

"All that is needed for evil to prosper is for people of good will to do nothing"—Edmund Burke

The



Whistle

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In memory of an aviation whistleblower

Kim Sawyer

STAN VAN DE WIEL passed away in December. Stan was a prominent whistleblower and member of WBA for many years. He organised the 2004 and 2008 WBA Conferences in Melbourne. Stan was a friend and mentor to many. As I was leaving his funeral service, I had a conversation with an aviation student from India. Stan mentored him as he had many other students. He was distressed as many were. Stan was highly regarded for his knowledge, experience and wisdom. His misfortune was to blow the whistle on bureaucrats who could never admit they were wrong.



Stan van de Wiel

The best account of his whistleblowing is given in a submission to the 2014 Aviation Safety Regulation Review (<https://bit.ly/3wGeZGb>), Submission 107 (ProAviation) The case study “Shooting the Messenger” (pp. 33–48) documents his whistleblowing and the retaliation that followed. Stan was not alone in finding problems with the regulation of aviation safety. There are ten case studies in Submission 107, and among the other 268 submissions there are many examples of those working in the aviation industry having problems with the regulator, the Civil Aviation Safety Authority (CASA). It is the story of a regulator not doing its job and then punishing those who do; a story of regulating too little and too late, a story of cover-ups, and a vendetta against a whistleblower who was not a typical whistleblower.

Stan was different from most whistleblowers. He owned an airline, indeed several aviation businesses including Australian Air Charter and Turbo Aero Maintenance. He had been flying for more than thirty years having completed his initial training with Schutt Aviation in 1968. By 1971 he held the position of chief pilot and chief instructor of Pilot Makers Flying school. When his wife was diagnosed with a terminal illness in 1980, Stan took his family back to the Netherlands to be near her family. From 1980 to 1989 he was involved with training at the KLM Academy in Holland. In 1996, he returned to Australia and purchased Schutt Aviation.

Founded in 1946 by Arthur Schutt, the company had been a major general aviation business, but events surrounding the Jet Corp fiasco had caused it to be downgraded to a smaller charter, flying school and surveillance operator with its own maintenance facility. The operation was losing \$500,000 per year. Stan’s objective was to get it back on its feet. In the first year under his ownership Schutt broke even. If not for the whistleblowing, it would have made a profit. In 2001, the group employed 23 full and part time staff in engineering, ground, administrative and flying, with an annual turnover of \$4m. It could have been an Australian success story. Instead, it was an Australian whistleblowing story.

His whistleblowing concerned the contamination of aviation fuel at the Mobil Refinery at Altona in Melbourne’s west. The contaminant was ethyl diamine, a neutralising agent used to protect refinery plumbing from corrosion, but to be removed from the product before dispatch. The problem was that the refinery’s dispensing and cleaning equipment broke down regularly, resulting in contaminant being present in the aviation fuel, leading to aircraft engine failure. Stan’s misfortune was to be at the geographic epicentre of the fuel contamination. Except for the Royal Victorian Aero Club (RVAC) his aircraft were closest to the Mobil Altona refinery and were among the first to be refuelled every morning. They were the most seriously affected.

The first recorded incident of fuel contamination was a successful forced landing of a light aircraft after engine failure on 31 December 1997, at Shepparton, Victoria. In 1998, there were six major fuel system component failures on AusAir Piper Chieftains. Each incident was reported to CASA. In October 1999 a Schutt charter flight experienced engine surging on take-off at Oakey, Queensland. In early December 1999 there were frequent engine failures. On December 12, Stan detected large globules of a foreign substance during a routine pre-flight fuel inspection. The Mobil agent took up the matter in response to Stan’s complaint and a refinery chemist attended the next day taking samples. Two days later, Stan’s son experienced an engine failure while flying a company aircraft but managed a successful landing. Minutes later a Royal Victorian Aero Club aircraft, piloted by a student pilot, experienced a similar failure within seconds of lift-off. On 16 December 1999, Mobil took immediate action through its local agent by advising all clients of the possible contamination of its product. Schutt then decided to ground all sixteen of their aircraft and the RVAC followed. All matters were reported to CASA.



CASA was an unresponsive regulator. They did not act on previous incidents. They had been advised in

early 1998 of the problem. When Stan and the President of the RVAC visited CASA on December 17, they were shown the door with the comment “old poorly cared for aircraft.” When the contamination issue began to receive media attention, Stan received numerous calls, initially from pilots who had reported incidents of dirty fuel and poorly running engines since late 1997. When he contacted the Australian Transport Safety Bureau about reports missing from their data base, they replied the reports were not regarded as significant, and they had insufficient funds to investigate the more than a dozen incidents per year. Stan recorded a meeting with the director of CASA, Mick Toller, where he reported the nature of the contaminant, and advised of Schutt Aviation’s actions. Stan’s diary notes record that Mr Toller rebuked him. He told me “I should mind my own business if I knew what was good for me.”



Eventually CASA responded. On December 23, 1999, seven thousand light aircraft in south-east Australia were grounded. Mobil advised their agents in Victoria, NSW and southern Queensland and suspended all aviation gas sales. It took until late January 2000 for CASA to begin to address the problem by identifying the contaminant and cleaning all aircraft engines. By April 2000, most aircraft were back in the air, but the total clean-up took a year to complete.

Stan was subsequently targeted. His airline was subjected to frequent audits and surveillance. On November 26, 2001, he received two notices from CASA demanding he show cause why his approval as chief pilot and his company’s operating certificate should not be cancelled. The immediate outcome was that the company was compelled to cease all flying operations until an initial stay was granted allowing Stan to continue as chief pilot for

one month only. The CASA website detailed the actions against Stan and was available for public notice. Hence, the company lost most of its clients to their competitors. Stan engaged legal counsel. Their first request was removal of the details on the website, but CASA would not comply. When ordered by the Administrative Appeals Tribunal (AAT) to amend the details, CASA ignored them. On April 16, 2002, CASA cancelled his chief pilot approval and the company’s operating certificate. In November 2002, an AAT decision reversed the cancellations. However, it was too late. Schutt Aviation went into liquidation in April 2002. Stan’s chief pilot approval was linked to the company. If there was no company, there could be no chief pilot. Stan lost both his career and his company.

A vendetta is never easy to redress. Stan fought for twenty years to renormalise his position in the aviation industry through legal and parliamentary process. Like so many other complainants to the 2014 Regulation Review, he could not break through the culture of the bureaucracy. Stan’s actions may have saved lives, but that appeared to be immaterial. His battle was costly. In a submission to a 2014 Productivity Commission Inquiry into Access to Justice, Stan wrote

“I have spent in excess of \$1,000,000 in legal fees and have never had a satisfactory result. As the lead applicant (plaintiff) in a Class Action in Victoria against the Mobil Oil Company (2000) it cost me \$550,000 in legal fees just to satisfy the Court that such an action was legal in Victoria. No mention of the actual subject matter of the action up to this point, just the State allowing an individual to pay for interpretation of a specific law.”

He saw the legal system to be as unresponsive as CASA. Stan was an astute observer of law. In his submission, he wrote that little legislation is written in a straightforward manner allowing practical interpretation by laypeople. He wrote that a person who defends himself has a fool for a client, but he is only a fool because he dares enter a sacred realm of mystic rules interpreted differently on each occasion. He had a European perspective in his observations. He advocated for the truth-seeking inquisitorial system rather than the adversarial system, for

alternative dispute resolution, and legal assistance insurance. His submission is worth reading. You can find it at <https://bit.ly/3LnHa13> (DR218).



What we learn from Stan’s story is a problem that he often referenced, a problem of culture. CASA had a problem of culture. CASA was seemingly more interested in control than safety. The culture of CASA was the culture of Australia, of mates protecting the mistakes of mates. Stan was the outsider, but only to CASA and not to the many other aviators who complained. Stan had more than thirty years’ experience when he blew the whistle on contaminated fuel. He knew more about flying, aircraft maintenance and safety than most, more than the many bureaucrats who had never piloted a plane. He believed in natural justice and model litigation. He was practical. He had the attributes bureaucrats hate. He came up against a culture that no statute, no law, and no parliamentary inquiry can fix.

Qantas promotes itself as the Spirit of Australia, advertising a century of aviation safety. However, the real spirit was embodied by Stan who fought against the odds for aviation safety. CASA shot the messenger but they couldn’t silence his message.

Kim Sawyer is a long-time whistleblower advocate and an honorary fellow at the University of Melbourne.

Media watch

NYPD honors whistleblower Frank Serpico — 50 years late

The New York Police Department has recognized Frank Serpico's service and injury in the line of duty more than 50 years later with an official certificate and inscribed medal of honor.

Associated Press, 5 February 2022



Retired New York City Police Officer Frank Serpico speaks to reporters after a rally

MORE THAN 50 YEARS after Frank Serpico testified about endemic corruption in the New York Police Department, the department finally recognized his service and injury in the line of duty with an official certificate and inscribed medal of honor.

The former undercover detective, 85, received the honor in the mail Thursday, the *New York Daily News* reported.

Serpico testified in December 1971 to a panel appointed by Mayor John Lindsay to investigate police corruption, breaking the “blue wall of silence,” the protection that fellow officers sometimes give each other, such as refusing to testify.

Al Pacino went on to portray him in the hit 1973 movie “Serpico,” and his story is also relayed in a book by Peter Maas.

Current Daily News and former Associated Press reporter Larry McShane interviewed Serpico in December about the 50th anniversary of his appearance before the Knapp Commission.

“I felt that finally I was going to tell the world and nobody’s going to interrupt me,” Serpico told the newspaper,

speaking from his home in upstate New York. “I thought, ‘I know the truth.’ ... Every single word was mine, and it came from the heart.”

Serpico was shot in the face during a drug arrest in Brooklyn in 1971 months before he testified and has maintained that the other officers he was with never made a call for an “officer down.”

