the average teller of inconvenient truths often spends long years writhing in anonymity, a riddle to his family and a Judas to his peers, embodying both the resilience and frailties of the spirit.

Nobody knows how many are out there. A Washington public-interest law group, the Government Accountability Project, typically represents 150 whistle-blowers at any one time — and rejects, due to lack of resources, nearly 3,000.

"These people need friends," Pentagon whistle-blower Ernest Fitzgerald was saying recently. A pioneer of the genre, he was fired in 1969 (and reinstated to his original post 13 years later) after telling Congress the truth about a plane that had gone \$2 billion over budget. "Generals and assistant secretaries can all lie their heads off — and they're honored. Oliver North can sneak out documents in his secretary's clothes, and he's a hero. The only thing our top officials can't stand is an honest person. The system ejects them. And if it can't eject them, it'll encapsulate them, neutralize them."

Fitzgerald never imagined this would happen to him, because he was a believer. With few exceptions, they're all believers, and their faith is often rewarded in the end. But they pay a price. Caught between their devotion to the public interest and the pull of their private lives, they become living testaments to the dark side of sainthood.

Billie Garde sleeping fitfully on the subway; Vince Laubach, locked away in his basement office; Bill Bush, trying to swallow his food — all were masters of the existential gesture, taking responsibility for their actions, and only later did they come to know the special solitude that is meted out, like punishment, to American messengers of virtue.

THE LAUBACH CHILDREN knew that Daddy had been fired for doing the right thing, but Daddy wasn't around much to

talk about it. Which isn't to say that Daddy wasn't home. He was downstairs in his office, behind the door, and he wouldn't come out for hours.

For years it was like that. The youngest was only 3 when her father was fired at age 43 in 1982. "Other daddies go to work, my Daddy doesn't," she says today. Matt, the oldest, was 11 when the Interior Department kicked Vince out. Matt didn't know how to take it, so he vented his frustrations in class. Even when he was almost expelled by his elementary school, his father couldn't pay close attention.

Vince Laubach says he was too busy "fighting for my life." He had worked so hard and gone so far that he was astounded to discover he was losing it all. Wrapped in a coil of cigarette

Sen. Orrin Hatch of Utah had called Laubach "an honorable man of great capacity and determination." But if he was so good, why was he being treated so badly? Why had he been derailed from the fast track? Why was he now just an out-of-work lawyer with back pain and 20 excess pounds?

A mere two years had passed since they had all moved to Washington as part of Ronald Reagan's government team. The family had rejoiced when Vince was hired by Interior to crack down on strip-mining companies that hadn't been paying fees and fines for their use or abuse of public lands. Laubach quickly found that millions had gone uncollected (a congressional panel that oversees Interior would later put the figure at \$142



ROB CLARK III

smoke, he would sit immobile at his basement desk in Annandale, Va., surrounded by the law degree, the impeccable Republican credentials, the commendation letters from judges and senators, the news clippings that connected him with his old self — the assistant U.S. attorney, the enemy of waste. Known as the "fraud catcher," he had cut a swath through Detroit during the '70s, mounting the nation's first successful crackdown on welfare cheats, running up 300 convictions in three years, saving the taxpayer \$5 million. But this was all before he came to Washington — and clashed with Secretary James Watt's apparatus.

He had been raised in a thrifty family, its values molded by the Depression. His father drove a bakery truck, and 4-year-old Vince was sent door-to-door with the day-old loaves. His father always refused to buy cars with automatic transmissions, because standards got better mileage. His mother, even today, won't put carrot peelings down the garbage disposal; she cooks them for the dog.

million). But when he pointed this out, he was ignored. When he got tired of being ignored, he went outside the agency, to Capitol Hill.

And when he went outside, bad things began happening on the inside. He bought a little notebook and began writing everything down. Every night, he would compel his wife, Kathy, to listen to the day's indignities. Every night, he'd launch into long narratives, play by play, of who said what to him, what he said back, how this person was threatening him, that person was crucifying him, "and just listen to this one" — and Kathy would beg for the climax, just to get it over with. But he would hold back until the end: He had been assigned to clerical duties. Or he had been given a gag order, directing him to stay away from outside agencies. Or he had been ordered to move a heavy typewriter despite his bad back, which he had injured in a car accident.

"You can't do this anymore," she pleaded, urging him to stop

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Sociologists study them. Lawyers defend them. Specialized therapists treat them. And yet whistle-blowers are often reviled as snitches.

John Berter (above left) was fired after he told the FBI that his boss was beating people up at the VA hospital where he worked. Bill Bush (right) challenged NASA to abolish his job on the ground that it was a waste of money. His job wasn't abolished, but he no longer has it.

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TRUTH

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fighting his bosses. "Promise me you won't."

But he couldn't. A devout Catholic, he was fond of saying that Jesus had been made to look like a fool in the eyes of a sinful world, and he wouldn't stand for that. He was, like a large number of whistle-blowers, determined to follow his religious principles on the job.

When his back pain persisted, he visited the Mayo Clinic, in July 1982. In December, he was fired for "lengthy instances of being absent without leave." His son, Matt, would tell friends his father was "a retired attorney."

Laubach launched a bid to win back his job in 1983, and when the government didn't help, he turned to GAP, the public-interest law firm. In 1984, while GAP was negotiating with Interior, a congressional oversight probe backed Laubach, concluding that Interior had "failed miserably" to collect the strip-mining money. Indeed, a federal judge had already ordered Interior to collect this money and file bimonthly progress reports with the court.

