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Keeping At Risk Children in Harms Way: Dysfunctional DHS

By Investigative Reporter Edward Snook

Medford, Oregon In late October of 2004, concerned parent Steve Hartman of Gold Hill, Oregon went to the Central Point Police to inform them that Robert Graham, a "convicted, untreated, predatory sex offender" according to the Oregon Department of Human Services (DHS) was residing at Sandra Graham's (Steve's ex-wife) residence with his 7 year old daughter. Mr. Hartman was more than alarmed due to the fact that the same predatory sex offender had lived with Ms. Graham 8 years prior, spending time around her older children. Mr. Hartman had also been concerned over other highly questionable men residing with his ex-wife.

The Central Point Police contacted DHS in Medford,

The Party's Over for Club 71

By Investigative Reporter Ron Lee

The debate may soon be over regarding the Sunny Valley strip club, Club 71, owned by Richard Larry Lacey. Local opposition residents, who have organized a community action group, held regular meetings and staged weekly protests have now brought their cause to the US~Observer where Editor-In-Chief, Ed Snook simply said, "It's now just a matter of time before these good people are vindicated, the club is closed, and Mr. Lacey is made to realize he can't just bully people and the system."

Lacey's previous restaurant, in the same location, Dirt Bike Diner, was unsuccessful and had issues with the wage and labor commission for non-payment of employees in a legal manner. Upon the closing of the Dirt Bike Diner and over the following months the idea for the strip club took hold.

Major interior and electrical changes ensued which included

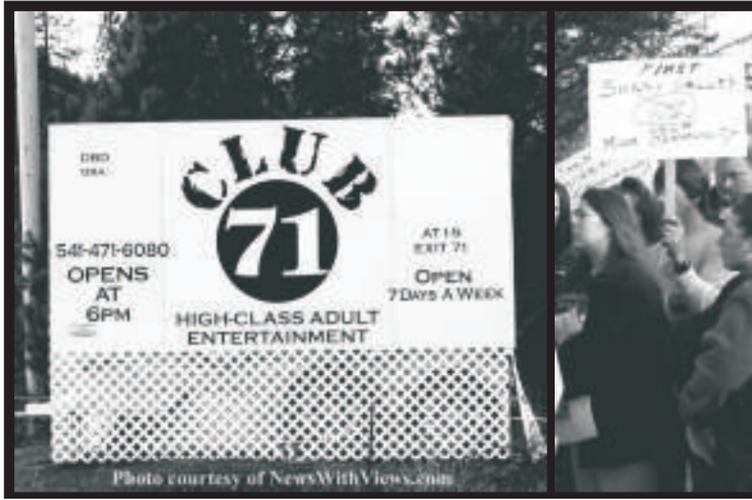


Photo courtesy of NewsWithViews.com

moving interior walls, replacing ceilings, creating new bathrooms, building a raised metal walkway covered in glass, and putting in new wiring. All done over the 4½ month renovation. Calling it redecorating he was able to clear the interior with county planning, who either didn't realize or were not that intent on making issue of the construction work that had taken place without permits.

The County has chosen instead to pursue a building violation that Lacey committed by enclosing

his already approved awning and patio area. The initial filing against Lacey by the County made him take down the metal sheets that enclosed the patio. Then County Planner, Terri Dickerson, came to review the site and it was then determined that the square footage was such that Lacey didn't need an independent engineer to sign-off on the structure, and the siding was allowed to be put back up.

Now the County is asserting that by enclosing the awning and

patio area Lacey has created a permanent expansion which would require permits to be filed. So the siding must come down, again, maybe.

According to club employees this tactic by the County has Lacey's patience wearing thin and he is very concerned with a court date that has been twice pushed back. On April 6th the County will address the numerous code and County Charter violations.

Representing Club 71 is local Grants Pass attorney, Dwayne Schulz along with an outside 1st Amendment specialist. According to club sources they plan to fight all the way on the grounds that the County Charter is unconstitutional, a tactic which has worked in other states.

But Club 71 faces more challenges than just the County. Recently, Washington Mutual has exercised its right to refuse service and they have told Club 71 that they must bank elsewhere. This, however, was just the Club 71 account and monies have been transferred over to the still

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Jackson County Leads Oregon in Implementing Measure 37

By Investigative Reporters Jeanne Wollman & Curt Chanler

Southern Oregon's Jackson County is abuzz with activity as the commissioners step forward to enforce the people's wishes to use their land as expressed in Measure 37. Oregon voters overwhelmingly passed Measure 37 in the November, 2004 election, sending a clear and decisive message to the state to free private property from the greedy grasp of those more interested in control than the constitutional mandates and god-given rights regarding private property. Measure 37 made a giant step forward in wresting control of private property from state control. Within most Oregon county governments we find a cabal of elected officials scurrying

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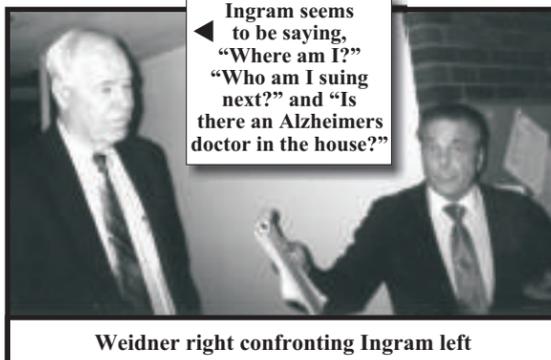
Deschutes County Corruption Attorney Ingram Continues "Legal Charade"

By Investigative Reporter Edward Snook

Bend, Oregon On March 7, 2005 Roger Weidner, the 1998, Reform Party candidate for Governor of Oregon once again appeared in a Deschutes County courtroom with Attorney Claude Ingram of Eugene, Oregon.