While the department gave Serpico a medal recognizing his injury in 1972, it was handed over without ceremony or the accompanying certificate, he told the newspaper.

In recent years, the department has awarded medals to recipients at annual large public events.

Mayor Eric Adams responded to the coverage, saying Serpico’s “bravery inspired my law enforcement career. Frank — we’re going to make sure you get your medal.”

On Thursday, Serpico tweeted a photo of the framed medal of honor and certificate that reads in part, “in recognition of an individual act of extraordinary bravery performed in the line of duty.”

He has continued to speak out against corruption and abuse by the police since his retirement in 1972 and says he has supported and listened to other whistleblowers over the years, including those who testified about the now-terminated stop-and-frisk policy.

In 2017, he publicly supported quarterback Colin Kaepernick, who protested against racial injustice while playing in the National Football League.

Why whistleblowers rarely win

Chanticleer (Tony Boyd)
Australian Financial Review
4 March 2022

Bad conduct in the workplace does not necessarily have negative consequences for the perpetrator. It’s usually the whistleblower who suffers, and more often than not it’s a woman.

WRITING ABOUT WHISTLEBLOWERS in Australia in an open and honest way is

almost impossible given the country’s defamation laws, which is why this case study from Chanticleer’s bad conduct files leaves out the names.

Within a few weeks of moving from one public company to another, a male senior executive started to exhibit bullying behaviour towards a female executive.



The woman contacted friends working at the man’s former company and was immediately told that similar bad behaviour was the reason he had left, although there was no public disclosure of what had occurred.

This brings out the first lesson to be learnt from this case study. Boards of directors are not good at doing their due diligence.

Boards don’t necessarily need to show the sort of techniques used by investigative journalists and detectives. They just need to get someone to ask the right questions of people in the know.

The key message is, don’t take at face value the recommendations of a headhunter with an overly generous incentive to place another executive in a highly paid job, or someone on your executive team who vouches for them.

In this case, the hearsay proved to be true because bad behaviour occurred again and was documented in real time. Surely, there is a way for a board to find out about someone’s real character without breaching privacy laws?

Once the female executive was put on alert by her contacts at the other company about the bullying boss, she began to take detailed notes of every incident, and there were many.

She soon found that the man’s behaviour towards her was being repeated in other parts of the office with other female employees.

So, she began to include their stories in her records without telling the other women. She later verified the facts with the other women.



This executive was smart. She had been in business for many years and learnt of the traps for women who complained too quickly about another person's bad behaviour.

Anything less than a formal complaint backfires badly because the employer gets the impression you are a whinger. This categorisation is entrenched if the complaints start to stack up, no matter how truthful they are.

An early, one-off complaint can result in a warning being given to the offender, who then has the opportunity to be vindictive.

Serial bullies know this and take full advantage of it.

The senior male executive in this case was viewed as a person who believed he was the smartest person in the company and could not be challenged on that.

The other strategic thinking that influenced the actions of the female employee was her knowledge that the executive committee of the company was tight.

Any allegations against a member of the team would come up against the inherent bias built into hierarchical corporate structures, which are bound together by common remuneration incentives.

At this stage in the case study, the female executive was nervous because she was on her own and unsure of how human resources would respond to a complaint of bullying and harassment.

She contemplated finding another job, but after discussing it with her partner, decided to dig her heels in.

After enduring many months of bullying and harassment, which was carefully and contemporaneously recorded in a notebook, she believed she had enough to make a formal complaint.

This is an important turning point in the case study because the woman now had the full protection of Australia's whistleblower laws.

Under the Corporations Act, a person causing or threatening to cause detriment to a whistleblower or breaching a whistleblower's confidentiality, including during an investigation into the whistleblower's concerns, can face civil and criminal penalties.

The complaint went straight to the director on the board assigned to handle such matters. He consulted the chairman who immediately appointed a law firm to conduct an independent investigation.

The investigation was thorough and the person who undertook the interviews was caring and considerate. Also, human resources provided strong support to the woman.

During the investigation, the law firm was given access to the female executive's detailed notes. This resulted in other women in the office being included in the complaint against the same male executive.



Soon after this occurred, there was an apparent breach of the company's legal obligation to guarantee confidentiality.

Two women were called into an office by the male executive who was the subject of the complaint, and told: "Someone has been talking out of school."

This upset both women, one of whom complained to the chairman. But for some reason, no action was taken against the male executive.

One of the women involved later broke down in tears and was scared to return to the office.

The law firm conducting the independent investigation delivered a report which redacted the names of the women who had complained.

The chairman and designated director, who believed the bullying and

harassment was a case of "he said/she said", sought legal advice on the independent report.

The legal advice concluded that there was insufficient evidence to prove a case of bullying and harassment against the male executive.

Chanticleer has not read the independent report, but assumes it includes the same information about the male executive as *The Australian Financial Review* found.

These include lying, asking people to ignore things, freezing people out, regularly harassing a female employee to have drinks, and demanding that a female employee travel with him on business trips.

One wonders whether the law firm conducted any investigation into the apparent breach of confidentiality.

The male executive at the heart of the complaint later left the public company and went to another one.

The female whistleblower says this outcome felt to her like a victory, even though the company had not publicly shamed the executive.

"There is some good to come out of it," she says. "It did not go on for years, and I got to keep my job."

"One big lesson for me is boards need to do proper checking of people they hire, rather than just taking the word of those who are friends."

She says it is extremely difficult to have complete confidentiality around the actions of a bully because the small group of people who run a company are bound to talk to each other.

The worst aspect of this case study is the severe mental impact it had upon the women caught up in it.



One woman had to take time off for several months, another was forced to leave the company.

"I ended up taking time off," the whistleblower says. "I lost my confidence. There are personal consequences of calling out bad behaviour."

"The other problem with this is that it is really complex behavioural stuff

that happens every day in the business. The person is saying one thing to one person and another thing to someone else.”

One positive aspect of this case study is that the female whistleblower felt well supported by human resources when it all came to light.

But she still felt a sense of injustice when she learnt the man who had caused her such anguish at work could walk into another highly paid job at another company.

The Australian Financial Review could only publish the names of those involved in this case study if it was willing to cop a defamation action.

The only defence is truth. This would require this masthead to subpoena the women involved and ask them to give evidence in court, which would open them up to forensic and likely aggressive cross-examination by a barrister.

That would force them to relive the incidents and reignite the emotional upheaval and mental stress caused by what had happened.

There would be no certainty of a defamation defence succeeding. In fact, there is a high probability it would fail and lead to aggravated damages being awarded to the “victim” — the male executive.

Does the police service want corruption-fighting whistleblower Patricia Mashale to “disappear”?

Mary de Haas

The Mail & Guardian, 1 March 2022

UNDER the guiding hand of police minister and disgraced former national police commissioner Bheki Cele, the South African Police Service has been increasingly following in the same brutal, corrupt footsteps as its apartheid predecessor.

As then, it does not hesitate to turn on its own. In the early 1990s, a security police officer was murdered before he could expose his white colleagues who were stealing petrol from police stores.

The corruption appetites of the new power elite have “grown with the eating,” according to political analyst Paulus Zulu, and it is the very many

police officers who take seriously their oaths of office to report any suspected wrongdoing to management, regardless of who the wrongdoer is, that are in the firing line.

In the Free State, senior administrator Patricia Mashale is at the front of this line. The usual weapon is dismissal using unfair labour practice or expeditious disciplinary actions, but the way in which Mashale has been targeted by her colleagues during the past few months points to her own life, and possibly the lives of family members, being in danger. She has now heard there are plans to arrest her on a trumped-up charge of perjury and remove her to somewhere far away from her home without registering details on the police system. She fears that they want to make her “disappear.”

As a senior and experienced administrator in a unit dedicated to priority crimes, Mashale has dutifully reported corruption, including irregular appointments and promotions, and firearms-related criminality, to her line managers or the Hawks [Directorate for Priority Crime Investigation] The current wave of persecution started after she sent a dossier on corruption in disciplinary hearings, and how they were being used to settle scores, to the national police commissioner, Khehla Sitole, in January 2021.

It was never acted on, but details were probably leaked to his former Free State colleagues. Initially a charge of misconduct for reporting to Sitole was opened, but it was not pursued. Then a case of harassment was opened against her by one of those she had named in the dossier, and her personal cell phone was illegally seized by police officers. Months later it has not been returned to her, despite the illegality of the seizure having been drawn to the attention of the national head of legal services six weeks ago, with the request that it be returned.

She is also under surveillance. On 21 November, the car she usually drives to collect her son from a boarding school a long distance away, which was driven by her older son, was followed all the way home by police officers in unmarked vehicles who, on finding that she was not in the car, lost interest. Severely traumatised, she sought professional assistance and, when she handed in her medical certificate, was

instructed to ask her therapist to put the diagnosis “depression” on it. He refused to do so.

In January, she was informed that she would have to attend an expeditious disciplinary hearing, to be chaired by one of the members whose irregular promotion she had reported, leading to its reversal. The Human Rights Commission has intervened, having given her whistleblower status. Two weeks ago she discovered that the personal phone she is now using has been hacked. She cannot access her emails, and her bank has informed her that her personal details have been leaked.

This latest development, the threat of an unprocedural arrest, is linked to the harassment case opened against her in 2020. Having obtained a protection order herself against the management member, Mashale has challenged his action through a rescission application, which, following several postponements, is set to be heard on 13 April. She has been informed that the charge she now faces is one of perjury for submitting an affidavit to the family court stating that the protection order obtained against her had been set aside — which it has been pending her rescission application to be heard, together with the management member’s matter, in April.



