Promoting Excellence in Investigative Journalism

US OBSERVER
Vindicating the Innocent

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CASE SPOTLIGHT

"$10-million and this goes away"
Accuser's 'Brother' Orchestrates False Sex Allegations?

Nedra and Rob McKell - Wrongful Prosecution!

By Ron Lee
Investigative Journalist

Utah County, Utah - Blending a family isn't always easy, in fact it can have disastrous effects, as Rob and Nedra McKell have found out. It has been alleged that several of Nedra's children conspired to remove Rob from the family because they felt he was overbearing and "mean." Their actions, along with those of several overzealous victim's advocates, sheriff's deputies and county attorneys, have left Rob facing multiple sexual abuse charges, and Nedra facing neglect and violation of a

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CORRUPTION SPOTLIGHT

Conservation Easements
Colorado's "Legalized" Theft
Governor Hickenlooper's Administration "Fraudulently Fleecing Landowners"

By Lorne Dey and Ron Lee
Investigative Journalists

Colorado's A.G. John Suthers, Gov. John Hickenlooper, and DOR Dir. Barbara Brohl

Colorado - Imagine you use a licensed tax preparer to file your federal income taxes, just as you have for the last 10 years. Using standard lawful deductions, you have always gotten some money back or at least reduced your taxes. The economy crumbles and Congress re-writes the tax code. You subsequently receive a letter from the IRS that states you are responsible for paying back all of the money you have received over the years (resulting from deductions), plus multi-years' worth of interest and penalties. Crazy? You would think...

Now imagine that it is a state land scheme you are dealing with and your property, previously appraised at highest and best use for Conservation Easement purposes, has just been revalued by the state (who has no authority to do so) at **ZERO** and you are being ordered to repay tax credits legally given to you over the past

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National Heritage Area to National Park in 25yrs

La Junta, CO
59th Annual
Livestock Sale

By Norman L. Kincaide, Ph.D.

Colorado - What if you discovered there was an organization working to undermine your private property rights, subvert your local sovereignty and compromise the sanctity and integrity of your locally elected officials through the imposition of a National Heritage Area (NHA) in the region where you live? What if your local jurisdictions financed this organization for many years through block grants and lodging taxes? What if you discovered this was a top-down scheme from the state tourism office, the National Park Service (NPS) and other governmental and nongovernmental entities?

How would you feel if this organization and the NPS attempted to by-pass the public to impose a NHA over a whole region of your state? How would you feel if this organization, in conjunction with the NPS, had a feasibility study already

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Jury Trial Denied
Judge Gerking Trashes Constitution

By Joseph Snook and Curt Chancler
Investigative Reporters

Judge Gerking presiding

Jackson County, Oregon - Long, long ago, long before zoning laws existed, the owner of a portion of land in Jackson County, next to what became I-5, built a sign and put lights on the sign.

The sign remains there today. Owner of Clams LLC, Bernie Zieminski purchased the land and the sign. In other words the sign and its lighting was "grandfathered" in or exempt from regulations and the county or state should never impose a permit requirement.

However, many officials in Jackson County, over time, have developed a vendetta (hatred) for Mr. Zieminski. When they realized that he owned the land which the lighted sign was on, a complaint mysteriously appeared and Jackson County began their attack by issuing Zieminski a land-use violation.

A BRIEF HISTORY

Over the years the tax payers of Jackson County have made it very clear

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PROPERTY RIGHTS SPOTLIGHT

Blurred Lines: Texas-BLM spat has complicated history

By Jim Malewitz
The Texas Tribune

Tommy Henderson - Photo by Jim Malewitz

Byers, TX — Tommy Henderson's Chevy Silverado bobbed as he drove recently over the North Texas pasture he knows so well. It was part of the ranch where his family had grown crops and grazed cattle for more than a century.

The landscape had changed over time. The cottonwood and salt cedar trees weren't here when his forefathers arrived. "It was just tall prairie," he said. And the Red River, which runs about a quarter-mile north, has, at times, snaked closer to this spot, its flow changing with Mother Nature's whims.

The 60-year-old rancher knew exactly when his truck rolled past the invisible boundary that splits what's still his land and the 140 acres the courts took away — despite the fact that Henderson paid for it.

"We're on BLM land right now," Henderson said.

It's been nearly 30 years since

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RANCHER'S FEUD

A drifter's word at heart of attempted murder trial

By Kirk Mitchell

David "Bronc" Henry Jr.

(Denver Post) - The trial of a southeast Colorado man accused of seven counts of attempted murder has all the trappings of an Old West yarn: a rancher's feud with his neighbors, tall tales, and a drifter and villain in a black hat who is a gun and saddle thief.

Rancher Fritz Sturges faces so many criminal counts that a conviction would keep him behind bars for multiple lifetimes, let alone what's left of the 69-year-old's life.

But dude ranch bosses from Hot Spring County, Ark., to Florissant, Colo., say you can't believe a word that Sturges' primary accuser, David "Bronc" Henry Jr., 61, has to say.

"Everybody liked him because he could tell good stories," said Julian McKinney, owner of the Bar Fifty Ranch in Arkansas, while speaking of Henry, his former ranch hand. "They were tall tales. I don't think you can believe anything he tells you. The guy is

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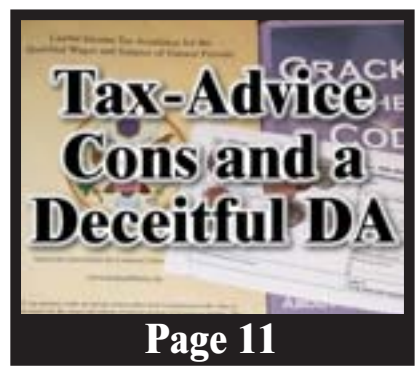

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restraining order charges, among other things. Exemplifying the allegations of the children conspiring was when Nedra's son, Brooke, said in a phone conversation to her that it (the charges) could all go away for $10-Million – it's a statement he verified later on the court record.

HISTORY

Nedra Roney (McKell) co-founded Nu Skin Enterprises, a multimillion dollar corporation. Though her personal life brought many ups and downs, especially with marriages, one of the constants has been the love of family, and that orphaned children deserve a home, love and a future. Nedra expanded her family beyond her one natural son, Brooke, by adopting 7 children from around the world. Each child had their own significant issues to overcome in life and Nedra felt her affluence and love could afford them the chance to succeed. And, finally, Nedra found a man she could make a permanent home with, for herself and her whole family - Rob McKell.

Rob McKell, being successful in his own right with KcKell Construction but having grown up with meager means, had his own five grown children when he met Nedra. Soon after Rob and Nedra had married, Rob adopted her children as his own and treated them as such.

Surmising about the family and why the charges have been leveled against him, Rob stated, "I grew up learning hard work and sacrifice. It's how I was raised and how I disciplined my five children and how I approached raising these children. Because Nedra had profited from Nu Skin, her older children had been brought up in an environment of extraordinary privilege. They lived in mansions; went on exotic vacations; flew in private jets; and had personal chefs. They had nannies and were home-schooled. Their mother doted on them and spoiled them. They were her world. It was no surprise that they resented my new place in their lives and in Nedra's heart."

It has been reported that through the years, several of Nedra's adopted children, who had issues when younger, started showing signs of having serious physical and mental problems. According to witnesses, with troubles ranging from lying and violence to sexual promiscuity and abuse, two of the children found themselves in treatment programs and proctor homes because they became such a threat to the safety of the rest of the family. Family members tell of one adopted boy who was even convicted of sexually abusing a younger sibling.

Both Rob and Nedra tried everything they could to protect their children. They got them what they thought was the best help available and tried to make every decision in their best interests.

THE ACCUSER

Summer McKell

Summer McKell is one of Rob and Nedra's "troubled" children. She was born in Siberia and reportedly was never touched or held as a baby. She suffers from what Nedra describes as attachment disorder.

According to Randy Hyde a clinical and child psychologist who saw Summer on multiple occasions and administered a Minnesota Multiphasic Personality Inventory (MMPI-2) test, which is a widely used adult psychopathology and personality assessment, Summer likely has a "thought disorder" and is "blatantly paranoid." The MMPI-2 showed that Summer is "likely to use projection as a defense mechanism," and "tends to be angry and is prone to fighting others." The report indicates Summer scored as a typical "runaway delinquent" and Hyde goes on to state that "with similar profiles there is a probable history of antisocial behavior, such as promiscuity and deserting their family." He went on to assess that, "sexual acting out is probable."

Throughout high school Summer reportedly did in fact that; she acted out sexually, among other things. According to reports, Summer sent nude pictures and videos of herself in the shower to various men, both young and aged via her on-line profile accounts that she managed with her iPod. In fact it came to the attention of the local sheriff's department who reportedly contacted Rob and Nedra with the request that Summer not be allowed to be on the Internet. According to a family member, this, along with her increasing promiscuity and a drug deal Summer orchestrated when she was 18, bounced her from one school to the next; her parents trying desperately to keep her life together.

Cheyenne and Summer

They restricted her use of on-line capable devices which enraged Summer, and enrolled her in various schools or high-school equivalents whenever her behavior warranted.

When they were faced with Summer being 18 and a legal adult, they approached Summer with Nedra and Rob being her conservator. It was a stipulation of her staying in their home. Nedra and Rob wanted to be able to make legal, medical and other necessary decisions for Summer's well being. Summer agreed. Having her own attorney, Summer described how she wanted to stay in the McKell residence and that she was happy being there.

In an affidavit obtained, Sherrie Cozzens, a paralegal who was in court with Summer for her conservatorship hearing, had this to say, "I asked Summer if she understood why she was at court that day, I asked if she understood what a conservatorship was. She answered that she did. Her only concern that morning was that she didn't ever want to leave her home. She said that two (2) other siblings had moved out and she didn't want to move out like they did."

In Cozzens affidavit, Summer's attorney, Marie Bramwell, stated Summer had no concerns about the conservatorship.

Alex with then boyfriend Brooke Roney

Interestingly enough, Summer's statements came during the time she eventually claimed Rob McKell was sexually assaulting her.

THE CONSPIRACY

Nedra's children were constantly at odds with Rob's parenting style. They either didn't like or couldn't understand being held accountable for their actions. It has been reported that Brooke was furious to have to get a job. Summer was constantly upset that her on-line privileges were being revoked and her behavior monitored. Cheyenne, Summer's older sister, who was initially put into a facility for her purported violent outbursts toward her mother, blamed Rob for being sent away.

All of these children would rather see Rob gone, and they have gone on the record admitting it.

Interestingly, not on the court record, but can reportedly be verified through Brooke's phone and credit card records is the allegation that Brooke left one weekend for a trip he told his parents was to Las Vegas and instead traveled to Los Angeles where he met with an ex-step brother and reportedly conversed with his ex-step father whom, according to Nedra, are people who hold a grudge against her. This is where the McKells believe the plot was hatched to bring ruination to their family.

Soon thereafter Brooke, Cheyenne, and Brooke's girlfriend Alex planned a trip leaving on March 22, 2013. They asked if Summer could go. According to Rob and Nedra, they not only agreed to let Summer go, they thought it was a wonderful idea and gave Brooke $400.00 toward gas and hotels.

It was a trip that never happened.

Instead, as the initial statements claim, the girls were waiting outside the family home in the car for Brooke, who went in to get some jewelry he was going to sell, so they had money for the trip. Really? According to the girls, this is when they started talking about how much they disliked Rob and how they wanted their mother to leave him and this is when Cheyenne claims Summer said, "I know something that would get him in trouble."

As reported, Summer went on in limited but graphic detail about how Rob allegedly did things to her. She even claimed that just the night before he had drugged her with some cold medicine and she awoke to find him, as she put it, "eating my -----."

The statements claim that Brooke is called out of the house, told what happened, and they decide to go to the sheriff's department to make their accusations.

But, Rob and Nedra truly believe that this was the culmination of a carefully orchestrated plot by Brooke to have Rob removed from the home so the kids could have full access to Nedra's money.

Rob and Nedra also believe that the claims Summer is making are a result of her complicity in her other brother's sexual abuse of a younger sibling; wherein Summer reportedly held the door closed while her brother molested the younger sister in a strikingly similar manner to the claims Summer has leveled at Rob. It is alleged that Summer is using projection as a defense mechanism, just as Randy Hyde determined in his psychological profile. In fact, Hyde's profile also states that, "it is probable she is exaggerating her symptoms," and says that, "given all that she alleges to have gone through ... it is interesting that Summer is experiencing, at best mild anxiety and depression …"

THE CHARGES

In any good investigation, you want to collect as much evidence as you can. With a supposed victim saying she was sodomized the night before, you would think the deputies at the Utah County Sheriff's Office would have thought to send Summer to the hospital to have DNA evidence collected. It is common practice when someone is claiming rape, which in essence is what Summer did. Yet, we have found no record of any evidence of this kind having been collected. Why?

Instead, you have investigators have Summer place a call to Rob and vaguely talk to him about one of Summer's siblings room where some of the activity allegedly took place. It's called a pretext call and the transcript of this one presented no clear admission, or even suggestion that anything other than a disagreement had taken place between Summer and Rob. But for the sheriff's office, this call along with Summer's statements were apparently enough. It was handed over to the county attorney, who made the final decision to prosecute.

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Ballot Measure 15-119: Protecting Property Rights from GMOs

(Our Family Farms) - The most talked about measure on the Jackson County ballot this month is Measure 15-119, which would prohibit the growing of genetically engineered crops in the county. More than 170 family farms have endorsed the measure, as well as the Jackson County Grange and over 350 businesses.

"A yes vote on Measure 15-119 is a vote to protect my rights as a farmer to not have my crop contaminated and destroyed by genetically engineered crops owned by some out-of-state corporation," says local farmer Elise Higley who is director of Our Family Farms Coalition which is advocating for the measure. "I can spend two years of effort growing a crop that will be worthless if pollen from a genetically engineered crop trespasses onto my farm and pollinates my seed crop. That crop then becomes the legally patented property of the out-of-state corporation that owns the patent on the genetically engineered crop. I can't sell it and I can't save it for next year's planting or I'm breaking federal patent law."

The Measure is unique in that it has pulled together a broad spectrum of supporters from across the political spectrum ranging from farmers and property rights advocates to groups promoting local foods. The opposition to the measure has received over 97% of its funding from out-of-state corporations and other special interests from outside Jackson County and lists fewer than a dozen local opponents on their website. The campaign, run out of a public relations firm in Portland, has reportedly broken all county campaign finance records. They are spending over $850,000 on a flood of television and radio ads with scary messages that proponents of the measure say are untrue.

"Their ads are pure political bull," says Jackson County farmer Jared Watters who currently grows genetically engineered crops but has said after learning how they put other farmers at risk he will no longer grow them. "I manage one of the largest farms in the county and we currently grow genetically engineered crops. But we've learned a lot about the threats these crops pose to other farmers and our economy, and we won't grow them anymore."

"As a fiscally conservative Republican its hard to listen to the false claims that protecting farmers with 15-119 would have high enforcement costs or threaten the sheriff's budget. It's just not true," adds Watters whose family has farmed in southern Oregon since the 1800's. "They're flooding our county with TV and radio ads trying to scare and mislead voters, but they don't really care about our county budget or local farmers, and they definitely don't live here."

The Family Farms Measure 15-119 was proposed after family farmers were being forced to destroy seed crops after learning that the Swiss chemical company Syngenta had planted genetically engineered sugar beets near their fields. The Southern Oregon Seed Growers Association attempted to work with the local farmers and Syngenta to mitigate the damage Syngenta's operations were having on local farmers, but Syngenta walked out of the process declaring it was inconsistent with their business model. After local farmers, such as Steve Fry (Fry Family Farms), Chuck Burr (Restoration Seeds) and Chris Hardy had to destroy thousands of dollars of likely contaminated crops, local farmers went to state and county officials for help, but received none. As a result, Measure 15-119 was filed as a citizen ballot measure.

"The Jackson County Pomona Grange wholeheartedly endorses a Yes Vote on Measure 15-119," says Jason R. Cough, Worthy Overseer of the Jackson County Pomona Grange and Chaplain of the Phoenix Grange. "Growing genetically engineered crops is a threat to the future of family farming in the Rogue Valley and it's not right to grow a crop that can put your neighbor out of business."

Opponents of 15-119 have claimed that it would have high enforcement costs, but supporters of the bill say that's not true. "What we know is that the three agricultural counties with similar laws have not had any enforcement costs," says Higley who farms on over a 100-acre property in the Applegate Valley. "This isn't surprising since you have to sign a major legal contract to sell or buy genetically engineered crops so who is going to sign a contract like that for something that isn't legal? Farmers? The global chemical companies that own the patents on genetically engineered seeds? No."

"The opposition is trying to scare Republicans like me by claiming 15-119 would affect all of our hot button issues like 'increased government control,' 'property rights' and 'increased costs,' but there's just nothing to support these claims," explains Sams Valley farmer Jeff Day.

The opposition has also argued that 15-119 would take away farmers rights to grow what they want to grow. "What they're effectively saying is that one grower should have the right to grow GMOs in a valley even if the effect of this is for the pollen from that crop to trespass onto all of his neighbors farms and make their crops unsellable," says local seed grower Chris Hardy who has lost thousands of dollars in revenue after the Swiss multi-national corporation Syngenta started growing sugar beets near his farm. "If GMO stayed put where they were planted then we would have no need for 15-119. But if I plant a crop on my property I don't think some Swiss corporation should have the ability to destroy it by planting a crop that spreads patent-protected GMOs onto my fields."

You can learn more at Our Family Farms Coalition's website at OurFamilyFarmsCoalition.org ★★★

Do Not Vote Ockunzzi

By US~Observer Staff

Jackson County, Oregon - Joel Ockunzzi, Candidate for Jackson County Commissioner, in a very telling radio interview with KMED's Bill Meyer, made it a point he is a champion for land regulation and Jackson County's existing administrative system. He also made it clear that he knows what's better for property owners than they do. He made it vividly clear that he knows absolutely nothing about our Constitutional Rights and that he is an absolute proponent for big government.

Joel Ockunzzi, is in his seventh year as a commissioner on the Jackson County Planning Commission (JCPC). While discussing the need to change land use regulations, Jackson County's denial of jury trials in civil cases, taking back county lands from the Federal government to increase economic activity, Bill Meyer asked Candidate Joel Ockunzzi, "As a county commissioner how far would you go, would you pick a fight if you had to?" Ockunzzi's answer was, "no, I would never pick a fight that I felt I could not win."

In other words, Ockunzzi is stating, should he win the upcoming election, that he will violate the Oath of Office that he will be required to take, because that Oath will require that he "Swear to Uphold the Constitution(s)". This is exactly what past commissioners have done for decades and it is unacceptable. This is part of the reason that Jackson County, Oregon is going broke. This is part of the reason that Jackson County keeps coming back to the hard-working producers of Jackson County asking for more and more tax-dollars.

In fact, Ockunzzi has been assisting Jackson County government in violating our Constitutional Rights for seven years on the JCPC. This commission is responsible for advise which places a heavy influence on the implementation of Unconstitutional and often unbearable rules and regulations on the backs of Jackson County citizens, property owners and Jackson County's Small Business Owners (Jackson County's Producers).

There are two main candidates for Jackson County Commissioner in the upcoming election - Colleen Roberts and Joel Ockunzzi. Our investigation of Roberts shows that she is a Small Business Owner and she is well connected with tax-payers. Roberts is well-equipped (Masters Degree in Business) to solve the severe financial problems currently existing in Jackson County.

As for Joel Ockunzzi, God forbid, should he get elected, Jackson County tax-payers will pay DEARLY and Regularly. Any who vote for this government Bureaucrat will regret it in short order!

Joel Ockunizzi is everything that big government wants and the last thing that citizens need. ★★★

Donated without cost - US~Observer.

Continued from page 2 • "$10-million and this goes away" ...

Rob Mckell is currently charged with 2 counts of object rape and 1 count of forcible sodomy - of which there is no physical evidence, no corroborating testimony, just innuendo and accusations from a troubled young woman.

THE STATE VS. THE MCKELLS

As the story goes, Summer bounced around for a time after the allegations were made. Brooke had taken her, and Nedra took her back, but couldn't keep her in the family home as there was a protective order against Rob and Nedra didn't believe the allegations at all. So, Summer resided with multiple people. One was Robbie McKell, Rob's son.

Summer had a room to herself, and all the amenities. It is here that Victim's Advocates Maria Blanchard and Brainne Wilkes befriended Summer and reportedly tell her that she is being emotionally abused. According to records, they tell her she has nothing and that the one's who care about her are in their office. They ridicule Nedra to Summer. Eventually, they are able to use their self described leverage over "AGs" and "big wigs" – you know, people who know them by their first name – to bring charges against Nedra, whose only "crime" is not believing her daughter's accusations.

Nedra McKell is charged with retaliation against a witness, intentional abuse or neglect of a vulnerable adult, and violation of a protective order.

During Rob's preliminary hearing the witnesses' testimony changed. Sheriff's Deputy Whitnie Tate admitted to leading Summer during her interview (putting words in her mouth), and Summer had to be reminded when to claim Rob had become, "touchy."