That same year, GAP extracted a settlement from Interior: If Laubach would accept a reprimand for going AWOL, he would be reinstated. His credibility had already been confirmed by Congress and the courts. And his reinstatement would be sweetened with a damage award in excess of \$100,000.

Laubach turned it all down.

"Take it," Kathy had suggested, though she shared his concerns. "Let's put it behind us." She was a den mother who couldn't afford to kick in extra money to the Cub Scout kitty. A proud woman, she didn't like sitting down to a Christmas dinner donated by her church.

"Some things are more important than money," Laubach reminded her. The reprimand would be a blot on his work record, "and I wouldn't be able to live with myself."

He held out for a clean record. He got it a year later in another settlement. In exchange, Interior dropped the offer to \$24,000. He took it.

"To Vince," says Kathy, looking back, "the right thing had to happen simply because it was right."

"I don't think she would have respected me if I'd taken all that money," he says now.

These days, Kathy teaches high school. Thrift is still the family watchword. Laubach was dumbfounded to learn not long ago that Matt wanted to spend \$45 on tennis shoes. But the years of austerity have made Matt yearn for a different kind of life. "I know there's a part of me that couldn't be happy unless I'm financially successful," he is saying, sitting behind his father as Laubach drives toward Washington to run an errand.

Matt is 17 now, and he acknowledges that some rough justice did prevail in the end. "But the whole thing has made me more cynical about government and the legal profession," he says. "Government is corrupt. Most politicians are corrupt. It's difficult for an honest man to get into a position of power. And I don't know what

I'd do if I saw corruption. Dad's example is a hard thing to live up to. An unconscious standard has been set. If I came through a situation in a selfish way, I'd feel guilty about it, that somehow I'd have failed to live up to his ideal."

Laubach glances at his son in the rear-view mirror. Ahead of him, on the far side of the Potomac River, spread out with splendid precision, are the Lincoln Memorial, the Washington Monument and the U.S. Capitol. "But it's lawyers who can protect us from the evils of government," says Laubach.

"Well, I know it's not absolutely set in stone that I'll follow in your footsteps."

"I hope Matt's his own man. Matt is so gifted intellectually. He'd be so gifted at being a lawyer," Laubach laughs, crossing the bridge.

"I want to be an electrical engineer."

"We need principled lawyers who aren't in it for the money," Laubach says generally.

"Yeah," says Matt. "you can really be honest, you can really do what's right. But you can't pay the rent."

"But there are things more important than paying the rent."

"I know, I know. . . ."

He trails off, and they are silent for a moment, with barely a glance given over to the marble totems of democracy that shimmer in the sun.

JOHAN BERTER WAS ALWAYS sensitive to warnings. One of his first memories is swiping a toy car from a store at age 3. When he stubbed his toe on the way home, he thought, "The devil did that because I took that car."

Nor can he forget the neighborhood taproom where he'd go whenever he was on leave from the Navy back in the early '70s. The vets from Korea and World War II would be staring into their drinks, cursing their missed opportunities. They were out of work or chained to hateful jobs. They'd tell him how they wished they'd gone to school on the GI Bill, but now it was too late, and Berter would think how awful it would be to sit each day on a stool and measure out your life by the shot glass.

"I'd better do something," he thought, "or else I'll be just like them." So he spent the '70s bettering himself — a high school diploma at 22, a college degree, a master's degree in criminal justice. In 1979, at age 30, he became a security cop at the Cincinnati VA hospital. He had no problems with unruly patients; he understood them. One time, he was called to subdue a Vietnam vet who had crawled under a chair, convinced the Viet Cong were after him. Berter got down on the floor with him, and together they talked about "Charley" until the crisis passed.

This all changed when the new security chief arrived in February 1985. Daniel Wilson had a reputation for being — as one federal probe later put it — "immature . . . irresponsible . . . aggressive, arrogant, impatient, [with] a tendency to allow his authority to go to his head."

When Berter and colleague Charles Wallace witnessed Wilson standing on a panhandler's groin, they weren't sur-

prised. By that point, Berter knew what to expect. Two weeks earlier, as he later told a congressional oversight panel, he had seen Wilson use the same tactic on another man. Later that year, he says, he and Wilson were called to calm an agitated patient; Berter watched Wilson choke the man until he gasped for air. The man was 68 years old.

At home, Berter was driving his pregnant wife crazy. Sometimes he was up in the middle of the night, wondering "how one human being could do something like that to another." He finally told Susan, "If I'm in that room, and I'm not doing anything to stop things from happening, then it's like I'm an accomplice."

He met in November with several colleagues, and they decided to go to the local FBI, which has a civil rights unit. (All told, Wilson would be linked with 19 cases of abuse, 14 involving minorities.) By February 1986, they were meeting with the FBI regularly. It was also in February that Wilson called Berter: "You better take a few steps back and think about your family, the new baby your wife is expecting and your career." To this day, Berter doesn't know how Wilson got wind of the plot.

Prior to visiting the FBI, Berter had never been reprimanded on the job. But in April, he was placed on a 90-day probationary program for making typographical errors, and he was hit with a heavier workload. He slept three or four hours a night. He ate more, as a balm to his nerves. Anxious and depressed, he watched the swelling of his wife's belly and knew there was no stopping the baby. When Susan delivered a daughter by Caesarean section on June 10, the proud father was there. He had arranged with Wilson to stay home the rest of the week, to watch his 3-year-old son while his wife recuperated.