2020 protest by former members of the South African Police Service who claim they were unfairly dismissed

Mashale has been giving her support to hundreds of Free State officers who have been irregularly dismissed. Advocate Malesela Teffo, from whom she and others receive legal assistance, has won many cases to reinstate illegally dismissed workers and the police service refuse to reinstate them, despite several labour court orders. They have now discovered that despite supposedly having been dismissed, these officers

have never received dismissal letters signed by the national police commissioner, and their details are still reflected on the police service's administrative systems. Their contributions to the Government Employees Pension Fund and the South African Revenue Service continue, but they are not receiving their salaries.

Who is pocketing their salaries? They have attempted to open fraud and corruption charges against police management but have allegedly been told to change their statements before cases are registered. At least one other police officer has been threatened with malicious, and serious, criminal charges.

Like Teffo, Mashale has been drawing the attention of the parliamentary committee and the presidency to these abuses for years but no action whatsoever has been taken against Cele, who is responsible for allowing criminality to flourish in the police service.

Sitole has become a scapegoat but the rot is far more widespread. Until there is a forensic audit of all management members and their qualifications, nothing will change. The removal of Sitole must also be accompanied by a forensic investigation of Free State police management, and all allegations of illegal conduct. Unless these steps are taken, immediately, the insatiable corruption appetites will continue to flourish, many competent and experienced officers will be lost, and violent crime will continue its destructive path.

Mashale fears that the criminal police tactics used in the arrest of Teffo by apartheid-era police officers, leading to his detention in prison for 10 days without having appeared in court, will be used against her, possibly with lethal consequences. Why, despite its supposed support for the Constitution, the rule of law, and whistleblowers, and its anti-corruption rhetoric, have all those who could have acted to protect her and prosecute wrongdoers not done so?

Her persecution, and the threat she is now facing, must lead to immediate action at the highest levels of government to ensure her protection, while simultaneously initiating concerted action to root out the endemic criminality which festers at all levels of the police service and poses a threat to the lives of all South Africans.

Whistleblower who called out Elizabeth Holmes reacts to guilty verdict

Amy Larson

KRON4 News, 6 January 2022



Erika Cheung and Tyler Shultz (Photo by Daniel BoczarSKI/Getty Images)

TWO WHISTLEBLOWERS who helped blow the cover off Theranos' secretive blood lab and expose Elizabeth Holmes of fraud were recent college graduates who wanted to do the right thing.

Tyler Shultz and Erika Cheung were low on Theranos' totem pole, working as entry-level lab techs.

Holmes was their famous boss. The CEO had achieved fame, wealth, and adoration in 2014 by claiming she had technology that could save patients' lives through revolutionary blood testing. Holmes graced the cover of *Fortune Magazine* for a story about her remarkable accomplishments, and her goal was to become the next Steve Jobs of Silicon Valley.

Shultz was just 22 years old. Cheung's first job after graduating from the University of California, Berkeley, was working for Theranos in Palo Alto, California.

They both joined Holmes' biotech company because they admired her quest to help patients have access to cheaper, more accessible, and more accurate blood testing using microtechnology.

But as they worked in the lab, Shultz and Cheung came to the same disturbing realization: Theranos' blood testing machines were severely flawed.

When they told Theranos executives that the lab's blood testing machines were not producing accurate results, their concerns fell on deaf ears, according to witnesses who testified at Holmes' criminal fraud trial.

On April 11, 2014, Shultz emailed Holmes to tell her that Theranos had doctored research and ignored quality-control checks. Holmes forwarded the

email to Theranos COO [Chief Operating Officer] Sunny Balwani, who wrote a scathing reply belittling Shultz's knowledge of mathematics and science.

"The only reason I have taken so much time away from work to address this personally is because you are Mr. Shultz's grandson," Balwani wrote.

Shultz's grandfather, George Shultz, was a former U.S. secretary of state and Theranos board member. Even his own grandfather told him, you're wrong.

"He didn't believe me. He said Elizabeth has assured me that they go above and beyond all regulatory standards," Tyler Shultz told NPR [National Public Radio] Wednesday.

"It would have been easier to quietly quit and move on with my life," Shultz told NPR.



Elizabeth Holmes walking outside the federal courthouse in San Jose, California on 16 December 2021 (Justin Sullivan/Getty Images)

When Tyler Shultz and Cheung left Theranos, Holmes hired one of the most high-powered attorneys in America, David Boies, to go after them with defamation lawsuits that accused them of leaking trade secrets. Neither had much money saved up, and they wondered how they could possibly afford to hire an attorney for their own legal defenses.

Holmes also hired private investigators to follow her former employees, she admitted to prosecutors.

Instead of backing down and staying silent, Cheung and Tyler Shultz began speaking with an investigative *Wall Street Journal* reporter, John Carreyrou, who was working on a story about Theranos' flawed technology.

Holmes exchanged text messages with Ramesh "Sunny" Balwani, her then-boyfriend and Theranos COO, while they were trying to figure out who was leaking information to the *Wall Street Journal*.

Texts illuminating Holmes' intentions were read to the jury during her fraud trial.

In addition to going to the press, Tyler Shultz and Cheung also wrote letters to state regulators, detailing major problems they witnessed in Theranos' blood lab.

Cheung said she was "terrified," but she sent her letter to state regulators anyway, because she knew what was happening at Theranos was wrong. Patients were suffering major health scares from false blood test results, including a pregnant woman who was told she suffered a miscarriage.

In a Ted Talk titled, "Speaking Truth to Power," Cheung said, "Despite all that emotion and all that volatility, I still did it. And luckily it triggered an investigation that shone to light that there were huge deficiencies in the lab and stopped Theranos from processing patient samples."

"Fraud is not a trade secret," Shultz told the *Wall Street Journal*.

Earlier this week, a jury convicted Holmes on four counts of fraud and conspiracy. Her face was stoic and her body was motionless as she sat next to her defense attorneys. Holmes left the courthouse in San Jose surrounded by a swarm of media cameras.

She did not answer any questions from reporters.

Hours after the jury's verdict was announced, Tyler Shultz tweeted, "This has been a long chapter of my life. I am happy that justice has been served and that this saga is finally in my rearview mirror."

"Proud of the impact that Erika and I had. Hope to inspire other young professionals to hold their leaders accountable," Tyler Shultz tweeted.

Cheung did not make a public statement following the verdict. She had already said what she needed to say at Holmes' trial.

She was one of the first witnesses federal prosecutors brought into the courtroom to testify against Holmes during a 3-month-long trial.

Holmes is now facing up to 20 years in prison.

Major Ian Fishback, who exposed abuse of detainees, dies at 42

Sam Roberts

New York Times, 23 November 2021

IAN FISHBACK, an Army whistleblower whose allegations that fellow members of the 82nd Airborne Division in Iraq routinely beat and abused prisoners prompted the Senate to approve anti-torture legislation in 2005, died on November 19 in Bangor, Michigan. He was 42.



Ian Fishback

His family, which announced the death in a statement, said the cause had not been determined. In the climax to a distinguished but abbreviated career that the family said had begun to unravel as a result of neurological damage or post-traumatic stress disorder resulting from combat tours in Iraq and Afghanistan, he died in an adult foster care facility where he had been admitted following court-ordered treatment with anti-psychotic drugs after he became delusional and created public disturbances.

Major Fishback was one of three former members of the division who said soldiers in their battalion had systematically abused prisoners by assaulting them, exposing them to extreme temperatures, stacking them in human pyramids and depriving them of sleep to compel them to reveal intelligence — or, in some cases, simply for the American soldiers' amusement. He said his complaints were ignored by his superiors for 17 months.

He reported some of the abuses in September 2005 in a letter to top aides of two senior Republicans on the Senate Armed Services Committee: John W. Warner of Virginia, the chairman, and John McCain of Arizona. The aides said his reports were sufficiently credible to warrant investigation.

Additional allegations from two other members of the division were

included in a report released later that month by Human Rights Watch.

"Ian's greatest quality is not his courage, but his humanity," Christopher Nicholson, a former Army buddy, wrote on gofundme.com, where by the time of Major Fishback's death friends had raised more than \$18,000 toward a goal of \$60,000 to transfer him to the Austin Riggs Center, a private psychiatric treatment facility in Stockbridge, Massachusetts.

"I always marveled at the way he could shoot at and be shot at by terrorists, watching his friends die in battle, then in the very next instant risk himself to demand that the prisoners be treated with decency," Mr. Nicholson wrote. "I remember I once called him an expert on warfare and he looked mildly offended and responded that he was an expert on justice."

In his letter to the senators, Major Fishback said that troops were often torn among what they were trained to do, instructions in field manuals, orders from superiors and the exigencies of actual combat.

"I am certain that this confusion contributed to a wide range of abuses including death threats, beatings, broken bones, murder, exposure to elements, extreme forced physical exertion, hostage-taking, stripping, sleep deprivation and degrading treatment," he wrote. "I and troops under my command witnessed some of these abuses in both Afghanistan and Iraq."

"Do we sacrifice our ideals in order to preserve security?" he continued. "Will we confront danger and adversity in order to preserve our ideals, or will our courage and commitment to individual rights wither at the prospect of sacrifice?"

He concluded his letter: "I strongly urge you to do justice to your men and women in uniform. Give them clear standards of conduct that reflect the ideals they risk their lives for."

Later that year, the Senate voted 90 to 9 to approve Senator McCain's Detainee Treatment Act, which prohibited "cruel, inhuman or degrading treatment or punishment," although subsequent amendments carved out caveats.

Time magazine named Major Fishback one of the 100 most influential people in the world that year.

In 2017, Major Fishback spoke at a panel discussion about the intersection of human rights and national security at the Gerald R. Ford School of Public Policy at the University of Michigan.

Major Fishback said several years ago that his original testimony on abuses had been discredited by the Army, in part because doctors said he was suffering from post-traumatic stress disorder.

Although he was promoted to major from captain, Major Fishback decided to leave the Army and the United States altogether. He moved to Sweden to accept a Fulbright scholarship, worked for a human rights organization, applied for European Union citizenship and sought, he said, to “make sure Europe is able to fend off the United States and Russia.”

