

# Opinion



## Free Press Viewpoint

### The place is real

By John Van Nostrand

Colby Implement deserves a round of applause so loud it can be heard along Interstate 70.

The John Deere dealer recently acquired a billboard on westbound Interstate 70 between Colby's two exits and covered up the embarrassment with their own advertisement.

For years, the sign has stated how a Kentucky Fried Chicken/Taco Bell restaurant is in Colby. Thing is, the restaurant closed years ago, but the billboard remained.

Even though Colby people know those chicken legs and chalupas are not to be found, some of the thousands of people who drive westbound on I-70 thought the place existed. Why wouldn't they?

Some of the people with a craving for a taco and side order of cole slaw have driven into Colby but couldn't find the restaurant. Some of those people then stopped at the Colby Visitors Center and asked for directions to the place. After they learned the restaurant did not exist, some left upset, and more important, had a bad impression of Colby. Why wouldn't they?

Colby and Thomas County have benefited wonderfully thanks to the people who drive along Interstate 70. We need to keep attracting motorists by demanding those billboards be accurate and current. Colby and its business' reputation are important.

Thank you, Colby Implement, for your efforts.

— John Van Nostrand is publisher of the Colby Free Press.

#### About those letters . . .

The *Free Press* encourages and welcomes letters from readers. Letters should be typewritten, if at all possible, and should include a telephone number and an address. Most importantly, all letters must include a signature. Unsigned letters cannot be published. We reserve the right to edit for clarity and length, and, likewise, reserve the right to reject letters deemed to be of no public interest or considered offensive or libelous.

#### Where to write, call

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**U.S. Sen. Sam Brownback**, 303 Hart Senate Office Building, Washington, D.C. 20510. 202/224-6521

**U.S. Rep. Jerry Moran**, 2202 Rayburn House Office Building, Washington, D.C. 20515. 202/225-2715 or Fax 202/225-5124

**State Rep. Jim Morrison**, State Capitol Building, 300 SW 10th St. Rm. 143-N, Topeka 66612. 785/296-7676 e mail: jmorriso@ink.org web: www.morrisonfamily.com

**State Sen. Ralph Ostmeyer**, State Capitol, 300 SW 10th St., Rm. 128-S., Topeka, Kan. 66612, 785/296-7399 ostmeyer@senate.state.ks.us

Comments to any opinions expressed on this page are encouraged. Mail them to the Colby Free Press, 155 W. 5th St., Colby, Kan., 67701. Ore-mail jvannostrand@nwkansas.com or pdecker@nwkansas.com. Opinions do not necessarily reflect the *Free Press*.

### COLBY FREE PRESS

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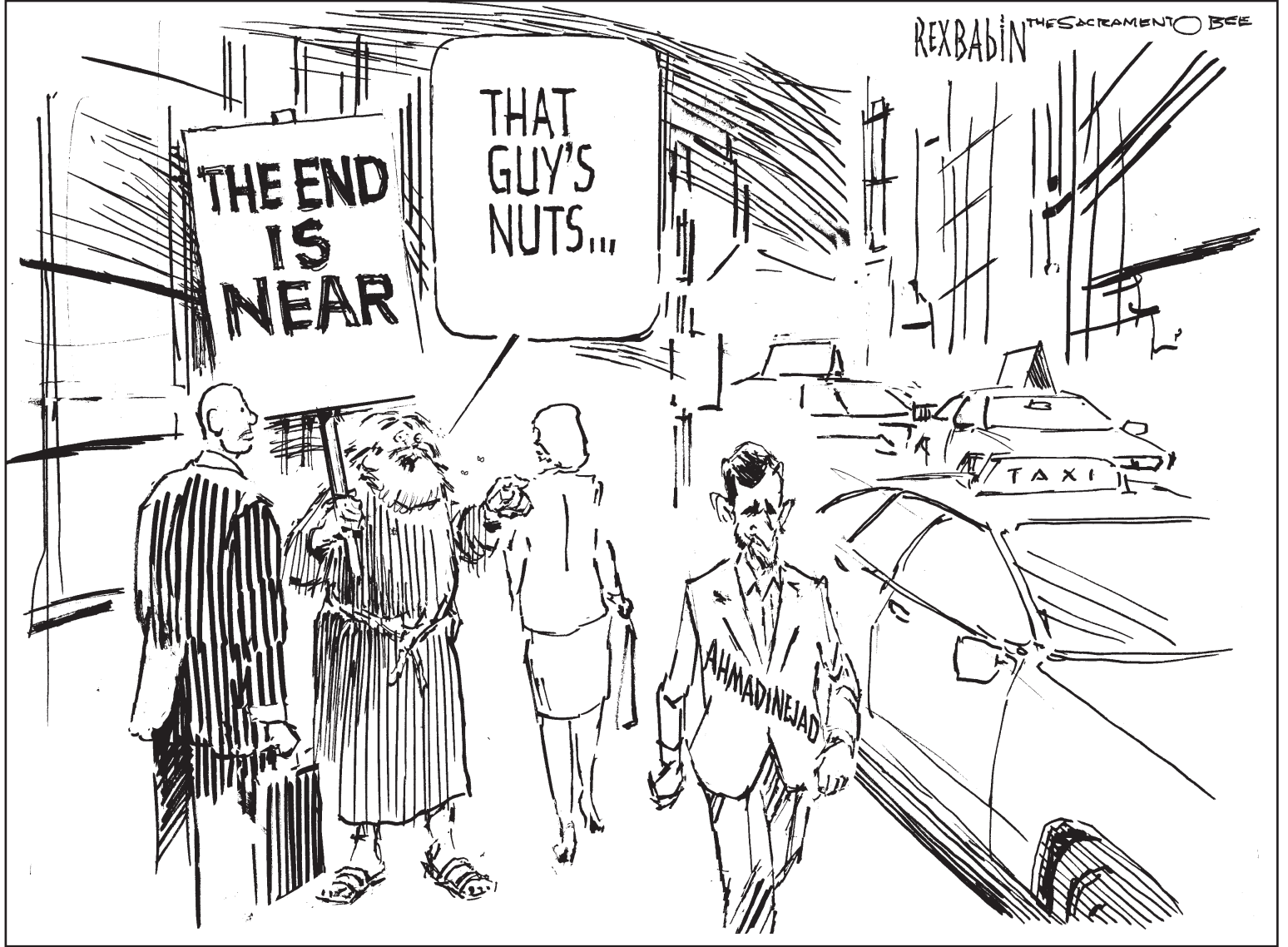
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## Whistleblowing at work dangers