Frankly, it was a joke.

It is amazing that these charges haven't been dismissed already. It all boils down to what one person says another person has done. You either believe a psychologically evaluated "runaway delinquent" who is allegedly a recorded liar, or a man who has never before been accused of any of these behaviors; a man whose five grown children and all of their friends are staunch supporters of his.

And, as for Nedra's charges, the amount of affidavits that show how many camping trips, outings, gifts, dinners, etc., that Summer went on and received when she was supposedly being isolated makes an average persons life seem dull; not at all the confined poor lass she and Adult Services would have the court believe.

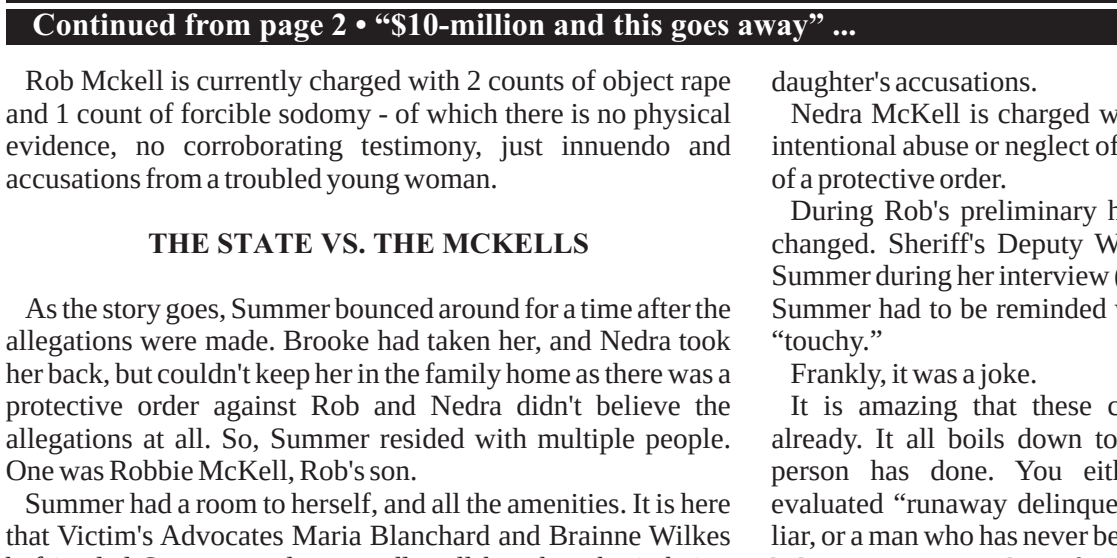
Unfortunately, short of Utah County Attorney Jeff R. Buhman getting involved and personally looking into this case and dismissing it on its ridiculous merits, both Rob and Nedra await their trials. Unfortunately, Buhman didn't return our multiple calls to his office.

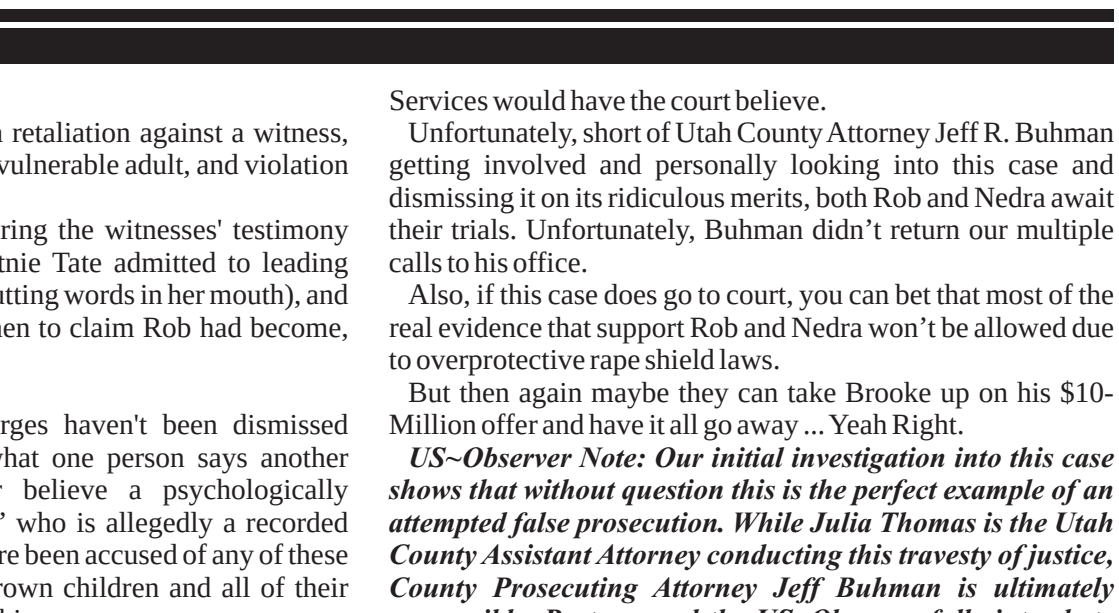
Also, if this case does go to court, you can bet that most of the real evidence that support Rob and Nedra won't be allowed due to overprotective rape shield laws.

But then again maybe they can take Brooke up on his $10-Million offer and have it all go away ... Yeah Right.

US~Observer Note: Our initial investigation into this case shows that without question this is the perfect example of an attempted false prosecution. While Julia Thomas is the Utah County Assistant Attorney conducting this travesty of justice, County Prosecuting Attorney Jeff Buhman is ultimately responsible. Rest assured the US~Observer fully intends to hold him accountable publicly. For those who are concerned with justice as opposed to a manufactured and vindictive prosecution, Buhman's phone number is 801-851-8026.

★★★





In The News

Man who never served his sentence awaits prison after leading crime-free life

Cornelius Mike Anderson and Family

(New York Daily News) - He's a pretty average guy — father of four, owns his home, pays his taxes, volunteers at his family's church.

Except for that prison thing.

Cornealious "Mike" Anderson, of St. Louis, was sentenced to 13 years behind bars in 2000 for helping to rob a Burger King manager. After posting bail, he waited for word on when he should surrender himself to the Missouri penal system.

He waited a really long time.

Meanwhile, he got married. He fathered four children. He coached his son's football team. He joined a church and started small businesses of his own, including a contractor service. He never left the St. Louis area.

Thirteen years went by.

Last summer, after state officials realized their mistake, a SWAT team descended on Anderson's house and dragged him off to jail.

On Tuesday, he was waiting again, this time for a ruling from the state Attorney General's office on whether he must serve that sentence.

"I'm hoping that there is a way for them to save face while still allowing him to stay free," Patrick Michael Megaro, Anderson's attorney, told the Daily News on Tuesday.

Megaro said some kind of clerical error resulted in his client staying free all these years. Anderson, he said, assumed state officials had changed their mind about his prison sentence.

"He's no legal expert," said Megaro, who entered the case last summer after Anderson was picked up. "He relied on his lawyer," who has since retired, Megaro said. His predecessor also thought Anderson was in prison, the new attorney said.

So why is Anderson dealing with this now?

Under the prison term he never served, Anderson was supposed to be released last year. As the paperwork process unfolded, state prison authorities realized Anderson wasn't incarcerated.

And so he was arrested.

"This man is not a fugitive," Megaro said. "He didn't try to hide."

He built a life and he never got in trouble with the law again.

An online petition at change.org has gathered more than 14,000 signatures calling for Anderson's freedom. ★★★

Suspended Judge Seeks Return to Bench After Mental Episodes

(Fox) - A legal panel in Illinois is weighing whether a judge can return to the bench after being declared legally insane two years ago. Judge Cynthia Brim, 55, argued Friday that her psychotic episodes can be controlled with medication and asked the panel to allow her to return to her $182,000-a-year position.

Judge Cynthia Brim

Brim was found not guilty of misdemeanor battery by reason of insanity last year for shoving a sheriff's deputy outside the Daley Center during a manic episode in March 2012. A day earlier, while on the bench, she broke into an extended rant while presiding over a traffic court call at the Markham courthouse.

"I just broke like a pencil," Brim told the commission Friday, saying she was feeling stressed that day because there was only one courtroom deputy present for a busy call. "It was totally inappropriate for me to say what I did at that time – or any other time."

Brim was effectively suspended from her duties as a judge after the battery charges were filed but was nonetheless returned to the bench by voters weeks later. She has continued to collect her $182,000 salary since her 2012 suspension.

On Friday, Brim said she was once again able to fulfill her duties as judge. Over the last two years, she said, she has consistently taken her medications – a requirement of her probation in the battery case – and has not had any psychotic episodes.

Fox News senior judicial analyst Andrew Napolitano, a former New Jersey Superior Court judge, analyzed the case on Fox and Friends. He pointed out that Brim's annual salary is higher than federal judges, and she'll likely be able to keep it no matter how her case turns out.

Since she's been elected, Napolitano explained that to remove her completely Illinois lawmakers would have to undertake a "difficult, highly politicized" impeachment. He believes the judicial review will conclude that Brim can keep her job, with pay, but will not sit on the bench anymore.

The question that remains is whether Democrats in Chicago will decide to put Brim's name on the ballot again in November. ★★★

Free Speech: University Pays $100G After Conservative Paper is Trashed

(Fox) - Oregon State University has paid $1,000 plus $100,000 in legal fees to a former student to settle a lawsuit over the confiscation of distribution boxes for a conservative-leaning student newspaper.

Supporters of the newspaper called The Liberty sued the school in 2009, alleging the university president and other school officials granted the official campus newspaper numerous bins while restricting The Liberty's distribution.

The suit alleged that school officials confiscated distribution bins for The Liberty and tossed them onto a trash heap. The bins, which contained copies of the paper, were allegedly removed without notice and thrown next to a dumpster.

Lower-ranking campus officials said they removed The Liberty's boxes to beautify the campus, but distribution bins for the campus paper were reportedly left untouched. Top school officials said they had not ordered the destruction.

The 9th U.S. Circuit Court of Appeals had revived the lawsuit after a U.S. District Court judge dismissed it. The appeals court ruled that it had "little trouble finding constitutional violations" and that the university's policy that led to the alleged trashing "materialized like a bolt out of the blue."

The Oregonian reported that the university did not acknowledge wrongdoing but agreed to the six-figure payout to William Rogers to end the lawsuit, which was dismissed Wednesday.

Months after the lawsuit was filed by Alliance Defending Freedom, a legal firm specializing in religious liberty cases, the university changed its policies to allow approved student groups that publish newspapers to distribute them on campus.

"We hope this case will encourage public officials everywhere to respect the freedom of students to engage in the marketplace of ideas that a public university is supposed to be," David Hacker, an attorney with the Arizona-based group said in a statement. "The university has done the right thing, not only through changing their unconstitutional policy, but also by compensating the students for the violation of their First Amendment freedoms."

Rogers was the paper's executive editor at the time. The Oregonian reported that The Liberty ceased operations at Oregon State after 2009. ★★★

Prosecutor defends relationship with lawyer that led to new job

By Terri Parker

Former Prosecutor Ellen Roberts

WEST PALM BEACH, FL (WPBF) — John Goodman's attorney filed an appeal of his DUI manslaughter conviction just 24 hours after the polo mogul was rushed to a hospital for complications with hip replacement surgery.

In the motion, Roy Black cites former prosecutor Ellen Roberts' relationship with civil attorney Scott Smith, who sued Goodman on behalf of victim Scott Wilson's family.

After convicting Goodman last year, Roberts retired as scheduled and then accepted a job at Smith's firm -- Lytal, Reiter, Smith, Ivey & Fronrath.

Black's motion accuses Roberts of trading on her position as lead prosecutor against Goodman during the high-profile trial to obtain personal "favors" from Smith's firm.

Goodman has been on house arrest since being convicted in May in the 2010 death of Wilson, a 23-year-old recent college graduate.

"I did nothing wrong," Roberts said Wednesday from her office at Smith's firm.

Roberts also said the motion never said how her getting the job affected the outcome of the trial.

"So what? I talked to Scott about a job," Roberts continued. "Did I prosecute Mr. Goodman as I have all the other 76 trials that I've had? Certainly I did. I prosecuted him the same."

The appeal claims Roberts had a personal interest in a job with the law firm and in becoming the interim state attorney. The documents also claim Roberts was seeking support from Smith.

According to the documents, Roberts emailed Smith, writing that she was "sending to the governor today the application for appointment. Can you let Tom and Pat know that I did this so if they want to follow up? Thanks for your help."

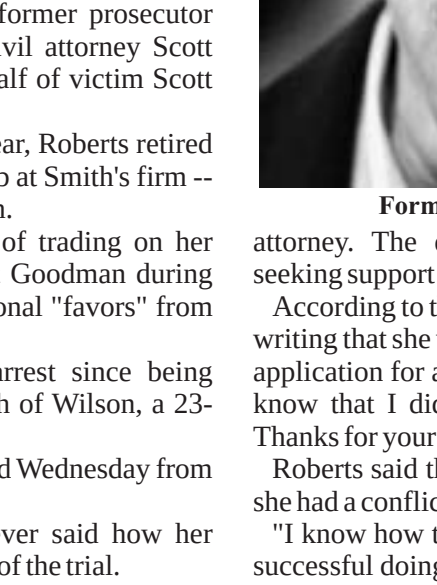
Roberts said there was no validity to the claims that she had a conflict of interest.

"I know how to prosecute a case, and I've been very successful doing it," Roberts said. "So, you know, this garbage about how I was influenced by Scott and this part-time job is just ludicrous."

Black's office declined comment Wednesday, citing the motion which asks the 4th District Court of Appeal to stay the appeal and return the case to circuit court for hearings on a possible re-trial is still pending. ★★★

Freed After Nearly 3 Decades on Death Row

By Kathy Finn



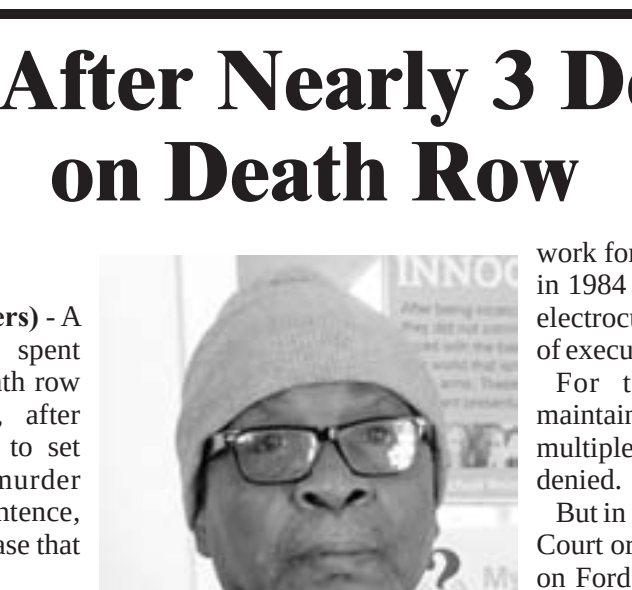
Glenn Ford after three decades

NEW ORLEANS, (Reuters) - A Louisiana man who has spent nearly three decades on death row walked free on Tuesday, after prosecutors asked a judge to set aside his first-degree murder conviction and death sentence, citing new evidence in the case that exonerated him.

Glenn Ford, 64, a black man, was convicted by an all-white jury in the 1983 robbery and murder of Isadore Rozeman, a 56-year-old Shreveport watchmaker, who was found shot to death behind the counter of his jewelry shop.

Acting on new information that exonerated Ford, a judge in Shreveport ordered him released from Louisiana State Penitentiary in Angola, where he has been held on death row since March 1985.

Ford was released late on Tuesday afternoon, local media reported.



"We are very pleased to see Glenn Ford finally exonerated, and we are particularly grateful that the prosecution and the court moved ahead so decisively to set Mr. Ford free," said Gary Clements and Aaron Novod, attorneys for Ford from the Capital Post Conviction Project of Louisiana.

Prison spokeswoman Pam Laborde said shortly before 5 p.m. local time (2200 GMT) that Ford was being processed, but she had not yet received confirmation of his release.

Ford, a California native who did occasional yard work for Rozeman, was found guilty in 1984 and was sentenced to die by electrocution, then the state's method of execution.

For three decades, Ford has maintained his innocence and filed multiple appeals, most of which were denied.

But in 2000, the Louisiana Supreme Court ordered an evidentiary hearing on Ford's claim that the prosecution suppressed favorable evidence related to Jake and Henry Robinson, two brothers initially implicated in the crime.

According to the Shreveport Times, court records show that an unidentified informant in 2013 told prosecutors that Jake Robinson admitted to shooting and killing Rozeman.

Last Thursday, prosecutors filed a motion to vacate Ford's conviction and sentence, saying that in late 2013 "credible evidence" came to their attention "supporting a finding that Ford was neither present at, nor a participant in, the robbery and murder of Isadore Rozeman."

If prosecution had been privy to the information initially, the motion said, "Ford might not even have been arrested or indicted for this offense."

Caddo Parish Assistant District Attorney Catherine Estopinal declined on Tuesday to elaborate on what she termed "a recent development" that prompted prosecutors to reverse course.

"I can't go into it," she said. ★★★

Wrongfully Convicted, Jonathan Fleming is Freed After 24 Years: 'I Have No Faith in the System'

By Zach Schonfeld

(Newsweek) - Jonathan Fleming spent 24 years in prison, serving time for a 1989 murder he did not commit.

Tuesday (April 8th), Fleming learned that he would walk free later that day. The Conviction Integrity Unit, created by a former district attorney, had found a phone bill confirming the alibi Fleming had insisted on for decades: He was in Orlando, Fla., on vacation with his family, when the fatal Brooklyn, N.Y., shooting of Darryl Rush took place more than a thousand miles away.

Fleming told Newsweek on Thursday that his newfound freedom was still sinking in.

Jonathan Fleming celebrates his release

"It's an amazing feeling," Fleming, 51, said by phone. "It feels wonderful, and I'm just taking it one day at a time. Enjoying the moment."

His short-term plans, he said, are to find a job and some shelter.

As expected, his view of the justice system is less sunny, after the wrongful imprisonment that consumed most of his adult life.

"I have no faith in the system because it shouldn't have taken this long for me to get out," said Fleming, who has been staying in a New York hotel since his release. "The evidence was there all along that could have freed me 24 and a half years ago. If the documents were turned over 24 years ago, I would've gotten released then."

Those documents, including a police report confirming Fleming's stay at an Orlando hotel, were withheld from his trial attorneys in 1990. Prosecutors at the time disputed accounts from Fleming's family and argued that he could have flown from Orlando to Brooklyn, where his car was used in the shooting, and then back to Orlando.

"The prosecutors at the time essentially argued to the jury that you shouldn't believe his family," one of Fleming's attorneys, Anthony Mayol, told Newsweek. "What they didn't turn over in addition to the phone receipts is a letter from the Orlando Police Department confirming he was down there. Those independent people who were not family members would have undercut the district attorney's argument that, Oh, you can't listen to his family."

It's unclear why the documents were withheld for so long. But they weren't the only detail that could have overturned the verdict. Not long after Fleming's conviction, a witness who claimed to have seen Fleming commit the murder recanted her statement. But Fleming remained behind bars.

Taylor Koss, Fleming's other lawyer, said there's now evidence pointing to the real killer.

"I would say there's a few different pieces of evidence that point to a specific individual as being the gunman," Koss said. "I will say that we have on-record affidavits and recorded statements from an individual who admits to being the getaway driver. This person admitted to being in possession of Mr. Fleming's car and that he drove away from the scene that night. He identified in a photograph the person that did the shooting."

Koss said that the Kings County district attorney's office claims to be conducting an investigation into that person.

Fleming, who is black, declined to say whether he thought his race played a role in his conviction. "I really don't like to think like that, because even if a person wasn't the race that I am, it could've happened to him too," he said.

He said he met other apparently innocent men in prison who were trying to get out.

"I learned that the system is—I don't have no trust in it whatsoever," he said. ★

Cop beats up model Air Force captain in his own home, issues arrest weeks later

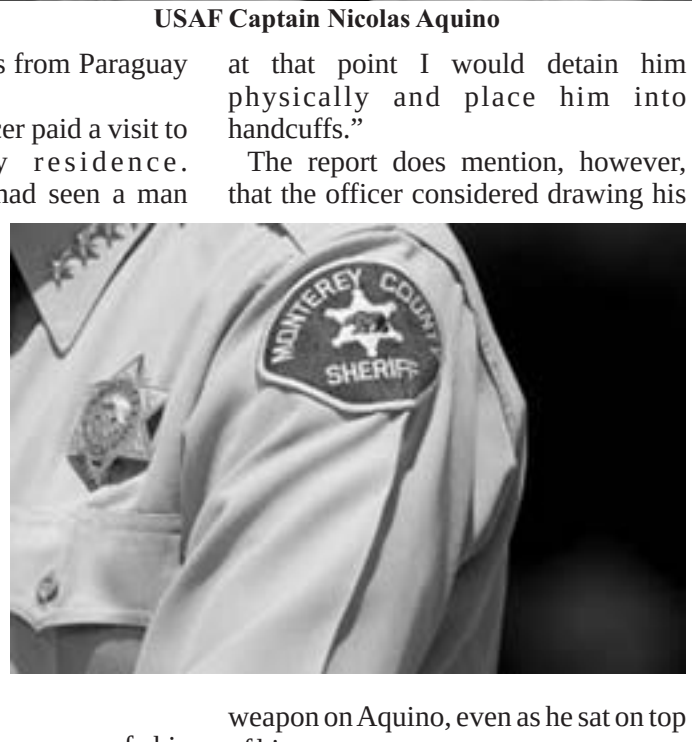
By Robby Soave

(Daily Caller) - An Air Force captain discovered he was banned from Naval Post Graduate School in Monterey, California, due to pending charges against him from a previous encounter with a cop who had tried to arrest him for entering his own home.