“I’m done,” he told Carol Stiffler, the editor of the weekly *Newberry News* and a former classmate of his sister, in January 2020. “I gave the U.S. a lifetime of service — very admirable service. And if this is the repayment, it is not acceptable.”

At the time, his father called him “a natural-born warrior” who “was simply standing up for the rule of law.”

Major Fishback’s departure was delayed by the pandemic, though, and he returned home from Sweden after his life had begun to fall apart.

He began receiving psychotropic drugs and was involuntarily committed in September, when his behavior became erratic, resulting in an arrest at a football game. His father said that as of last month he was still depressed, but that he was “ditching his demons” and “coming back to reality.”

“We know the community supported Ian through his recent difficult times,” the Fishback family said in its statement. “He faced many challenges, and many of us felt helpless. We tried to get him the help he needed. It appears the system failed him utterly and tragically.”

“We will seek justice for Ian,” the statement concluded, “because justice is what mattered most to him.”

Elon Musk is mocking whistleblowers. Here’s why that’s a good thing.

Mary Inman, Poppy Alexander, Ariella Steinhorn and Amber Scorch
Newsweek, 14 January 2022

SOMEWHERE on Elon Musk’s Twitter feed, between the musings about TITS U and Dogecoin, you’ll find an invitation, of sorts:



No one can know what is in Musk’s head when he’s firing off tweets in the middle of the night. But it’s fairly certain in this instance, given he had a “cyberwhistle” specially made for the occasion, Musk’s intention was to mock would-be whistleblowers, subtly threaten them against coming forward, or demonstrate his conviction that nothing could bring him down. Perhaps it’s all of the above. It’s not a coincidence that the tweet came out a few days before Tesla was publicly accused by insiders at the company of misrepresenting its vehicles’ autonomous driving capabilities, causing a dozen accidents and one fatality.

The cyberwhistle has since sold out, and is no doubt a collector’s item for the Musketeer acolytes across the nation who are united by their blind trust in Musk. But if Musk thinks his billions of dollars and millions of Twitter followers exempt him from being held accountable for safety issues in his cars, he may want to look carefully at a recent case with Hyundai.

In 2015, Hyundai engineer Kim Gwang-ho discovered that his company failed to comply with its legal obligation to report a serious safety defect affecting engines placed in Hyundai

and Kia cars around the world. The defect meant that some cars were liable to seize up or even go up in flames without warning. Kim took it upon himself to alert the U.S. government, flying from Seoul to Washington on his own dime, bringing his college-age daughter as an interpreter.

Kim was the first whistleblower to receive an award under the Motor Vehicle Safety Whistleblower Act passed in 2015, which allows the U.S. Department of Transportation (DOT) to pay a monetary award to a whistleblower whose information leads to the successful resolution of an enforcement action for violations of vehicle safety laws. As part of a larger penalty, Hyundai agreed to pay out \$81 million to DOT—and under the law, Kim was entitled to up to 30 percent of it, or \$24 million.

Twenty-four million dollars isn’t \$300 billion, but it’s enough cash to make the biggest electric car aficionado or space fan think twice. If you’re an employee who can make 100 times your annual wage via a whistleblower reward for bringing forward information that will save lives, you probably will. No matter how much you like your job.

And where does that \$24 million come from? The company. A successful whistleblower gets a percentage of the fine and penalties levied by the government for the safety infraction. That potential whistleblowing employee Musk is mocking? They could very well hit Musk’s own bottom line hard, not to mention tarnish the company’s reputation (knowing Hyundai hid the fact that its engines seize up is likely going to affect a customer’s purchasing decision). The recent fraud convictions in the Elizabeth Holmes Theranos case show that it’s not only a financial risk to ignore an employee who flags a problem. Whistleblowers at Theranos called multiple meetings with senior scientists to express their concerns, only to be shut down repeatedly by Holmes. Holmes is now facing potential time in prison.

Musk’s approach of mocking whistleblowers on social media may be a new tactic, but it’s from an old playbook. Despite the benefits hearing a dissenting voice can bring to a company, and the potential financial and reputational cost for ignoring that

voice, most companies completely miss the opportunity internal dissent offers and fail to ward off a blown whistle in the simplest way imaginable. Like Kim, most whistleblowers only become whistleblowers after numerous attempts to right wrongs through internal company channels fall on deaf ears.



Elon Musk arrives on the red carpet for the Axel Springer Award 2020 on 1 December 2020, in Berlin, Germany. Britta Pedersen-Pool/Getty Images

Many in leadership fail to act on these attempts by employees to raise a flag. Instead, they wake up to find themselves embroiled in a news cycle, taking a defensive stance to an allegation, responding from the reptilian, not higher thinking, part of the brain.

Neanderthal man couldn't afford to hear dissent; he had no time to question that the leader was guiding the herd away from the mastodon. Similarly, public relations campaigns are deployed to drown out or discredit voices a company or leader doesn't like. A well-intentioned person is attacked, rather than being seen as providing a helpful, potentially life-saving insight.

Beyond that, whistleblowing is valuable as a check on power. Unchecked power can cause a company or its leadership to become out of touch, sitting in a silo, doing things like deciding it's a good idea to play video games while driving cars, because that's what they'd like to do. The irony is, when you become as powerful as Musk is, fewer and fewer people penetrate the inner circle, but it becomes more important than ever to hear the voices of dissent.

Musk also doesn't seem to see the irony of the fact that he himself built his reputation as an outlier; whistleblowers are nothing if not outsiders. To step up and speak out, whistleblowers stop toeing the party line and challenge the groupthink. They have the guts to tell a leader the things they may not want to hear, but need to hear. Research shows

companies that embrace whistleblowers are more profitable than those who don't. Not only do firms with more robust internal whistleblowing earn a greater return on assets than firms who stifle dissent, but they also see 20 percent less in settlement costs.

And whistleblowing isn't going away. Many people aren't aware that they can in fact be compensated for exposing a wrong. Just last year, Congress created a whistleblower reward program for money-laundering violations. Congress is also considering a proposal to create a consumer protection whistleblower program through the Consumer Financial Protection Bureau (CFPB). And then there's the False Claims Act, which allows individuals to bring forward information related to a company defrauding the government and which has been around since the Civil War. As employees feel more empowered and see others come forward to expose wrongdoing and receive financial compensation for doing so, companies are going to have to face the fact that covering things up is going to get more and more difficult.

There's no denying Musk has done great things; he had great ideas. And maybe there are still some out there who appreciate his "69" jokes and his misogynistic dismissal of a senator who dares to challenge him. But automobile safety isn't quite so humorous—cute whistle meme or not—when someone playing World of Warcraft in a Tesla hits a pedestrian.

Musk sits now installed as head of a company that has ballooned in valuation to be eight times that of GM and 13 times that of Ford. Mars is his next frontier. But what will it look like when he anoints himself Technoking of Mars? Thanks to recent whistleblowers, we can get an idea.

Recently, a SpaceX engineer called out what she said is the sexual harassment that women have to endure while building rockets in Elon's world, and the indifference he shows to environmental matters. Six women from Tesla have joined a lawsuit alleging the company fostered a culture of "rampant sexual harassment" at its factories. At both companies, several women complained to HR about the behavior and maintain nothing was done about it. This kind of whistleblowing has no financial reward attached, unlike those

which expose vehicle safety hazards. But it's just as important.

So thank you Elon, for inventing the Tesla vehicle. And thank you, too, for publicizing the fact that there is a whistleblower reward to check your power. Just don't try to expand your anachronistic empire to Mars. We, and the whistleblowers who courageously speak out, aren't having it.

Mary Inman and Poppy Alexander are partners in Constantine Cannon's whistleblower practice, specializing in representing whistleblowers bringing claims under the various U.S. whistleblower reward programs, including the DOT, SEC, IRS, SEC, CFTC and FinCEN programs and the federal and state False Claims Acts.

Ariella Steinhorn and Amber Scorch are co-owners of Lioness, a media company that brings forward stories about everyday people's encounters with power.

One whistleblower system that doesn't work

John Kiriakou

LA Progressive, 4 March 2022

Joe Carson, a nuclear safety engineer, flagged waste, fraud, abuse and illegality at the Department of Energy again and again and again. His story should show Congress what needs to get fixed.



The Department of Energy complex in Washington, D.C.

I WRITE A LOT about whistleblowers. They're usually national security whistleblowers like Daniel Ellsberg, Ed Snowden, Jeffrey Sterling, Daniel Hale and Darin Jones. But I've become friendly with another one, Joe Carson, a nuclear safety engineer at the U.S. Department of Energy who has a unique case that is largely being

ignored by the media, whistleblower support organizations and even other whistleblowers.

Carson is not your typical whistleblower, who makes a revelation of wrongdoing and then deals with the fallout. Instead, he blew the whistle on waste, fraud, abuse and illegality at the Department of Energy (DOE), and then did it again and again and again. And to make matters more difficult for him, he had to deal with the fallout not just from DOE, but from the governmental organizations set up to protect whistleblowers. Consequently, he has spent decades in court.

Carson was born in Brooklyn and earned a degree in mechanical engineering from the University of Rochester. He was then hand-picked by Admiral Hyman Rickover, the father of the nuclear navy, to spend six years on a nuclear submarine. In 1982, Carson moved into the private sector, working as an engineer at several nuclear energy facilities. In 1990 he joined the DOE as an engineer.

Just one year later, in 1991, Carson blew the whistle on wrongdoing for the first time. He reported that the Energy Department was illegally using paid consultants to supplement employees. He argued that this was designed to “milk the system.” The agency immediately retaliated by declining to implement his safety findings, which detailed serious workplace issues in the DOE’s Oak Ridge, Tennessee, nuclear facilities, putting lives in danger.



