**How to say “No” and Survive: Responsible Dissent in the Hughes Aircraft Case**

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*The Hughes Aircraft Case involves a group of employees in charge of testing chips for weapons systems. Because of the lengthy testing procedure required by the U.S. Defense Department, Hughes soon fell behind schedule in delivering chips to customers. To get chips out faster, some Hughes middle level managers began to put pressure on employees to pass chips that had failed tests or to pass them without testing. The scenarios below consist of narratives that stop at the point of decision. Your job is to complete the narrative by making a decision.*

Karl Reismueller (Division Manager)

Frank Saia (Manager of Microcircuit Manufacturing)

Jim Temple (Assistant Manager of Hybrid Production)

Unnamed Human Resource Officer

Donald La Rue (General Supervisor: Seal Symbol and Phase Shifter)

Margaret Gooderal (Assistant General Supervisor of Environmental Area)

Ruth Ibarra (Test Operator)

Shirley Riddick (Test Operator)

Unnamed Official at Office of U.S. Inspector General

**Decision Point One**

Frank Saia has worked at Hughes Aircraft for a long time. Now he is faced with the most difficult decisions of his career. He has been having problems in the environmental testing phase of his microchip manufacturing plant; the detailed nature of these tests has caused Hughes to be consistently late in delivering the chips to customers.

Because of the time pressure to deliver chips, Saia has been working to make the production of chips more efficient without losing the quality of the product. Chips are manufactured and then tested, and this provides two places where the process can bottle up. Even though you might have a perfectly fine chip on the floor of the plant, it cannot be shipped without testing. And, since there are several thousand other chips waiting to be tested, it can sit in line for a long time. Saia has devised a method that allows testers to put the important chips, the “hot parts,” ahead of the others without disrupting the flow and without losing the chips in the shuffle. He has also added a “gross leak” test that quickly tells if a chip in a sealed container is actually sealed or not. Adding this test early in the testing sequence allows environmental testing to avoid wasting time by quickly eliminating chips that would fail a more fine-grained leak test later in the sequence.

Because environmental testing is still falling behind, Saia’s supervisors and Hughes customers are getting angry and have begun to apply pressure. Karl Reismueller, the director of the Division of Microelectronics at Hughes, has given Saia’s telephone number to several customers, whose own production lines were shut down awaiting the parts that Saia has had trouble delivering. His customers are now calling him directly to say “we’re dying out here” for need of parts.

**Dialogue**

* Construct a dialogue in which Saia responds to the pressure from his supervisor, Karl Reismueller
* Be sure to address the customer complaints

**Decision Point Two**

 Frank Saia has discovered that an employee under his supervision, Donald LaRue, has been skipping tests on the computer chips. Since LaRue began this practice, they have certainly been more on time in their shipments. Besides, both LaRue and Saia know that many of the “hot” parts are actually for systems in the testing phase, rather than for ones that will be put into active use. So testing the chips for long-term durability that go into these systems seems unnecessary. Still, LaRue was caught by Quality Control skipping a test, and now Saia needs to make a decision. Upper management has provided no guidance; they simply told him to “handle it” and to keep the parts on time.

 He can’t let LaRue continue skipping tests, or at least he shouldn’t let this skipping go unsupervised. LaRue is a good employee, but he doesn’t have the science background to know which tests would do the least damage if they were skipped. He could work with LaRue and help him figure out the best tests to skip so the least harm is done. But getting directly involved in skipping the tests would mean violating company policy and federal law.

**Dialogue**

* Construct a dialogue in which Saia confronts LaRue about skipping the tests
* Should Saia work with LaRue to identify tests that are not necessary and then have LaRue skip these?
* How should Saia and LaRue deal with concerns Quality Control has about skipping the tests?

**Decision Point Three**

 Margaret Goodearl works in a supervisory position in the environmental testing group at Hughes Aircraft. Her supervisor, Donald LaRue, is also the current supervisor for environmental testing. The group that LaRue and Goodearl together oversee test the chips that Hughes makes in order to determine that they would survive under the drastic environmental conditions they will likely face. Rigorous testing of the chips is the ideal, but some chips (the hot chips) get in line ahead of others. Goodearl has found out that over the last several months, many of these tests are being skipped. The reason: Hughes has fallen behind in the production schedule and Hughes upper management and Hughes customers have been applying pressure to get chip production and testing back on schedule. Moreover, LaRue and others feel that skipping certain tests doesn’t matter, since many of these chips are being used in systems that are in the testing phase, rather than ones that will be put into active use.