But only hours after the birth, the phone rang at home. Berter, who later recalled the incident to the congressional panel, was ordered by a Wilson aide to report to work for the rest of the week. The aide admonished him for taking time off. Berter protested that he had nobody to watch his son. The aide told Berter he had a job to do regardless of his domestic life.

When Susan got home, she was forced to cope alone with a newborn and a toddler. Berter was always being called in on overtime. Because Susan was on her feet so much, one night she hemorrhaged badly.

"I was gone in the head, totally stressed out," says Berter. In July, his doctors diagnosed an anxiety disorder and placed him on sick leave. Wilson declared Berter AWOL and stopped paying him. Between July and December, his doctors sent five letters to Wilson, the last three by certified mail, saying Berter was sick and deserved to be paid. "Your behavior has been the cause of our patient's illness," they told Wilson. They never got a reply.

"No damn money coming in, how are we going to pay these bills?" Susan demanded to know, as they fought repeatedly into the winter. Berter was usually on the phone, trying to prod the group that was supposed to be defending him.

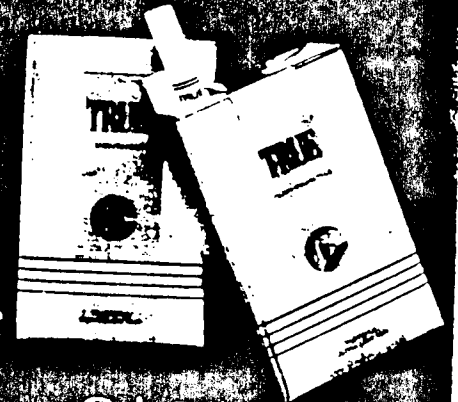
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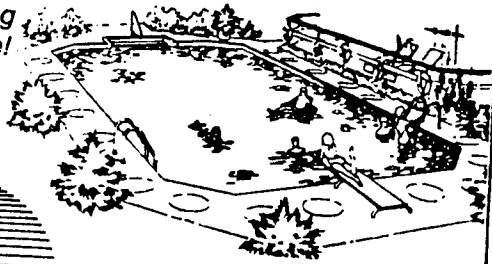
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TRUTH

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a federal agency called the Office of Special Counsel. Established with great fanfare in 1978 under President Jimmy Carter, the OSC was required by law to defend federal whistle-blowers against retaliation.

Berter had first contacted the OSC a month before his daughter was born. Investigators didn't show up at the hospital until September. What Berter didn't know was that the OSC under Reagan was notorious for its lack of vigilance. A year earlier, the General Accounting Office had found that the OSC was rejecting out of hand 92 percent of the whistle-blowers who sought its protection. In 1987, the turn-away tally would rise to 96 percent. As one-time OSC chief William O'Connor advised prospective clients, "Don't put your head up, because it will get blown off."

"How are we going to pay?" Susan kept asking as her husband worked the phone. "Don't worry, we'll do it, let it sit," he kept telling her. Still, he couldn't understand why the OSC interviewed his superiors but refused to contact Wilson's victims. As the months passed, the strain on Susan became more evident.

He'd look at her closely, and it seemed she'd aged 10 years.

When a letter from the VA hospital arrived in February 1987, he was numb to its message. The hospital director, who had hired Wilson and had supported him all along, wrote Berter: "Your emotional distress was clearly originated by factors external to the work environment" and was no excuse for going AWOL. He had just been fired.

Berter heard nothing from the OSC. He hung on with odd jobs — working as a playground monitor, answering phones in a halfway house — until finally, in March 1988, he heard from the agency: No action would be taken on his behalf. The FBI office in Cincinnati backed Berter's charges and supported Wilson's prosecution, but the Justice Department refused to act. A number of lawmakers who serve on an OSC oversight panel have protested Berter's plight, to no avail; one senator, David Pryor of Arkansas, has said, "There is nothing in this [record] that exonerates officer Wilson."

So Berter found himself in the trash — literally. Not long ago, to earn a few bucks, he took a job tearing up cardboard boxes. "Here I was in this big old dumpster," he is saying, driving

through Cincinnati with his son "and I was jumping up and down on the boxes, to crush them. and I'm thinking 'I've got a master's degree.'"

Echoing other whistle-blowers he adds, "This is probably the first time my word has ever been doubted. . . . I've lost a lot of faith in the system. I just figured that someone would look at the facts and come to the rescue. I guess I'm smarter now. . . . Sometimes it takes people like me longer to wise up."

"Shoot," he grins at his son Johnny, "maybe it's a blessing in disguise. This way I can spend my best years with my kids. Johnny, when I get a real job, you'll miss me, won't you?"

"I got an idea, Daddy. Get a one-hour job for \$56, then you can come home early."

"Well," he sighs, frowning at the traffic, "that's not quite what I had in mind."

WHAT YOU NOTICE first about Bill Bush is his lopsided mouth. You can hear

him sucking air through clenched teeth. His head droops; his chin is tucked against his chest, like a puppet whose strings have been cut. When he talks, he mangles his consonants.

"It started around '83, with a

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tiny bit of tension in my face," he is saying at his home in Huntsville, Ala. "Then it spread to more muscles. I can't chew properly. . . . Nothing with too much taste, it just exacerbates my tension. I hate to chew and swallow. Even soup. I've lost 20 pounds since this came on. I rejoice sometimes when I forget to eat lunch."

Dystonia is a muscular disease. His doctors link it to his long battle with the National Aeronautics and Space Administration. Fifteen years ago, at 47, he couldn't help noticing that veteran NASA engineers like him, gung-ho guys who had helped put men on the moon, were sitting on their rumps with nothing to do. These were the lean years after Apollo, when NASA was being hit with budget cuts. At the Marshall Space Flight Center in Huntsville, where Bush worked, his peers kept busy by writing novels, dabbling in real estate and running flea markets in the parking lot.