Joe Carson

It took 10 years, but the Merit Systems Protection Board found in Carson’s favor, ruling that the Energy Department

retaliated against the appellant because of his whistleblowing by taking away critical duties from his job assignments, issuing letters of admonishment, and by reassigning him from his home in Tennessee to Maryland. This retaliation, not surprisingly, resulted in illness and stress, as well as necessitated the appellant to take a large amount of time from work to consult with his attorneys and other advisors.

The Energy Department was ordered to pay Carson \$400,000 for legal fees and costs. But the story doesn’t end there. Frankly, Carson’s complaints about DOE were just the beginning.

He used his notoriety to file repeated complaints against the Department of Energy, mostly dealing with safety issues. Indeed, since 1991, he has filed over 20 whistleblower disclosures, several of which are still pending in federal courts. Carson maintains that the Department of Energy cares little for the safety of its employees, its contractors, or the American people and that it ignores safety regulations and laws at its facilities around the country.

Stickler for process

I’ve gotten to know Joe Carson over the years. He’s a stickler for process. He believes that if the government sets up a process under which whistleblowers must make their disclosures, then that’s the way it’s supposed to be done.

The government has done that through the Merit System Protection Board, or MSPB, and the DOJ’s Office of Special Counsel. MSPB is an independent, quasi-judicial agency in the executive branch that serves as the guardian of federal merit systems. Its mission is to “Protect the merit system principles (of government) and promote an effective federal workforce free of prohibited personnel practices.” In other words, it is precisely the place where a federal whistleblower should go to report evidence of waste, fraud, abuse, illegality, or threats to the public health or public safety.

Carson, unlike many whistleblowers, has gone repeatedly to the MSPB to

make his whistleblower revelations. That’s what federal employees outside the Intelligence Community are trained to do. See something wrong? Go to the MSPB. If the whistleblower doesn’t get satisfaction at MSPB, he can also go to the independent Office of Special Counsel. They are supposed to be the entities to order the federal department or agency to correct the wrong that the whistleblower is bringing to light, and if they can’t, Special Counsel is supposed to file a federal suit to get the courts to fix the problem. But it doesn’t always work the way it’s supposed to.

Carson told an interviewer, “My 30-plus year whistleblowing story has essentially two parts: the first part was against DOE. The second part is against the Office of Special Counsel and MSPB.”



Oak Ridge National Laboratory
main campus

In a perfect world, a whistleblower makes a revelation to MSPB, the organization takes months, maybe even a year, to do an investigation, and it finally makes a determination. It fixes the problem or it goes to court. It shouldn’t take decades, millions of dollars in legal fees, and multiple federal courts to come to a conclusion. Couple that with multiple whistleblower revelations like those made by Carson and you have an unworkable quagmire.

When Carson and I first met, Joe asked me why I hadn’t made a whistleblower complaint to the MSPB or to the Office of Special Counsel when I blew the whistle on the C.I.A.’s torture program.

In my case, I couldn’t report to my chain of command because it had itself created the torture program. I couldn’t go to the congressional oversight committees because they had secretly approved and appropriated funds for the torture program. I couldn’t go to MSPB because there was no mechanism for Intelligence Community employees to go there. I couldn’t go to the Office of Special Counsel because it and its sister

organization at the Justice Department, the Office of Legal Counsel, had “legalized” the torture program. My only choice was to go to the media. I wished there had been a viable process for me and for other national security whistleblowers. There just wasn’t.

Complaint takes a decade

MSPB and the Office of Special Counsel have been around for a long time, so why does it then sometimes take a decade or more for the whistleblower’s complaint to be heard? Carson’s personal experience contains the answer.

When Carson made his revelations to MSPB he soon learned several things about both DOE and the whistleblowing process.

First, he learned that DOE, like many other governmental entities, is clueless about whether its employees are protected from retaliation after making a whistleblower revelation. The DOE argued in Carson’s many cases that it owed Carson no protections whatsoever and that there was nothing illegal about retaliating against a whistleblower. They saw him only as a disgruntled employee. (That’s why Congress was forced to pass a whistleblower protection law in 1989 and to update it during the Obama administration. Federal departments and agencies simply violate the rights of whistleblowers all the time.)



1943 billboard during wartime research on building a nuclear bomb

Second, the Office of Special Counsel has dropped the ball and will not act as a prosecutor and bring cases on behalf of whistleblowers, exactly what it was created to do.

The Office of Special Counsel says in the first sentence of its mission statement that it is “an independent federal investigative *and prosecutorial*

agency.” It is supposed to prosecute government entities who violate the rights of whistleblowers. But it shirks that responsibility. Ideally, there should be no federal whistleblower cases in the courts. They should all be settled by MSPB or the Office of Special Counsel. But they just don’t do their jobs. And as a result, the courts get clogged with cases like Carson’s that last for decades.

And third, the Merit System Protection Board has proven itself to be a politicized, ideological organization that is more concerned with power and patronage than with helping anybody. U.S. senators, who vote on nominees to the MSPB, have fought over its ideological balance since 2017. And as crazy as it sounds, senators couldn’t agree on any of President Donald Trump’s MSPB nominees. Two of the three MSPB seats remained vacant, while in 2019, the third member’s term expired. Since then, there have been no new members appointed to MSPB. Every single position is vacant.

Why alone?

Carson raises another important point in interviews and in his letters to congressional and White House leaders. Where are outside groups in all this? Where are the federal employees’ unions? Where are the whistleblower organizations and NGOs? Where are the faith-based organizations on some of these broader issues? (Carson is a longtime member of a Christian engineers’ organization.) Why do whistleblowers have to fight their fights against waste, fraud, abuse, and illegality in the federal space alone?

That’s the \$64,000 question. This is an important issue. Congress has dropped the ball. There’s no functional organization for a federal whistleblower to go to. There’s no oversight.

The Office of Special Counsel, with its 130 employees, doesn’t have the resources to comply with the whistleblower protection law that’s supposed to cover the entire federal government and its 2.1 million employees. The Merit System Protection Board is paralyzed by political infighting. Outside organizations don’t want to get involved. Carson is saying that the emperor has no clothes. Why isn’t anybody else saying so?

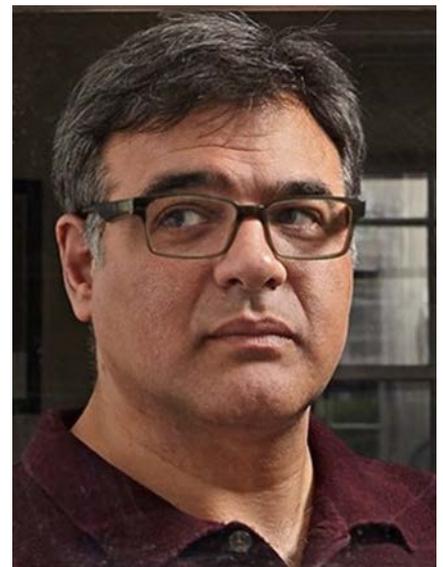
The system is utterly and completely broken. Sure, there’s a whistleblower

law on the books. But does that matter if nobody enforces it?

Congress has to rebuild the whistleblower reporting system from the ground up. That means three things.

- No. 1: The Senate must allow for the immediate appointment and confirmation of non-ideological professionals to staff the MSPB. Congressional inaction hurts only whistleblowers.
- No. 2: Congress must amend the law reauthorizing the Merit System Protection Board to force federal entities to create and maintain working conditions conducive to whistleblowing. That should have been settled by Carson’s first case. It wasn’t.
- And No. 3: Congress must specify in the MSPB reauthorization bill, pending now in the House of Representatives, when and how it would report to Congress on federal whistleblowing.

Inaction is not acceptable.



John Kiriakou

Beatings, forced-feeding, starvation: a whistleblower's shocking discoveries at Israel's day care centers

Noa Limone

Haaretz, 26 December 2021

For three years Hadas Hakimi has been informing parents about abusive preschool and day care staff around the country. “Out of every 10 day cares tested, eight come back improper.”



Hadas Hakimi. Credit: Hadas Parush

If one recording she has heard stays etched on Hadas Hakimi's heart till her last day, it's the seven and a half hours from a day care center in Kfar Yona north of Tel Aviv. Almost throughout, you can hear a baby and a 2-year-old alone in a room; for four and a half hours their terrible wailing goes unanswered.

“The mother of a 5-month-old baby told me that her son is at a day care with four other babies,” Hakimi says. “She says he comes back with puffy eyes as if he cried a lot, and very bad diaper rash.”

Hakimi gave the mother a recording device and advised her on how to use it and hide it. The next evening they had the recording. But unlike the countless times she did this before, this listening was so hard on her she spread it out over two days.

For three years Hakimi, known to many parents as “the children's guardian,” has been working tirelessly to inform parents about abusive preschool and day care staff in Israel.

She provides parents with a recording device and listens to the result. If it sounds improper to her and the parents, she advises them to file a police complaint and take their story to the media. (And she makes sure the other parents know about her endeavors.)

On the day the recording mentioned above was made, Hakimi says, only two children came to the day care – the baby who wore the recording device and the 2-year-old. The other three children were ill and stayed home.

“At the beginning of the recording you hear the day care worker greet both children with a saccharine display of warmth and love,” she says. Around 20 minutes after the parents left, according to the parents and Hakimi as they say they heard in the recording, “she puts them in the room where they nap. You hear the door close, and there it ends.”

According to Hakimi, from that moment, you don't hear the door open again until the end of the day. “You hear prolonged crying, and then silence,” she says, adding that she assumes the baby and toddler cried themselves to sleep. Later, the children wake up, “and then for four and a half hours you hear wall-shaking screams,” she says.

“It's a cry of hunger, frustration and fear. I don't know if even a light was on in the room. I'm trying to imagine the 2-year-old standing alone on the bed for seven hours. At a certain point you hear him say, in a pleading voice, 'water, water, bottle,' but he gets no water, no bottle. No one comes in or out of the room. Only half an hour before pickup time, the day care worker finally opens the door. She says, ‘What happened? What are you crying for like somebody died?’”

