

Bill McEwen: Fresno Unified leaders' use of secretive message app is inexcusable

By Bill
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James Madison, the fourth president and champion of the Bill of Rights, recognized that the public's right to know is fundamental to democracy.

"Knowledge will forever govern ignorance," Madison wrote, "and a people who mean to be their own governors must arm themselves with the power which knowledge gives."

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Throughout Michael Hanson's 11-year tenure as superintendent of the Fresno Unified School District, his administration has abused this tenet of American government. One of Hanson's core practices is to withhold information – from residents, the media and even school board trustees who dare question the wisdom or basis of his decisions.

And the public – including political leaders such as Fresno Mayor Ashley Swearingin who are aligned with Hanson – seem comfortable with Hanson's contempt for the public's right to know.

Perhaps the latest news out of Fresno Unified will awaken the local political establishment to the Orwellian manner in which Hanson's administration – backed by a majority of trustees – conducts the people's business.

Hanson told The Bee on Tuesday that he and a small group of senior staff had Cyber Dust on their phones.

What is [Cyber Dust](#)?

It is an app developed by Mark Cuban, the Dallas Mavericks owner and "Shark Tank" television star.

Following a legal battle with the Securities and Exchange Commission involving allegations of insider trading that culminated with Cuban's acquittal, the billionaire investor came up with an apparatus last year that quickly deletes electronic messages.

According to the Cyber Dust website, "Messages delete based on their length, ranging from 20 to 100 seconds. If for some reason the recipient does not view the message within 24 hours, it will expire and be deleted forever. Messages on our servers are never saved to disk, and are only stored in memory until they are delivered or expire."

Says Terry Francke, general counsel of Californians Aware, a group that promotes government transparency: "That certainly is a public official's dream device to defeat the Public Records Act."

Rumors about high-ranking Fresno Unified officials using Cyber Dust began to surface this month after the district was served with an Aug. 24 subpoena related to a federal investigation into the district's award of no-bid building contracts to Harris Construction and Bush Construction.

According to multiple sources at the district, Carl Faller – a former federal prosecutor hired by the district to help it



comply with the subpoena – told trustees in closed session of the Sept. 23 board meeting that several high-ranking district officials had put Cyber Dust on their phones.

Faller, the sources said, told trustees that he believed the app had been used just briefly. Faller didn't identify who had used Cyber Dust, the sources said, but in recent days, Faller has been interviewing high-ranking district officials in an effort to put together a timeline of the app's use and to ascertain who sent and received disappearing messages.

The fact that Fresno Unified officials would go to such depths to keep taxpayers in the dark about district business is inexcusable. Taxpayers pay the bills; they have every right to know why district leaders make the decisions they do.

The use of Cyber Dust or similar message-deleting apps by public officials is an assault on democracy. And, in Fresno Unified's case, these revelations will further erode confidence in a district that already has the black cloud of a federal investigation hanging over it.

Remember: A majority of board members and Hanson said that the district's no-bid, leaseback construction contracts were on the up and up, and would withstand court challenge. Many of these same people said that the FBI inquiry into the district was simply a figment of the media's and Trustee Brooke Ashjian's imagination.

We know differently now. You can't simply make federal investigators disappear by installing an app on your phone.

The question is: What will trustees do to get the district back on track and focused on educating students?

If history is a guide, a majority of board members will ignore the obvious and continue to praise the superintendent's leadership – even while the district's legal bills from Hanson's bungled use of Measure Q bonds runs into the millions of dollars.

If history is a guide, Fresno's so-called community leaders will ignore the obvious and continue to back Hanson – even while more and more Fresno families flee to the city's most northern edge and to Clovis so that their children can receive a top-notch education.

If Cyber Dust proves to be just a bump in the road for this superintendent, then, indeed, it can be written: Fresno is a city with no sense of shame. And no understanding of how democracy is supposed to work.