But for Bush, the slow tick of the clock was excruciating. In early 1974, he complained to superiors, but his pleas for meaningful work were ignored. He complained to a federal civil service panel, which backed him up, but still Marshall ignored him. He was making \$32,000 and

felt he was wasting the taxpayers' money. He was convinced that NASA veterans were being shunted aside. And then he learned about the memo.

A colleague passed it to him in early 1975. It came from headquarters in Washington, stamped SENSITIVE. It outlined a promotion plan for NASA personnel. "Age concentrations," it said, "would be in the range 28-40." For Bush, this was too much to swallow. He called the media and declared that his job was "a falsehood, a travesty and worthless." He challenged NASA to abolish his job.

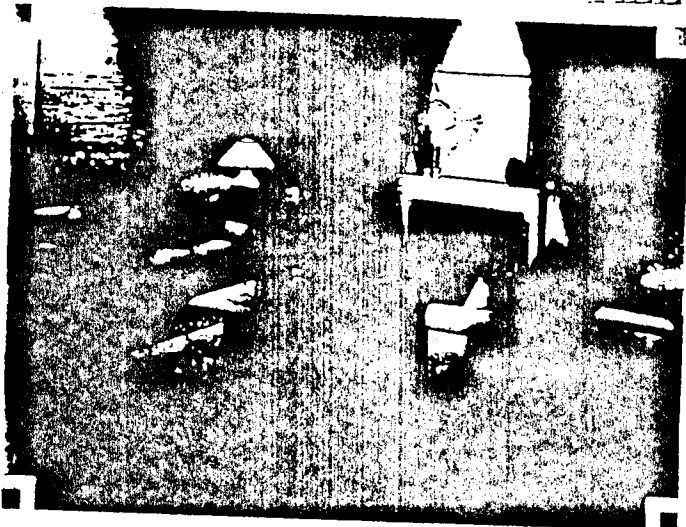
Bush had struck at the heart of the bureaucratic ethos, as described by Ernie Fitzgerald, the Pentagon whistle-blower fired for telling the truth: "Most workers in big organizations, they know they're not needed, they know the organizations can get by without them. So they get enslaved to jobs of semi-idleness that they themselves recognize as worthless. But they will go along with the gag, as we say at the Pentagon, because otherwise they won't be taken care of."

Bush refused to go along. His wife fought him, but she got nowhere. In an impulsive moment, Jo Bush told a local reporter that Bill was a snitch, and

continued on next page

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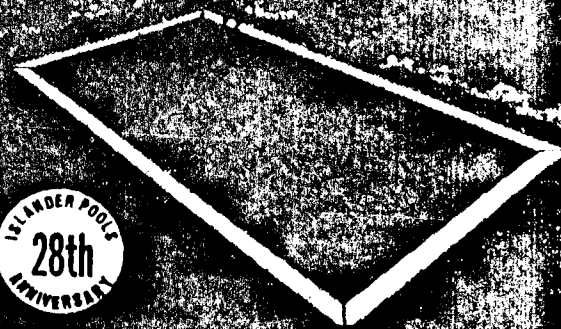
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TRUTH

continued from previous page

it got written up. He still hasn't forgotten. Jo still hasn't forgotten that when Bill spoke out, they were "in a bad way" financially, with stock market losses, a son in college and an elderly mother needing care.

The local media pursued the story for weeks. Here was a bureaucrat who hated getting paid for doing nothing — and he didn't care who knew it. "When the TV fellows came around, I just told 'em what I thought," he shrugs now. "Answered the questions as they gave 'em to me." Bush argued that the taxpayers' money would be better spent on monitoring NASA's contractors.

For Marshall director William Lucas, the TV coverage was an embarrassment. He busted Bush two pay grades, slicing \$10,000 off his salary and rebuking him for lacking "personal loyalty." Bush fought back — and won. In 1978, a civil service panel ordered Lucas to reinstate him. Congressional investigators also confirmed Bush's age-discrimination charges, and Marshall was forced to overhaul some personnel policies.

But Bush didn't feel vindicated enough; any loss of honor was unacceptable. So he sued Lucas for damages in federal court, charging that the boss had violated his right of free speech. He pursued this suit clear into the next decade. He saw it as an issue

continued on Page 30

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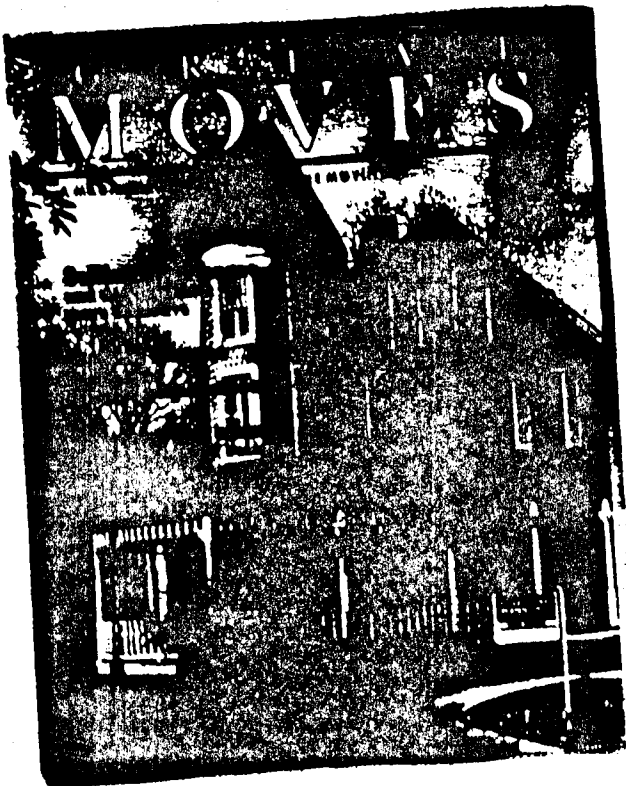
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TRUTH

continued from Page 28

of principle for all government workers. It didn't look that way to Jo Bush. Bill would typically leave for work at 7:30 in the morning, and get home at 1 o'clock in the morning after another long session with his lawyer.