The charges — resisting arrest and obstructing an officer — have infuriated Captain Nicolas Aquino, a first-generation immigrant whose parents came to the United States from Paraguay as political exiles.

USAF Captain Nicolas Aquino

Last December, an officer paid a visit to Aquino's Monterey residence. Apparently, a neighbor had seen a man entering Aquino's home, and reported a possible burglary to the authorities.



The "burglar" was Aquino himself. No one else was in the house.

The officer told Aquino that he needed to see identification, according to KSBW.

"At that moment I'm like, 'Excuse me sir, but who are you? And why are you here?'" said Aquino in a statement.

Aquino, who is well aware of his Constitutional rights, asked the officer if he was being detained. The officer said that he was.

"And so I said, 'OK, then my name is Nicolas Aquino. I live right here. I'm in the military,'" said Aquino.

Aquino showed the officer — a deputy with the Monterey County Sheriff's Department — his military ID, but did not hand over the card. The officer interpreted this move as a hostile act, and proceeded to tackle Aquino, slam his head into the ground and put him in a choke hold.

The police report described the officer's actions more favorably.

"The male then pulled his hand away from me, thereby moving the card away from my hand," said the report. "I decided at that point I would detain him physically and place him into handcuffs."

The report does mention, however, that the officer considered drawing his weapon on Aquino, even as he sat on top of him.

"I yelled at the male to put his hands out to his sides," said the report. "The male never complied. He was beginning to draw them in closer to the center of his body. Afraid that the male was going to reach for a weapon, I contemplated disengaging from him, drawing my own firearm and taking aim."

Aquino disagreed. He said that he readily complied. At no point did he have a weapon.

Eventually, Aquino proved to the officer that it was indeed his home. No arrest was made at the time.

But weeks later, authorities issued an arrest warrant and charged Aquino with resisting arrest and obstruction. He can't continue classes until the matter is adjudicated, and his military career is also on hold.

The district attorney has refused to drop the charges.

Aquino was featured in a promotional video for the Air Force. He claimed that his parents' persecution in Paraguay has instilled in him a profound appreciation for U.S. values. He chose to serve in the military as a way to honor American freedoms. ★

Woman exonerated after 7 years behind bars

By N.J. Burkett

(ABC) - Malisha Blyden had never seen the person she was convicted of trying to kill.

Because of a misdialed phone number, she was convicted and sentenced to 40 years behind bars.

Now, Blyden has been exonerated, talk about justice long denied.

"If you're innocent don't give up, just keep fighting!" said Malisha Blyden, wrongfully convicted.

Malisha Blyden was innocent from the very beginning.

She and her girlfriend were taken into custody by transit officers in Union Square who accused them of playing loud music.

Officers quickly learned that Malisha's girlfriend was wanted for questioning in connection with an unsolved home invasion in the Bronx.

Apparently Malisha's girlfriend's father's cellphone number was found in the phone records of the victim of the home invasion.

Since Bronx detectives were looking for two female accomplices, they thought they'd solved the case.

"I told them over and over again that it wasn't me," Blyden said.

Exonerated Malisha Blyden

But Malisha was arrested and charged with robbery and attempted murder after her girlfriend inexplicably confessed to the crime.

Witnesses later identified Malisha after being shown a single photograph and not a lineup.

"There was no forensic evidence, no fingerprint evidence," said Julia Kuan, Malisha's attorney.

Civil rights attorney Julia Kuan says it's outrageous.

"These detectives gave this information, fed this information to these witnesses," Kuan said, "They just cared about closing a case and they broke every rule in the book to do so."

Malisha was convicted and sentenced to 40 years in prison. She was released last month after serving just over seven years.

Malisha's legal team had located the actual suspects who later confessed.

"I didn't know how long it was going to take, but I knew I was going home. I had faith, I never gave up, because I didn't do it, I'm innocent," Blyden said. ★★★

Texas deputy fired for shooting farmer's dog

By Jana J. Pruet

DALLAS (Reuters) - A sheriff's deputy in northeast Texas has been fired for shooting a farmer's dog through the back of the head in an incident that touched off condemnation around the world.

The farmer, Cole Middleton, 25, said his 2-year-old Australian cattle dog, Candy, survived the gunshot, but he had to put the dog down himself to end its suffering.

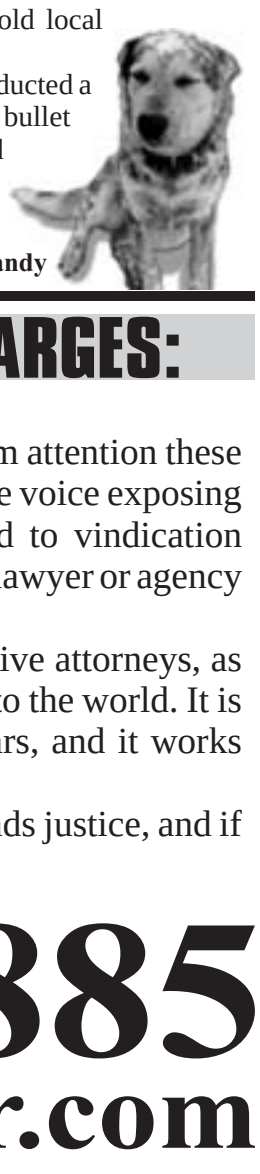
Middleton said the dog was like a child to him. In a phone interview on Friday, he added, "I've lost the best employee I had on my farm."

Deputy Jerrod Dooley, who was responding to a burglary call at Middleton's home at the time of the incident, could not be reached for comment. In a video taken at the scene, he claimed the dog was charging him.

Rains County Sheriff David Traylor said Dooley was fired on Thursday. Traylor was considering whether to pursue criminal charges in the case, which has resulted in a flood of criticism into his office.

"His reputation is already ruined. I think he made probably a bad choice," Traylor told local broadcaster KYTX.

Veterinarian Kevin Bankston conducted a post mortem and said in a report the bullet entered from the back of the head and exited toward the nose, indicating Candy was retreating from the shooter. ★★★



Candy

US~OBSERVER NOTE ON FALSE CHARGES:

False prosecutions are getting some well needed main-stream attention these days. Over the past 25 years, the US~Observer has been the lone voice exposing this rampant issue. Our cases, over 4,200 of them, have led to vindication through the use of our services; an achievement no other group, lawyer or agency can claim.

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We hope that every innocent victim of a false prosecution finds justice, and if you are facing false charges, please contact us.

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Dr. Ron Paul

Ron Paul's nonprofit refuses to disclose list of donors to IRS

(RT.com) - The United States Federal Reserve is usually the government office finding itself most often in the crosshairs of former Texas congressman Ron Paul, but now the longtime lawmaker is setting his sights on another agency: the Internal Revenue Service.

Paul's relentless efforts to abolish the Fed have without a doubt been a hallmark of the 78-year-old libertarian's career in Congress, but recent attempts from the IRS to compel a nonprofit organization run by the former presidential hopeful for details about its contributors has pushed him to pursue yet another fight with the federal government.

Last week, Paul signed his name to an email sent to supporters acknowledging that the IRS has billed his nonprofit, Campaign for Liberty, for failing to hand over the names of donors when the group filed its taxes for the year 2012.

But Megan Stiles, the group's director of communications, now tells the Washington Examiner that the organization will fight the government's demands.

"There is no legitimate reason for the IRS to know who donates to Campaign for Liberty," Stiles told the Washington Examiner on Tuesday. "We believe the First Amendment is on our side as evidenced by cases such as NAACP v. Alabama and International Union UAW v. National Right to Work. Many 501(c)(4) organizations protect the privacy of their donors in the very same way as Campaign for Liberty. For some reason the IRS has now chosen to single out Campaign for Liberty for special attention. We plan to fight this all the way."

Stiles' confirmation of an impending fight between Campaign for Liberty and the IRS comes just days after Paul told his supporters via email that the government's latest actions "is likely just the first in a long line of unconstitutional and likely illegal 'excuses' this rogue government agency will use to try to shut us up and shut us down by fining us to death."

"Forcing organizations like Campaign for Liberty to publicize donor information would have an incredibly chilling effect on political speech," Paul wrote.

"Many liberty-loving Americans would silence themselves for fear of becoming targets of political 'retribution,'" he continued. "And after the Obama IRS was caught red-handed targeting pro-limited government groups for harassment and intimidation, these fears could not be more well-founded."

"The statists' goal is to cripple Campaign for Liberty and perhaps even force us to shut our doors," he added.

On the official Campaign for Liberty site, the group published a bill from the US Department of Treasury sent late last month for $12,900 levied on account of the organization's failure to file its 2012 taxes completely. Specifically, the group's paperwork was absent a Schedule B form — required by the IRS from American tax-exempt nonprofit organizations that receive $5,000 or more in donations each year — that would list the names of contributors and how much they handed to an organization.

IRS FINES RON PAUL'S CAMPAIGN FOR LIBERTY

"Paying this outrageous extortionist fine — just to exercise our rights as American citizens to petition our government — may even be cheaper in the short run," Paul added in his email. "But it'll just embolden an alphabet soup of other federal agencies to come after us."

Robert Wenzel, a reporter for the Economic Policy Journal, wrote this week that the letter "raises many more questions than it answers and is one more indication that it is going to be one hot and sticky summer" for the business end of Paul's politics.

"Given the many things that C4L can fight against, a battle that can jeopardize the organization's very existence, as the letter suggests, seems like an odd battle to fight, especially when it has already disclosed to donors that it is collecting data as a result of federal law," Wenzel wrote. "Or is there something about the contribution list that C4L doesn't want to disclose for other reasons?"

Another possibility, according to Wenzel, is that the agency's new-fangled interest in Paul's organization is connected in some way to reports that surfaced earlier this year into an alleged grand jury probe that's been launched to investigate possible corruption involving Ron Paul 2012 deputy campaign manager Dimitri Kesari.

"The IRS technically requires donor information from 501(c)(4) organizations and is forbidden by law from releasing it to the public, yet despite this they have 'mistakenly' released the information repeatedly over the years," Stiles added to Examiner reporter Joel Gehrke on Tuesday. "Often these leaks have been made to political opponents of the conservative groups whose information was leaked. Leaking the donor information is intended to harass and to intimidate those donors from donating to political causes. Campaign for Liberty has refused to provide donor information to the IRS to protect the privacy of our members. Now the IRS has demanded the information and fined Campaign for Liberty for protecting its members' privacy."

★★★

Assistant District Attorney Barred from Court by Judge

By E. Everett Bartlett

(Simple Justice) - The Daily News reports that Bronx Criminal Court Judge John Wilson dismissed a rape charge. The defendant was cut loose.

The defendant, Segundo Marquez, had been held at Rikers Island for more than eight months awaiting trial on reduced misdemeanor rape charges stemming from a 2010 incident.

And then, it was gone. The reason, however, is not so easily dismissed. It wasn't until summation at Marquez's trial that all hell broke loose.

The two week-long trial had reached closing arguments when one of Teesdale's supervisors informed the judge about a note on the case file referring to the contradictory testimony.

The prosecutor trying the case, Megan Teesdale, got caught.

Teesdale, who has worked for Bronx District Attorney Robert Johnson since 2012, failed to inform the court that Marquez's accuser, who testified at trial that she had been raped, initially told an NYPD sergeant that the sex was consensual.

The Daily News includes a portion of the transcript of Judge Wilson dismissing the case, and there is language in there directed at how this came to happen. It's described by the News as a "faux pas." It was no faux pas. As the judge says, Teesdale lied.

"The excuse you offer, passing the file back and forth, no one looking and no one knowing what anything is, saddens me on one level and makes me sick on another," Wilson said as he chastised Teesdale before the court. "You're going to leave this room, and you're never going to come back."

Prosecutor Megan Teesdale

No doubt the court's condemnation will strike different people differently, and the part that struck home with me was this:

I recall the Defense asking before the trial started for any notes that the People had in their possession, and you blithely said, "No, we don't have any notes." It turned out, unfortunately, to be a lie.

"Blithely" is such a good description, as this question is asked before every trial, just as the demand for Brady material is included in every omnibus motion. And is blithely dismissed. And is blithely accepted by judge after judge, court after court. Blithely is a very good word indeed.

At the same time, Judge Wilson loosens his stranglehold just enough for his own comfort.

For my own peace of mind, I absolutely refuse to believe that you did this on purpose. However, it is gross negligence on your part to have not found this information, and turned it over to the defense….

It may relieve the court of the discomfort of reality, but then, that's why baby prosecutors like Teesdale can respond so blithely. You see, new prosecutors want desperately to win at trial, and pore over every detail, every word, in preparation. They want to make their bones. They want to show their fellow prosecutors that they have the right stuff. They do not want to lose, and they don't neglect to read the police reports. Every single one of them. I call bs.

On the bright side, Judge Wilson not only outed the offending prosecutor, and barred her from ever appearing in his courtroom again, but her supervisor disclosed the Brady material before verdict. It's not much, but compared to deep-sixing the Brady, it's huge.

In imposing the sanction of exile, Judge Wilson seeks to make a point that has been made here and elsewhere with some regularity.

Here are your sanctions: You're going to leave this room, and you're never going to come back. You can't appear before me anymore. I'll tell you why, because I cannot trust anything you say or do. I can't believe you. I can't believe your credibility anymore. The only thing a lawyer ever has to offer is their integrity and their credibility, and when you've lost that, there is no purpose in your appearing before this Court.

Step out.

But there is a lingering question. Was Megan Teesdale an outlier, a rogue prosecutor who saw the words that would destroy her case and made the decision, on her own, to deny its existence? Was she a flaming incompetent prosecutor, the only baby prosecutor not to read the police reports in preparation for trial? Or is this a reflection of the culture that Marvin Schechter wrote about when the Brady War broke out in New York.

While I have no sympathy for Teesdale, who most assuredly deserves the ruination of her legal career, the words of her blithe response still ring in my ears, because they are the same words uttered by every prosecutor ever.

And let's not forget that Segundo Marquez spent eight months on the rock because some judge set bail he was incapable of making, because a prosecutor at the outset of this case, when there was nothing to go on except police reports, including the same one that gave rise to Teesdale's banishment, that stated the "victim" said sex was consensual. No, this is not just about Teesdale. Not by a long shot.

Bronx District Attorney Robert Johnson

★★★

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LIBERTARIAN • li-bər-'ter-ē-ən
1 : an advocate of the doctrine of free will
2 a : a person who upholds the principles of individual liberty especially of thought and action
~Merriam-Webster

Your Personal Liberty

Articles of Interest that first appeared on Personal Liberty Digest™ at Personalliberty.com

Who Will Keep Us Safe? ... Certainly Not Government

By Bob Livingston
PersonalLiberty.com

Any time I write that unconstitutional alphabet soup Federal agencies should be eliminated — whether on Constitutional grounds or to reduce the size and cost of Federal government — there follows a deluge of comments to the effect of, "But then who will reign in those evil corporations, enforce regulations and keep them from harming citizens?" and "Who will keep us safe?"

Thanks to years of propaganda combined with 12 years of indoctrination at the hands of the public (non)education system, most Americans are under the false belief that the U.S. Government is an agent of good in the world and Federal agencies want to protect citizens from harm. Americans by and large have become statists: They believe that every transaction, every contract, every aspect of human behavior must be regulated for "fairness" and that only the state is capable of regulating "fairly."

They have abandoned republicanism in favor of the sweet sound of democracy. In doing so, they have embraced fascism and tyranny.

Of course, statist politicians (which is to say the overwhelming majority of them) always couch their liberty-stealing ideas and laws in altruism and code words in order to get the people to support policies against their own interests. You've heard the terms they use: "It's for the children;" and "To keep everyone safe;" and "It's good for the environment;" and "We must act now to prevent another tragedy."

The truth is that government agencies and laws are only as good as the people staffing them and enforcing the laws and, unfortunately, government attracts parasites and psychopaths like honey attracts ants and bears. And they are just as annoying and more dangerous.

History is rife with examples of government action ostensibly to "help the people" resulting in privation, destruction, death and turmoil. Anyone who has truly studied the history of governments around the world has seen that the elected class — with very few exceptions — is populated by a psychopathic mix of destroyers and seekers of wealth and power. They pay little mind to the consequences of their actions. What is relevant to them is their glorification, gratification and security at the seat of power.

So it is with little surprise that I saw reports that the Environmental Protection Agency has been conducting experiments on people — children included — to determine how they were affected by pollution. The EPA has been doing these experiments "for about 40 years" and it has authority to continue to do so under the Clean Air Act, which was passed by a "beneficent" Congress looking out for our welfare.

The newly released government report shows that the EPA was exposing people to dangerously high levels of toxins and pollutants without informing them of their risk for cancer and death. Those exposed included the elderly; those with asthma, heart and other health problems; and children. The exposure was to levels of pollutants up to 50 times greater than levels the EPA has deemed safe for human exposure.

According to inspector general's report, the EPA conducted experiments in 2010 and 2011 on the effects of particulate matter (PM) and diesel exhaust on humans but did not get consent forms from 81 people in five studies. It also did not provide information to study participants on the amount of PM they would be exposed to and the danger risk for those with health conditions.

The EPA has long said that PM is deadly. In a 2003 EPA document, the agency claimed even short-term exposure to PM can result in heart attacks and arrhythmias in people with heart disease. A 2006 EPA report links short-term PM exposure to "mortality and morbidity."

As The Daily Caller reports, EPA Administrator Lisa Jackson told Congress on Sept. 22, 2011: "Particulate matter causes premature death. It doesn't make you sick. It's directly causal to dying sooner than you should… If we could reduce particulate matter to healthy levels it would have the same impact as finding a cure for cancer in our country."

In other words, as the website JunkScience.com notes, either the EPA operated with callous — as well as unethical immoral and illegal — disregard for the health of its test subjects (and deceived them about the level of danger they faced), or it is lying about the level of danger PM poses to Americans, which is a fraud on the American people.

The EPA violated its own policy and Federal regulations, The Common Rule as well as the Nuremburg Code and the Belmont Report in conducting these experiments.

The website JunkScience.com has been doggedly following the EPA human studies scandal for years. It started a website on EPA human testing in 2012 to document the scandal.

This is certainly not the first time agents within or acting for the U.S. (or any) government have abandoned all sense of morals and ethics in the name of "science" or "safety." Just some examples in the past 100-plus years include:

Tuskegee syphilis experiment: A clinical study conducted 1932-1972 in which black men were tricked into thinking they were receiving free healthcare from the government. While the 600 men — 399 of whom had contracted syphilis before the study began — did receive care, meals and free burial insurance, they did not receive treatment for syphilis. Nor did their wives who contracted the disease from them, nor their children born with congenital syphilis. And in fact, those who wanted to get treated through local programs were prevented from doing so. Revelations about the study led to the 1979 Belmont Report the EPA has been violating as well as the Office for Human Research Protections as part of the Department of Health and Human Services.

Philippine prisoner study: U.S. Army doctors infected five prisoners with bubonic plague and exposed 29 others to beriberi in the early 1900s. Four of the test subjects died. In 1906, Harvard University Professor Richard Strong intentionally infected 24 Filipino prisoners with cholera that had been contaminated with the plague. He did this without their consent and without informing them of the dangers. All the test subjects became ill and 13 died.

St. Vincent's House orphanage: A 1908 experiment in which three researchers infected dozens of children with tuberculin. Many of the children were permanently blinded and suffered from painful lesions and inflammation of the eyes.

Rockefeller Institute for Medical Research syphilis experiment: In 1911, 146 hospital patients — including children — were injected with syphilis.

Influenza experiments: In 1941 at the University of Michigan, virologists Thomas Francis, Jonas Salk and others deliberately infected mental patients with the influenza virus by spraying it into their nasal passages.

Stateville Penitentiary: In the 1940s, inmates at the Stateville Penitentiary in Joliet, Ill., were exposed to malaria. The study, which lasted 29 years, was conducted by the University of Chicago Department of Medicine along with the U.S. Army and State Department. Related studies were conducted from 1944-1946 on mental patients at the Illinois State Hospital. The precedent of these malaria studies were used as part of the defense for Nazi doctors at the Nuremburg trials.