After listening to the recording, Hakimi found herself crying for two months. “I'd be doing something, remember the worst of their cries and start crying myself,” she says. “I really think I had PTSD. I've heard lots of screaming, cursing, even beating in my day, but this story will stay with me to my grave.”

According to Hakimi, when she approached people in the media with the tape, nobody wanted to publish it.

“They told me, ‘there's no cursing there. There's nothing to broadcast’,” she says. “So I uploaded a post where I described the contents of the tape,

which reached 4,000 shares in a day. After it went viral, the media was coming to me. The post raised a lot of awareness, and a lot of parents approached me.”



An Israeli preschool. Credit: Hadas Parush

Thanks to the perceptive mother and Hakimi, the day care center in Kfar Yona isn't operating at the moment, but it wasn't shut down by a police order. The recording was made in June, but the case still awaits the prosecution.

“Upon receipt of the complaint the police opened an investigation in which all actions have been taken,” the police said, with the state prosecution adding, “The case file was sent to the prosecutor but was immediately returned to the police for the investigation to be completed, as it lacked vital documents.”

No training, no screening

Hakimi, 38 of Hod Hasharon near Tel Aviv, was originally a fitness trainer. Before the case of abusive day care owner Carmel Mauda in 2019 — an event that rocked her world and drove her to her current life's work — she had no connection to the world of preschool or day care. Her only son, 14-year-old Uri whom she raises alone, was never hurt by an employee in such a setting.

When he was 1, Uri was diagnosed with Camurati-Engelmann disease, a genetic syndrome characterized by thick bones in the arms, legs and skull.

“He has a hard time walking and uses a wheelchair some of the time. He doesn't speak at all,” Hakimi says, her voice cracking for the first time despite the many sad topics we explore. “I live it every day, but suddenly when I talk about him out loud it becomes real and it's like somebody else's life I'm describing, not my own.”

Is her motherhood of a special needs child linked to her crusade to save children from day care abuse? Hakimi doesn't think so. “It's deeper than that. It's not about my child,” she says,

adding that her devotion to the issue stems from closure of a personal issue, but she declines to elaborate.

Hakimi started small: comments to parents whose children were harmed by Mauda, participation in protests and highly emotional posts where she reached parents who removed their children from abusive day care centers. “I’d send them a private message and ask about the place,” she says. “If they told me the name, I’d go there and offer to work there as an assistant.”

You entered day care centers undercover?

“Yes. I have a criminal mind. I bought a hidden camera and went in.”

I’m trying to understand how such a thing happened. After all, you’re not a private investigator. How did you know, for instance, where to buy a hidden camera?

“I looked it up online.”

Hakimi’s first experience was at a day care center in Petah Tikva for ages up to 3. “I saw workers slam children into chairs, and feed children violently and unpleasantly,” she says.

“I’ve seen kids yelled at, spoken to abusively. I’d come home and feel awful. After a week I went to the police with the footage, but these awful sights weren’t considered criminal. Eventually the day care closed down because parents wouldn’t enroll” their kids there.



A demonstration in Tel Aviv against violence by workers at the country's preschools. Credit: Moti Milrod

The next day care center she worked at was in Ariel in the West Bank. “I lasted only one day,” she says. “The worker changed diapers on the dining table. There were 20 kids there to one caregiver, me, because the other worker did nothing but order me to change diapers. Babies spent whole days in the

pen, some crying in a stroller, being ignored.”

Hakimi realized that entering day care centers by posing as a worker had limited returns. “Then the taping project was born,” she says, “a snowball. From two or three parents who approached me, it grew to another 10 and another 20.”

The moniker “the children’s guardian” was coined after she exposed an abusive day care worker in Kiryat Motzkin near Haifa, leading to the worker’s dismissal. The mother who recorded the caregiver with Hakimi’s help suggested the nickname, and Hakimi adopted it, opening a Facebook page under it.

“Not a day goes by that I don’t get dozens of messages there,” she says, adding that her recording devices see action throughout the country. “I run a thick binder to connect people, to pass the devices from one to the other.”

Out of every 10 day care centers where you planted a recording device, can you estimate how many come back problematic?

“Out of every 10 day cares tested, eight come back improper, but not all to the same degree. It can be humiliating and repulsive speech, it can be neglect, it can be physical violence. I find it improper to humiliate someone, to take a child who raised a hand to another child, stand him to the side and tell the child who was hit to go hit back, for instance. When you listen to a recording and shiver, when you listen and it’s clear that these people shouldn’t be working in education, that’s problematic.”

Sure enough, according to the Taub Center for Social Policy Studies in Israel, the vast majority of staff members at day care centers for children up to 3 years old have no training in childcare. Then there’s the overcrowding and the fact that there’s no screening of people working in the field.

“The day cares where the recording devices were placed aren’t the only ones that raised parents’ suspicions,” Hakimi says, adding that often it’s not the parents who initiate the placing of a recorder but day care workers.

“A lot of times the parents suspect nothing. A lot of times they’re shocked to discover that the day care operator is

abusive. Nobody suspected Carmel Mauda either. Everybody thought she was wonderful. It was the assistant who led to the exposure. The parents say the kids would come to the day care happily, and kiss and hug her.”

According to Hakimi, the situation is no better at supervised day cares. “Supervision means that once every three months, at best, an inspector comes to the day care to see how it’s run. But her visit is prearranged. The workers know the day and time the inspector will come,” she says.

“So what’s she going to see? How the children are yelled at and beaten? When I entered the day cares as a worker I saw how it works. You put on a show for the inspector. I expect them to do surprise inspections, to stand outside the day care and listen how the children are spoken to, what the approach to the children is. Don’t announce your arrival ahead of time. That’s not supervision.”

In fact, she believes that the situation at municipal day care centers is worse. “The vast majority of municipal day cares that I’ve heard recordings of are run like military units. You wouldn’t believe that 3-year-olds are spoken to like that,” she says. “This month I had about 10 municipal day care centers, and at all of them, after we went to the Education Ministry, they fired the workers. But why were they hired in the first place?”

Hakimi adds that in many recordings from municipal day care centers, you constantly hear shouting. “The day care is run exclusively by yelling: ‘Get up! Sit there! Move over there! Why like that?’ Screaming and threats all day,” she says.

“I’m not talking about any love and warmth. Last night I sat up late listening to a recording from a municipal day care. You hear the worker tell the child: ‘You’re eating alone today! You hear?’ — screaming. He sits alone to eat, then she goes back and yells at him. ‘Get up! Bring your plate! Sit with them here for the picture. Good. Look at me everybody. Say cheese! Now get up, go back there, you’re eating there!’

“She sat him with everybody else only to take a picture to send the parents. You get it? And that’s how she tyrannizes and abuses the children all the time. It’s not a slip of the tongue, not

a moment of losing it. It's like this throughout the day."

The day before, Hakimi adds, "The child's mother met with the inspectors. At first she was afraid to play them the recording and just told them about the worker's attitude toward the children. They defended her and said that she's simply assertive. So she played the recording and they all turned red. This morning she was informed that the worker had been fired."

At my request, Hakimi plays me a sample of recordings from municipal day care centers. Not once do the workers speak to the children in a normal tone. They only yell, spew vulgarities and/or speak in a humiliating, degrading way. And the children remain silent, whimper or cry.

"I can't stand you"

But for now, it's not the abusive day care workers but Hakimi who's being threatened with lawsuits. Two day care workers are suing her, seeking a total of 800,000 shekels (\$254,000) in damages. Hakimi launched a crowdfunding campaign to raise money for her defense.

"It's support for a social project in a public battle," she says. "It's not for me. I didn't put myself at risk because my own child was hurt, I did it for the children who are in these day care centers."

She also wants to believe that if the workers lose in these lawsuits — as she's confident will happen — it will deter preschool teachers from suing assistants, parents and other activists who expose abuse at preschools and day care centers.

Hakimi says the first lawsuit stems from a recording in which a caregiver at a home day care — in a caregiver's home — in Jerusalem says to a 2-year-old boy: "I can't stand you, you savage, it would take nerves of steel to tolerate you," and similar things. "When the boy asks for water, really begs for it, she screams at him, 'You're not getting any water! You're being punished!' I see this as harming human dignity."

Hakimi was unable to contact the other parents from that day care, so, to reach the other parents, on Facebook she asked for recommendations for home day cares in the area. "I didn't write the name of the caregiver or the name of the day care center, and I didn't

share the content of the recordings," she says. She also didn't reveal the caregiver's identity to worried parents who messaged her privately.

"I asked them to write me a private message saying who was in a day care in a certain neighborhood in Jerusalem. They all mentioned names but not the relevant caregiver, so I realized it would be very hard to reach the right parents," Hakimi says.

"So I added the street name, and within minutes I heard from a mother whose daughter was enrolled in the day care I meant. She was very anxious and pleaded with me to tell her if there was a problem with the caregiver I had the recording of. I agreed to play the recording for her without giving the caregiver's name and she immediately identified her."



Carmel Mauda, left, who received a nine-year sentence for assaulting children at a day care.
Credit: Ilan Assayag

When that mother then pulled her daughter out of that venue, the caregiver sued Hakimi for 200,000 shekels, claiming that the Facebook post libeled her.

"She demanded 140,000 shekels in compensation within 48 hours and a published apology," Hakimi says. "She said I damaged her reputation. But her name didn't get written anywhere and I didn't publish the recording. I wasn't willing to apologize. I did what I had to do and I wouldn't do things any differently." Meanwhile, the day care in question continues to operate as usual.

Hakimi says the second lawsuit against her involves a "much more horrifying" recording and seeks 600,000 shekels in damages. She and her lawyer haven't yet filed a defense brief.

This case concerns a home day care center in Petah Tikva for five babies between the ages of 6 months and 1 year. One mother contacted Hakimi and received a recording device and instruc-

tions on how to use it. "The mother listened to the recording for 10 minutes and then couldn't listen anymore," Hakimi says. "She told me, 'She put him in a room and closed the door. He's screaming his heart out and she doesn't go to him'."