It wasn't until 1983 that his case reached the U.S. Supreme Court — where it was shot down. Federal employees have no right to sue their superiors, the judges said. The *Bush v. Lucas* ruling remains in effect today, and Bush still feels guilty about it. He tries to make amends, however. His notoriety has made him famous among whistle-blowers, and he gets calls all the time. He gives them love, and sometimes they send him flowers.

Looking back, he knows why he acted the way he did. He has always hated waste. Like Ernie Fitzgerald, Bush was a child of the Depression. "We never threw anything away," he says. "We repaired everything." In Clarkdale, Miss., he collected coat hangers people had tossed in the trash, and he sold them to a laundry for a penny apiece. "You learned that if you tolerated waste," he says, "it would have an impact on how you worked."

Even in the last days of Bush's career in 1985, NASA had no use for him. He was confined to a tiny cubbyhole, where his job was to file weekly status reports on largely nonexistent duties, "sheer figments of my imagination." He was also having trouble modulating his voice, because of his dystonia, and the man on the other side of the wall kept complaining whenever Bush made a phone call. Finally, Bush could tolerate "the torture" no longer, so he quit.

He has been home with his wife ever since, living on retirement pay. "I just had no alternative," he says in his living room, referring to his disidance. Jo quietly scans *Reader's Digest*. She starts to say something, but he cuts her off.

"Now, Jo. Now, I, I, I can't cope with this, Jo. Naw, can't cope with it." As he scolds, she strides from the room. He stares at the floor as she passes. "That's one of my, one of my problems. She means well, she's a good person and all, but I can't stand the interruptions. My fault, isn't here...."

"See, her feeling is, she didn't expect to marry a damned troublemaker. She didn't marry a snitch, she married a hotshot engineer. I had potential, I was smart, I worked long hours, and she could see that I was going to rise in the world. So this whole thing is quite a shock to her. She wants me to take her places, like NASA old-timer conventions, but I won't be a hypocrite, I won't go around kissing back-sides...."

"I haven't gotten much affection from her since 1975, because of what happened. It hurts me mentally not to have it. I don't know how to cope with her anymore, so I just blow up. That's the reason I'm a damn lovesick fool about my pets — about Beau [his dog] and my birds in the yard... But I've got to be honest with myself. I've got to sleep with myself. So to speak."

Later, while Bush putters in his workshop, Jo returns. "He did all this without

me," she says, "and I sort of resent being pulled into it. And he's still not willing to give it all up. Whistle-blowers call him from all over the country for advice.... It just goes on and on and on."

"I wanted him to take early retirement [instead of suing Lucas], but he said he wasn't going to let them run him off. Now he's just rude to me. 'You stay out of this,' he always says. He's sick, I realize that. So I try my best. He can eat fish. I can get catfish, cook it right here in the microwave. That's all he'll eat for me anymore. Bill has always made up his own mind about things."

"She can't agree with me on one damn thing," says Bill. minutes later, out in the yard with his birds. "Tell me something: When you put spoons into the dishwasher, which end goes up — the spoon part or the handle? I say the spoon part. But she doesn't think so. I put 'em in, she takes 'em out. Just been a damn trauma."

Head bowed under a bright sun, he begins cooing to some swallows that have flown onto his hand. They peck at the water in his palm. "Hello, babies," he whispers. He looks up. "See this? They love me. They trust me. They can tell when somebody's being mean to me. They need me."

BILLIE GARDE KNEW SHE had done the right thing. She knew it right up to the moment she lost her kids.

Not a shred of emotion surfaces from the sworn affidavits. As she stated in 1981, "This loss is the price I have paid for my integrity." Away from the lawyers, she spent her free time sleeping and crying. She was living 1,100 miles away from her two little girls. They were back with their father in Muskogee, Okla., where she'd blown the whistle on the local U.S. Census office. In her own mind, she was a failure — not a crusader, just a bad mother.

Her parents agreed, which infuriated her. They had raised her to believe integrity was a virtue. In high school, for example, she had a job selling movie tickets. Friends who worked at the theater were skimming off the popcorn money. She knew about it, but she said nothing. The scam was discovered, and they all had to appear in juvenile court. At the dinner table, her parents ordered Billie to confess her complicity to her four younger sisters.

So when the Census scandal blew open, she screamed at her folks. "You raised me to be honest!" But they replied, "True, but how are you ever going to justify that with your kids? Your own children — you can't have them!"

The words landed like blows. Because, despite her college degrees, her stint as a high school teacher and her work as personnel director in the Muskogee Census office, she knew she had fouled up her original mission in life. She had been raised only to be a mother.