Guatemala study: U.S. researchers used prostitutes to infect prison inmates, insane asylum patients and Guatemalan soldiers with syphilis and other sexually transmitted diseases in the late 1940s. Researchers later tried infecting people with "direct inoculations made from syphilis bacteria poured into men's penises and on forearms and faces that were slightly abraded… or in a few cases through spinal punctures." About 700 people (including orphaned children) were infected. The study was sponsored by the Public Health Service, the National Institutes of Health, the Pan American Health Sanitary Bureau and the Guatemalan government. The research was led by John Charles Cutler, who later

Continued on page 13

Expatriation Soars on Approach of the FATCA Deadline

By Robert E. Bauman J.D.
PersonalLiberty.com

"I wouldn't join any club that would have me as a member." — Groucho Marx

I know how he feels, and so do an increasing number of Americans.

Of course, Groucho's crack was meant to poke fun at his own disreputable persona. But a skyrocketing number of Americans are deciding that they want to leave "Club U.S.A." for good. The country itself is becoming a disgrace, and they no longer want to be associated with it.

Indeed, almost 3,000 Americans officially renounced their U.S. citizenship in 2013, according to Treasury Department records. As you can see in the chart, that's a 221 percent increase over the previous year.

They join illustrious ex-Americans such as singer Tina Turner, Facebook founder Eduardo Saverin, filmmaker Terry Gilliam and songwriter-socialite Denise Rich, all of whom have renounced their U.S. citizenship in the past few years.

For years, formal expatriation was a rarity. As recently as the early '90s, only a few hundred citizens took this step each year. Now the numbers are almost 10 times higher.

What do these ex-Americans know that would lead them to take such a drastic step?

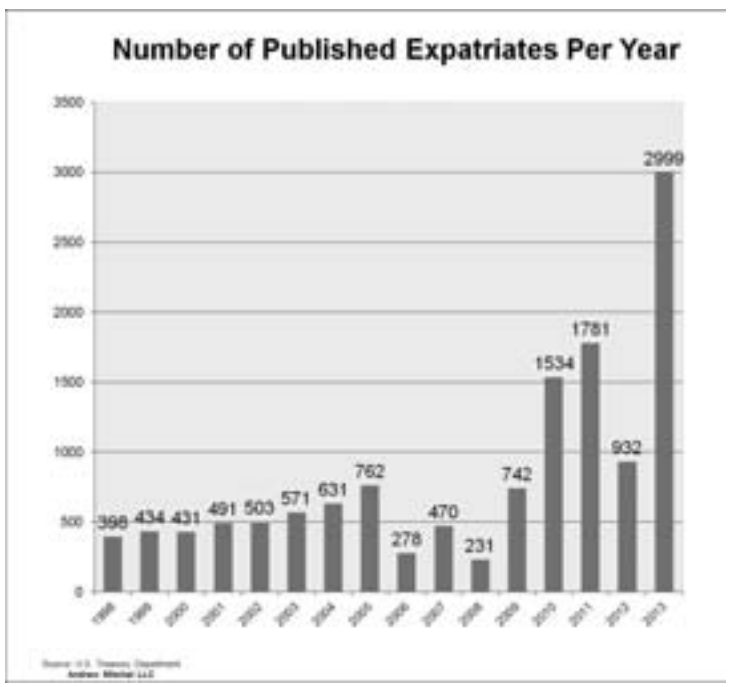
It's something that I've been talking about for a long time. And it's about to get much, much worse.

Indeed, looming changes in U.S. tax law scheduled to take effect in July this year are almost certainly behind the surge in expatriation. That's what ordinary American citizens living abroad are telling reporters who ask them.

The U.S. tax code is unique in that it seeks to tax all income earned by U.S. citizens and green card holders, no matter where in the world they live or where they earn it. Almost all other countries tax only domestic earnings.

Although some foreign income is exempted from U.S. tax, millions of Americans living abroad are forced to pay the Internal Revenue Service every year, even though they don't live in the U.S., earn their living entirely abroad and don't consume any significant U.S. government services. And every U.S. citizen abroad — even if he owes no tax — has to file an IRS Form 1040 return every year.

But the real burden of all this bureaucratic nonsense falls on Americans with significant financial assets in foreign bank and investment accounts, and it's about to get worse.



U.S. citizens have long had to file complex reports with the U.S. Treasury listing all their foreign accounts and balances, which inevitably require expensive expert advice and preparation. The penalties for failing to file these forms are exceptionally severe.

And starting in July this year, because of the Foreign Account Tax Compliance Act (FATCA), offshore financial institutions — banks, investment houses, insurers and the like — are required, under penalty of exclusion from the U.S. banking system, to report most U.S. citizen accounts held overseas. Foreign banks are about to become part of the IRS's network of informants.

Now, many U.S. citizens living permanently abroad wouldn't consider this a big deal. They file their U.S. Treasury reports and their taxes, and that's it. But a significant proportion of Americans abroad are finding that the reporting requirements imposed by the IRS on their banks are prompting the banks to close their accounts unilaterally. It's just not worth the trouble and cost to have American clients.

Imagine how you'd feel if the ill-considered, tyrannical actions of a government in a country you don't even live in imposed that sort of burden on you as you tried to live your life peacefully abroad.

But it gets worse.

THE TANGLED WEB OF THE IRS

Thousands of people who have U.S. citizenship by birth — but who live in and are citizens of the country of their parent's origin — are finding out that they are also liable to report under these insane U.S. laws. Canadians, in particular, are feeling the bite of this new law. Any Canadians who live near the U.S. border and may have been born in a nearby American hospital are now trapped in a bureaucratic nightmare almost impossible to describe. Their local Canadian banks have to report on them, even though they have nothing to do with the U.S.

So these and other U.S. citizens are doing the logical thing. They are turning their backs on the so-called "land of the free" and washing their hands of the whole crazy business, as well they should.

And maybe you should consider doing so as well. The U.S. government has accumulated a mountain of debt, and the only answer it has to eliminating that debt is to grab your wealth — regardless of where you live and earn. The price of being a part of this club is rising, but the benefits are dwindling fast. That's why we at the Sovereign Society work diligently to identify and promote opportunities for a safe, prosperous and hassle-free life abroad.

★★★

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COMMENTARY

Your Right to Speak Out

A government admission of wrongdoing

By Judge Andrew Napolitano

Recently, National Intelligence Director Gen. James R. Clapper sent a brief letter to Sen. Ron Wyden, D-Ore., a member of the Senate Intelligence Committee, in which he admitted that agents of the National Security Agency (NSA) have been reading innocent Americans' emails and text messages and listening to digital recordings of their telephone conversations that have been stored in NSA computers, without warrants obtained pursuant to the Constitution. That the NSA is doing this is not newsworthy -- Edward Snowden has told the world of this during the past 10 months. What is newsworthy is that the NSA has admitted this, and those admissions have far-reaching consequences.

Since the Snowden revelations first came to light last June, the NSA has steadfastly denied them. Clapper has denied them. The recently retired head of the NSA, Gen. Keith Alexander, has denied them. Even President Obama has stated repeatedly words to the effect that "no one is reading your emails or listening to your phone calls."

The official NSA line on this has been that the Foreign Intelligence Surveillance Act (FISA) court has issued general warrants for huge amounts of metadata only, but not content. Metadata consists of identifying markers on emails, text messages and telephone calls. These markers usually identify the computer from which an email or text was sent or received, and the time and date of the transmission, as well as the location of each computer. Telephone metadata is similar. It consists of the telephone numbers used by the callers, the time, date and duration of the call, and the location of each telephone used in the call.

American telecommunications and Internet service providers have given this information to the NSA pursuant to warrants issued by secret FISA court judges. These warrants are profoundly unconstitutional, as they constitute general warrants. General warrants are not obtained by presenting probable cause of crime to judges and identifying the person from whom data is to be seized, as the Constitution requires. Rather, general warrants authorize a government agent to obtain whatever he wants from whomever he wants it.

These general warrants came about through a circuitous route of presidential, congressional and judicial infidelity to the Constitution during the past 35 years. The standard that the government must meet to obtain a warrant from a FISA court judge repeatedly has been lessened from the constitutional requirement of probable cause of crime, to probable cause of being a foreign agent, to probable cause of being a foreign person, to probable cause of talking to a foreign person. From this last category, it was a short jump for NSA lawyers to persuade FISA court judges that they should sign general warrants for all communications of everyone in America because the NSA was not accessing the content of these communications; it was merely storing metadata and then using algorithms to determine who was talking to whom.

This was all done in secret -- so secret that the president would lie about it; so secret that Congress, which supposedly authorized it, was unaware of it; and so secret that the FISA court judges themselves do not have access to their own court records (only the NSA does).

It was to further this public façade that Clapper lied to the Senate Intelligence Committee last year when he replied to a question from Wyden about whether the NSA was collecting massive amounts of data on hundreds of millions of Americans by saying, "No" and then adding, "Not wittingly." The stated caveat in the NSA façade was a claim that if its agents wanted to review the content of any data the NSA was storing, they identified that data and sought a warrant for it.

This second round of warrants is as unconstitutional as the first round because these warrants, too, are based on NSA whims, not probable cause of crime. Yet, it is this second round of warrants that Clapper's letter revealed did not always exist.

National Intelligence Director James Clapper

Snowden, in an act of great personal sacrifice and historic moral courage, directly refuted Clapper by telling reporters that the NSA possessed not just metadata but also content -- meaning the actual emails, text messages and recordings of telephone calls. He later revealed that the NSA also has the content of the telephone bills, bank statements, utility bills and credit card bills of everyone in America.

In his letter to Wyden last week, Clapper not only implicitly acknowledged that Snowden was correct all along, but also that he, Clapper, lied to and materially misled the Senate Intelligence Committee, and that the NSA is in fact reading emails and listening to phone calls without obtaining the second warrant it has been claiming it obtains.

One wonders whether Obama was duped by Clapper when he denied all this, or whether he just lied to the American people as he has done in the past.

One also wonders how the government could do all this with a straight face. This is the same government that unsuccessfully prosecuted former New York Yankees pitcher Roger Clemens twice for lying to a congressional committee about the contents of his urine. Shouldn't we expect that Clapper be prosecuted for lying to a congressional committee about the most massive government plot in U.S. history to violate the Fourth Amendment? Don't hold your breath; the president will protect his man.

Yet, Congress could address this independent of a president who declines to prosecute his fellow liars. Congress could impeach Clapper, and the president would be powerless to prevent that. If Congress does that, it would be a great step forward for the rule of law and fidelity to the Constitution. If Congress does nothing, we can safely conclude that it is complicit in these constitutional violations.

If Congress will not impeach an officer of the government when it itself is the victim of his crimes because it fears the political consequences, does it still believe in the Constitution?

Andrew P. Napolitano, a former judge of the Superior Court of New Jersey, is the senior judicial analyst at Fox News Channel.

★★★

Federal Property

By Mary E. Webster
NewsWithViews.com

"To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dockyards, and other needful Buildings;"

- Article One, Section 8, United States Constitution

Once again, the Constitution is written so clearly that it takes a liar to say that it authorizes the federal government to take and/or manage property within the United States for reasons other than "Forts, Magazines, Arsenals, dockyards, and other needful Buildings". Of course, "other needful Buildings" is not specific. However, any sane person will understand that the Constitution is talking about either military uses, e.g., bases, or the buildings necessary to fulfill the other federal duties, e.g., post offices.

Neither the United States Constitution nor The Federalist Papers mention national parks, national monuments, Bureau of Land Management, national forests, "protected land" or national land regulations. However, we can infer from the Papers and the ratification debate that the States would not have ratified the Constitution if it gave the federal government the power to come into a State and take control of land.

"The size of this federal district is limited. The State ceding the land for this use must consent. The State will make a compact with the federal government, assuring the rights of the citizens of the district. The inhabitants will have enough inducements to become willing parties to the cession. An elected municipal legislature will exercise authority over them. The legislature of the State and the people who live in the ceded part will agree to the cession and ratify the Constitution. Therefore, this seems to cover every objection.

"The federal government must have authority over forts, military depots, arsenals, dockyards, etc. Public money will be spent on such places.The property and equipment stored there should not be under State authority. These are important to the security of the entire Union and shouldn't depend on one State. However, each State where they are located must agree." Federalist Paper # 43 [paragraphs 5-6]

Except for the small amount of land listed in the Constitution, it is clear that the federal government is not supposed to own property within the United States. The Constitution cannot be faulted for the federal land grab that has been detrimental to the economy and well-being of the States. The States have allowed this invasion of unconstitutional federal power.

To further highlight how out of kilter the federal government's role has become, it is doing a better job keeping United States citizens off federally owned land than protecting our borders from illegal entry.

The importance of private property to the Founding Fathers and the people who ratified the Constitution cannot be overstated.

"Property rights originate from the people. But men's abilities are diverse, creating an insurmountable obstacle to equality of acquisitions. Protection of these abilities is government's primary function. Because government protects different and unequal abilities to acquire property, the people end up owning properties of varying value and kind. This diversity of property ownership divides society into groups with different interests and concerns." # 10 [6]

Government's "primary function" is protection of the people's unequal acquisition of property. Primary function! That is strong language.

Mary E Webster, a graduate of St. Paul College and the University of Iowa, started studying The Federalist Papers in 1994. She has written several books, including a 10th-grade reading level translation of the Federalist Papers. ★★★

Search warrant case shows the need for Exclusionary Rule

By Radley Balko

(Washington Post) - The New York Post and the head of a New York City police union are upset that an accused drug dealer with a prior record may walk due to "a technicality."

Judge Jack Weinstein voided evidence against Shakeel "Blam" Wiggins recently because an NYPD cop didn't properly fill out a search-warrant application that turned up the weapon as well as a handgun and a cocaine cache last September, court papers say.

Judge Jack Weinstein

The ruling will likely allow Wiggins, a prior felon, to walk . . .

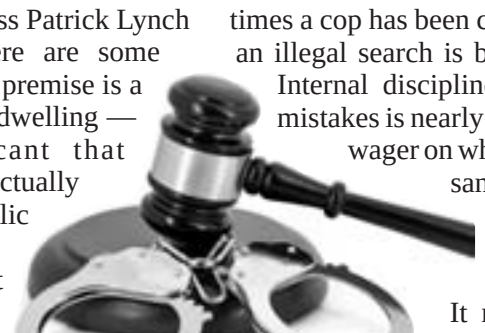
"New York City police officers put their lives on the line to get these illegal weapons off the street," Patrolmen's Benevolent Association boss Patrick Lynch said of the ruling. "There are some technicalities — like if the premise is a single- or multiple-family dwelling — that are so insignificant that suppressing the evidence actually subverts justice and public safety."

So what was that technicality? The cop who filled out the search warrant didn't specify which unit in a multi-family housing unit was to be searched. Consequently, the cops raided the wrong residence, which caused them to kick down the door and terrorize an innocent family. Someone could have been killed. It's happened before. Hell, it's happened before in New York.

The requirement that the location on a search warrant be specific isn't "a technicality." It's a core principle of the Fourth Amendment. The entire reason we have a Fourth Amendment goes back to the general warrants the British crown issued to English soldiers in the streets of Boston in the 18th century. Those warrants, called writs of assistance, allowed British troops and inspectors to raid private residences in search of untaxed goods and illegal imports. The warrants permitted searches of any residence. These violations of private homes that required no probable cause stirred anger and resentment, and helped turn Boston into a hub of revolutionary fervor.

So when a police officer today gets a warrant for a multi-residence building but doesn't specify which unit is to be searched, and the police then raid multiple units within that building, they haven't made a minor technical error — they've violated one of the founding principles of this country. This isn't an exaggeration.

What the police union and NY Post are actually upset about is the remedy — the Exclusionary Rule that bars any evidence found in an illegal search from being used against a suspect at trial. The objection to the Exclusionary Rule is that because it only comes into play when police find evidence of criminal activity, it only protects the guilty. That's an understandable sentiment. But it also misses the point.



It's nearly impossible to sue a police officer in a case like this one. The number of times a cop has been criminally charged for an illegal search is barely north of never. Internal discipline for these kinds of mistakes is nearly nonexistent. (Want to wager on whether these cops were sanctioned in any way?) The Exclusionary Rule is the only real deterrent available. It not only discourages police from conducting intentionally illegal searches, it encourages them to use care and precaution to avoid mistakes. After all, if you're subjected to an illegal search, it doesn't matter if the search occurred due to malice or to negligence. Your rights have been violated either way.

The odd thing is that this case shows exactly why the rule is necessary. Had the police guessed correctly and raided the right unit, and then Judge Weinstein dismissed the evidence against Shakeel "Blam" Wiggins, opponents of the Exclusionary Rule would be on stronger ground. (Though they'd still be wrong.) But the police didn't guess correctly. And because they didn't take the proper care to be sure they had a specific address, they raided an innocent family, subjecting them to all the violence, terror and fear of a volatile, "dynamic entry" drug raid.

This story isn't an indictment of the Exclusionary Rule. This story shows exactly why we need it. ★★★

"Congress has not unlimited powers to provide for the general welfare but only those specifically enumerated. ... A wise and frugal government...shall not take from the mouth of labor the bread it has earned."
--Thomas Jefferson

COMMENTARY

Feds threaten $75,000 a day fine against family

By J.D. Heyes

(NaturalNews) - Because of overreaching federal bureaucracy that constantly churns out conflicting and onerous regulations, it is becoming more and more difficult for landowners to use their own property in ways they see fit, even if they don't harm others or the environment.

As reported by Fox News, Wyoming welder and landowner Andy Johnson and his wife, Katie, just wanted to build a stock pond on their sprawling eight-acre farm. The two of them spent many hours digging and building, and when it was ready, they filled it with crystal-clear water, adding brook and brown trout, as well as ducks and geese.

It was also a pond from which their horses could drink while grazing, and it served, too, as a sort of private playground for their kids.

ENTER WASHINGTON:

But instead of enjoying the fruits of his labor, the Wyoming welder says he was harangued by the federal government, stuck in what he calls a petty power play by the Environmental Protection Agency. He claims the agency is now threatening him with civil and criminal penalties -- including the threat of a $75,000-a-day fine.

"I have not paid them a dime nor will I," a defiant Johnson told FoxNews.com. "I will go bankrupt if I have to fighting it. My wife and I built [the pond] together. We put our blood, sweat and tears into it. It was our dream."

However, the Johnsons might be in for some rough times.

ALL THE WEIGHT OF THE FEDERAL GOVERNMENT

The federal government claims that the couple is in violation of the Clean Water Act, because they built a dam or a creek without permission (which entails buying a permit) from the Army Corps of Engineers. Also, the EPA claims that substances from his pond are being discharged into nearby waterways.

Johnson, however, maintains that he built a stock pond -- not a dam or creek -- which is a man-made body of water meant to attract wildlife, and as such is exempt from current Clean Water Act regulations (the EPA is considering new regulations to change that).

The welder and property owner says he abided by state rules for the construction of a stock pond when he and his wife built it in 2012. He even has a letter, dated April 4 of that year, from the Wyoming State Engineer's Office to prove it.

"Said permit is in good standing and is entitled to be exercised exactly as permitted," the state agency letter to Johnson said.

As you might expect, the EPA doesn't much care about the state office; officials there say they, not the state or the Johnsons, have the final say in the matter. And they want Johnson to restore his land or face the penalties.

U.S. SENATORS TAKE UP CAUSE

Johnson says he's not backing down. "This goes a lot further than a pond," he told FoxNews.com. "It's about a person's rights. I have three little kids. I am not going to roll over and let [the government] tell me what I can do on my land. I followed the rules."

When he first received the EPA's administrative order, he said he was "bombarded by hopelessness."

But then he said he went to state lawmakers, who fast-tracked his plea for help to Wyoming's two U.S. senators, John Barrasso and Mike Enzi, as well as Sen. David Vitter of Louisiana, all Republicans.

The trio sent a letter March 12 to Nancy Stoner, the agency's acting assistant administrator for water, stating they were "troubled" by the Johnsons' case and demanding that the EPA withdraw its compliance order.

"Rather than a sober administration of the Clean Water Act, the Compliance Order reads like a draconian edict of a heavy-handed bureaucracy," said the letter.

The Johnson family

The order was issued by the EPA Jan. 30; it gave the Wyoming landowner 30 days to hire a consultant and have that person assess the impact of the alleged unauthorized discharges.

'WE'RE REVIEWING IT'

"The report was also supposed to include a restoration proposal to be approved by the EPA as well as contain a schedule requiring all work be completed within 60 days of the plan's approval," FoxNews.com reported.

So far, Johnson has not complied; if he stays that course, he is subject to $37,500 per day in civil penalties and another $37,500 per day in fines for violations of statutes.

In their letter, the senators questioned the EPA's stance that Johnson had built a dam and not a stock pond.

"Fairness and due process require the EPA base its compliance order on more than an assumption," they wrote. "Instead of treating Mr. Johnson as guilty until he proves his innocence by demonstrating his entitlement to the Clean Water Act section 404 (f)(1)(C) stock pond exemption, EPA should make its case that a dam was built and that the Section 404 exemption does not apply."

The EPA told the network that it is reviewing the letter. "We will carefully evaluate any additional information received, and all of the facts regarding this case," a spokeswoman for the agency said. ★★★

So when's the revolution?