By Louis Clark

In recent years, we have learned about a number of corporate horror stories.

A major toy company had sold and widely distributed toys manufactured in China with lead-tainted paint. A pharmaceutical company had manufactured a vaccine for babies with a compromised quality assurance program. Government contractors employed in Iraq to provide infrastructure were instead padding their profits and cutting corners while the buildings they constructed crumbled.

In each instance, scores of employees knew about the problems but for whatever reason did nothing to end the faulty practices. It is no wonder that so many of those in the know about wrongdoing chose job security over courage. No one should rely on public anti-corruption assurances from corporate public relations operatives until effective systems are in place so that everyday workers who spot potential disasters in the making will report them — putting public health and other significant concerns above corporate profits. Sadly, this right to blow the whistle, free of retaliation and harassment, has steadily eroded over the last five years.

Following a wave of massive corporate fraud, exemplified by the Enron and WorldCom scandals, Congress passed the 2002 Sarbanes-Oxley (SOX) Act. Our legislators were reacting to the revelations of a tiny handful of brave whistleblowers who exposed the massive corruption — a few out of hundreds and hundreds who were aware of the wrongdoing. Others did not come

forward with incriminating information, either out of fear or the knowledge that whistleblowing is futile in a culture where fear of reprisal is so pervasive. To address this need, within SOX Congress included provisions that would hopefully ensure that whistleblowers within publicly traded companies would no longer remain defenseless.

The law clearly was designed to provide protections extending across industry boundaries to employees who reported company malfeasance. Corporate whistleblowers would no longer have to rely on a patchwork of inconsistent and largely ineffective laws for their protection. These new protections would also protect investors through providing a safer environment for workers to use the new channels provided by law to help corporate board members learn about serious problems within the company.

Workers who took their concerns to government regulators also would qualify for legal protections.

These SOX provisions, however, have failed miserably to live up to their expectations. They have been gutted by the interpretations handed down by Department of Labor bureaucrats, administrative judges, and various federal judges. Now, as a result, private employees who expose wrongdoing are likely to suffer punishment and get the cold shoulder from the federal government.

While the act was intended to shield employees against threats, decision-makers and judges have determined varied definitions for retaliatory

actions. One judge found that any employment action that deters employees from making disclosures qualifies. Others have taken extremely narrow interpretations which have dramatically eroded the power and intent of the law, allowing employers to punish workers at will for reporting misconduct.

Worse yet, the types of companies covered by the law have been diminished. Many judges have decided that SOX doesn't extend to wholly owned subsidiaries. Corporate interests have persuaded decision-makers to take this narrow perspective, exploiting a gaping loophole to reduce the number of covered employees.

The bottom line is now measurable. Earlier this month, a University of Nebraska College of Law study concluded that only 3.6 percent of cases brought by whistleblowers under Sarbanes-Oxley are won by employees. That's less than 1 in 25.

Employees who report illegal activity are crucial to society's protection when greed trumps public health and safety and encourages corrupt business practices. Strong whistleblower protections are the backbone of a transparent corporate environment that deters corruption. Whistleblowing should be risk-free, accessible to all employees and standard practice across the country.