But pursuing a career hadn't imperiled her love for the girls. While they were infants, she had put herself through college in Oklahoma. Teaching history in 1979, she had stressed to her students the importance of civic duty and had required them to read about Ernie Fitzgerald. But that class lesson was merely an abstract

exercise, something bad that had happened to somebody else long ago and far away.

Then she went to work for the U.S. Census Bureau. In her first month, January 1980, she was told by her boss, a well-connected Democrat named John Hudson, that the Muskogee office would be used as a political front for the Democrats — to build an organization for the 1980 elections and to advance his own congressional ambitions in 1984. The master address list would be copied and sold to Democratic campaigns. He also allegedly requested sexual favors, which she refused.

As personnel director, she was required to give exams to prospective employees. In her first week, three applicants with political connections failed the test. Hudson ordered her to change their scores. Garde decided to stay on, trying to minimize such incidents; newly divorced from Larry Garde, she also had to support her daughters.

It wasn't until Feb. 28, when she met with a regional Census official, that she fully grasped the provisions of the Hatch Act, which curbs the political conduct of federal workers. As she later said in a sworn statement, "Some of the activities Hudson had required of me... might be a direct

violation.' .. was no different from being a teenage bystander to the popcorn scam: "I also realized that any further cooperation by me could make me guilty."

She went in search of a savior. She ascended the chain of command, calling Hudson's supervisors and congressional offices. But as winter yielded to spring, nothing happened — to Hudson, anyway. A lot happened to Billie Garde.

On April 5, Hudson appeared at her home and warned that he'd ruin her unless she kept her mouth shut. At the time, Garde's ex-husband was fighting for custody of the girls, and Hudson said he would arrange for her to lose them. She recalled his saying, "Nobody will believe you if you're an unfit mother."

She began to take careful notes. Hudson threatened her with the loss of her children, job and career. He did it, her notes show, on April 28, May 1, May 5, May 7, May 8, May 19, May 21, and May 29. But Garde shrugged off these threats, still convinced, she says now, "that the people above Hudson would stop him. But the longer they didn't do anything, the stronger Hudson thought he was."

She walked into her office on June 2 and discovered that the phones were disconnected. Most of her furniture was gone. She was fired two days later; it barely registered with her. It was just a losing skirmish in an epic conflict she likened to *Star Wars*. She responded by flying to Washington for more meetings with

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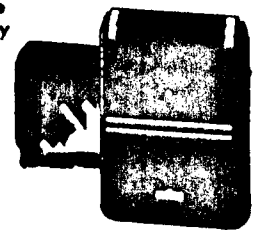
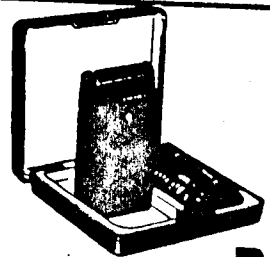


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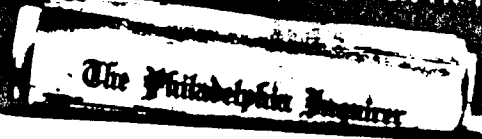


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TRUTH

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higher-ups, which turned out to be futile. Her ex-husband had the girls back in Oklahoma — it was his regular visitation period — so she stayed in Washington to scout for a new job. The girls were scheduled to join her there on June 27. It was June 25 when she got a call from the Muskogee newspaper: Other Census staff members were leaking damaging news about Hudson; would she care to make a statement?

Fed up with the foot-dragging feds, she spoke in exchange for a pledge of anonymity. The story came out the following day. That evening, she phoned Larry Garde to check on the kids. Tanya was 6, Deanna was 5.

He told her, "You're never going to see the kids again."

He said he had been awarded temporary custody that very day by a local judge. He said Hudson had told him she was mixed up with drugs and alcohol and was sexually immoral. He said Hudson had told him that she was "sleeping on the streets of Washington."

As Larry spoke, a primitive pain knifed through her body. She was on a plane the next morning. Back in Muskogee, she learned Hudson was backing

Larry Garde's custody fight.

Figuring that Billie Garde had been a source on the story, Hudson had met with Larry immediately after the paper hit the stands. He told Larry that his ex-wife was an unfit mother. Garde and a lawyer went to the courthouse. In a hallway, they conferred with a judge who agreed to transfer custody to Larry. He signed the papers on the spot without a hearing. Hudson had worked on the judge's various campaigns; the judge would later deny any political influence. Billie pushed for a custody hearing, which took place in August. The same judge decreed that Billie wouldn't get the kids because "she has moved."

She was warned not to stick around. During her visit home, she received an anonymous message that read, "There is big money and big politics behind this... there are several people who want to do you bodily harm... For your own safety, you should stay away from doors and windows." She went back to Washington alone.

She took a job in a typing pool, which was all she could handle. Sometimes on the way home, she would fall asleep on the subway from stress and fatigue, and Metro workers would have to help her up. At home, she would get

furtive phone calls from Tanya, who would wait until her father went outdoors. "Mommy," Tanya would say, "sing to Deanna, she needs you." Other times, Tanya would comfort Deanna by pulling out the photo of Billie she had stashed in the back of her coloring book.

The case against Hudson meant little to Billie Garde at that point, but too many people knew too much. A grand jury was empaneled, and other Census staff members testified. Garde flew back and became the key witness. On June 25, 1981, a year after she lost her kids, Hudson was indicted for Hatch Act violations, false statements and obstruction of justice. He pleaded guilty and drew a year behind bars and three years' probation.