Ingram had filed a motion to have Weidner held in contempt of court and jailed for refusing to answer questions in the discovery process of an on-going barrage of civil lawsuits between the two.

The hearing was held on March 7, 2005 before Josephine County Circuit Court Judge Loyd O'Neal. Rather than have Weidner jailed Judge O'Neal gave him until March 18, 2005 to respond to Ingram's questions. The questions mainly consisted of inquires into Weidner's financial status. This hearing was



Weidner right confronting Ingram left

Ingram seems to be saying, "Where am I?" "Who am I suing next?" and "Is there an Alzheimers doctor in the house?"

much unlike a prior hearing conducted by Jefferson County Judge Gary Thompson wherein Thompson had Weidner jailed for 10 days when Weidner simply asked the judge a question. The Observer believes the arrest was a foregone conclusion between Thompson and a highly questionable Deschutes County Sheriff's Office (DCSO). The Observer has compiled complaints against Judge Thompson for years and he can now look forward to his placement into the Observer's "Hall of Shame" in May, 2005 where he will receive the recognition he deserves.

It is clear that the DCSO has

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Chicken Trial Aborted! Ex-DA Johnson Sat on Rotten Egg

By Investigative Reporter John Taft

Grants Pass, Oregon - Five of them carefully crawled over a gate and proceeded along a 200 foot graveled drive towards a house and barn. Probing flashlights illuminated the night while they searched for their objective. The temperature was a chilly 40 degrees, cold enough to make a man shiver if he wasn't dressed warmly. Their mission, to get a chicken. These men were the elite of the Josephine County Sheriff's Office Chicken Swat Team. They always get their chicken. Some say they received special OP training from Col.

Sanders. Midnight had come and gone on the morning of March 24th, 2004, and careful planning and strategy were ready to be set in motion. It was the beginning of

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"Speckles" before Daniel.



Sheriff Dave Daniel.



Thanks Dave: "Speckles" after.

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the famous chicken raid at the home of a Good Samaritan, Nick Gombos.

A Short Synopsis of the Events Prior to the Raid on the Hen House

The following is a short synopsis of the events leading up to the infamous chicken raid. The story published in the US~Observer (usobserver.com) in May of 04 gives more detail. Nick Gombos is a good-hearted fellow and was on his way home at night from working out at a spa. He stopped at Ray's Market in Murphy, Oregon, to pick up a free advertiser newspaper and found Speckles the hen huddling next to a box for the night. Thinking the hen wasn't safe from predators Nick took her home, and the store was later advised where the hen was. It wasn't a secret; there was no intent to steal a \$2 dollar chicken, only compassion for the welfare of the bird. The manager of Ray's Market realized this and shortly after the chicken raid by deputies said, "Mr. Gombos' heart was in the right when he took the chicken."

Nick's wife had called the sheriff's office with a complaint regarding a threatening phone call. No action was taken on this complaint, but the complaint did set in motion one of the most bazaar arrests and prosecutions in Josephine County (JoCo) memory. A deputy then talked to the store manager who asked that the chicken be brought back as customers were asking about the hen. In the confusion it appears that someone at the store initially told Nick he could keep the Barred Rock hen.

Nick Arrested: Clad in Briefs, Forced Down Long Drive, After 1 A.M. at 40°

Nick was under heavy medication prescribed by his doctor the evening of the chicken raid. Between midnight and 1 a.m. Nick and his wife were awakened by activity outside their home. Nick went outside to confront the intruders, dressed only in his red speedos (briefs). A short time later Nick would be under arrest and forced by five JoCo deputies down his long drive to the road where the patrol cars were parked on the other side of a locked gate. The time of the arrest was 1:08 in the morning on March 24, 2004. Nick was charged with interfering with a police officer and third degree theft. Nick had no clothes on other than his red briefs to protect him from the cold 40° night air, and no shoes.

Continued from page 1 Deschutes County ...

sided with Attorney Claud Ingram in that they have failed to act on Weidner's citizen's arrest of Ingram, yet when Weidner left his March 7th hearing he was taken into a side room by Captain Edwards of the DCSO and informed that Ingram wanted Weidner arrested for harassment, but that Edwards was just going to issue him a ticket forcing Weidner to appear on April 6, 2005 to answer the charge. The actions and the lack of any investigation by the DCSO concerning the serious charges leveled at Attorney Claud Ingram by Weidner and others might just place the Deschutes County Sheriff Les Stiles in nearly the same category as former Deschutes County Sheriff Greg Brown who is spending three concurrent 33-

The deputies didn't allow him to get dressed. Nick is a diabetic and walking barefooted on sharp gravel could easily cause bleeding cuts that are dangerous to a diabetic. That was of no interest or concern to these deputies. With no clothes and no blanket it was a cold 30-minute trip in the patrol car to the Grants Pass, Oregon, county jail. Nick's wife later told me it broke her heart to see him being forced down the gravel drive with no clothes and bare feet by these brown uniformed Josephine County deputies. Sheriff Daniel didn't comment on this alleged Gestapo type police action during a radio interview.

Speckles Neck Wrung

The deputies returned the chicken to the store, and in a matter of days Speckles' neck was wrung by a man alleged to be intoxicated. He was fined and ordered to do community service. But that didn't stop the prosecution or persecution of Nick Gombos. The former District Attorney Clay Johnson seized the case with a convulsive death grip. I understand Johnson wanted to come back and try the case from retirement but wasn't allowed to do so. Nick hired Attorney Foster A. Glass to defend himself from this publicly funded attack. Deputy Matt Tripp's chicken arrest brought Sheriff Dave Daniel under intense heat from the public laugh factor. One story I heard was that at a meeting of sheriffs from around the state of Oregon Daniel's representative at the meeting was given a rubber chicken to take home to the sheriff. Daniel was the butt of many jokes and snide remarks during the initial outrage over the chicken prosecution. Speckles the hen has seriously affected Daniel's credibility and reputation with residents of Josephine County.