Hakimi says the similarity to the case in Kfar Yona isn't surprising. "A lot of these caregivers do the same thing. They put them in a room and shut the door and then do who knows what," she says, adding that in most cases, and unlike the Kfar Yona case, the caregivers take the children out every few hours to feed them. "These kinds of cases are usually closed by the police. It isn't considered proof of abuse," she says.

This time, too, Hakimi listened to the full recording, which went on for eight hours. "You hear the caregiver putting two babies in a room," she says. "For two hours you hear terrible screams. At some point the caregiver takes one baby out of the room, and then you hear the baby screaming for 10 minutes."

Is there any basis for Hakimi's theory that this baby was being force-fed? I ask her how you can tell this just from listening, and she suggests that I listen for myself. At the beginning, the baby wails softly and the caregiver yells "Enough! Enough! Stop it already! Stop it! Enough! Behave!" The baby cries louder and the caregiver keeps yelling "Quiet! Quiet!"

For a moment or two, the crying almost stops, but then it resumes, morphing into screams before another brief spell of quiet. At one point, the baby has a coughing attack. A man's voice can be heard in the background asking if it's the right time to eat.

This goes on for 10 minutes, screams that are briefly interrupted and then resume. Intermittent coughing and choking sounds. The caregiver shouts at the baby to be quiet and offers no words of comfort or encouragement. Toward the end she says, "You think I'll give in to you? I never give in, sweetie." Then she says, "She finished everything."

With the consent of the mother who made the recording, Hakimi played it for the other parents from the day care center. "There were parents who came to my home and heard the whole recording," she says. "They cried and said I saved their child."

In the lawsuit, the caregiver alleges that Hakimi accused her on social media of abusing children but doesn't provide proof. Hakimi stands by her claim that she did nothing besides play the recording for parents.

Hakimi also says that even when cameras are installed in the caregiver's home, in accordance with a law passed in 2018, it's often of no use. Some caregivers don't turn the cameras on, or the police find that nothing has been recorded.

In this instance, aside from closing two babies in a room for two hours during which they cried nonstop, and what sounds like a baby being force-fed, Hakimi says another baby is heard crying in his bed for a long time without a response. "She yelled at him to be quiet too," she says, adding that "this is one of the toughest recordings I've ever received."

She says that to her, shutting babies in a room and force-feeding are just as bad as physical violence. "I hear so many recordings, and sometimes the curses aren't the worst thing. Leaving a screaming baby all alone in a room for two hours or more – it's an abomination. Can you imagine what the child is going through?"

"I don't understand why people in this country don't get it. Why do these cases get stuck in the prosecutor's office for six months? Is a child's psyche really that worthless? Why do you need broken bones to prove abuse? Hundreds of cases like this are closed every year. Hundreds. And it never reaches the media."



The police responded: "Regarding the case under investigation in Petah Tikva, the investigation is currently ongoing, and when it is completed it will be forwarded to the prosecutor's office for review and a decision on how to proceed."

Hakimi says: "Carmel Mauda is filing an appeal now, arguing that the

sentence she received was disproportionate because the physical injury to the children wasn't serious. What about their psyches, and their parents' psyches?"

"No one cares"

She also notes that even cases where there is evidence of physical harm don't always make it to court. She tells of a mother from Tel Aviv who contacted her because she suspected something was amiss at her baby daughter's day care center.

"On the recording you can hear the caregiver slapping a baby and then you hear the baby crying," Hakimi says. "But there's no video footage, so the case isn't moving." The baby's mother, M, says that ever since she heard the tape six months ago, she hasn't been able to sleep at night.

Disturbingly, M says this is the second day care where she sent her daughter with a secret recording device; after hearing the recordings from each place, she quickly pulled her daughter out.

"At the first day care, my daughter was 5 and a half months," she says. "I suspected that something was wrong because there were things that didn't add up between what the caregiver told me and my daughter's behavior. On the recording we heard them leaving the babies alone in a room for hours while they were crying and screaming, and no one went in and tended to them at all."

M switched her daughter to the second day care center after receiving warm recommendations from other parents in her Tel Aviv neighborhood. Because of her previous experience, she outfitted her daughter with a recording device just one week in, even though she didn't notice anything amiss.

"The recording was unbelievable," she says, holding back tears. "You hardly hear other children all throughout the day. I don't know where they were. There's no mention of food or water. No caring attention, no shows of affection, no playing. In the background you hear television shows for adults."

M describes her daughter, who was 8 and a half months at the time, as an alert and active baby with a very easygoing temperament. "After she was ignored for many hours, she began to whine a little, and then you hear the caregiver screaming at her, and something that

sounds like a blow, and then stronger screams."

M says her daughter, who wasn't crawling or standing yet, came home with a bruise on her leg. After the experience at both day cares, M lodged a complaint with the police. "The first one was closed a month ago for a lack of evidence, and the second has been sitting in the prosecutor's office for four months now," she says.

"I gave the police a lot of material for the investigation. Names of people who worked with her, for instance. But they didn't get in touch with them. They just questioned [the caregiver] once and gave the case to the prosecutor's office, and it's still stuck there. The day care is still operating as usual."

The police responded: "The investigation into the complaint that was filed in Tel Aviv has been completed and the investigative material has been forwarded to the prosecutor's office for a decision, as is standard practice. The police will continue to examine and investigate any suspicion of abuse of minors and the helpless to protect them and prevent them from being harmed, anytime and anywhere."

The prosecutor's office added, "The case was transferred to us a month ago and is currently under review."

"This case will be closed," Hakimi predicts. "And the caregiver will go on working. This is what happens in the vast majority of cases. An entire generation here is being subjected to abuse and no one cares."

Hakimi says the light punishments for abusive caregivers are another part of the problem. "Did you hear about the case of the preschool assistant from Afula?" she asks, referring to Lilach Amsalem, who was convicted of assaulting four toddlers.

"Shocking things were captured on camera, and the parents still had to be dragged through the courts for two years, and all she received was three months of community service. And what kind of community service? At a community center that young children go to!"

Hakimi is a walking encyclopedia of abuse cases at preschools and day cares. She cites the details of one case after another, including many that have long been forgotten.

"I don't know how she sleeps at night," M says of Hakimi. "What you

hear on the recordings gets into your head and heart in a way that's hard to grasp. What she's doing is a holy mission. She's our angel. I don't know where I'd be without her."

As we're speaking, Hakimi's WhatsApp account overflows with messages from parents. "Today, 30 parents sent their children in with recording devices. They're all writing to me that they're worried the caregivers will notice the device, and I reassure them and offer moral support," she says.

"And there are parents who listened today to what was recorded yesterday and say they're hearing shouting and want to know if this is normal. Honestly, I don't feel like I have the energy for this sometimes."

So why don't you stop?

"Every time I think I'll just help these 30 and then I'll be able to rest, but then more people contact me. It just keeps growing, and I can't help but respond. I'm looking for an organization or a large nonprofit group to adopt my project so I'll have legal protection – because these lawsuits are wearing me out – and also to get some financial support. I can't keep doing this alone."

If she can find such support, Hakimi says she's ready to go after abusive day care operators her whole life. "Not many people are cut out for this," she says.

What makes you capable of doing this?

"The things I've been through in life have toughened me. Also, I'm a person of faith."

"We're lost in this evil"

Brett Murphy

USA Today, 18 January 2022

ON THE AFTERNOON of May 2, 2013, Baton Rouge, Louisiana, police kicked in the door of 6349 Flag St., a faded blue shotgun house set atop cinder blocks and surrounded by a chain-link fence and scorched grass. The neighborhood, an unincorporated sliver east of Airline Highway, is almost entirely Black. One in 3 live below the poverty line. There are a couple of churches, a

dollar store and a high school spread among the low-flung homes.

Fifteen narcotics detectives and patrol officers — foot soldiers in America's Sisyphean war on drugs — were looking for a local man who, one informant had assured them, was trafficking crack cocaine and armed with an assault rifle.

Police in SWAT gear stormed the house. Neighbors gathered along the fence, blocked by a phalanx of cops. They heard a commotion from inside, then muffled screams, then nothing.

Less than 15 minutes after police went inside, paramedics came out with a 32-year-old Black man on a stretcher and carried him into an ambulance. The man's mother looked on from behind the fence, shocked and confused, pacing as she begged for one of the officers to explain what had just happened. She received no answers.

Around 2 a.m., a local television station reported a statement from the Baton Rouge Police Department: A man "was in distress" after swallowing drugs when detectives arrived to execute a search warrant, and he had died. "No foul play is suspected," said the sheriff's office, the agency investigating the case.

Police did not announce what their raid had yielded from the house that day: one marijuana blunt, two cell-phones, \$231 in cash and "one small suspected crack cocaine rock." The critical facts about what happened in those 15 minutes were held close by police and would go unexplained for years.

The narcotics officers who had answers knew better than to speak about them publicly. But in private conversations at police headquarters, in jokes among those who were in the house, that day had a name: The Flag Street Massacre.

The weeping prophet from Baton Rouge, Louisiana

Jeremiah Ardoin is the son of a sheriff's deputy and an oilman. His mother, Annette, wore the badge, and his father, Horace, was a technician inside one of the refineries that rise above Louisiana's bayou with bellowing smokestacks and lights like skyscrapers.

They named Jeremiah after the Old Testament "weeping prophet," who warned that Jerusalem faced destruction because of the sins of Israel's high

priests and kings. The prophet is known for having the courage to deliver unwelcome news even though he was reluctant to do so.

Jeremiah grew up in 1980s Baton Rouge, the Deep South capital of Louisiana, on the eastern bank of the Mississippi River. The city is steeped in segregation and tension among the mostly Black population and mostly white police force.