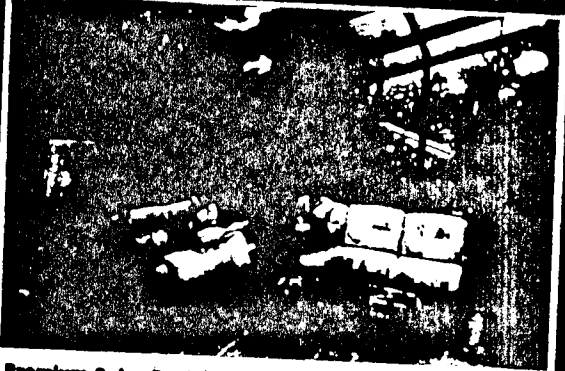
Shortly after the indictment, Billie Garde got a call from her ex-husband. "The girls need to see you... They're coming today," he told her. In the wake of Hudson's downfall, he had changed his mind about keeping them. He also may have been nudged in that direction by the U.S. attorney, who viewed Larry as instrumental to Hudson's revenge. With Hudson bound for prison, Larry was making amends. As he'd later tell government investigators, "I wonder now if I actually won [custody of the girls] fairly. I wonder if I was used as a pawn to shut Billie up."

Billie barely had time to react: The kids were coming alone. When she got to the airport, she went to the wrong gate. The flight had already landed somewhere else, and what she now remembers is running along the concourse, running and running until she could spy in the distance two tiny figures perched on a counter, waiting to be gathered up, waiting to be reassured that her love could never be stolen from them again.

There is a temptation to end the Garde story at the airport, to tie it up with a ribbon and a smile. But these cases don't work that way.

Today, Garde is raising kids who were shaped profoundly by the events now eight years past. They all live in Wisconsin; now a lawyer at 36, Garde shuttles between home and Washington. The kids were once adventurous and independent, but now they are casualties of a war long since consigned to the document dustbin. They are clingy, whiny, demanding. Deanna, a young teen, crawls into bed with her mother at night. She can't deal with staying overnight at a friend's house. Tanya, who spent a year worrying that her mother might

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die on the Washington streets, has battled a stomach ulcer.

Because Tanya is so insecure, says her mother, "she doesn't trust people. . . I have different kids now. . . The broader public interest was absolutely the wrong thing for my small, defenseless daughters. I can justify why I blew the whistle, I understand why I did it. But it wasn't worth it."

Meanwhile, seeking lost wages and damages, Garde filed sex discrimination charges against Hudson with the federal Equal Employment Opportunity Commission in 1980. Then, eight years went by. The agency, cor-

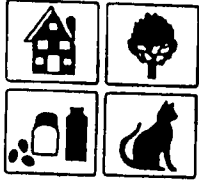
roborating her charges, finally ruled last summer that she could collect wages, but no damages.

So she waited eight years for \$3,000. She has the right to appeal, but she won't. She wants to get on with her life and her legal work. At times, the work consumes her because she loves it. She goes to bat for people she believes in, heroes who need a friend. Her specialty: defending whistle-blowers. She admires their blind tenacity. They come to her with their lives in tatters, when all they've got left is the truth.

continued on next page

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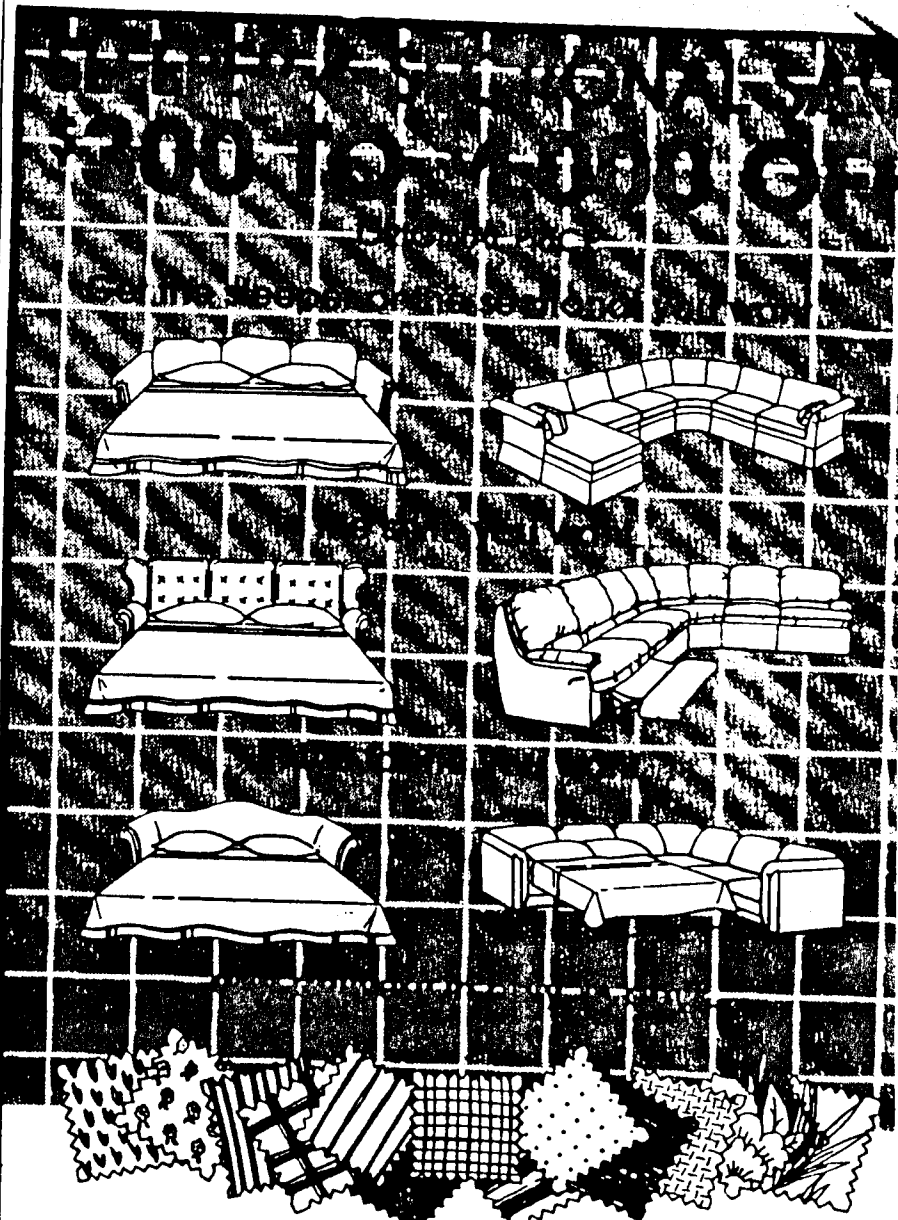
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TRUTH