This past October Sheriff Daniel was on a KAJO talk radio show and was asked about the chicken story. Nick Gombos called in with a dramatic rebuttal to the sheriff's comments.

It Hasn't Gone to Court Yet

Announcer: "Sheriff, a lot was made of the chicken thing ... do you want to comment on that?"

Sheriff: "I can't go into real particulars because it hasn't gone to court yet. But I'll give you a general synopsis of it. A fellow took some property that didn't belong to him. A deputy went out and asked him, one deputy went out to this fellow's home and said hey, return the property and we'll call it even it's all over with because the store didn't really want to prosecute at that time."

Announcer: "So you're saying it could have been over right there."

month sentences in federal prison for embezzling nearly \$600,000.00 from Deschutes County organizations. Long before Brown was caught the Observer warned the citizens of Deschutes County that he was involved in fraud and illegal activities and we would warn Sheriff Stiles at this juncture that he should fully investigate the charges against Ingram and not choose to ignore and or become complicit in this matter... Just as Sheriff Brown learned, Stiles and the judges involved in protecting Ingram, his so-called clients and his scams will soon learn as well that they are really not "gods" but rather public servants... And that it is possible for the public to both expose them and hold them accountable.

Continued from page 1 The Party's Over ...

existing Dirt Bike Diner account also held by Washington Mutual. Also, with the nature of the business, there has been a high turn over rate with employees and there are now rumors of prostitution in the parking lot.

All of this, however, may be moot as many issues could prove to be Club 71's downfall. During the US~Observer's 3½



Club 71 dancer "Kira" posing for pictures.

month investigation we have uncovered possible collusion with Mr. Lacey by one public official as well as Lacey's own attempt to "bully" his way through the issues by threatening key officials with pulling cable records and publicly disclosing who subscribes to adult programming. Furthermore, Lacey signed-off on County documents which contained false statements regarding key planning issues and then bragged to employees about doing it. He continues to pay employees "under the table" - this against the wishes of his management team who, from the beginning, wanted to run a professional, legal, business and to their credit they have made every attempt to do so. At times they have even gone against Lacey himself, who was allowing his underage son into the

Sheriff: "That's right, everything could have been handled right there. This fellow not only said no to the deputy, he made some threats against the deputy. The deputy came back to the office followed standard procedure he got a search warrant signed by a judge (The deputy woke Judge Gerald Neufeld at midnight to get the search warrant signed) and uh it just so happened at the time that the search warrant was signed it was uh the change of shifts between swing shift and graveyard shift. There were a number of deputies there, there were no calls pending. One of those nights it was just quiet, nothing going on. So four deputies and one sergeant went out to this fellow's house uh recovered the chicken um tried to give the fellow a

establishment until they stepped in.

Should County Officials get serious, as they say they are, and contact Federal agencies like OSHA and State agencies like Bureau of Labor and Industries, there would be no way for Club 71 to go on as is.

Members of the Sunny Valley action group have stated that they aren't against Lacey having a successful business. They just don't want to see the business focused on flesh. "We just don't want this in our community," they

decry. And to all of those who support the right for Lacey to have this type of business they say, "Sure. Just have him put it next to your house."

And with plans to expand closer into Grants Pass, local supporters may just get their chance. Lacey has been looking into buildings in the area and there has even been rumor that a building is already secured.

No matter the opinion on the establishment, the fact remains that Lacey did things illegally by not following County codes, by allegedly fraudulently representing himself and supposedly trying to blackmail county officials. Not to mention the questions raised about a home near the club that burned down and then was bulldozed before fire inspectors could complete their investigation.

With the legalities far from over, one thing is for sure, Lacey will be spending quite a bit on attorney's fees. Something that could perhaps empty his coffers. But then again, where does his money come from anyway? Perhaps something the IRS may be interested in.

Speaking on the overall situation, Ed Snook stated, "The committed people of Sunny Valley and County Officials will not let this business continue. Period. Looks to me like the party's over."

Editors Note: Look for more upcoming articles on Club 71! ■■■

citation to appear. That's the way we normally handle these type of cases. The fellow refused to take it. By his refusing to take it the deputies were forced to take him to jail. So it's a case first of all that could have been handled at the very beginning, it wasn't. Now could the deputies maybe waited until the next day to taken care of it? Could three deputies gone out or two deputies? That's all possible, however I stand by, I stand behind the deputies and the procedures they followed."

My Name is Nick Gombos and I Want You to Tell the Truth, Sheriff Daniel

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Weidner's Involvement with Property Owner Patricia Wishon

Weidner, a fearless arbiter for people he considers victims of frivolous and vindictive lawsuits became involved with LaPine, Oregon property owner Patricia Wishon and her attempt to stop her estranged husband Santiago Torres from obtaining property left her by her late husband Paul Yeager. Wishon has continuously claimed that Torres mentally tortured her and physically beat her on numerous occasions. Wishon stated, "He beat me so severely that I thought he was going to kill me." According to Observer sources Torres,

when charged with assaulting Wishon accepted a plea bargain to avoid a long prison sentence and spent only six months in jail.

Wishon informed the Observer that she had fired her attorney Anthony Albertazzi of Bend for having secret meetings with Torres and his attorney Linda Hasse also of Bend. Wishon continued, "After I fired Albertazzi he continued to represent me by preparing and executing an agreement on my behalf that gave 25% of my property to Torres who only married me because of my property and this was done without my knowledge or consent."

When Weidner became involved he

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ARE YOU A VICTIM OF FALSE PROSECUTION?