Louis Clark is president of the Government Accountability Project in Washington, DC. GAP focuses on providing protection for federal employees who "blow the whistle" on wrongful actions by their employers.

## Your turn

### Fire department grateful for support

**Sean F. Hankin**  
Assistant Chief  
Colby Fire Department

I am writing on behalf of the Colby Fire Department to thank the people of Colby and Thomas County for the generosity they have bestowed, once again, on our community.

Over the past week I have submitted the necessary paperwork to close out two different programs sponsored by the Fire Department. The first was to the Muscular Dystrophy Association

for the annual boot block "Jerry's Kids". Once again, our firefighters were out collecting donations for the Labor Day Telethon.

After a successful Saturday morning we were proud to write a check to MDA for \$1810.

The second program was for the National Fire Safety Council. This organization assists fire departments by supplying fire and life safety literature, also known as the "Fire Pup Program", used to help educate our children every Oct., during Fire Prevention Week.

These materials are provided to the Colby

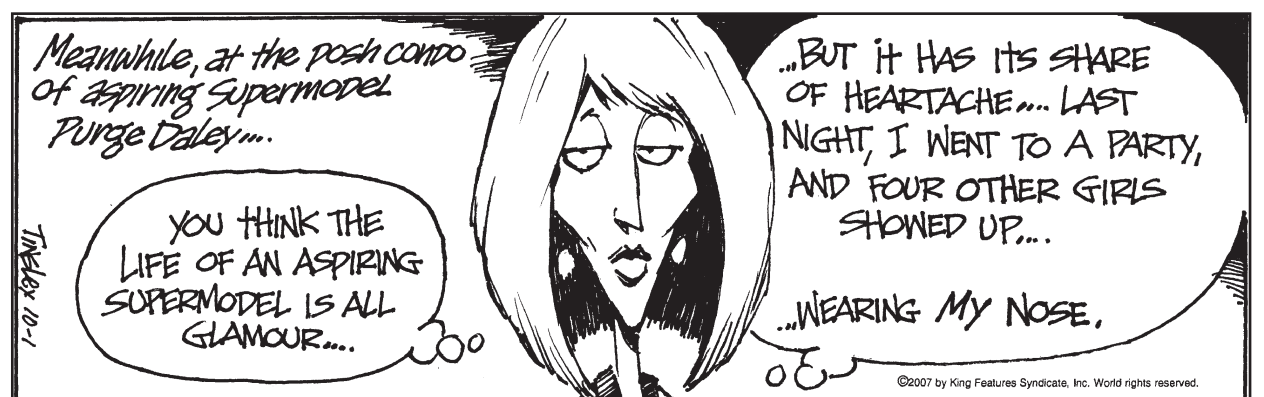
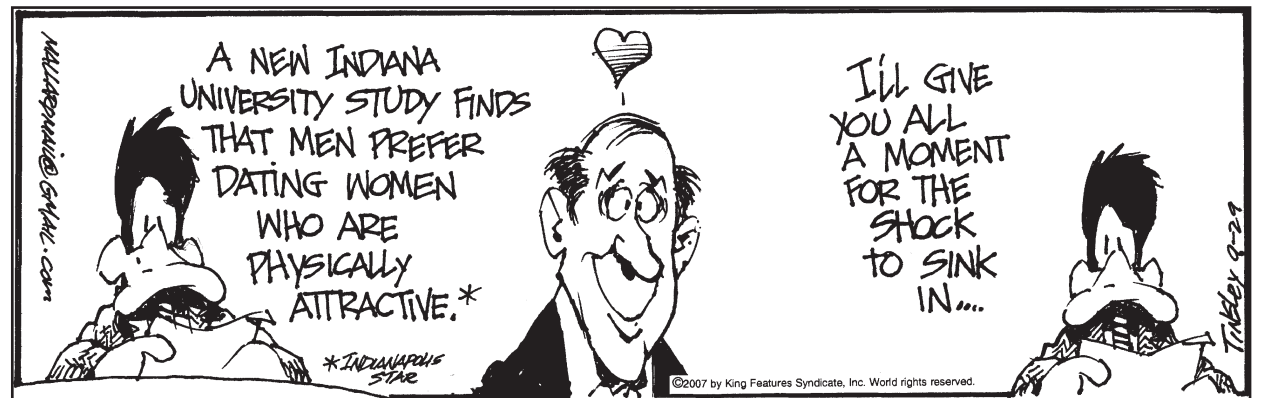
Fire Department, free of charge, thanks to the contributions of local business owners.

This year Colby businesses contribute \$1,867 to this cause. This will provide enough educational materials to hand out to over 750 students within the Colby / Thomas County community.

So it is with great pride that the Colby Fire Department wishes to thank everyone for their generosity.

It is because of you that these programs are so very successful.

Thank you, very much.



### Mallard Fillmore

• Bruce Tinsley