continued from previous page

THEY ARE NOT AS ALONE AS they once were. "There is no longer, automatically, this crying in the wilderness of an Ernie Fitzgerald," says Louis Clark, head of the Government Accountability Project. "Now there's a community of people who are supportive." They have lobbyists in their corner. A new law strengthens the rights of whistle-blowers threatened with retaliation, and weakens the obstructive Office of Special Counsel. They have lawyers like Billie Garde, who guide them through the perilous emotional terrain without losing sight of the salient issues.

But when the battles are finished, they must learn to live with themselves — to find solace in their bittersweet courage, to take heart from their triumphs. They are proud, of course, but pride is half a loaf. There's cost analyst Ernie Fitzgerald, still at the Pentagon seven years after reinstatement, writing books and raising Cain on the outside. Yet he's neutered on the inside, as new procurement scandals wax and wane. "I'm no real threat to them now," he says. "I'm getting old. I see what

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they allow me to see, plus what some people, the other closet patriots, throw over the fence to me. You have a job to do, so you take it seriously."

There's John Berter, putting in long hours at a Cincinnati halfway house for ex-offenders, still keeping tabs on his old boss, VA security chief Dan Wilson. When the controversy blew open in 1987, the VA transferred him to Chicago. Wilson resigned in April 1988. He faces indictment, not yet formally filed, on charges of providing false statements to three federal agencies during their probes of his conduct and record.

But Berter's government career is dead, unless GAP pursues the matter, because those same agencies dismiss him as a guy with an ax to grind. So he takes pride in

knowing that Wilson is gone because he refused to knuckle under. "I've always wanted to do things on my own," he says. "I never wanted to be thought of as another dime-a-dozen story."

There's Vince Laubach, whose fight finally ended this spring. He just spent six months blocking an IRS effort to collect taxes on his meager 1985 damage award. Damage awards aren't taxable, but the IRS was insisting the money was intended as back wages. Laubach won, but he had to pay more legal fees in the process.

That galls him. But what galls him more is the contemporary moral climate and his feeling that not enough people are willing to fight against "evil" anymore. "I think we've lost our sense of sin," he says. "Whatever happened to sin? Douglas MacArthur used to talk about duty and honor. Whatever happened to honor? We've lost our sense of sin because we've lost our sense of religion. We have a lot of kids who aren't raised with a sense of decency. You don't worry about what your neighbor thinks, because your neighbor doesn't know you anymore. I did what I could [at Interior]. But what about everybody else?"

And there's Bill Bush, NASA's gadfly.

Once in a while, he is lured from his solitude by people who see him as he sees himself, admirers who share his values. This spring, he was flown to Idaho, where Boise State University staged a symposium on ethics, and he spent "two of my happiest days" as an honored guest. Then it was back to the loneliness of his Alabama workshop, his sanctuary from a wasteful world, with its boxes of pulleys, mousetraps, gutter nails, ropes, radiator caps — usable stuff he fetches from dumpsters. And it was back to his bedroom, where he has collected, on a computer, the names of 6,800 purported whistle-blowers dating back to biblical times.

In the company of 6,800, he is alone. Harry Truman once said that if you need a friend, get a dog. Bush has Beau. He has taught this collie a special trick.

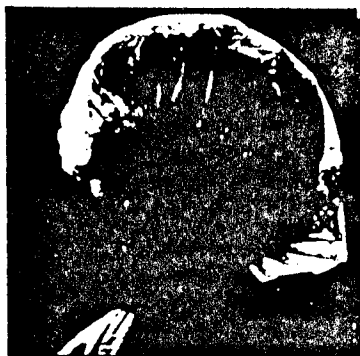
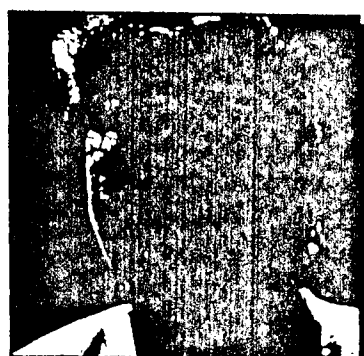
"Now, Beau," he says, kneeling down, "you know me about as well as anyone. My question is, don't you think I've led a good, clean life?"

One bark means yes, two barks mean no. But Beau doesn't bark at all. Instead, he puts both front paws on Bush's leg and lowers his head. "Pray for me, Beau," intones his master.

There is a moment of silence. □

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