If you are then you are aware of how the 'justice' industry (racket) in America works. You (**the innocent person**) are 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 retainer to cover the usual \$150.00 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 countless, 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." Remember? Isn't that pretty close to what your attorney told you as he/she was relieving you of your money?

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.

WELCOME TO THE LARGEST RACKET IN HISTORY, THE AMERICAN JUSTICE SYSTEM.

There is only one way to remedy a false prosecution: 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.

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 throats?

If you are innocent and there is conclusive evidence of your innocence, *The US~Observer* provides a 100% money-back guarantee on criminal cases should we fail to prove your innocence and achieve your total vindication. *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.

In civil cases the scenario is the same except for the incarceration part. Don't go broke trusting someone who is only concerned with your pocket book!

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COMMENTARY

Your Right to Speak Out

THE ABUSE OF THE FOURTEENTH AMENDMENT

Part 1 of 3

By Frosty Wooldridge &
Stephany Gabbard, RN
NewsWithViews.com

My commute to work exceeds fifty miles but it gives me time to reflect. It is 1987 and I am an obstetrical nurse working in the crowded San Fernando Valley of California. Tonight I drive to my job in "Labor and Delivery," knowing the scenario before I arrive. Eight other nurses will battle through the night in this very busy obstetrical unit. Our patients are 99 percent pregnant illegal alien women who have broken United States immigration law to birth an American citizen child.

This will be their families' entry ticket into the United States. For them, no pesky visa applications and no waiting in line for several years like so many millions that enter this country through the front door. Pregnant Third World women have discovered that the only thing they have to do is cross the U.S.--Mexico border. The Fourteenth Amendment is their ticket.

It is now seventeen years later and things have worsened. The babies I helped deliver are older teenagers. When they turn 21, they will be eligible to bring their family members from Mexico, Central America and South America, i.e., chain migration on an ever-accelerating spinning wheel. Whole industries have now developed around abusing the Fourteenth Amendment. Pregnant Korean tourists come to the U.S. on travel visas to have their "anchor" babies. Coyotes dealing in human traffic are paid \$1,500.00 to \$25,000.00 per person to shuttle pregnant illegal aliens across our southern border. Our politicians and elites wink at this blatant law breaking and do nothing. The colonization of our country continues with the cooperation of our government. That means your senator and representative aid this illegal baby invasion. None dare call it treason. Most Americans mistakenly trust their politicians to do the right thing. Congressional members from every state betray that trust daily.

The Fourteenth Amendment: It's a simple document, a constitutional amendment drafted after the Civil War to assure that newly emancipated black slaves would never be denied citizenship by the States. The drafters had no idea that years later it would be used to make a mockery of our immigration laws. Alan Wall, an American journalist living in Mexico states, "An illegal alien can cross the border, have a baby five minutes later, and that baby is automatically declared a citizen of the USA automatically."

The illegal aliens don't have to go through any legal doors. They are exempt from that. They are, in fact, rewarded for disobeying U.S. laws by having their children granted automatic citizenship. In addition, the happy family is entitled to welfare benefits. And, illegal alien parents who have

children born in the U.S. are seldom deported. That's why their children are called "anchor babies" - they anchor their families securely in the USA.

It doesn't have to be this way. Most European countries have done away with birthright citizenship because they experienced the same abuses we are seeing. The Irish Supreme Court recently ruled that immigrant parents could be deported even if they have an Irish child. "It was becoming common for 'single pregnant woman' to come to Ireland from countries outside the 15-nation EU, most frequently from Nigeria, to claim political asylum," states Shawn Pogatchnik, AP writer. Ireland saw a wave of immigration abuse and promptly put a stop to it. Recently, the Irish voted to end birthright citizenship. Britain and Australia both changed their citizenship laws in the 1980's for the same reasons. If you are born in Switzerland you will not automatically become a Swiss citizen. Why should Americans allow our country to be invaded by people who do not honor allegiance to our laws?

Allegiance is the key word. Senator Jacob Howard, co-author of the citizenship clause of the 14th Amendment, stated in 1866, "Every Person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States. This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons."

The Fourteenth Amendment states, "(A) Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States."

However a proviso limits foreigners who have babies in America. It couldn't be clearer, children of foreigners, aliens or diplomats, who are subject to the jurisdiction of their home country, are ineligible for citizenship. At the time the Fourteenth Amendment was ratified we didn't have immigration laws. One hundred and thirty eight years later we are paying for the misinterpretation of it.

Congress has the power to step in and correct this wrong, but don't hold your breath. There have been several bills dealing with this issue and most have died in committee. Except for a few brave individuals like Tom Tancredo of Colorado and Rep. Goode of Virginia, there isn't enough chutzpah on Capital Hill to fill a thimble. Where are the Thomas Jefferson's and Ben Franklin's when we need them?

An important case, Hamdi vs Rumsfeld was recently heard by the U.S. Supreme Court. Yaser Hamdi was captured during the Afghanistan war

"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

The Art of War, Divide & Conquer

John Newby
NewsWithViews.com

In war, the ultimate successful strategy utilized always centers on the strategy of "Divide and Conquer." It goes without saying; spreading the enemy thin keeps them on the defensive. Thus, the state of America during these troubling times in our history. The government utilizes their biggest asset, the media to keep everyone in the dark to those issues that matter most. While I suspected this for a long time, it was recently driven home.

After watching FOX news spend hours in their own wonderland analyzing Michael Jackson's Neverland, it's become clear the media's top priority is feeding us mindless information. In other words, to use a campaign slogan, "take our eye off the ball." While we are busy watching this mindless information being spewed forth from our media watchdogs, the pit bulls operating under the guise of conservative or mandated government are instigating a full frontal attack on our constitution, our liberties and our freedoms.