Jeremiah Ardoin

In the decade before he was born, civil rights demonstrations at Southern University in Baton Rouge turned deadly when police killed two unarmed Black students. Afterward, in 1980, a federal civil rights investigation found the Baton Rouge police department was discriminating against Black people looking to become cops. The U.S. Department of Justice issued a consent decree to force the department to diversify.

After Hurricane Katrina hit in 2005, out-of-state troopers who came to help with recovery efforts quickly left the state after witnessing rampant racism and misconduct in Baton Rouge law enforcement. They said officers there harassed Black residents who had fled from New Orleans, wantonly sprayed mace into crowds, went into homes without warrants and, in one case, offered to let a visiting trooper beat an inmate as a thank you gift.

More recently, in 2016, Baton Rouge police shot and killed Alton Sterling, a Black man selling CDs. Protests enveloped the city. Less than two weeks later, a gunman ambushed and killed three officers, wounding another three.

The fraught relationship between the people and those who police them is as

much part of Louisiana's DNA as the oppressive humidity.

In such an environment, Jeremiah's parents raised their three children to be self-sufficient. Horace taught them how to hunt. Annette taught them to cook. They steered their kids clear of the street by sending them to private elementary and middle schools.

In high school, Jeremiah told his mom he wanted to follow in her footsteps and be a police officer. "I've wanted this all my life," he said. Annette quit smoking the day he graduated from the academy in 2008, a bargain she made with God to keep her boy safe on the job.

Jeremiah went to work for the Baton Rouge Police Department. The uniform was a tight fit around his barrel chest. His arms are roped with tattoos showing the Freemasons symbols and his four children, including a baby girl who died hours after she was born.

By 2013, he was five years into the job with a house in Baker, a small suburb that borders the northern edge of Baton Rouge. He was making \$80,000 a year and started investing in livestock that he butchered and sold to neighbors. Goats, chickens, pigs and turkeys plodded through mud in his backyard, vying over patches of shade to keep cool.

On May 2, 2013, the day his colleagues kicked in the door on Flag Street, Jeremiah was working a detail at Baton Rouge General Medical Center. At 5:21 p.m., paramedics rushed the 32-year-old Black man they'd pulled from the blue house through the emergency room doors, flanked by multiple narcotics officers. The man on the gurney was Dontrunner Robinson.

Jeremiah looked down at Robinson and saw a mash of blood and swollen flesh, with an open gash the size of an apple slice above his left eye. His upper body was mottled with bruises. Too many to count.

Police told doctors that the bedroom door had hit Robinson's face when they kicked it in.

In the moment, Jeremiah did what's expected of police in situations like this: nothing.

State secrets

After the paramedics took her son from Flag Street to the hospital, Casa Robinson Bean left the chain link fence and drove off to pick up Robinson's 2-

year-old — her grandson — from day care. Casa, a God-fearing woman who calls everyone "baby" and swallows up near-strangers in hugs goodbye, didn't want the boy to be with anyone else.



Dontrunner Robinson

On the way back from the day care, a family friend called from the hospital: Dontrunner's dead. Casa pulled over and wept until she was out of breath. She climbed into the backseat with her grandson.

"I just held him for a minute," she recalled.

Casa found a frenzy of neighbors, kin and family friends waiting for her at the hospital. The officers there would not let Casa see her son's body before they sent him to the coroner. It's evidence, they told her.

Casa sent her brother-in-law, Lester Ricard, a pastor, to the funeral home to identify the body. If the swelling hadn't gone down by the time he arrived, Ricard said, he may well have not recognized his nephew. He spoke with the mortician, who explained how much work it would take to prepare Robinson's face and head for an open casket funeral.

"The family already went through enough," Ricard replied. The funeral was a closed casket.

Casa had only clues about what happened inside the house on Flag Street. Robinson's widow, Alaysha Robinson, had been in the bedroom. There, Alaysha said, four officers barged in and pounced on her husband before repeatedly punching him in the face and chest. Where is it? they barked. One officer struck Robinson with the butt of his rifle and dragged him off to the living room, according to Alaysha. They turned over furniture, cushions and drawers throughout the house.

Photographs the family took of the scene afterward show blood smeared on the walls and door jambs, and pooled on the tile.

Casa and Alaysha filed a wrongful death lawsuit in 2014 against the city of Baton Rouge and the officers who raided the house on Flag Street. But the case languished. Their attorney didn't file motions to move the case forward for more than three years.

In court, Baton Rouge attorneys denied that the officers on the raid did anything wrong. "At no time was Dontrunner (Robinson) beaten, kicked, or abused," they said in one filing. "No deadly force was ever utilized." After three years, a judge agreed to dismiss the suit after the city argued the family's attorney had abandoned it. It is still officially pending.

Casa and Alaysha learned virtually nothing about Robinson's death. They said the East Baton Rouge Sheriff's Office — which conducted an investigation of the incident — and Baton Rouge police did not release any records to the family or the public. Casa and Alaysha hoped to hear from the state attorney general or maybe even the FBI to tell them they were looking into possible civil rights violations. But the calls never came.

Eight years later, Casa struggles to understand how other cases of police brutality and in-custody deaths garnered nationwide protests and reform efforts while she couldn't get basic information about what happened to her son. George Floyd was painted on city streets and tweeted by professional athletes. But nobody outside her family and the neighborhood seemed to know her son's name.

Across Louisiana, mothers and other loved ones seeking answers have been on the wrong side of police secrecy for years. When I visited last summer, word spread through an unofficial network of grieving families and local activists that a reporter was looking into some cases. They hoped an outsider might be able to shake loose new evidence.

Tara Snearl said she can't find anyone at the Port Allen police department willing to discuss her son's cold case homicide or the bungled investigation that followed in 2017.

"They won't even tell me who the lead detective is," Snearl said.

The department refused to release investigative files. A Port Allen police official emailed that the chief "is declining all interviews" concerning the case.

Breka Peoples, an activist in Shreveport, said the local police department is covering up multiple in-custody deaths and at least one rape in the back of a patrol car. Families are left with little recourse. "They don't have anywhere to turn," Peoples said. "And no one is held accountable."



Breka Peoples

Earlier this year, the Associated Press published videos showing Louisiana State Police troopers beating, stunning and dragging Ronald Greene, an unarmed Black man, after a car chase in 2019 outside Monroe. "I'm sorry," he pleaded, blood splashed on his skin and clothes. "I beat the ever-living f--- out of him," one officer said in an audio recording. Greene stopped breathing soon after.

For almost two years, troopers lied to Greene's mother, Mona, by saying her son had died in a car crash. They had refused to release the videos revealing the truth.

"We're lost in this evil," she told me recently.

The episode and the coverup that followed were particularly alarming considering the agency's role. When there's an in-custody death or deadly shooting, local Louisiana police departments often rely on the State Police to find out what happened and determine whether officers were at fault. Since the Greene scandal broke, critics have argued the agency is not equipped to hold itself accountable, let alone others.

Carl Cavalier was one of a cohort of troopers inside the State Police who worked to leak information about Greene's killing. He collected email and other documents showing the department brass blocked internal investigators when they wanted to arrest one of the troopers responsible.

Cavalier went public this past summer and sat down for local TV interviews, in a suit and bowtie, to explain the documents.

Federal prosecutors are now probing whether State Police leaders obstructed justice to protect the troopers, as well as the abrupt disbanding of an internal panel that was supposed to be investigating other incidents of excessive force against Black motorists.

In the meantime, State Police commanders suspended Cavalier and sent him a letter saying they intend to fire him for disloyalty to the department and for making unauthorized public statements, among other infractions. Cavalier has since filed a lawsuit against the department, alleging discrimination and retaliation.

I met Cavalier for lunch in New Orleans in June. He had been using a pseudonym over the phone, Elijah Steele, the name he used during undercover operations, because he was wary of outsiders connecting his name with the department's leaks. He showed up to the restaurant two hours early to make sure nobody was watching or listening.

Cavalier told me he leaked information about the Greene case because the oath he took when he became a police officer requires him to help a mother in distress like Mona.

"I didn't seek this trouble out," Cavalier said. "I deserve to keep my job."

Lamar Davis, who was appointed State Police superintendent in October 2020, said the Greene scandal prompted a raft of reforms, including bystander

intervention training and quarterly reviews of body camera footage. "I'm not one that believes in covering up and that blue wall of silence," he said.

Davis would not discuss Cavalier's situation specifically. But he said he values transparency and that officers would be within their rights to report misconduct to the FBI or attorney general if they felt the internal grievance procedure had fallen short.



Carl Cavalier

Most department leaders who agreed to interviews for this story said something similar: The code of silence may be a problem in law enforcement, but not in their own agencies. Yet rank-and-file cops and other officials around the state were often terrified to talk openly about police misconduct for fear of retaliation from peers and supervisors. One source insisted on meeting at midnight in an abandoned warehouse. Another left records stashed in a graveyard and on top of car tires. A private detective was sure we were being watched at a coffee shop.

Another former officer said he was so scared after reporting misconduct in 2018 that he sent his wife and children away to live with his in-laws. He installed a motion-sensored camera on his porch and slept on the couch with a rifle across his chest.

"When you come forward with this stuff and you see nothing's happening, you start getting scared," said Allen Ordeneaux, a former police officer in Amite. "Because this stuff is fixing to blow up in our face."

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What doesn't change

The Australian government is amazingly persistent in its prosecution of whistleblowers. The legal actions involved in the prosecution of Bernard Collaery contain so many complications that it is easy to lose sight of the central fact that the Australian government was involved in criminal activities and then, over a decade later, initiated legal actions against two of those who helped expose the government's evil deeds. If you want to support protests against this huge injustice, contact the Alliance Against Political Prosecutions (<https://aapp.ipan.org.au>).



Bernard Collaery

Why should anyone believe politicians who claim to be concerned about whistleblowers when they do nothing to stop political prosecutions?

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