By Patrice Lewis
WND.com

The horrifying headlines were coming so thick and fast this month it was hard to keep up:

- "Feds want your mental health records"
- "Judge says ordinary tools are actually weapons"
- "Hundred of thousands of New Yorkers refuse to register so-called 'assault weapons' ahead of April 15 deadline"
- "Treasury now seizing tax refunds from adult children to pay parents' decades-old Social Security debts"
- "EPA SWAT team raids gold miners in Alaska"
- "Harry Reid defends 'domestic terrorists' comments"
- "FBI visiting gun shops to investigate 'people talking about big government'"
- CNN op-ed claims right-wingers 'more deadly than jihadists'"

Believe me, I could add hundreds more. Similar governmental tactics seem to be used in most of these situations: verbal taunting; turning law-abiding citizens into criminals at the stroke of a pen; a strong show of force, often hugely out of proportion to the nature of the alleged crime; an air of violent intimidation; and a suspension of constitutional rights, including First, Second, Third and Fourth (not to mention 10th).

I think it should be fairly clear by now that the purpose of the many government agencies is not to protect us, but instead to intimidate citizens with their Gestapo brownshirt tactics. At some point, something's going to snap; and when it does, it will be ugly.

I wonder if the government has any idea of what kind of anger is building in Real America? People are saying things like: "We have an out-of-control government which no longer even pretends to serve its people." "I am starting to hate this government." "We are just a few degrees away from accusing people of witchcraft and publicly hanging them in the town square."

It seems atrocity is piling on top of atrocity. It's getting to the point where there's rage out there. This can't go on. Something has to give. And when it does … well, as one person put it simply, "Buy guns."

You see, I believe none of this is accidental. All the incidents listed above, and hundreds more besides, are clearly deliberate and have a goal of accomplishing … something. The government is poking at the American people. Poke poke poke poke. It's like they're trying to goad us into making the first violent move so they can feel justified in retaliating with breathtaking brutality.

What I don't understand is why they're pushing us to the breaking point. What kind of deep dark reason do they have to keep taunting and stomping on us in such an unconstitutional manner? Do they want us to snap?

I've said over and over again, I'm not big on conspiracy theories; yet our government has demonstrated that even the most far-off whacked-out theories can, in fact, come true. So what are we supposed to conclude by this? Why are citizens – most of whom only want to be left alone to make a living and raise our families in peace – being branded as domestic terrorists whenever we question government tactics? We have an alphabet soup of government agencies (NSA, DOE, FDA, EPA, IRS, DEA, BLM, CIA, FBI, NPS, TSA, DHS, CIA, DNR, USDA, DOT, NFS, ATF, CPS, FEMA, etc.), many of whom have their own SWAT teams… and they call us domestic terrorists?

At some point, it's going to come to a head. At some point, the government will push too far, and We the People will finally snap. At what point does the shooting begin? At what point will people look an EPA official in the eye and say, "NO. No more. Leave me alone"? I hope and pray it doesn't come down to a shooting war – I hate violence – but let's just say it wouldn't surprise me if it did. And it horrifies me to say this.

The trouble with shooting wars, of course, is that so many innocent people get hurt. But then, lots and lots of innocent people are getting hurt in this "non-shooting" war that's already been declared against We the People, so I guess nothing much will change.

And yet government seems eager to bring it on. Eager to incite the populace. Eager to have blood on its hands. When a revolution happens, whose hands will be dirtiest? The citizen's, or the government's?

I can't help but examine this long train of abuses and usurpations and then remember how many billions of rounds of ammunition the federal government has purchased – and draw some very uneasy conclusions.

As Capitalism Institute put it, "Many of us have given thought to the possibility of a new American Revolution. While it is certainly not preferable, the nation is reaching a tipping point of unsustainability when it comes to the progressive liberal assault on our Constitution, our liberty and freedom, and our inherent rights. Big government continues to grow to ever greater heights, all seemingly at the expense of normal American citizens and future generations. This can't continue forever."

And Brandon Smith writes, "Tyranny leaves lasting scars, and each tyrannical act results in an accumulation of wounds on the public psyche that do not heal. In the end, a single event can become a trigger to unleash a torrent of rage pent up in a population for years or decades. … Do the elites want to stir up insurgency in order to give pretense for a larger crackdown? They very well might. But it is transparent in the way they try to mitigate dissent and offer placation that they do not want a rebellion larger than they can manage. I think it is far too late for that. I think they've pi–ed off too many people, instead of just enough people. I think that though most pretend-Americans will do nothing but watch in horror or hide in their hovels, the size of resistance to the tides of despotism is growing far beyond common realizations. And, when this resistance erupts, it will shock even those who fully expect it."

Please … never forget the prophetic words of Thomas Jefferson: "In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

We have GOT to revive the Constitution. It's either that or revolution. I vastly prefer the former to the latter.

★★★

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Continued from page 1 • National Heritage Area to National Park in 25yrs

underway before most of the people in the region knew about it?

What would you think of an organization that published a schedule of Community Information meetings one day (March 12, 2014) and then cancelled them the next day (March 13, 2014) because of staffing changes, logistical conflicts, unavoidable circumstances, and personal commitments, then in an email from a U.S. Senator's representative stated that the organization was ready to meet with elected officials about the feasibility study, (March 13, 2014) the same day the Community Meetings were cancelled?

Kim, Colorado meeting March 21, 2014

There are a lot of angry farmers, ranchers, property owners, businesses and residents in Southeast Colorado who discovered this had been taking place without their knowledge for several years. A group called Canyons & Plains Sustainability Partnership, in conjunction with the NPS and the Nature Conservancy, had been preparing to advance Canyons & Plains to management entity status as soon as Canyons and Plains National Heritage Area is designated. Canyons and Plains (originally called, Southeast Colorado Regional Heritage Task Force) was founded in 2003, the NPS being one of the founding members.

The NHA proposal was first revealed on February 14, 2013 at a Canyons & Plains regional meeting and publicly announced in the La Junta Tribune-Democrat, November 25, 2013. Canyons & Plains Sustainability Partnerships' goals were "for cooperative planning to drive overall efforts in the region; to energize rural communities by a rich overlay of tourism and business infrastructure; and to promote conservation by private landowners to preserve local control of land and water resources, protect future prosperity, and create one of the largest protected landscapes of its kind in the country." The operative phrase is "create one of the largest protected landscapes of its kind in the country." Protected landscapes have to do with land use policy. This proposal has since been vigorously challenged by residents led by rancher, Kimmi Lewis of Kim, CO, who formed a group called: Southeast Colorado Private Property Rights Council, which is dedicated to defeating this NHA.

Kimmi Lewis

A National Heritage Area is conferred by act of Congress, spans both public and private land, with a management entity advised by the National Park Service along NPS mission guidelines of comprehensive conservation, preservation, and compatible economic development. The management plan must be approved by the Secretary of the Interior.

NHA management entities are not evaluated by the residents for whom the area was created, but rather by the Secretary of the Interior, who then reports and makes recommendations concerning the NPS's continuing role with respect to the NHA. The Secretary also identifies critical components for sustainability. Furthermore, the sunset provision has been increased to 25 years (currently sunset provisions are from 10-15 years) in H.R. 445, National Heritage Area Act of 2013, pending in the January 6, 2014 Session of Congress.

NHAs pose a threat to private property rights through the exercise of restric tive zoning, called regulatory takings without compensation, which may severely limit the extent that private property owners can develop or use their property. Furthermore, NHAs rarely, if ever, become financially independent of the federal government. As stated in the NHA Summer 2012 Newsletter, "While the designation of a National Heritage Area is permanent, the congressional authorization to receive funding is not permanent." The following NHAs were to sunset in 2012: Augusta Canal, Delaware and Lehigh, Essex, Hudson River Valley, John H. Chafee Blackstone River Valley, Lackawanna, National Coal, Ohio and Erie, Rivers of Steel, Silos and Smokestacks, South Carolina, and Tennessee Civil War National Heritage Areas." The appropriations bill signed into law by President Obama on January 17, 2014, extended the sunset deadlines for these 12 heritage areas from 2013 to 2015.

NHAs burden the local populace with another layer of federal interference. The citizens of Yuma, Arizona spent three years petitioning Congress to have their NHA reduced in size because it adversely impacted private property. Yuma Crossing NHA was designated in 2000, boundary revised, 2006 from 22 square miles down to 4 square miles within the town of Yuma.

"When the Yuma Crossing Heritage Area was authorized in 2000, the public in Yuma County did not understand the scope of the project and was surprised by the size of the designation. Citizens originally believed that the heritage area would focus mainly around the historic districts and the wetlands. Furthermore, many property owners were not aware that they were also included in the new designation. Concerns were raised by citizens about the size of the designation and the potential for additional Federal oversight. The fear of adverse impacts on private property rights were realized when local government agencies began to use the immense heritage area boundary to determine zoning restrictions. In an effort to alleviate the property rights concerns and better focus the available funds on the historic areas, H.R. 326 adjusts the boundaries to include only those areas where there is greater consensus of perceived public support."

Blackstone River Valley National Heritage Corridor, which received federal funding for 25 years and was to sun set in 2012, is being considered for national park status. Senate Bill 371 and H.R. 706, currently pending in Congress, seek to establish the Blackstone River Valley National Historical Park in Rhode Island and Massachusetts as a unit of the National Park System. The Blackstone River Valley National Heritage Corridor was established in 1986, initially located within 19 municipalities, expanded in 1996 to encompass all or part of 24 communities from Worcester, Massachusetts, to Providence, Rhode Island, which contains nearly 600,000 people, covering 400,000 acres of the Blackstone River Valley. The park would encompass much of the area within the Corridor in both Rhode Island and Massachusetts, including the Blackstone River and its tributaries; the Blackstone Canal; historic districts of Old Slater Mill in Pawtucket; the villages of Slatersville and Ashton, Rhode Island; and Whitinsville and Hopedale in Massachusetts.

Most residents of Southeast Colorado are only now becoming aware of the NHA designation. NGOs like Canyons & Plains have to get local leaders and elected officials to "buy into" their vision for the targeted region without having to sell it in the public arena. Could it be that federal employees are so insecure about the questionable integrity of a program or its process that they have to use subterfuge to accomplish its ends? If federal government employees (NPS) and their Non-Governmental Organizations (NGOs) cannot be honest and straight forward with the public in promoting government programs, then they might as well just call them scams. Preservation groups like Colorado Preservation, Inc. gain access to private property for the purpose of populating a data base of historic assets, which are then used for the underpinnings of a NHA feasibility study, about which the property owner is never advised. If the preservation group cannot gain access to private property they conduct a reconnaissance survey from a public road.

Land use policy and economic development properly reside with county commissioners, local planning boards and city councils, not with NGOs, the NPS, or the Secretary of the Interior. Unelected board members of a NHA management entity are not accountable to the electorate, just as the NPS and Secretary of the Interior are not accountable to local residents or their elected officials. NGOs like Canyons & Plains covet managerial authority over a region to impose their particular vision upon an unsuspecting populace They also covet a stream of federal appropriations and matching public and private funds to make themselves sustainable on the backs of the American taxpayer and the local tax base.

The hard working residents of Southeast Colorado have not been informed about, consulted with, or even advised of, what is transpiring with this proposal and the feasibility study - not at all treating them with the courtesy and respect they're due.

Farmers, ranchers and their families came and went at the La Junta Livestock Commission's 59th Anniversary Sale on Wednesday, March 26, 2014. They rotated in and out of the sale ring and filled the restaurant from breakfast time to afternoon until early evening. Cattle were bought and sold. Arkansas Valley Cattle Women manned the complementary doughnut and coffee table. These good people, who work the land and travel to Winter Livestock on Tuesday and La Junta Livestock on Wednesday, every week, had no idea that people who never worked the land, never invested in a crop or went through calving season, had plans for Southeast Colorado that these farmers and ranchers were never to know about. If the residents of Southeast Colorado didn't know about the NHA proposal and feasibility study will they even be notified that they will be living in a national park in 25 years?

★★★

Continued from page 1 • A drifter's word ...

notorious."

Bent County District Attorney James Bullock said Friday he cannot ethically comment about the evidence against Sturges, but he said he is ready to call 10 witnesses for trial.

Henry has a criminal record taller than his black, 10-gallon cowboy hat, for everything from swiping saddles to long rifles. In fact, Henry was on parole for a 2011 felony theft conviction out of Montrose when he told his parole officer that Sturges planned a trespasser roundup and shooting party.

Sturges' partner, Belinda Groner, accused Henry of making up the story after her husband booted Henry off his Clay Creek Ranch and one of Sturges' prized horses was injured during a theft attempt. The 35-square-mile ranch is between Lamar and Springfield.

According to an arrest warrant affidavit filed by Bent County Undersheriff Tandy Hasser, Henry's parole officer, Tracy Nelson, called her April 11, 2013, and said he had "vital information" about the ranch.

Fritz Sturges

Henry told Hasser that "Sturges had dug a hole on his property that he was planning on burying bodies in," the affidavit said.

"I asked, 'Whose bodies?' and he said the people who have been trespassing on his land. I asked if Fritz had caught someone, and he said that Fritz wanted him to go and round the people up and bring them to the hole, and that Fritz would kill them."

Henry then told Hasser and Sheriff David Encinias that Sturges had asked him to put three 50-pound bags of lye in his pickup truck and follow him. He said Sturges drove to a remote corner of the ranch to a spot where he had dug a 6-foot-deep hole with a backhoe.

Henry said Sturges wanted to swap horses or breeding stock to Henry and his family in exchange for them kidnapping and bringing seven people to the ranch, including a wildlife ranger.

When Encinias asked Henry to wear a wire and go back to get Sturges to repeat his murder plans on tape, "Henry was visibly shaken ... because he didn't think he would make it out of there alive," the affidavit said.

Hasser said she later found the pit on Sturges' ranch, confirmed the rancher had several guns and ammunition in his house and in his Jeep, and that he had been continuously reporting trespassers. He also reported thefts of $12,000 in horse tack from the ranch and accused the man Henry said was the primary target in the murder scheme, Marvin Childers, and his family.

Hasser also wrote that Sturges told her he would defy a court order to turn over a donkey and two horses belonging to one of his alleged targets. He also threatened a "firefight" if Hasser or her deputies came onto his property to get the animals.

Sturges was arrested and later released on $100,000 bond. His trial is set for June 23.

Former Pueblo County Sheriff Dan Corsentino, who is a private investigator for Sturges, said ranchers often dig large pits to bury dead cattle and then pour lye on the carcasses.

"I trust the system will get this right," Sturges' Denver attorney, Gary Lozow, said.

Henry, who lives in an RV trailer in Lamar, acknowledged during a phone interview that he has a lengthy criminal record all over the West — although he emphatically denied accusations of horse thievery. He declined to comment about his trustworthiness other than to say people have a right to their opinions.

Henry's criminal arrest record goes back 30 years to states including Idaho, Wyoming, Texas, New Mexico, Utah and Colorado. He had a long-standing practice of stealing guns, saddles and other tack and leaving ranches where he worked as a wrangler in the wee morning hours, McKinney said.

That is what Henry did after working for widow Sheila McNamara, a mother of three who ran a dude ranch in Florissant. One saddle he took was worth $4,500, she said.

"He came to me as David Hill," McNamara said, referring to one of Henry's half-dozen aliases. "He's a liar. I wouldn't believe a word he said."

Henry was sentenced to 12 years in prison in Arkansas for the saddles and tack he stole from Mc-Kinney's dude ranch in 2008. He was paroled after serving two years.

McKinney said he loved Henry's campfire yarns, including the one about a bear that Henry said chased him off an 80-foot cliff in the Montana wilderness, killing his horse and breaking his neck.

But McKinney said he can't imagine why anyone would arrest a person based on Henry's word.

"He's a con artist."

US~Observer's Note: After the US~Observer published our first article (last edition – at www.usobserver.com) detailing the false prosecution of Fritz Sturges, Bent County, Colorado District Attorney Bullock continued to expose his corrupted practice of attempted false prosecution and making false accusations. He falsely accused Fritz Sturges' attorney Karl Tameler of leaking information to the US~Observer.

A hearing was held and it was proven in short order that Tameler had never spoken with, nor had he provided any information to, the US~Observer or any of our professional investigative journalists.

The US~Observer has also received additional information on Career Criminal David Elmo Henry Jr. We have found that he has an active felony warrant for arrest in Baker County, Oregon and reportedly two other states as well. We were informed that Henry was arrested subsequent to our first article that exposed this dangerous individual and that he was immediately released. If this proves out, then we have cornered the disgraceful and unethical DA Bullock a third time.

Information has also been received at our office that Bent County Undersheriff Tandy Hasser is related to an exemplary family in Colorado and that she mistakenly was caught up in the attempted false prosecution of Mr. Sturges. We are currently investigating this information. If this report is valid, we would prompt Tandy Hasser to get out of this mess while the "getting is good."

Fritz Sturges has now hired renowned Denver criminal Lawyer Gary Lozow and he is anxiously awaiting the opportunity to further expose Bullock and his manufactured witnesses in open court.

If you have any information on those involved in this case please contact Edward Snook at 541-474-7885 or by email to ed@usobserver.com.

★★★

NewsWithViews.com
WHERE REALITY SHATTERS ILLUSION

Tax-Advice-Cons and a Deceitful DA

By Kelly Stone
Investigative Reporter

Waukesha County, Wisconsin - District Attorneys and government taxing authorities throughout the country are repeatedly coming down hard on individuals and entities they view as lawbreakers attempting to side-step their taxation responsibilities. In most cases they are attempting to make an example out of them as a deterrent for others.

Often times these individuals are anything but lawbreakers; they are merely patriotic people who have allowed themselves to become conned by a growing list of individuals and organizations spewing propaganda that the US taxation system is unconstitutional and even according to Internal Revenue tax code, that the average citizen is not subject to the income tax.

Much of what these individuals and organizations offer in the way of evidence can be very convincing. They use actual documentation and manuals produced directly by the IRS and many state departments of revenues in conjunction with the law itself and they apply certain implications that would make even some of the best legal scholars think twice. Many of these patriots are suckered into spending thousands of dollars with these tax-advice-cons in efforts to supposedly learn the methods to hold their government responsible for unlawfully siphoning money from their pockets.

One such patriot is Michael Gengler from Wisconsin. Michael and his brother learned of a local "tax group" through a work associate and they began attending some meetings. This group chartered itself with educating people of the over reaches of the government and attempting to help individuals they viewed as victims of the government. They then attempted to get them in contact with local or national entities that could allegedly help these patriots.

Many of the members, with the help of these organizations, often boasted of victory holding up checks from the IRS, where money reportedly taken as a tax collection was being returned to them. Many national organized groups like "We the People" were bringing their arguments to congress and other government entities where their questions and evidence were met with silence. One film maker, Aaron Russo, created documentaries where he interviewed the IRS commissioner and several politicians who all refused to answer for the claims against them. The evidence seemed so overwhelming, how could someone like Michael Gengler not fall victim?

Michael Gengler

Gengler, like many of the other attendees, quickly became infatuated with ideas that a government who is supposed to be doing the work of the people was actually taking advantage of the people. Just like countless people before him, Michael was drawn into the con, making him feel he was becoming part of something bigger than himself, a social-political movement that could not only attempt to hold government responsible to the people again but also help those viewed to have become the victims of the government.

After several years of becoming very active in the movement and spending thousands of dollars with the tax-advice-cons to educate himself and others in an attempt to find the silver bullet that would unravel the lies believed to be hidden in a web of government cover-up; Michael found himself in trouble with the State of Wisconsin. Under the direction of Vern Barnes from the Wisconsin Department of Revenue (WDOR), Waukesha District Attorney (DA) Brad Schimel in January of 2012, criminally charged Michael with multiple felony counts of tax fraud.

Michael spent several months communicating his beliefs and positions to the DA attempting to learn why his office felt what he had done was criminal. The only response Michael ever received was that he was considered a taxpayer and therefore needs to pay his taxes.

Unsatisfied with the response from DA Brad Schimel and further convinced he was being wrongfully charged with a crime; Michael contacted the US Observer. However, instead of finding another advocacy that would further instill the web of deceptions Michael had been consuming for years; Michael met Edward Snook, who began painting a picture quite contradictory to his beliefs.

After countless hours of phone conversations, Snook was able to factually explain the issues and convince Michael that he had been deceived by providing him example after example of others like him who had chosen to stick with their miss-guided beliefs, only to have suffered the consequences of the legal system.

Waukesha County D.A. Brad Schimel

In November 2012, Snook sent Brad Schimel a letter explaining to him that Michael's actions had all been in good faith and was only acting upon beliefs he formed, listening to those who deceived him. The letter also reinforced the fact that he was able to convince Michael of his false beliefs and that Michael would be making efforts to correct things; urging Brad Schimel to also do the right thing and meet Michael half way, where both parties could walk away whole.

On December 20, 2013, Brad Schimel responded to Edward Snook indicating that he was skeptical of Michael's turn around since "he made those arguments repeatedly and vehemently" that he felt he was not subject to the income tax. Schimel's letter went on to say, "No member of my team has any desire to ruin Mr. Gengler. If Mr. Gengler wishes to demonstrate that he has had a change of heart relative to his legal obligations, the ball is in his court."