As I talk with everyday Americans via work, e-mail and so forth; I can't help but feel that most Americans regardless of race, party affiliation and background have many of the same core beliefs and feelings. But when we listen to the media, we are all placed neatly into a political category that few can even explain the meaning of. We have the conservatives battling the liberals, the right-wingers battling the left-wingers; the progressives, socialists, communists, fascists, neo-conservatives and the list could go on.

And then to further compound the problem, we have everyone's pet governmental issue. This is where the media excels, time to divide and conquer. Instead of acknowledging most Americans revere the family unit, let's cast doubt and make the homosexual cause a civil rights issue. Instead of acknowledging most Americans understand that abortion is wrong, let's make it a freedom to choose issue. Instead of acknowledging most Americans want to drastically curtail illegals entering our country, let's ignore it and focus our stories on those dying in the desert as they break the law. While most agree the environment is important, the media blindly distorts the facts and makes it most difficult for even the most knowledgeable to understand reality.

In the end, we can throw out all labels and issues and focus on two words. Collectivism and individualism. Collectivism means our rights are granted after birth by government; the group is more important than the individual; democracy is more important than the republic; individuals don't have responsibility - the group has a responsibility to raise kids, pass laws etc.; and finally the government's proper roll is to take initiative in all the affairs of

men. In other words, individual freedom is eliminated for the greater cause of the group. Here we are, back to the epic struggle of good versus evil, individual freedom or government control. History isn't a kind judge, without fail; historically government always proves to be a colossal failure.

Many Americans sense something is terribly wrong, but are caught in the daily grind of just getting by. They fail to make the time to educate themselves properly. This is by design. Everything has been shaped to keep the people in this constant state of mind. A common question I get, "Yes, I know, but what can one person do to make difference?" Being realistic, there is little one person can do. That is also by design. Having people feel helpless makes them assume it's hopeless. Watch the division of the many of the third parties, all fighting for more freedom, but against each other. Watch as National church leaders such as Falwell and cartel, stump for conservative (despite the fact the major parties haven't run a true conservative in years) candidates thus leading their flocks right into the belly of the beast. I suspect there are many wanting to help, but feel they have no place to go to voice their views and be heard.

These people have one thing in common; they believe in individualism and shun collectivism, understanding government is best when governing little. That's the cause all Americans need to embrace. David O. McKay proclaimed, "the greatest battle of life is fought within the silent chambers of your own soul, it is a good thing to sit down and commune with yourself, to come to an understanding with yourself and decide in that silent moment what your duty is to your family, your church, your country and to your fellowmen." By doing this, it will bring those together that really understand what is at stake.

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Keeping At Risk ...**

Oregon and Hartman's young daughter was taken into state custody.

On Thursday, October 28th Steve Hartman received a call from his daughter's caseworker Tina Amela and was informed that he needed to pick up his daughter immediately at the Central Point Police Department. Steve Hartman was granted physical custody in Juvenile Court of his daughter on October 29th at 11:30 a.m. Earlier on the 29th Ms. Amela informed Mr. Hartman that he could stop paying child support.

Mr. Hartman was informed by Sandra Graham that there would be a court hearing on November 3rd, and after numerous attempts to contact the caseworker he finally received a call from Tina Amela on November 1st informing him there would be no court on November 3rd and not to worry about it. Mr. Hartman then asked if he should enroll his daughter in school at Rogue River Elementary because of the great travel distance between Rogue River and Central Point and she said that he should, because it would be 4 to 6 weeks until a dependency hearing. Hartman enrolled his daughter in Rogue River on November 2nd and she started school on November 3rd.

Sandra Graham was scheduled to have supervised visitation with their daughter

on Monday November 8th, however on November 5th Hartman received a call from Tina Amela at 1:55 p.m. informing him that "the problem had been resolved and that he needed to take his daughter to his Mother's home at 3:30 p.m. so Sandra could pick her up." In shock, Hartman did as he was instructed. Later, as Hartman regained his composure he began asking questions and he received all the wrong answers, a trademark of DHS's involvement in many of the cases they open. In short, DHS routinely takes (steals?) children when they shouldn't and in this instant case they chose to leave a child in a dangerous environment under the guise that the problem was resolved as Robert Graham had been arrested and removed from the residence. It's incredible that a dysfunctional agency can remove a child from an obviously dangerous situation, have the Father place her in a new school, fail to properly investigate the case and then within one week reverse everything by placing the child back with the dysfunctional mother...and get away with it.

An Observer investigation has shown that Sandra Graham has two older children who have had severe disciplinary problems, some involving law enforcement. Sandra Graham has made it a practice to allow her

daughter's to live around "alcoholics" and abusive individuals and in November of 1999, Ms. Graham "was transported to the Rogue Valley Medical Center on a police hold for a mental health evaluation." Sandra's detainment was the result of her informing Steve Hartman that she was going to kill herself. Upon receiving phone calls from Sandra wherein she claimed she was going to kill herself Steve Hartman called the Central Point Police (CPP). According to the CPP "Ms. Graham said that she made comments about taking a bunch of muscle relaxers and putting herself out of her misery."

It is the well qualified opinion of the US~Observer that DHS is too busy stealing children from innocent parents (to create permanent placements and therefore more federal dollars) to afford them time to properly investigate the cases where children should be removed from a dangerous environment.

To date Steve Hartman really hasn't learned much from DHS other than there will be no hearing to hold the mother accountable and thus protect his young and vulnerable daughter.

According to Hartman, "DHS is making Sandra take classes so that she can learn to both recognize and then supervise sex offenders in her home." Amazing policy DHS! Robert Graham

has also been required to take classes and we have been informed that he will be allowed back in the home with Hartman's daughter once he completes his course successfully.

