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## **National Park Service Gone Rogue: A Whistleblower Speaks**

At six a.m. on June 9, 2004, the celebrated Indian trader Billy Malone awoke to a raid on his house by National Park Service (NPS) agents. With no explanation, the agents turned Malone's place upside down, and his world crumbled around him. His personal and working collection of Navajo rugs and jewelry was confiscated. He lost his job, was kicked out of his home and faced federal charges.

NPS investigator Paul Berkowitz took over the case a year and a half later. Dispatched to end the money-draining investigation of the Hubbell Trading Post, Berkowitz found exactly the opposite of what his superiors were asserting.

Now, in *The Case of the Indian Trader: Billy Malone and the National Park Service Investigation at Hubbell Trading Post* (University of New Mexico Press, 2011), Berkowitz details the unorthodox world of Indian traders and how it collided with the NPS's twisted politics. He dissects both the government's refusal to accept Indian culture and the resulting intrusions into centuries-old business practices that value people over the almighty dollar.

The laundry list of unethical acts and abuses of Malone by corrupt and incompetent agents, administrators and employees make one's blood boil. The one person in this mess, aside from Berkowitz, who maintains a modicum of respect and trust in others is Malone, even as the very people charged with protecting his basic rights plot to destroy them. This inside look at how a great American institution actually undermines its own public image is as disturbing as it is necessary reading.

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Indian Country Today Media Network caught up with author Paul Berkowitz to learn more about the fine art of whistle-blowing. Here's what he had to say.

### **What made you want to step out of anonymity and chronicle your own account as a whistleblower?**

First, the Indian trader in this story, Billy Malone, had been harmed in a very public way. He was publicly and falsely accused, publicly fired and publicly humiliated in his home community. Someone needed to take an equally public stand to expose and correct that situation. It became clear early on that no one else in the National Park Service (NPS), the Department of Justice, or the Western National Parks Association was going to step up to the plate to admit mistakes, set things right, or even offer an apology to Billy and his family. I was in a unique position to speak out and help set things right and hopefully survive the consequences of blowing the whistle on the entire situation.

Second, I'd seen this sort of thing happen before in the NPS, going back literally decades. My own efforts over the years to address those situations from the "inside," working within the agency structure and through other government channels, had proven to be less than successful.... Again, because of my circumstances, the information I possessed and the fact that I was eligible to retire, albeit earlier than I had planned, I was in a unique position to step out of the organization and speak out publicly about what had happened at Hubbell Trading Post and about similar incidents that have happened in the past.

### **What do you think this incident says of U.S.–Indian relations?**

It's clear that many people in government, as well as in our society at large simply don't get it. They don't understand what conditions are like on the reservations, and they don't seem particularly interested in the challenges that people face living in those communities. It's more than just ignorance. There's a very real element of arrogance, and an unwillingness to accept that many Native Americans, and legitimate Indian traders, have grown up in a different culture, with different values and different but equally legitimate ways of doing things. It's not hard to understand how and why U.S.–Indian relations are strained and ineffective when so many government officials don't have a clue about the people they are charged with serving and representing.

### **You dealt with a lot of organizational incompetency in your 32 years of federal service. What made you stay with the NPS so long?**

I love our national parks and genuinely believe they serve a great national purpose by preserving our natural and cultural resources and heritage. I was drawn to the agency by the same idealism that infects most NPS employees. But over time my relationship with the NPS became far more complicated. I love the NPS for what it is supposed to be—for its idealistic mission, its frequently magnificent work settings, its many great employees and the incredibly diverse and unique challenges it offers to someone interested in professional law enforcement, or any other profession, for that matter. I love it for what it could be. But I hate the manner in which many incredibly talented, hard-working and honest employees are treated and how those with new or different ideas that challenge the status quo are repeatedly beaten down, abused, dismissed and maligned as malcontents or troublemakers. Meanwhile the agency seems to simultaneously tolerate and often even reward incompetence, misconduct, or just overinflated egos. The tolerated presence of a powerful and influential minority of incompetent and unscrupulous employees in the workforce has held the agency back. The NPS has failed to achieve its full potential, largely through the inconsistent application of laws and policy and an uncanny ability to deflect or ignore legitimate criticism and to resist needed reforms.

As much as anything else, I stayed with the NPS because I'm idealistic and I'm stubborn. I talk about this a little bit in the book (and it is the subject of another book I'm working on now), but my early experiences in Yosemite National Park in the 1980s had a profound effect on me. That was a rude awakening, to find out that in spite of its public image, there are some genuinely bad and unscrupulous people in the NPS in positions of significant power, undermining the ideals of the agency and abusing and taking advantage of the authority they've achieved. In the wake of my efforts to expose illegal bugging, extortion, blackmail, the falsification of reports and

destruction of evidence in Yosemite's law enforcement office, the NPS (aided by certain members of Congress and even the OIG) embarked on such an effective cover-up effort, comprised of outright lies and simultaneous character assassination, that arguably I didn't have anywhere else to go. Realistically I had only two choices: to flat-out quit law enforcement and find another career, which is what they wanted me to do, or stubbornly stick it out and stand my ground. I chose the latter. I decided to stay in law enforcement and try to make a difference in how the NPS operates.

**What steps do you think the government should take to keep this from happening in the future?**

Honesty and integrity in government is a top-down thing. Agency heads need to set the tone and reject dishonesty, misconduct and incompetence in the workplace. The mere establishment of policies is not enough. In fact, the inconsistent application of policies is probably worse than no policies at all.

Beyond that, protections for whistleblowers needs to be strengthened. The Department of the Interior needs to develop a stringent mechanism for agency oversight with real line authority, so that mandated reforms are actually implemented. The NPS, too, needs to move toward a more centralized structure also with real line authority, so that rogue park superintendents and regional managers are not free to flaunt law and policy and do their own thing. Far greater emphasis needs to be placed on knowledge of the law and policy, rather than decision making based upon political expedience. The Interior Department's Office of the Inspector General (OIG) is also in need of repair and reform. They have their own competency and integrity challenges, and they should certainly not be collaborating with other agencies and government attorneys in an effort to withhold information from aggrieved parties and other members of the public.

**To those people who witness something wrong, what is your advice?**

First and foremost, don't compromise yourself or your position by going along with what you know is wrong. Know the law and know the policies of the organization in which you work. Don't give anyone any ammunition to come after you. Be uncompromisingly honest, even if it means not being a "team player." If you were at some point complicit in wrongdoing, admit it up front. Don't compromise your credibility by lying or withholding information.

Next, document, document, document. Keep meticulous records, and store duplicate copies of those records in a safe place. Seek out a trusted ally for support and advice. Federal protections for whistle-blowers are weak to nonexistent. Don't be deluded into romantic notions.

Blowing the whistle or even reporting misconduct through channels—which is not the same as whistle-blowing—is not an easy or pleasant thing to do. But it *is* almost always the right thing to do, and it is frequently a legal or policy requirement of the agency or organization in which you work. Organizations like Public Employees for Environmental Responsibility, the Government Accountability Project, the Project on Government Oversight, the National Whistle-Blowers Center and other watchdog and whistle-blower advocacy groups can be an excellent source of confidential support and advice on how to expose serious misconduct.

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