Consistent with how Michael has always viewed himself as a responsible citizen trying to keep the government honest, Michael, now realizing he was incorrect and the ball was certainly in his court, he immediately filed all of his tax returns and started making past and present tax payments. Over the next 6 months Michael spent over $15,000 in legal fees and payments to the IRS and State of Wisconsin showing that actions do speak louder than words.

DA SCHIMEL DECEIVES GENGLER AND US~OBSERVER

As this case was being resolved DA Schimel's office did a "360" and forced Gengler to plead guilty to a felony as opposed to a misdemeanor. In doing so, Schimel totally deceived the US~Observer and Michael Gengler. Gengler stated, "I thank God for Mr. Snook's help as I would have been stuck in the tax arguments for probably the rest of my life and there is no question that I would have been sent directly to prison. Mr. Snook stopped this, but I'm really disappointed in the DA for basically lying to us."

Gengler related that Mr. Snook is still preparing an effort to attack his case politically and hold DA Brad Schimel accountable.

I would pose the following questions to Schimel. Why did you deceive Gengler and the US~Observer and why in the world would you abuse a victim of deceit and false information and not go after the real perpetrators – the tax-advice-cons?

In the end, Edward Snook will get his pound of flesh and DA Schimel will be sorry that he deceived the wrong people.

Editor's Note: DA Schimel is currently running for Wisconsin's Attorney General. If he is deceptive now as the District Attorney, one would have to wonder how he would act as AG. Perhaps the fine people of Wisconsin shouldn't take the risk in finding out. ★★★

Continued from page 1 • Jury Trial Denied - Judge Gerking Trashes Constitution

to county government they wanted no more taxes. But because of Jackson County's perverted cravings for tax-payer-dollars, Jackson County's corrupt past Commissioners used their legislative powers to create an unconstitutional court and a body of ordinances that suspend our constitutionally guaranteed Due Process Right to a jury trial in civil cases. Current commissioners are completely complicit with this abuse.

Bernie Zieminski

This body of unconstitutional ordinances by design gives the administrative branch of Jackson County government the ability to regulate nearly every aspect of the use of our property. This control over our right to live on and enjoy the use of our land is regulated through permit fees, inspection fees, administrative fees, etc., and fines for disobedience.

This is factually a twisted form of taxation without representation, used to gain control and dollars needed to support the excessive needs of Jackson County's Administrative branch of county government. In other words, dollars are a prerequisite to the expansion and strengthening of Jackson County's strangle-hold on the tax payers and their property rights.

A great example of Jackson County's corruption is the blatant unconstitutional attacks on Bernie Zieminski. Oregon's state courts have not only allowed these attacks, they assisted with them.

To really understand this case better, Joseph Snook's article, "Sign of the Times – Constitution Be Damned" (published in the US~Observer) is a must read.

CURRENT UNCONSTITUTIONAL JACKSON COUNTY ATTACKS

Zieminski's sign has existed on this property for over 50 years and is still in good shape. Jackson County has been given old photographs showing the sign has had lights on it for several decades, but Jackson County has continued with Bernie's prosecution.

If that is not good enough, in 1960-1961 I (Curt Chancler) was working on the construction of I-5 and I personally witnessed that the lighted sign was there.

Jackson County, subsequent to Zieminski's purchase, has passed ordinances saying signs and lights on signs had to be regulated and approved by Jackson County. So, Jackson County code enforcement erroneously cited Bernie for installing lights on the sign without a permit.

Bernie Zieminski, argued the lights have always been on the sign, just not in use during certain periods of time. Mr. Zieminski stated he did not install a lighting system on the sign; he only repaired a pre-existing lighting system and turned the lights on and therefore there was no requirement for a permit.

Jackson County disagreed and told Bernie he and Clams LLC had violated a Jackson County ordinance and summoned Clams LLC into its Administrative Hearings "Star Chamber" Court.

Zieminski immediately demanded a jury trial. He relied on the Oregon Constitution, Article I, Section 17 which states, "In all civil cases the right of Trial by Jury shall remain inviolate." Oregon Constitution Article 7 (Amended), Section 3 states, "In actions at law, where the value in controversy shall exceed $750, the right of trial by jury shall be preserved...."

Vile Jackson County Administrative Hearings Officer Donald Rubenstein told Mr. Zieminski that he (Clams LLC) did not have a right to a jury trial. Rubenstein then arbitrarily found that Clams LLC had violated the Jackson County ordinance by adding lights to its sign and imposed a $1,200 fine against Clams LLC.

Less than a year later Clams LLC petitioned the Jackson County Circuit Court for writ of review. The Circuit Court issued the writ of review and heard the case on March 31, 2014.

Oath violating Circuit Court Judge Timothy Gerking quickly ruled against Clams LLC. Gerking agreed with Rubenstein, who had first said that Clams LLC did not have a right to a jury trial and later said that he, as Administrative Hearings Officer, did not have the power to correct an error he had made. By issuing his corrupt and unconstitutional ruling, Gerking blatantly violated Zieminski's Constitutional Rights and he amazingly ignored recent Oregon Appellate case law in the process.

Clams LLC has retained Lake Oswego Attorney James Leuenberger and is currently appealing to the Oregon Court of Appeals.

Clams LLC was wrongfully denied a jury trial. Even though many courts have repeatedly held that people (and businesses) do not have a right to a jury trial unless the common law as it existed in 1859 (when Oregon adopted its Constitution and became a state) specifically provided for jury trials for the type of case being filed now, those court holdings plainly violate the words of Oregon Constitution Article I, Section 17 quoted above. Moreover, pursuant to the last word on civil jury trial in the case of MKF v. Miramontes, 352 Or 401 (2012), Clams LLC had a right to jury trial because Jackson County was trying to penalize Zieminski's business for violating an ordinance and the common law clearly provides for jury trials when governments attempt to penalize people and businesses.

Judge Gerking

This means that even though the Oregon Supreme Court has not ruled that the parties in "all civil cases" have the right to a trial by jury; it has ruled that a person or business that is being penalized has the right to a jury trial before the penalty is imposed.

No one can legally create a constitutional law that denies a jury trial and no elected or appointed government official can constitutionally deny anyone a jury trial.

What is missing from the Bernie Zieminski case? Constitutional authority is what is missing. Where is Jackson County's constitutionally stated authority to deny Bernie Zieminski or anyone else a jury trial in a civil or criminal case?

No need for you to look for that authority because that authority does not exist.

Judge Gerking should answer in what Section of the US or Oregon Constitutions is there a stated or implied expiration date?

There is no expiration dates stated or implied on the limitations placed on government's power and its limited authority over the people; these limitations were intended to be forever. When government at any level creates a law that exceeds the constitutional limitations placed on the power and authority of government over the people then the law is unconstitutional.

The same is true of the people's Bill of Rights. These rights are guaranteed to the people forever and when government creates a law that restricts or infringes on any of these rights, the law is unconstitutional.

Make no mistake, every law, statue, ordinance or rule created to be enforced on the American people from the first law passed in this country to a law that will be passed five hundred years from now is subject to constitutional standards and scrutiny and if it does not meet those constitutional standards then the law is unconstitutional. If we sound a bit repetitive it is intended. Intended, because citizens are routinely and illegally being abused and it is imperative that we stop this destructive abuse!

Government at every level is working very hard to eliminate jury trials in civil cases because the jury trial would stop government's assault on the Constitution and the rights of the people dead in its tracks.

Though short in length, Article I, Section 17 as stated in the Oregon Constitution is one of our most important rights. It is important because a jury trial allows us the ability to enlist the help of our fellow citizens in the form of a jury to protect and defend our personal and property rights from an intrusive and overreaching government.

There is an old saying we need to remember, "We must listen to the voices of the past to lead us into the future". Our founding fathers knew the inherit nature of man when he obtained power over men and they gave We the People a Constitution that contained all of the tools needed to keep the government we created in check.

Recently, ranchers in Nevada assisted by fellow citizens used some of the tools our Constitution(s) and Declaration of Independence gave us in order to demonstrate to an unconstitutional and dangerous Bureau of Land Management (BLM) that there comes a time we will resist and if attacked we will fight back.

Corrupted Jackson County Circuit Court Judge Timothy Gerking and the unconstitutional and corrupted administrative court in Jackson County, Oregon would be wise to pay more attention to our Constitution(s). They would be wise to stop the intentional abuse they have been inflicting on the citizens – Many of us are getting sick and tired of these worthless, so-called public servants and the abusive agencies and courts they use against us!

★★★

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

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GOA

Crime drops as more Americans carry guns: Expert

By Gerard Valentino

At this point in the debate over the role of guns in America, only the mainstream media and zealots cling to the false hope of gun control. Few, if any other issues in today's political spectrum are as one sided, yet gun control leaders have managed to stay relevant despite mountains of irrefutable evidence proving that their social experiment has failed miserably.

Statistically, it is easy to show that despite more Americans carrying guns than ever before, all meaningful measurements of crime have shown a dramatic drop. The Ohio Office of Criminal Justice and United States Justice Department statistics also show a marked decrease in firearm related violent crime.

As an example, according to the study Gun Violence in Ohio released in March 2013, from 1992 through 2011, the total number of robberies, aggravated assaults and homicides committed with a gun decreased 44.5 percent.

Specifically in Ohio, the same study found that the gun crime rate in 2001 was 2 per 1,000 residents, and by 2011 it dropped to 1.5 per 1,000. The drastic drop in gun related crime when more citizens are carrying a gun than ever before completely eviscerates the entire premise of gun control.

The drop is so dynamic it is nearly unbelievable. Yet, the statistics referenced were created by the State of Ohio, not the Buckeye Firearms Association.

It is possible to use statistics to prove any argument, and the gun control lobby is truly gifted at conjuring so-called data to prove the viability of strict firearm laws. Next time they trot out one of their statistics, please note whether it came from an unbiased source like the FBI, or a notorious anti-gun think tank like the Violence Policy Center.

Despite the overwhelming statistical evidence to justify concealed carry, this isn't a sterile academic process. Instead, it's about people like Kelly Smith who was robbed and forced to use his legally carried gun in self-defense.

According to the story published at 10TV.com and in the Columbus Dispatch, Mr. Smith did everything the so-called experts recommend by turning over his money and valuables. That wasn't enough for the robber who attempted to shoot Mr. Smith and his 2-month old daughter.

If the gun control lobby had their way, Mr. Smith and his baby would have been left at the mercy of a common thug devoid of common decency. Luckily, Kelly Smith took advantage of Ohio's concealed carry law, and that was the only reason he survived and saved his 2-month old child.

At its most basic level, however, the benefits of concealed carry isn't encapsulated by government-funded studies, but is tangible because of people like Kelly Smith. Media reports also show there are at least 60 Ohioans who used their concealed carry gun legally in self-defense. This occurred while violent firearm related crime plummeted, and without a return to the "Wild West" predicted by gun control advocates.

That leaves one definitive conclusion – leaving law abiding Ohioans unarmed in the face of such overwhelming evidence isn't just bad policy, it's morally reprehensible.

Gerard Valentino is a former military officer and military intelligence analyst. He is a co-founder of Buckeye Firearms Association, BuckeyeFirearms.org, and teaches Ohio's concealed-carry course for ACA Personal Defense. He writes in favor of Ohio's gun laws. ★★★

U.N. Arms Trade Treaty takes leap toward entry into force

By Louis Charbonneau

(Reuters) - The U.N. Arms Trade Treaty took a major step forward on its eventual entry into force on Wednesday as 18 countries, including five of the world's top 10 arms exporters, delivered proof of its ratification to the United Nations.

Exactly one year ago, the 193-member U.N. General Assembly overwhelmingly approved the treaty, which aims to regulate the $85 billion arms industry and to keep weapons out of the hands of human rights abusers and criminals.

The treaty will enter into force once 50 countries have presented proof of ratification to the United Nations. With the latest 18 countries, there are now 31 ratifications out of 118 signatories, or 19 short of the number needed for the treaty to take effect.

The Arms Trade Treaty aims to set standards for all cross-border transfers of conventional weapons ranging from small firearms to tanks and attack helicopters. It would create binding requirements for states to review cross-border contracts to ensure that weapons will not be used in human rights abuses, terrorism, violations of humanitarian law or organized crime.

Anna Macdonald of the Control Arms Coalition, an international advocacy group that has long lobbied for the Arms Trade Treaty, painted a bleak picture of what she said was "an arms trade that is out of control."

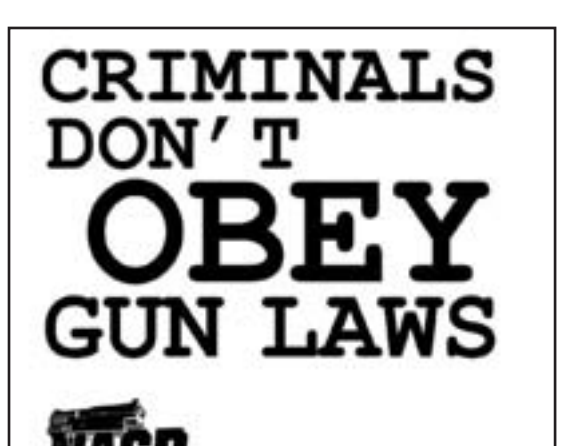
"More than 520,000 people are killed every year by armed violence and millions more live in fear of rape, assault and displacement caused by weapons getting into the wrong hands," she said.

Most of the countries that presented proof of ratification on Wednesday were from Europe - Britain, Bulgaria, Croatia, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Malta, Romania, Slovakia, Slovenia, Spain. The sole non-European country among the 18 latest ratifiers was El Salvador.

"By globally regulating the international trade in arms, nations demonstrate their common responsibility to save lives, reduce human suffering and make the world a safer place for all," the 17 European states that delivered ratified copies of the treaty to the United Nations said in a joint statement.

"This treaty will fill a significant gap in international law and enhance accountability and responsibility in the international arms trade," they said.

Britain, France, Germany, Italy and Spain are five of the world's top arms-exporting states.



The statement added that other European Union member states will ratify the treaty soon, bringing it even closer to the required 50. Macdonald said it was possible the treaty would enter into force this summer and urged signatories of the treaty to make sure that happened.

"The 3rd of June, in two months time, will mark one year since the (treaty) opened for signature," she told a gathering of member states at U.N. headquarters. "What better time than to also be the point at which 50 ratifications are reached."

In a statement, U.N. Secretary-General Ban Ki-moon called on all states that have not yet done so to sign and ratify the treaty without delay to ensure its swift entry into force.

The United States, the world's top arms exporter, signed the Arms Trade Treaty in September, but has not yet ratified it. The National Rifle Association, a powerful U.S. gun lobby, is opposed to ratification of the treaty, even though it only covers weapons exports, not domestic gun sales.

Other major arms exporters, like Russia and China, have not signed the treaty and it is unclear whether they will do so.

Arms control activists and rights groups say one person dies every minute as a result of armed violence and the treaty is needed to halt the uncontrolled flow of arms and ammunition that they say fuels wars, atrocities and rights abuses.

US~Observer Note: Several years ago, during the first Small Arms Treaty scare, the US~Observer's editor read the entirety of the proposed treaty. Short any significant changes, the treaty does hold each member country responsible for domestic small arm ownership. Please read it for yourself - don't take anyone's word for it. ★★★

Articles and Opinions

To the Editor letters for publication are encouraged – they must be typed, a maximum of 400 words or less in length. Please submit photographs or artwork. Contact Editor for permission to submit in-depth articles up to 1,750 words, plus graphics. Opposition opinions are welcome.

Always provide a computer disk or E-mail address. Accepted CD, PC or Mac format. Please save all text files in ***text only*** format.

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The goal of *US~Observer* is to ensure "due process" and "equal protection under the law."

Citizens who have founded and support it believe in the Bill of Rights and Article 1, Section 1, of the Oregon Constitution which states:

"We declare that all men, when they form a social compact are equal in right; that all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness and they have at all times a right to alter, reform, or abolish the government in such a manner they think proper. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people."

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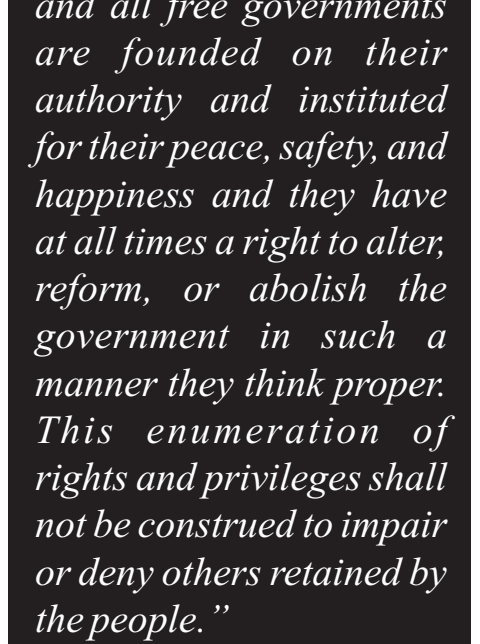

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Continued from page 1 • Blurred Lines: Texas-BLM Spat Has Complicated History

an Oklahoma judge ruled that the land belonged to the federal government, to be overseen by the U.S. Bureau of Land Management. The issue is getting attention now as the BLM decides what to do with an area along a 116-mile stretch of the Red River it says it controls. That area includes an indeterminate amount of land that North Texans have long considered theirs. Texas officials, including Gov. Rick Perry and Attorney General Greg Abbott, are speaking out about the case, with some officials talking about federal "seizure" of private property and "overreach."

Henderson, who is no fan of the BLM, said he's happy with the attention on the issue. And because of his role in the dispute's legal history, he has become a point man for those looking to clear up the confusion. He wants more Texas officials to first grasp the two centuries of litigation and changing geography rooted in the dispute. He said they need to know about the Louisiana Purchase, the Adams-Onís Treaty, Buck James, the Langford family and the huge legal ramifications for the different ways a river can move. Only with that understanding can officials try to answer the landowners' new set of questions.

"I think it's very difficult to fully understand it," he said. "To know how we got here, we kind of got to know where we've been."

The BLM, the federal government's trustee for nearly 250 million acres of public land and 700 million acres of mineral rights, is updating its resource management plans in Kansas, Oklahoma and Texas — designating how the land will be used for the next 15 to 20 years. The area includes about 90,000 acres along the Red River that the agency considers public land.

Texans, however, have long managed some of that land. They hold deeds to it and have diligently paid taxes on it. The BLM has not fully surveyed the area, so it is not clear how many acres the locals have claimed and how many sat untouched.

The BLM's Oklahoma field office, which coordinates the three-state region, announced plans in July 2013 to form a new management plan and held a series of meetings throughout the region.

Frustration and confusion have simmered along the river for months, and lawmakers including state Reps. James Frank, R-Wichita Falls, and Drew Springer, R-Muenster, and U.S. Rep. Mac Thornberry, R-Clarendon, were researching the issue before Perry, Abbott and other top state officials began challenging the BLM on national news outlets.

"At a minimum, they are overreaching trying to grab land that belongs to Texans," Abbott, the Republican nominee for governor, said in an interview on Fox News last week. "Or worse, they are violating due process rights by just claiming that this land suddenly belongs to the federal government, swiping it away from Texas."

Last Thursday, Abbott's campaign sent out an email blast with this message for the BLM: "Come and take it."

BLM officials say they understand local residents' concerns. But, referencing a series of court opinions, the agency says the land in question belongs neither to Texas nor Oklahoma, regardless of who has used it. The lands "were at no time held in private ownership," said Paul McGuire, an agency spokesman. He noted that the agency was not a party in any of the past litigation.

The comments come in the shadow of a headline-making standoff over grazing fees between the BLM and a Nevada rancher named Cliven Bundy — an issue that has little in common with the Red River debate. Frank said he was frustrated by those who try to link the two disputes.

"It couldn't be any more different. That guy is basically feeding his cattle on public land," he said of Bundy. "That is significantly different than having a deed on a property" that the government later claims.

Henderson, who does not stand to lose any acreage under the BLM's plan, plans to give a tour Monday of the boundary to a group of local lawmakers and officials, including Land Commissioner Jerry Patterson and Lt. Gov. David Dewhurst.

The officials will hear a story that starts with the Louisiana Purchase, which gave the U.S. a huge swath of land including parts of North Texas. In the 1819 Adams-Onís Treaty between the U.S. and Spain, the U.S. gained all lands south of what the Spanish called the Rio Rojo.

A 1919 RED RIVER SHOWDOWN

After a century of peaceful cross-border cattle drives and wagon crossings, the 1919 discovery of oil near the line sparked a U.S. Supreme Court showdown between Texas and Oklahoma. The court ruled that Oklahoma controlled lands to the north of the river's "medial line," which stretched directly between its north and south gradients or "cut banks," cliffs the water had carved. Texas controlled land below the south bank. The federal government took control of land between the medial line and the Texas bank because no one had ever parceled it out to either state. That's the sliver BLM now claims.

Those boundaries were subject to the river's avulsion and accretion — terms that describe how a river's path might change over time. How a river moves matters mightily in boundary disputes. In Texas and U.S. law, avulsion happens when a river suddenly abandons its channel and creates a new river bend, leaving a peninsula untouched by the water (Oklahoma's definition of avulsion is broader; it only requires a sudden change in flow.) When avulsion happens, a state's border would stay put, regardless of how much the river moved. With erosion and accretion, a river changes course more slowly, gradually sweeping away the land in its path, without creating an entirely new channel. When that happens, the boundary moves with the river.