In a recent interview with Steve Hartman he stated, "It's obvious to me that Tina Amela is inexperienced in these matters. She has caused me, my daughter and my entire family a great deal of mental anguish over this situation by not knowing her job. The supervisors at DHS are trying hard to cover up her ineptitude. I've heard many horror stories about DHS and now I've experienced one personally."

The US~Observer plans to start a campaign much like we did when the director of DHS was Kay Toran. Kay Toran was removed from her position and Children's Services Division (CSD) had to change their name in an attempt to remove the stench.

Don't miss upcoming editions of the US~Observer wherein we will continue to report on this case and others in our effort to change the way in which DHS does business.

Editors Note: As we go to press we are informed that Robert Graham was sentenced to 20 days in jail, two years supervised probation and mandatory counseling for failing to register as a sex offender while he was living with Steve Hartman's child...

**Continued from page 4
The Abuse of the Fourteenth ...**

fighting for the Taliban. It was later learned that he had been born in Louisiana to Saudi nationals when his father was employed as a chemical engineer on a work visa. The family subsequently moved back to Saudi Arabia where Hamdi was raised.

Hamdi sued the U.S. government for holding him in a Navy stockade for two years. He demanded full rights of U.S. citizenship since by accident he happened to be born here. The U.S. government wanted Hamdi charged as a non-combatant and denied due process. Rumsfeld representing the U.S. government didn't raise this issue because he wanted to end birthright citizenship but other groups saw the possibility to finally challenge this fatal flaw in our immigration law that is wrecking havoc on our country.

One such group, Friends of

Immigration Law Enforcement, submitted a 'friend of the court' or Amicus brief. They asked the Supreme Court to address the issue of whether Hamdi should be considered an American citizen at all, since at the time of his birth his parents were foreign nationals with no fealty to this nation.

The decision came down last year and just like the rest of the elite establishment in this country the U.S. Supreme Court ignored the issue of birthright citizenship except for a brief statement by Justices Scalia and Stevens stating Hamdi was a "presumed American citizen."

So we live to fight another day. In the meantime the invasion/colonization of our country marches on. South Korean women can continue to visit www.birthisusa.com and plan their very pregnant United States vacations!

Write for that 28-point action letter to stop this nation-destroying madness. For you West Coast night owls, every

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On the home page, click on americanvoicerradio.com heard around

the world. Five nights a week, Edwards engages patriots from across the nation to bring you the latest on this nation-destroying invasion. If you are affected by illegal aliens, please write 600 to 800 words for national publication. Your name will remain confidential.

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Oregon News

Logging Resumes on Site of Oregon Fire

(AP) GRANTS PASS, OR - Loggers went to work without interference Tuesday, March 15th at the site of a 2002 forest fire, felling old-growth trees after the U.S. Forest Service closed off the area to keep out protesters.

Citing safety concerns for loggers and protesters alike, officials in the Siskiyou National Forest on Monday closed the 700-acre area and roads leading to the timber sale. Protesters had impeded loggers going to work.

Forest Service spokesman Tom Lavagnino said a crew of loggers had no trouble getting to work Tuesday, and rangers had not spotted a tree sitter who logging opponents said was in a fir tree.

Protesters are trying to stall the harvesting of trees killed by the fire in old-growth forest reserves until federal judges can rule on two lawsuits challenging the timber sales.

Forty-three arrests have been made since a federal appeals court injunction barring the logging was lifted March 7.

Tom Link, timber program manager for the forest, said he was happy work could continue.

"We realize there is a lot of litigation involved in this, and there are more decisions yet to be made by the courts," Link said. "So we'll just continue to do what the court directs us to do."

Also Tuesday, a federal judge in Eugene denied the latest request from environmentalists to halt the logging.

Judge Michael Hogan said environmentalists had raised serious questions, including a suggestion that the Forest Service did not properly ensure it was meeting its own guidelines for preventing erosion and protecting

fish and wildlife.

But the judge also said the Silver Creek Timber Co. stood to lose \$190,000 a week if logging is halted, and contractors working for the company would lose \$322,500 a week.

Meanwhile, three of 27 protesters being held in the Josephine County Jail said they were on a hunger strike to protest jail conditions and the criminal charges against them.

Sheriff's Lt. Howard Banks said six inmates had filed grievances. He said he could not confirm whether protesters claiming to be on a hunger strike were eating. ■■■

Did You Know?

The flag of Oregon is the only state flag with different pictures on each side. On the reverse appears a beaver the state animal. Both sides have a field of navy blue with design in gold. The front picture includes a heart shaped shield with an eagle on top, surrounded by thirty-three stars. (The number of states in 1859.)



The Dogs Known As 16974 In Kennel Run 13

On Friday morning, February 11, 2005 as most people driving to work were entertaining pleasant thoughts about the upcoming weekend, and citizens gathered at the steps of the Grants Pass Courthouse to protest an issue of genuine concern to most people, the final drama of a nine day battle was quietly reaching its climax in the boardroom of the Josephine County Board of Commissioners Office. The fate of two dogs known as 16974 in kennel run 13 impounded at Josephine County Animal Control would ultimately be determined by Jim Riddle, Chair; Dwight Ellis, Vice Chair; and Jim Raffenburg, Commissioner.

It all began the previous week when Jj Jones, a Grants Pass resident, went to Animal Control in Merlin to report an aggressive dog that had threatened her when she was riding a bicycle. While there, she inquired about two Labrador Retrievers that had been impounded for chasing a goat. After being informed that it didn't look like anyone was going to claim them and that the dogs would be euthanized if the owner didn't come forward, she volunteered her expertise as a dog handler to rescue the dogs, rehabilitate them, and place them with responsible owners ensuring that they would no longer be a hazard to livestock and the community.