 A few months after Margaret Goodearl started her new position, she was presented with a difficult problem. One of the “girls” (the women and men in Environmental Testing at Hughes), Lisa Lightner, came to her desk crying. She was in tears and trembling because Donald LaRue had forcefully insisted that she pass a chip that she was sure had failed the test she was running.

Lightner ran the hermeticity test on the chips. The chips are enclosed in a metal container, and one of the questions is whether the seal to that container leaks. From her test, she is sure that the chip is a “leaker”—the seal is not airtight so that water and corrosion will seep in over time and damage the chip. She has come to Goodearl for advice. Should she do what LaRue wants and pass a chip she knows is a leaker?

**Dialogue**

* Construct a dialogue that acts out Goodearl’s response to her knowledge that LaRue is skipping tests
* Should Goodearl first talk directly to LaRue? What if he responds defensively?
* Should Goodearl go over LaRue’s head and discuss his skipping the tests with one of his supervisors? To whom should she go? How should she prepare for retaliation by LaRue? Should she bring evidence?
* If her supervisors fail to respond, should Goodearl continue pressing her dissent up the chain of command?
* Could Goodearl not contend the issue but distance herself? (What if Hughes has no DPO procedure?)

**Decision Point Four**

Ruth Ibarra (from Quality Assurance) has seen Shirley Reddick resealing chips without the authorization stamp. Ibarra has asked Goodearl to find out what’s going on. When Goodearl asks LaRue, he replies, “None of your damn business.” Shortly after this, Gooderal receives a phone call from Jim Temple, one of her superiors, telling her to come to his office. Temple informs Goodearl that she needs to back down. *“You are doing it again. You are not part of the team, running to Quality with every little problem.”* When Goodearl insisted she did not “run to Quality” but Quality came to her, Temple replies, *“Shape up and be part of the team if you want your job.”*

**Dialogue**

* Construct a dialogue in which Gooderal responds to this latest test skipping issue
* Goodearl had already confronted LaRue about test skipping when Lisa Lightner came to her. After failing to get results, she had decided to drop the issue
* How should Goodearl respond to LaRue and Temple? Should she continue pushing responsible dissent?

**Decision Point Five**

 After her conversation with Temple, Goodearl goes to the Personnel Department to inquire into filing a harassment complaint against her supervisors at Hughes. After her discussion she sees the personnel official leave his office and turn toward Frank Saia’s office, one of Goodearl’s supervisors. Later Goodearl is then called to Saia’s office. An angry Saia throws his glasses at her and threatens to fire her if she persists. He also asks her where she gets off filing a harassment charge against him.

**Dialogue**

* Construct a dialogue in which Gooderal reacts to Saia both during Saia’s outburst and after it.
* Is Saia harassing Gooderal? (How do we define “harassing” in this context?)
* How should Goodearl respond given that Saia’s latest outburst was caused by the personnel official reporting to him the confidential meeting he had with Goodearl?
* What are Goodearl’s options at this point? Are any of the strategies for responsible dissent we have studied so far relevant or of use?

**Decision Point Six**

 Margaret Goodearl and Ruth Ibarra have made several attempts to get their supervisors to respond to the problem of skipping the environmental tests. The general response has been to shoot the messenger rather than respond to the message. Both Goodearl and Ibarra have been branded trouble makers and told to mind their own business. They have been threatened with dismissal if they persist.

 So they have decided to blow the whistle, having exhausted all the other options. They initiated contact with officials in the U.S. government’s Office of the Inspector General. These officials are interested but have told Goodearl and Ibarra that they need to document their case.

 One day they find two hybrids (chips that combine two different kinds of semiconductor devices on a common substrate) on LaRue’s desk. These chips which are destined for an air-to-air missile have failed the leak test. It is obvious that LaRue plans on passing them without further testing during the evening shift after Goodearl has gone home. Goodearl and Ibarra discuss whether this presents a good opportunity to document their case for the Office of the Inspector General.

**Dialogue**

* Construct an imaginary conversation between Goodearl and Ibarra where they discuss different strategies for documenting their concerns to the Office of the Inspector General?
* By looking for documented evidence against their employer, have Goodearl and Ibarra violated their duties of trust and confidentiality?
* Some argue that before blowing the whistle, an employee should exhaust internal channels. Have Goodearl and Ibarra discuss whether they can do anything more inside Hughes before taking evidence outside.