In the decades following the Supreme Court decision, lands south of the river were sold as parts of Texas, even as the river shifted north.

In the early 1980s, Buck James reignited the river fray. The Oklahoman coveted 900 acres of his neighbor's property across the water. Texas' Langford family had long assumed it had acquired the land when the river had moved north through accretion.

Oklahoma courts awarded James the land, ruling that the river had moved through avulsion during a 1908 flood, meaning that the Texas boundary had not moved toward Oklahoma. A federal appellate court upheld the decision. The U.S. Supreme Court refused to hear the case, and the Langfords never had the chance to present evidence showing that two surveyors testified in 1925 that they found "no avulsive changes" in Clay County or across the river in Oklahoma. Nor did the Langfords have the chance to argue that the courts should have used the U.S. definition of avulsion, rather than Oklahoma's broader one.

Around that time, Oklahomans went after a large slice of the ranch land Tommy Henderson had bought from his aunt for $300,000. That land sat less than a mile from the property James sought. Without requiring a new survey, an Oklahoma judge simply extended the property lines from the James opinion, ruling that 140 acres were public land.

The ruling came quickly, and Henderson, left with fewer than 250 acres, had no money to appeal. "I was broker than a church mouse," Henderson said. "I had the choice between fighting it and feeding my kids, and I decided to feed my kids."

BLM'S CURRENT ACTIONS

Now, the BLM is citing the property lines set by the Oklahoma courts to estimate the river land it owns.

In 2000, Congress ratified the Red River Boundary Compact, which set the boundary as the vegetation line along the south bank of the Red River. Texas officials including Abbott have asked the BLM why it doesn't consider that as the property line. The answer is because the compact only set jurisdictional and political boundaries and had no impact on property lines.

"I think that they don't truly, totally understand everything that's happening and what has happened," Henderson, who was appointed to the Texas commission that hashed out the compact, said after reading Abbott's initial news release on the issue.

The BLM has not decided whether it will close off parts of the land or make it open to the public. One option would be to let Texans continue using it, though they would then be subject to federal regulations. Another option would be to sell it. Or Congress could tell the agency to do something else with the land.

Some but not all of those options would require a BLM survey, said McGuire, the BLM spokesman, but none is in the works.

Patterson, Texas' land commissioner, said the burden of proving ownership should fall upon the BLM — not Texas landowners.

"The BLM cannot just claim ownership of any Red River land administratively," a summary of the state agency's position says.

McGuire said the BLM could take no action on the land, but he added that such a move would be irresponsible.

"As much as it's BLM land," he said, "it falls upon us to regulate action of that land."

The agency says the 90,000 acres include spots that no one has ever monitored, and some spots are vulnerable to folks burning tires, cooking meth and littering. In the coming weeks, the agency will release a summary of local comments that will show a diversity of opinion on the BLM plans, he said.

"I think that the communities along the river will come to discover that there's potential value there."

The BLM's draft plan is due within two years. At the earliest, it says it will finalize the plan by 2018.

Kenneth Scott, 84, said he wants the land to stay as is. He and his wife live in Wichita Falls, but they frequently make the short drive "just to piddle around" on the roughly 800 acres along nearly a mile of river that his family has tended for about a century. He wants to keep it in the family and, like many of his neighbors, says he feels anxious about what's next.

"Well, we don't know, if they carry out the plan, where they'll decide the federal land is," he said, standing in front of his squat white ranch house. "If legal action is necessary, I'd be glad to support it."

★★★

Continued from page 7 • Who Will Keep Us Safeə ... Certainly Not Government

participated in the Tuskegee experiments. The research did not come to light until 2010.

San Francisco: In 1950, the U.S. Navy used airplanes to spray large quantities of the bacteria Serratia marcescens (considered harmless at the time) over San Francisco to conduct a simulation of a biological warfare attack. Dozens of residents contracted pneumonia-like illnesses and at least one man died. Tests with Serratia continued into the late 1960s.

Willowbrook State School: During the period 1950 to 1972, mentally disabled children at the school in Staten Island, N.Y., were intentionally infected with viral hepatitis. From 1963-1966, Saul Krugman of New York University promised parents of mentally disabled children that their children would be enrolled in Willowbrook in exchange for signing a consent form to have their children vaccinated. But the actual procedure involved deliberately infecting the children with viral hepatitis by feeding them an extract made from the feces of patients infected with the disease.

Ohio State Prison: In 1952, a researcher with Sloan-Kettering Institute injected live cancer cells into prisoners. Also at Sloan-Kettering, 300 healthy women were injected with live cancer cells without being told.

CIA biological experiments: The CIA released whooping cough bacteria from boats outside Tampa Bay, Fla., in 1955. A whooping cough epidemic resulted which killed at least 12 people.

U.S. Army biological warfare experiments: Army bio-warfare researchers released millions of infected mosquitoes over Savannah, Ga., and Avon Park, Fla., in 1956 and 1957 to test how yellow fever and dengue fever spreads. Hundreds contracted a wide variety of illnesses including fevers, respiratory illnesses, stillbirths, encephalitis and typhoid. Army researchers pretending to be public health workers photographed and conducted experiments on the victims. Several people died as a result of the experiments.

Project Shipboard Hazard and Defense: During the mid-1960s, the U.S. Army sprayed several U.S. ships transporting thousands of U.S. military personnel with various biological and chemical warfare agents. The personnel were not notified of the tests and were not given any protective gear. Among the chemicals and agents used were the nerve gasses VX and Sarin and toxic chemicals like zinc cadmium sulfide and sulfur dioxide.

Human radiation experiments: While much of the information on these experiments was (and some still is) classified, researchers conducted thousands of radiation experiments on the poor, sick, mentally disabled and some "conscientious objectors." Some of the information came to light in 1986 in a government report, American Nuclear Guinea Pigs: Three Decades of Experiments on U.S. Citizens, that was issued by the House Committee on Energy and Commerce.


Jonas Salk

Polio: One of the greatest medical myths that continues to persist is that the Jonas Salk polio vaccine ended the polio epidemic. The truth is polio's rise in the United States coincided with an increased use of pesticides in the 1950s, many of which were byproducts of chemical weapons manufactured during World War II. These pesticides were found to increase susceptibility to viral infections, studies showed. Exposure to pesticides also came through milk, which was heavily contaminated with pesticides — including DDT — from crops being dusted with government-approved pesticides. Much of the milk had to be destroyed, according to a U.S. Senate report. Polio was transmitted through contaminated milk, as was tuberculosis, typhoid fever, scarlet fever, septic sore throat, diphtheria and infantile diarrhea. Patients undergoing tonsillectomy surgery had a greater chance of contracting the worst kind of polio: bulbar poliomyelitis. This is perhaps related to the milk contamination, as tonsillectomy surgery patients were given ice cream to eat. The pharmaceutical companies — which benefitted financially from the polio outbreak — funded the writings on the history of polio and its treatment. As such, the pharmaceutical companies were presented in the best possible light. Americans were not told about the many people who developed paralysis after being vaccinated against polio. Nor were they told about David Bodian, M.D., Ph.D., from the Poliomyelitis Laboratory at Johns Hopkins University. Bodian told the International Poliomyelitis Conference in 1954 — the year before the polio vaccine was introduced — injections and other vaccines, such as the DTP vaccine, "may be causing polio." In 1955, when the Salk polio vaccine was introduced, polio was considered the most serious post-war public health problem. In 1956, six New England States reported sharp increases in polio rates, from more than double in Vermont to 645 percent in Massachusetts, despite — or rather because of — the polio vaccine program. Idaho and Utah saw such an increase in polio cases and deaths they halted the vaccine program. In Congressional testimony in 1962, Bernard Greenberg, Ph.D., head of the Biostatistics Department at North Carolina University, said there were sharp increases in polio rates from 1957-1959 and that the Public Health Service had conducted a whitewash to suppress this knowledge. In 1977, even Salk admitted that mass inoculations caused most polio cases since 1971. Salk was, in fact, a medical criminal who used Federal funds to conduct medical experiments on helpless patients at a Michigan insane asylum, as noted above.

Food and Drug Administration-approved drugs kill many more people than guns, which the statists work continually to ban. There are more than 2 million adverse drug reactions annually and more than 100,000 people die each year from adverse drug reactions, according to the FDA.

★★★

Continued from page 1 • Conservation Easements - Colorado's "Legalized" Theft ...

years, plus penalties and interest. Welcome to Colorado's Conservation Easement (CE) program. Under the guise of conserving land and natural resources for future generations through CEs, the State of Colorado has abused and bankrupted law-abiding citizens in a bait-and-switch scheme worthy of national attention.

As announced in our last edition, the US~Observer is investigating this "scheme" developed by private attorneys and enacted by the State of Colorado, which lured unsuspecting landowners (farmers and ranchers) into forever encumbering their property with a CE. They did so with the promise that the landowners could legally monetize the development (property) rights of their land, and then many years after the transactions the State of Colorado reneged on the deal and began their extortive tactics. If a common citizen committed the same thing that the state did, it would factually fit the crime of Extortion.

What began as a nefarious strategy for attorneys to obtain Colorado state tax credits for their wealthy clients transformed into an industry, and to enrich themselves in the process, has now caused disasters including bankruptcy, family breakups, and mental, physical, and financial despair for unsuspecting land owners and their state-licensed appraisers, who all followed the law.

The alleged architect, **Larry Kueter**, is a Denver attorney who reportedly persuaded Colorado State Representative Lola Spradley, to introduce cleverly designed legislation in 1999 and 2001, that purposely minimized oversight in order to provide lucrative benefits to special interest attorneys, tax credit brokers, and wealthy clients by offering state tax credits for Colorado Conservation Easements.

Larry Kueter

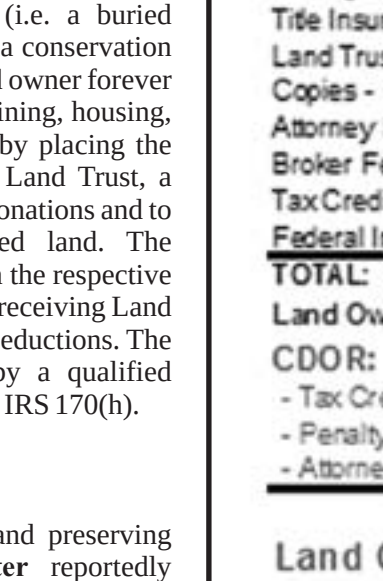
WHAT IS A CONSERVATION EASEMENTə

The term emerged in the 1950s, with the US Congress passing an amendment to the Tax Reform Act of 1976, providing expressed authority for IRS tax deductions for conservation easement donations. A conservation easement isn't anything like a traditional easement, where a landowner gives permission for a positive restriction to another entity (government, business, or individual), which is the right to make limited use of the property for a specified purpose, duration, and/or designated sum of money (i.e. a buried pipeline, cable, road access, etc.). Conversely, a conservation easement is a negative restriction where the land owner forever restricts the property from being developed (mining, housing, water, etc.), in perpetuity. He or she does so by placing the subject land into an IRS 501 (c)(3)-certified Land Trust, a special nonprofit that is set up to receive these donations and to be responsible for monitoring the entrusted land. The landowner records a CE Deed (restriction) with the respective county clerk and the CE Deed must identify the receiving Land Trust in order to qualify for the authorized tax deductions. The value of the tax deduction is determined by a qualified appraisal, as identified by the federal regulations IRS 170(h).

HISTORY

On the premise of preserving open space and preserving Colorado's natural resources; **Larry Kueter** reportedly manipulated Colorado State Legislators to enact a law, to generate state tax credits, with provisions that land owners (CE donors) could transfer (sell) state tax credits to more wealthy individuals. Despite the well-reasoned opposition testimony of Colorado State Representative Douglas Bruce, identifying numerous concerns; (a) lack of oversight, (b) qualifications for appraisers, (c) how are perpetuity values determined, (d) the Department of Revenue's inability to monitor or examine appraisals, (e) could C/Es be established anywhere 50 miles east of Springfield, Colorado, etc. **Larry Kueter** reportedly assured the Colorado State Legislature that adding oversight would be cumbersome and that the IRS regulations were self- policing. The legislation passed, with the influential front-range attorneys, land trusts, and tax brokers all elated and ready to rake in lucrative tax deals for their wealthy clients.

Reportedly, those directly benefiting from the CE program include Denver Attorneys **Larry Kueter** and **Bill Silberstein**, Tax Credit Brokers, Attorney **Mike Strugar** of Strugar Conservation Services LLC in Boulder CO; **Carl Spina** of Conservation Tax Credit Transfer LLC; and **Marty Zeller** of Conservation Partners. According to information received, another very questionable individual is **John Swarthout**, former president of Colorado Coalition of Land Trusts. Curiously, Swarthout recently joined **Governor Hickenlooper's** office, as a policy advisor, and is reportedly heavily tied to oil companies.



Bill Silberstein

Mike Strugar

THE TAX CREDIT BROKERS CONTROL OF THE CE BUSINESS

Up to the point of the legislation passing, cash-poor land owners had little to no benefit in utilizing Conservation Easements on their property. The legislation, however, gave these struggling individuals a way to monetize their property rights, while keeping it in "trust" for future generations of Coloradans – a seemingly win-win scenario.

The promoters of the CE program obviously failed to foresee the wide acceptance of participation in the CE program by Colorado farmers and ranchers. And, some of the promoters conspired to create a mess in order to manipulate control. The control, it turns out, was to discredit (destroy) the legitimacy of any appraisal that did not meet the allegedly unscrupulous promoters' personal criteria and greedy agenda.

In one of the numerous committee hearings held by the legislature, **Carl Spina** reportedly asserted that he, as well as any of the Tax Credit brokers could determine the validity of any appraisal or easement in a period of 15 or 20 minutes and for any state agency to have that authority would be unnecessary.

Carl Spina

The notion that establishing a Conservation Easement and respective state tax credits, was complex, was not lost on the land owners; they expended a great deal of money to hire the appropriate professionals to ensure complete compliance (i.e. state certified appraisers, attorneys, CPAs, wildlife biologists, geologists, etc. – see graphic insert below).

However, when the 1999/2001 legislation passed, the state legislators anticipated approximately $15 million of tax credits to be generated annually, according to the bill sponsors. However, after the Land Trusts wooed land owners across the state with the lure of cash from the sale of tax credits and the good feeling conveyed by the land trusts of doing something for conservation, the state was obligated for more than $265M in tax credits.

At the onset (2003) of the impending controversy, now spanning a decade, J.D. Wright (land owner/CE donor of Olney Springs, CO), was told by a tax credit broker that his CE tax credits were unsellable. Wright then called **State Representative Spradley**, only to be informed, that all questions should be directed to **Larry Kueter**. When Wright inquired of **Kueter** to find out who in state government he could contact for resolution, **Kueter** reportedly replied, *"No one. We designed it (the legislation) to avoid a bunch of bureaucrats looking over our shoulders."*

According to an appraiser who attended a public meeting in Golden, Colorado, **Larry Kueter** (the influential lawyer and alleged chief architect who developed the Colorado conservation program) told the attendees, *"the program was never designed for the 'hicks' who farmed and ranched to the south, it was designed to benefit rich Coloradans like 'John Elway' who didn't have enough deductions to give them tax breaks."*

Something had to be done to get these "hick" farmers and ranchers shut out of the CE program! So the reportedly devious broker buddies devised a plan: SCREAM FRAUD and ATTACK APPRAISERS! Thus, in 2004, anonymous calls were made to the Denver Post claiming fraudulent appraisals of conservation easement properties. Newspaper articles suddenly stirred upper echelons of the state agencies (**Erin Toll, Director of Real Estate** and **Roxanne Huber, Director of Revenue**). The ruse worked!

Suddenly the state agencies were on a mission, although clueless how to handle the allegations of fraud and/or overvalued appraisals. In light of the recession, and the state's empty coffers, here was an opportunity to jump on the band wagon with allegations of fraud, in an attempt to solve the state's budget shortfalls.

To coincide with their destructive strategy, in 2003, the tax credit brokers reportedly developed a union with well-known appraiser, **Mark Weston**, who in turn enlisted appraisers, **Peter Sartucci**, **Tim Walter**, and **Kevin McCarty**, for the alleged, explicit purpose to invalidate appraisals and to allegedly slander appraisers John Stroh and Bill Millenski (among other appraisers outside of their group). In fact, a public records request revealed an email, dated July 29, 2004, from Janish Wishman, attorney for Great Outdoors Colorado (GOCO), where **Tim Walter** responded, *"I doubt we can overcome the Caldwell and Brown and Stroh water value report but will try."* This followed a reported Wishman and Stroh confrontation a few days earlier over the value of Lower Arkansas Valley Water. Also at this time, **Larry Kueter's** son was the lead attorney for the investment group High Plains A&M LLC, which was involved in speculating on irrigation water shares for resale to front range users. The honest appraised value of a share of Arkansas River water made speculation difficult.

In another instance, **Mike Strugar** reportedly called a state certified appraiser and complained his appraisals were too high. When the appraiser didn't buckle, **Strugar** reportedly blew up. **Strugar** allegedly went on to threaten the appraiser, *"I'm going to discredit every appraisal you've ever done and I'm going on the offensive right now,"* and he did.

Subpoenas were issued, newspaper articles written, and a state grand jury was empaneled. It is important to note that **no indictments in the past eleven years were ever handed down against any appraiser or landowner**. Colorado Department of Real Estate (CDRE) **Director Erin Toll** eventually resigned under pressure for making false statements concerning a departmental investigation of state-licensed appraisers. According to a comment on Fox 31 KDVR's site, *"Toll is singularly responsible for ruining the lives of countless INNOCENT people, slandering their names and many who, in several cases, never had a complaint filed against them."*

The Colorado Department of Revenue (CDOR) also had a problem. This state agency had no legal authority to examine the appraisals *until passage of HB-1244 in 2005*. Since the Colorado statutes identified the IRS treasury regulations - IRS 170 (h) - as the only standards, CDOR then asked the IRS to intervene and to review over 800 CE donations (appraisals). Simultaneously, the CDOR arbitrarily and without any justification sent Disallowance Notices to more than 800 land owners, claiming their conservation easements had $0 VALUE.

How can 800 appraisals, completed by a variety of state-certified appraisers, all be wrong? And, how can any land, anywhere, have ZERO value?

State Representative Wes McKinley asked **Philip Horwitz** and **Mark Couch**, the spokesmen for CDOR in 2010, *"Why are you (CDOR) refusing to accept second appraisals, that have verified the values of the original appraisal and some have even come in with higher values than the original appraisal? -- There are some cases, where landowners are on their fourth & fifth appraisals, yet you (CDOR) still refuse to accept them?"*

CDOR agents Horowitz and Couch reportedly replied, *"We don't care if a landowner brings us 100 appraisals, if we don't like them (values), we won't accept them."*

An exasperated McKinley popped up from his chair, threw off his cowboy hat and exclaimed, *"You mean to tell me if I have 100 Doctors make the same diagnosis, you wouldn't believe it?"*

Some time later, in a legislative hearing, Couch & Horowitz were questioned about the comment. Reportedly, they both lied and denied it was ever said. However three witnesses - Wes McKinley, and two of his constituents (affected CE landowners) David Emick and Jillane Hixson - did indeed, hear the remark.

Clearly Horowitz and Couch were pushing an agenda; however, the following Colorado statue denies **Director of Revenue Barbara Brohl** (formerly Roxanne Huber) the authority to send those dis-allowance notices without valid proof of her opinion.

*Colorado Revised Statute (CRS) § 39-22-103(1) defines the term **assessment** for the purpose of Colorado income taxes in Article 22. An assessment is either "... the filing of the return as to the tax, penalty, and interest shown to be due thereon ..." or as it pertains to any deficiency in tax, penalty or interest, assessment "means the mailing or issuance of a notice and demand for payment." C.C.R. 201-2: 39-22-103.1 clarifies the statutory definition of **assessment** and also provides that "[a] notice to a taxpayer that the executive director believes a deficiency exists is **not an assessment**."*

The IRS soon became frustrated with the arbitrary work imposed upon them by the conspiring and incompetent CDOR and for the most part, the IRS accepted the validity and value of land owner's conservation easements. Incredulously, the CDOR then audaciously refused to accept IRS evaluations even though the Colorado statutes clearly identified the IRS regulations as the only standard.

Eventually, the state legislature appropriated funds for the CDOR to hire review appraisers. These appraisers, whose consultant fees ranged from $7K-$15K per-appraisal, produced CDOR's (desired-insane) pre-determined outcome of $0 (ZERO) value determinations. This coincided with the brokers' mission to discredit most, if not all, of the initial values determined by the state-licensed appraisers, who were legally engaged by ranchers and farmers to establish values for their respective CEs.

Ironically, when **Governor Hickenlooper's** 2002 conservation easements underwent a similar IRS review it resulted in Hickenlooper paying the IRS $52K in a settlement agreement in 2010, (in the midst of his gubernatorial campaign). Nowhere does it appear that the CDOR questioned the IRS's determination or sought repayment of **Hickenlooper's** state tax credits, reportedly in the range of six figures.