"I never expected that Animal Control Officers Donnelly and Powell would reject my offer of help with such blatant rudeness and indifference," said Ms. Jones. "I felt that their minds were made up that these two dogs were evil and needed to be destroyed no matter what." Ms. Jones went on to explain that she researched Oregon State Statutes with respect to dogs chasing livestock and could find no precedent that dogs absolutely must be destroyed, especially when they did not actually bite or harm the livestock in question. In fact, she did find that the option of rescue that she proposed was, indeed, clearly written into the code.

"I tried to reason with the officers and brought them copies of the ordinances, but with each effort I made, the wall between us seemed to grow," said Ms. Jones of her experience. The point of contention appeared to be whether or not a citizen could act on behalf of the dogs if they were abandoned by the owner. "Again," said Ms. Jones, "I could find nothing in the statute that indicated that only an owner can act on behalf of an animal by filing a Writ of Review."

Ms. Jones desperately sought the assistance of local Labrador Retriever breeders, rescue organizations nationwide, and even Jackson County Animal Control in her efforts to gain support for the dogs. Ms. Jones commented, "After receiving such positive responses from these sources, I knew there had to be a chance to save these dogs, but I didn't know how to accomplish it."

The answer came during a meeting with Josephine County Animal Control Supervisor, George Witherington, which after a frustrating two day delay, finally took place Thursday morning, February 10, merely hours before the dogs were to be euthanized. It was Supervisor Witherington who pointed the way to the Board of Commissioners.

"My husband, Jim Russell, and I are not politically minded people," said Ms. Jones. "We try to keep abreast of the issues and vote responsibly, but like

many folks, mainly we just concentrate on living our lives. So, the thought of preparing and delivering a plea to the Josephine County Board of Commissions seemed an overwhelming task."

On Friday, February 11, 2005, less than 8 hours from the scheduled euthanasia, the Commissioners held a special conference with the Russells to hear their arguments in favor of rescuing the dogs known as 16974 in kennel run 13.

"We were really nervous and the Commissioners hit us with some very stringent questions. They were tough and we knew that the fate of the dogs not only rested in our correct interpretation of the ordinances, but perhaps even more so on convincing the Commissioners of our abilities to protect the community from ever having to be threatened by these dogs again," said Ms. Jones. Mr. Russell added, "My wife and I have lost livestock to dogs and we realize the tremendous economic impact it places on an agricultural community when irresponsible dog owners allow their pets to run loose and attack the livelihood of others. Therefore, I was impressed with the Commissioners' genuine concern about the safety of the community, as well as their compassion for these dogs."

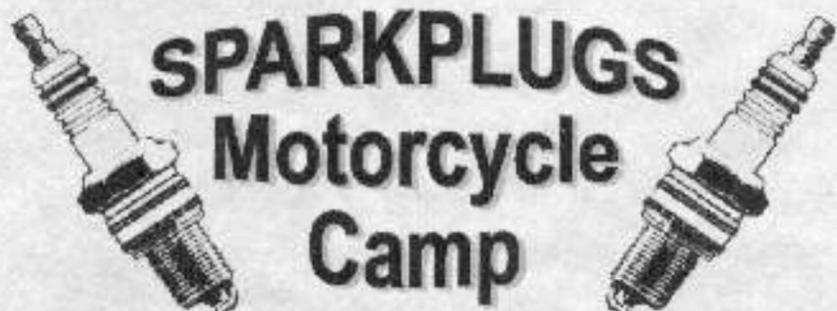
The meeting adjourned with Jim Riddle, Chair; Dwight Ellis, Vice Chair; and Jim Raffenburg, Commissioner shaking the Russell's hands and promising to call them later that day with their decision.

"By the time we drove home, the Commissioners had left their answer, as to the fate of the dogs known as 16974 in kennel run 13, on our answering machine," said the Russells. "We were almost afraid to play the message, but happily it was in favor of sparing the dogs' lives," they continued.

Now the dogs known as 16974 are called Riffle and Jackson and the behavior modification process to turn them into good dog citizens has begun, thanks to the Josephine County Board of Commissioners who set aside time, to deliberate on the fate of two abandoned dogs having no voice of their own.

(Postscript: Riffle and Jackson were fortunate to have someone give them a voice. You can help other dogs and cats that have no voice. If you are unable to adopt a pet, you can volunteer your time at a local shelter. And finally, if this touched you in any way, please donate any amount in the name of "The Dogs Known as 16974 in Kennel Run 13." Send a copy of this article with your check to your local shelter, or animal support group. Come on folks, just write a check for even \$1.00 and send it. Animals with no voice will appreciate it.)

Editors Note: The US~Observer commends the Josephine County Commissioners for properly representing the public in this matter. Please read Ms. Jones letter to the Editor in this edition for an update regarding Jackson and Riffle, "the dogs known as 16974 in kennel run 13."



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Continued from page 1 Jackson County Leads ...

to side-step voter approved law...but not in Jackson County, Oregon.

Jackson County Commissioners Jack Walker, Dennis C. W. Smith and Dave Gilmour stepped forward to process requests brought by those who have been denied use of their land for years by the local planning commission, the state Land Conservation and Development Commission (LCDC) and the Land Use Board of Appeal (LUBA). These government agencies and others have assiduously used every legal mechanism available, even those far outside their constitutional rights, to control private property and deny Oregonians the use of their land.

One of the major forces working to return land use to the private property owners was Oregonians in Action led by Bill Moshofsky, Frank Nims and Dave Hunnicut. They, with others, effectively directed the fight for returning at least some private property rights back to land-owners. Hopefully this effort will begin an avalanche of interest and effort to return property rights to the people.

Even with millions of dollars poured into the state by outside agitators interested in state control of private lands Oregonians, in both metropolitan and rural areas, voted for private property rights. State government

officials and their minions made efforts to twist and obfuscate the issue but to no avail. The people sent a resounding message to Salem that they want to control the use of their land. Even now, however, state officials are working to undermine the wishes of the people.