**Strategies of Responsible Dissent**

**A. Value Integration**. Always begin with a value-integrative, win-win, solution where what you value and what your supervisor values get integrated in a creative, comprehensive course of action. (You may be able to protect profits and the environment by finding effective yet cheap pollution control technology.)

**B. Generic Options** (general forms of action)

1. *Gather Information*

2. *Nolo contendere* (Don’t fight it this time)

3. *Oppose diplomatically* (You might propose a compromise or make arguments based on common interests)

4. *Oppose with vigor* (You could threaten to blow the whistle if your supervisor continues to ignore you.)

5. *Distance yourself* (State your position in a memo and ask that this be placed in a permanent file so that your disagreement can be outlined and documented. You have found moral and practical reasons to disassociate yourself from your supervisor’s stand.)

6. *Exit* (Suggest leaving the team temporarily during this assignment. Or look for a different job and leave the company.)

**B. Seek Moral Compromise**

Compromise is characterized by Martin Benjamin as “splitting the difference” in his book of the same name. This means you get part of what you want. But to get this you must concede to the other party part of what he or she wants. Compromise is never a first or last resort. First, you should work toward a win-win solution which fully integrates what you value with what your supervisor values. A lot of times we can achieve these value integrative solutions by thinking outside of the box, i.e., by reframing the situation and its attendant problems.

The last resort is a trade off which, in essence, is a “zero sum game.” This means one party to the dispute wins all while the other loses all. If you want to avoid environmental damage and your supervisor wishes to maximize company profits, a trade off would result in embracing your supervisor’s position (and its values) while sacrificing yours.

Compromise, again, is splitting the difference but always within the parameters of integrity. One does not split the difference if it means undermining one’s personal or one’s organization’s integrity. Keeping in mind the limit of integrity, a situation that presents one or more of the following circumstances can call for moral compromise:

* **Factual Uncertainty**. Where are the chips under consideration going? If they go to an essential system in an operative technology, then their malfunctioning could lead to loss of life. If they go to a non-essential system (like a prototype being tested) then maybe the testing process can be streamlined. This may require compromise between Hughes management, chip-testing team, and customers.
* **Moral Complexity**: How should an employee like LaRue weigh his loyalty to supervisors and company and his obligation to the public and client? Setting aside his harassment of Gooderal, is Saia's position (or at least a part of it) morally defensible?
* **Continuing cooperative relationship**: How important should it be to Gooderal that she needs to sustain her relationship with her supervisor, LaRue, for the long term? How important is it that Hughes managers respond to difficult messages rather than attempt to "shoot the messenger." (Again, thinking in terms of continuing cooperative relationship?)
* **Decision cannot be deferred**: Why is it impossible to defer the decision on whether to respond to test skipping? This case poses several difficult constraints. How many of these can be "pushed back" through negotiation? Could Saia use his newly found accessibility to customers to negotiate with them an extension on the delivery deadlines?
* **Scarcity of resources**: How are the resources of time, personnel, and money scarce in this case? Is there any way to push back these constraints by negotiating more time (extending deadlines for delivering chips), personnel (bringing in additional people to test chips), and resources (developing better tools to test chips more quickly). Could, for example, it be possible to transfer Hughes employees from other areas to help out, temporarily, on chip testing?

**Whistle-Blowing**

When is it morally permissible to WB?

a. When there is the risk of a impending serious and considerable harm.

b. When you have notified your immediate supervisor and have not received an adequate response.

c. When you have worked your way up at least three levels in the chain of command.

This gives the organization a chance to respond to your concern and thus discharges your duty of confidentiality.

When is WB a moral obligation?

After carrying out the three steps outlined above, there are two more conditions fulfilled:

d. You have documented evidence supporting your concern that would convince an impartial observer.

e. There is a reasonable probability that publicizing the impending harm will prevent it from occurring.

With all five of the conditions fulfilled, one is morally obligated to bring this concern to the attention to those outside the organization.

When considering WB, reflect on the following:

1. There are costs to the whistle blower and to those upon whom the whistle is blown.

2. The costs to the whistle blower are severe and include black-listing and intimidation.

3. WB is a last, not a first, resort.

4. Circumstances are very important

* How do you make the problem public?
* To whom do you blow the whistle?
* How do you collect and document evidence to support your position?
* What can you do to minimize harm to yourself and to your colleagues?