

Fighting N-I-M-B-Y-ism In The Enforcement of the False Claims Act

What NIMBYism has do with the False Claims Act

SAN FRANCISCO, June 12, 2013 /EINPresswire.com/ -- ([Justice News Flash: Featured Column](#)) According to the Oxford English Dictionary the term N-I-M-B-Y was first used in 1980 and was an acronym for the phrase "Not in My Back Yard." It was a negative way to describe people who conceded the potential benefit to society of a particular project just so long as it wasn't in their own backyard. Yes, we need that power plant but put it over in the next town and not here where it will be loud and spoil our view. Over the years the term NIMBY has also been applied more generally to describe advocacy for a public policy that has some exception that is entirely self-serving. One could argue we're seeing a form of NIMBYism in the ongoing sequestration battle - across the board budget cuts will be implemented, but we just won't cut this particular line item. As long as you are the one evaluating the NIMBY behavior – and not engaging in it – it's fairly straightforward to see NIMBYism as self-serving.

So what's NIMBYism got to do with the False Claims Act? In a paper for an Australian Whistleblower Conference in 2004, one presenter aptly described how NIMBYism plays out in the whistleblowing world. The paper states: "There are now good whistleblowers and bad whistleblowers. The good whistleblower is the whistleblower who lives in another country, or who works for another organization (preferably a competitor), or who blew the whistle 50 years ago. The bad whistleblower is the whistleblower in your own organization who blows the whistle now."

<http://www.bmartin.cc/dissent/documents/Sawyer04.pdf>

It's Whistleblower NIMBYism. In theory, every taxpayer can get behind the concept of exposing fraud and returning ill-gotten gains to the federal government. They'll even celebrate the individual who had the courage to expose the fraud. It's just when that fraud may come close to home that the guns turn on the whistleblower and the circumstances are different. But this country was built on the fundamental premise of equal treatment under the law. If any person violates the False Claims Act, they should be held accountable. No exceptions. There is simply no room for NIMBYism where enforcement of the False Claims Act is concerned. Perhaps more whistleblowers would be willing to come forward to expose the undisputable rampant fraud on the government if more citizens called out those who protest the law's enforcement and invoke a "bad whistleblower defense" as engaging in nothing more than whistleblower NIMBYism.

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