In an effort to reach an equitable resolution of the dilemma for the farmers and ranchers, as well as the CDOR, State Representative McKinley offered a very reasonable bill in 2010. *HB1208 – that simply stated the CDOR must produce prima facie evidence of fraud within one year, else the conservation easements be accepted.* It was defeated by intense lobbying from the Colorado Coalition of Land Trusts, an alleged front for the brokers and water lobby *(special interests)*.

Instead, HB-1300 was enacted in 2011, after being drafted by

Land Owner's CONSERVATION EASEMENTS "*financial nightmare*"

"State Certified" Appraiser's Value of C/E Donation - $500,000		
Tax Credits Generated by $500K C/E Donation (in 2003)	**$**	**260,000**
Land Owner's Costs:		
Appraisal	$	(4,000)
Survey	$	(2,400)
Biologist - Wildlife / Vegetation Report	$	(2,600)
Geologist - Mineral Report	$	(5,000)
Title Insurance	$	(2,700)
Land Trust	$	(10,000)
Copies - IRS, CDOR, County Clerk, Attys	$	(350)
Attorney Fees	$	(3,000)
Broker Fees (12%)	$	(31,200)
Tax Credit Sold - Discounted (20%)	$	(52,000)
Federal Income Tax / Sale of Tax Credits	$	(20,000)
TOTAL: Conservation Easement Costs	$	(133,250)
Land Owner's - Net Gain - *prior to CDOR's assault*		**$ 126,750**
CDOR: Conservation Easement = $0		
- Tax Credits	$	(260,000)
- Penalty & Interest	$	(206,000)
- Attorney Fees *(on average)*	$	(100,000)
	$	(566,000)
Land Owner's NET LOSS		**$(439,250)**

..... and COLORADO enjoys land benefits, *for free*, in perpetuity!

Continued on page 15

Continued from page 14 • Conservation Easements - Colorado's "Legalized" Theft ...

the CDOR and the Attorney General's Office, resulting in 674 Colorado State District Court cases. Since then, rather than allow the land owners and their appraisers an opportunity to put their appraisals on trial, it turned into a stimulus package for Denver attorneys, and became too costly for the landowners to actually get before court judges.

County commissioners from the affected counties (Alamosa, Baca, Bent, Crowley, Kiowa, Otero, Prowers, and Rio Grande) presented resolutions to **Governor Hickenlooper** requesting a moratorium on new CEs, until the train wreck was resolved, particularly considering the state budget could not afford ongoing $30M/year allocations to discretionary CEs, while schools were being closed. **Hickenlooper** arrogantly ignored the commissioners' pleas, as he continued to blatantly violate his oath of office.

Colorado Governor John Hickenlooper was spared CDOR's abusive treatment on his CEs

THE STATE'S EXTORTION AND DESPOTISM … AND MORE PROBLEMS

Below is an excerpt of a letter from **Attorney General (AG) John Suthers'** office, sent to landowners throughout the state upon their filing for their respective court cases:

"In determining whether the partial or complete waiver of interest and penalties is appropriate, Revenue will consider both the facts of the underlying CE transaction and the taxpayer's good faith efforts to settle. This includes a consideration of the taxpayer's specific conduct with respect to the transaction, level of due diligence, knowledge and level of involvement with structuring the donation and credit claim, and cooperation in providing information requested by Revenue."

The state is clearly using extortion/coercion against these landowners and it should be emphasized that **Governor Hickenlooper was spared this treatment** over his own CEs that he established in Bailey, CO. Reportedly, the 2011 legislation was cleverly devised by **CDOR Director Barbara Brohl** and **State Attorney General John Suthers**, and it offered two options:

1. COURT ACTION … spend a fortune in court on certain futile attempts to prevail in four trials mandated by HB1300 legislation: 1) Threshold Hearing 2) Validity Hearing, 3) Value Hearing, 4) Liability Hearing.

2. SETTLEMENT - Landowners soon realized the financial impossibility of trying to compete with the unlimited resources of the CDOR/AG and the unbridled leverage of extortion, especially within the court system of Colorado. But even trying to settle with unreasonable agents of the CDOR/AG has been agonizing for ranchers and farmers. The AG's office has continued to maintain that if the land owner is willing to concede that his/her land has ZERO value, the CDOR/AG will accept the land owners repayment of 80% - 90% of the original tax credits and the multi-years of penalty and interest will be waived … that is, if the land owner demonstrated "good conduct."

If and when the land owner succumbs to the CDOR's extortion (to pay back the tax credits); the State of Colorado and land trusts continue to enjoy the land owners' property rights, in perpetuity, for FREE. This in legal terms is called unjust enrichment or extortion.

What does a person's conduct or level of due diligence have to do with the validity or value of a CE? For those of you who aren't familiar with legalized crime, the state is telling hapless landowners – "if you just accept the gross injustice, without complaining, you'll be spared a decade of interest and penalties." The state's extortion attempts quickly positions the landowner, who acted in complete good faith and strictly followed the law, to make a desperate financial decision to abandon pursuing justice on the core merits and principles.

Landowners now agonize between two bad options, either go broke attempting to pay outrageous attorney fees or go broke by extortion. Another devastated land owner described it like this, *"it's like choosing whether you would like CDOR to amputate your feet or both legs."*

The state and its accomplices are violating these landowners on the presumption the public-at-large will never hear their story. The US~Observer is giving these victimized farmers and ranchers a voice, so everyone will know exactly what kind of criminally-minded people are currently running the State of Colorado.

None of the real culprits have owned up to any responsibility; instead, they have left the landowners to endure the entire burden of the mess they created.

The landowners of Colorado deserve justice, because their property does in fact have value, as those seeking to take it know very well.

What is needed is for the Colorado voters to help these landowners by expressing their outrage to **Governor Hickenlooper** and state legislators, who could have put an immediate stop to this outrageous assault at any time. **Call the Governor at 303-866-2471** and let him know that you won't stand for the State of Colorado's illegal, unethical and unconstitutional destruction of Colorado's ranchers and farmers. In this writer's highly qualified opinion, **Hickenlooper** is totally negligent and complicit in the abuses contained in this article and therefore, he is guilty of taking part in this outrageous criminal conspiracy.

Further, Coloradans who possess a conscience or any level of honesty and ethics need to make sure **Hickenlooper** and his cohorts are voted out-of-office in the upcoming election.

If the property owners aren't vindicated, the next piece of property they come after might just be yours...

Editor's Note: Anyone who has information on corruption or wrongdoing by any of the people named in this article is urged to contact Edward Snook at 541-474-7885 or by email to ed@usobserver.com. It doesn't matter how old the information is – be responsible and call.

Land Owners United (LOU) is an active organization (of land owners & tax credit buyers), who has tenaciously sought, and continues to seek, remedy for all who were adversely affected by the injustice of the Colorado government agencies, as described above. If you would like to join their cause to pursue justice publicly and in the federal courts, please contact this exemplary group of individuals. Donations are being accepted at the following address:

LAND OWNERS UNITED
15465 County Lane One
Olney Springs, CO 81062
landownersunited@gmail.com

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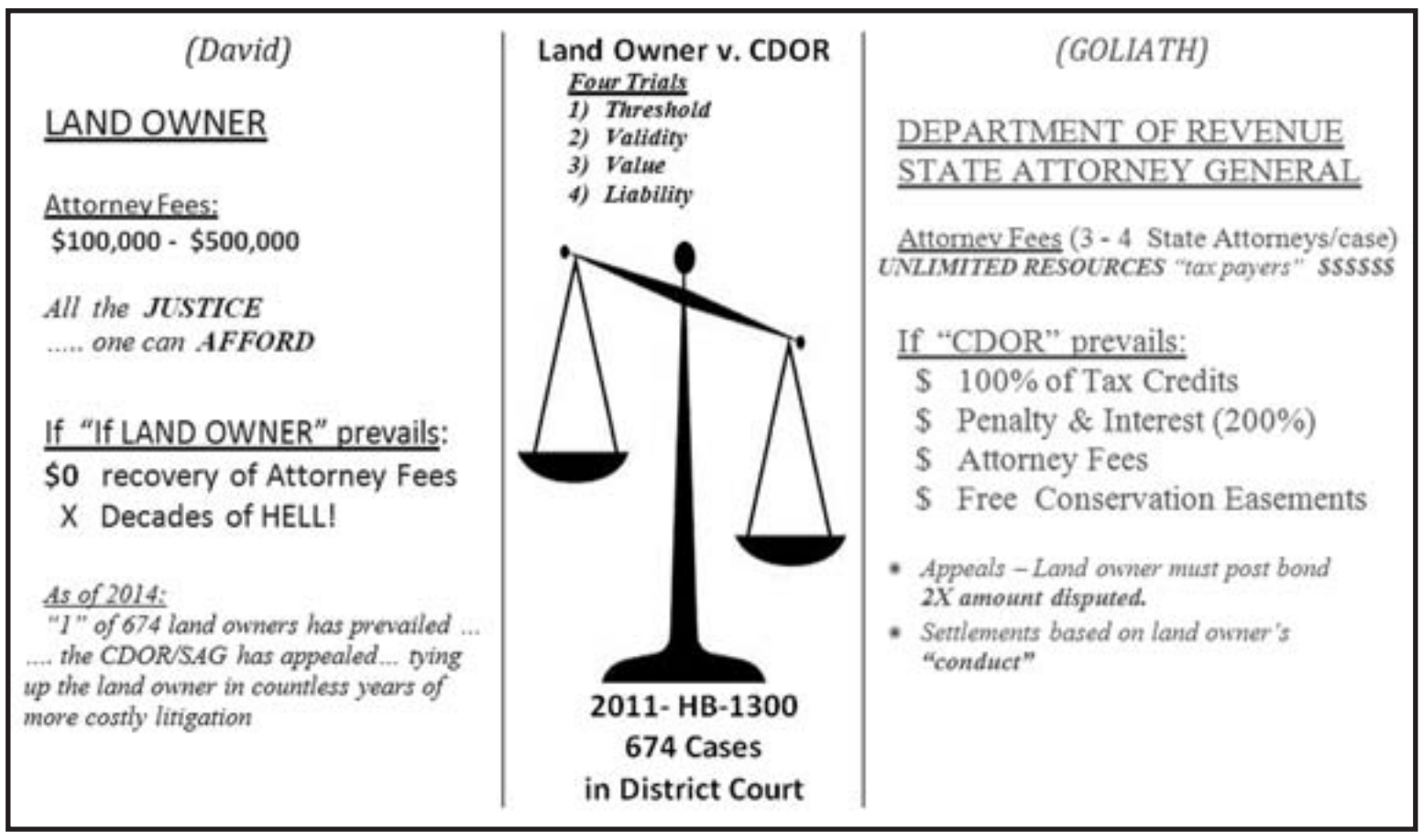

5 cops caught in lies on witness stand, judge says - *In a 'Perry Mason' moment, a video played in court contradicts police officers who testified their drug arrest was proper*

By Steve Schmadeke

(Chicago Tribune) - One by one, five police officers took the witness stand at the Skokie courthouse late last month for what would typically be a routine hearing on whether evidence in a drug case was properly obtained.

But in a "Perry Mason" moment rarely seen inside an actual courtroom, the inquiry took a surprising turn when the suspect's lawyer played a police video that contradicted the sworn testimony of the five officers — three from Chicago and two from Glenview, a furious judge found.

Cook County Circuit Judge Catherine Haberkorn suppressed the search and arrest, leading prosecutors to quickly dismiss the felony charges. All five officers were later stripped of their police powers and put on desk duty pending internal investigations. And the state's attorney's office is looking into possible criminal violations, according to spokeswoman Sally Daly.

"Obviously, this is very outrageous conduct," a transcript of the March 31 hearing quoted the judge, a former county prosecutor, as saying. "All officers lied on the stand today. ... All their testimony was a lie. So there's strong evidence it was conspiracy to lie in this case, for everyone to come up with the same lie. ... Many, many, many, many times they all lied."

All five are veteran officers. Glenview Officer Jim Horn declined to comment Monday, while the other four — Sgt. James Padar and Officers Vince Morgan and William Pruente, all assigned to narcotics for Chicago police, and Glenview Sgt. Theresa Urbanowski — could not be reached for comment.

Legal experts in Cook County differ on how much of a problem perjury by police officers represents.

"Police officers are just like anybody — just because they're wearing a badge and carrying a gun does not give them more credibility," said Cook County Public Defender Abishi Cunningham Jr., a former Chicago prosecutor, defense attorney and judge. "Some officers approach it as a game of cops and robbers," he said. "This is anything but a game."

"I've heard some police officers say in a social setting, 'If (the defendant's) going to lie to beat the case, why can't I lie too?'" Cunningham said.

But Pat Camden, spokesman for the Fraternal Order of Police, the union representing rank-and-file officers, said the overwhelming majority of officers are truthful.

"Obviously perjury isn't something that is condoned by the FOP or anybody in the Police Department," Camden said. "These are allegations, and an investigation is taking place."

County prosecutors said judges occasionally don't believe an officer's version of events, but it's rare for a cop to be called out for lying on the stand.

A University of Chicago law student in the late 1980s and early 1990s studied police perjury in the Cook County system, interviewing dozens of courtroom veterans as well as narcotics officers. Myron Orfield, now a University of Minnesota law professor, found that most police officers, judges and public defenders believed officers at least shaded the facts to support their arrest.

"It's rare for a cop to be called out for lying on the stand"
--County Prosecutors

"Sometimes the officers were just lazy," Orfield said last week in an interview. "Sometimes they stretched things to get the bad guy."

Criminal defense attorney Steven Goldman, a regular in Cook County's criminal courts, said he believes police frequently bend the truth, particularly in drug cases involving minority suspects. Without the video, his client, Joseph Sperling, 23, was likely headed for prison because of several prior drug arrests and a 2010 drug conviction, Goldman said.

"In most people's minds, the ends justify the means," Goldman said. "So because they get the bad guy off the street or the drugs out of their hands, everybody's happy."

Stuart Goldberg, another veteran criminal defense lawyer, said he recalled once hearing the late Judge Earl Strayhorn, concerned that a police officer testifying in his courtroom during a drug case was lying, interrupt the testimony to read him the Miranda rights given to criminal suspects.

Goldberg said a recent client who was accused of grabbing a police officer's vest was acquitted of aggravated battery after photos taken at the scene by bystanders showed the officer wasn't wearing a vest.

In the Glenview arrest in June, the Chicago narcotics officers had Sperling, a restaurant worker, under surveillance and asked for help from local police in making a traffic stop with a marked squad car, according to testimony at the hearing.

The five officers testified that Sperling was caught with up to a pound of marijuana in a black backpack lying openly on the back seat of his car after he failed to use his turn signal and was pulled over at East Lake Avenue and Tall Tree Road, a few blocks from his home.

In his testimony, Sperling admitted he had the marijuana but contended he had hidden the backpack under a seat. He also disputed that he hadn't used his turn signal.

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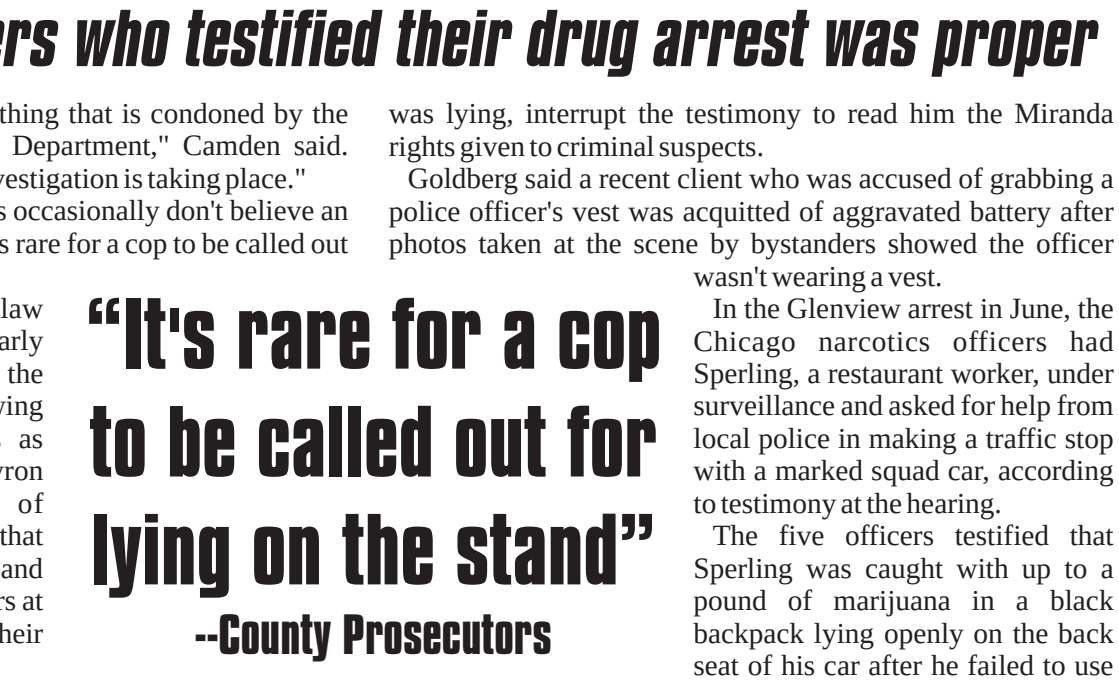

Are You Facing False Criminal Charges?

Have You Been a Victim of False Prosecution?

Welcome to the largest racket in history: The American Justice System

If you are facing false charges and a prosecution then you are aware of how the 'justice' industry (racket) in America works. You (the innocent person) have been falsely charged with a crime. Most of the time you receive a myriad of stacked charges intended for the sole purpose of extracting a "plea bargain" from you.

You then rush to an attorney, pay him a huge retainer to cover the usual $175.00 per hour (if not higher), which he/she charges, to supposedly defend your innocence. The attorney usually files some motions, writes some worthless letters and makes many unproductive (unless they pertain to you accepting a plea bargain) phone calls until you are broke. Generally you haven't even started your trial and 99% of the time the attorney hasn't completed any investigation.

All of a sudden your attorney is telling you that you can't win your case and you should accept the benevolent plea bargain that the almighty district attorney has offered you. "Do you want to take the chance on spending 30-40 years in prison when you can plea bargain for 18 months," your attorney tells you. What happened to: "I think we can win this case, it's a good case." Rememberə Isn't that pretty close to what your attorney told you as he/she was relieving you of your moneyə

You then accept a plea bargain and go to jail or you have a jury trial, you're found guilty (because your attorney hasn't produced enough evidence-if any and because the judge directs the jury to find you guilty) and then you go to jail. When you finally wake up you realize that on top of now being a criminal, you are flat broke and incarcerated. You find that the very person (your attorney) you frantically rushed to retain, became your worst enemy.

There is only one way to remedy a false prosecution: Obtain conclusive evidence, investigate the accusers, the prosecutors, the detectives and then watch the judge very carefully. In other words, complete an in-depth investigation before you are prosecuted and then take the facts into the public arena.

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The US~Observer newspaper will not waste your time or your money. This is not a game, it's your life and your freedom. We do not make deals. If you are innocent, then nobody has the right to steal what belongs to you, most of all, your liberty. Nobody! That includes your attorney - as well as your supposed public servants.

Why have a bad day when it's still possible to force justice ... right down their throatsə

The US~Observer investigates cases for news and therefore we don't print that which can't be resolved. We want to win, just as you want to prove your innocence.

Do not contact us if you are in any way guilty and for justice sake, don't wait until they slam the door behind you before contacting us if you are innocent.

"One false prosecution is one too many and any act of immunity is simply a government condoned crime." *- Edward Snook, US~Observer*

The US~Observer's services have VINDICATED

over 4,200 cases to-date. Here are a few:

James Faire

Victim: Land Use Violation

Status: Dismissed

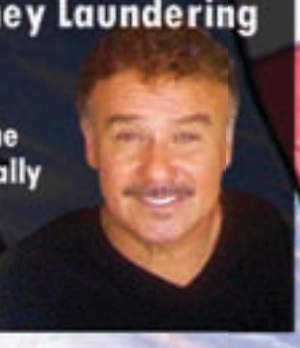
"They saved my property and accomplished what our attorney couldn't at much less expense."

The Parkers

Charges: Felony Tax Evasion, Wire Fraud, Money Laundering

Status: Dismissed

"You did the opposite of the mainstream media and actually investigated."



Dean Muchow

Charge: Government Abuse

Status: Cleared

"Your investigative reporting was instrumental in stopping the District Attorney's abusive attacks ."

Manuel Mairs

Charges: Felony Perjury

Status: Dismissed & Compensated

"I was a victim of a malicious prosecution for turning in a child abuse claim. The US~Observer investigated and exposed everyone."

Pamela Fanning

Charges: Felony Grand Theft/RICO

Status: Dismissed

"Thank you for everything... You are the bomb."

Al Perelstein

Victim: Investment Scam

Status: Compensated

"I can't thank you enough for getting our investment money back."

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