In many Oregon counties governing

private property rights through more government control.

Planning Commissions in every city and county made it nearly impossible for the people to use their land as they wished. There was a myriad of government Boards, Departments and Panels that worked overtime to deny land-owners

use of their land. It was a costly racket beneficial only to those with an interest in lining their own pockets and increasing government control over the private sector. For every openly governmental policy and department there was a half dozen more quasi-governmental

parasites that lived off the land use regulations.

The planning commissions in each county became the sole arbiter of who could use their land and who couldn't. Thousands were denied not only the use of their land but they were not compensated for this taking. When questioned, land use planners always fell back on the authority of the LCDC. It was never anyone's fault locally that the landowner could confront directly. Owner after owner, across Oregon, was stymied by government stone-walling and effectively denied the use of their property. The process was made so costly and time-consuming that few could afford to proceed past the local board's decision. They simply lost the use and control of their land without

compensation.

Measure 37 is only the first step in restoring land use to the land owner but it certainly is a step in the right direction. One major factor in halting the unfair taking of land by the state is to make them compensate the landowner when he is not allowed the use of his land. In America when someone, whether private or government, wants something they must pay for it. No law should be made without compensation for a taking. If the government has denied the property owner use of his land and the owner has not been compensated for that taking the order should be void. Nothing more nor less.

Land use must be restored to the owner. If local government wishes to impose restrictions on local properties they should have to bring these wishes to the people and have them act on them. Metropolitan areas should not have control of rural land use. Land use issues should and must be locally directed.

If the people of any town, city or county want control of their property they had better step forward at election time and vote in pro-property candidates. The only way for people to maintain their rights is to exercise their rights!

Editor's Note: Jackson County voters definitely made the right decision in the last election by electing C.W. Smith to the Jackson County Board of Commissioners. It appears that the Observer has finally located county commissioners (at least two anyway) that haven't chosen "MONEY and CONTROL" as their god...



Dave Gilmour pictured here on the left with Jackson County Commissioners Dennis C.W. Smith (center) and Jack Walker (right)

bodies are using every means possible to deter property owners from filing to have their property's value restored. From excessive fees to outrageous liabilities, property owners are now facing out of control leadership openly circumventing the vote of Oregon citizens and Amendment V of the US Constitution...But not in Jackson County, Oregon where Commissioners C.W. Smith and Jack Walker readily chose to represent their constituents and the supreme law of the land, recently reiterated by Measure 37. In turn, Commissioner Dave Gilmour who wanted to impose a permit fee on applicants was forced to side with them.

Since the 1960's those in Oregon government have been slowly and insidiously maneuvering to erode

Roseburg Optimist Club - The Race Over the Rapids

Team Race Event April 2nd

Summary of Event:

This feature of the Race Over the Rapids, in addition to the new kayak, canoe and one man raft races, is intended to allow local businesses, and their employees and families, to participate in an event that is exciting and fun to watch and be a part of.

This is a race of 6 team member river rafts, all of professional quality, with each raft captained by an experienced river guide. It is intended to be a fun race, perhaps where friendly rivalries with other businesses can be developed, as well as giving the sponsoring business an opportunity to obtain exposure as an employee oriented company. Businesses that sponsor a race team can pick anyone they want as a team member, and give those teams and their families the opportunity for a pleasant outing sponsored by their employer. As with all the other facets of the Race Over the Rapids, all the profits from the Rapids Team Race go to children's charities in Roseburg. The Optimists have donated over \$30,000 to various children's needs over the last three years as a result of the Race Over the Rapids. The business may be able to take a tax deduction on the sponsorship.

The Raft Team, canoe, kayak and one man raft races will be run on the North Umpqua River, at the same times as the Jetboat Races are being run on the South Umpqua River.

The Raft Team division will be started at four times on Saturday and Sunday,

April 2nd and 3rd. We are limiting the race this year to 24 teams. The racecourse is from Amacher Park to River Forks Park, and depending on the water level will take an estimated 2-3½ hours. It is important to note that with higher water, this can be a more challenging race than individuals may expect. Some of the rapids are technical in nature when the water is higher. With winter water levels, even some larger craft such as jet boats have difficulty in navigating some areas of the planned course. The schedule for the Raft Team part of the race is as follows:

Saturday, April 2

8:30 A.M.

First 6 teams attend a safety orientation along with kayak, canoe and one man raft racers.

9:00 A.M.

First 6 teams of Rafters depart.

1:30 P.M.

Second group of teams arrive and attend safety briefing.

2:00 P.M.

Second group of teams depart.

Sunday, April 3

The schedule is duplicated from Saturday.

The first 6 businesses to sign up will be given their choice of race time and date. After that, businesses will be allowed to choose the time and date of their run based on time slots left available- first come, first served. The teams contact person will be notified of the time and date of their run one week before the event. Sponsors may want to pick 6 man teams and a couple of

alternate paddlers in the event a team member can't participate.

The race organizers are supplying almost everything that's needed to participate; the raft, helmets, life jackets, paddles, etc. The one thing that paddlers will need to provide for themselves is a wet or dry suit. The water will be very cold in early April, with a risk of hypothermia should a team member be forced to swim. Suits will be available to rent at a cost of \$20 per person.

The cost to the business is \$250 per team. Our cost for the rafts is \$75 per team. Again, all profits go to the chosen Optimists children's charities.

The races will be timed, and the 1st through 5th place teams will get "bragging rights" trophies. The first place trophy will be a huge 3ft. trophy, second place will be 2½ft., third 2ft., fourth 1½ft. and fifth 1ft. to be displayed proudly at the sponsors place of business, or any other place the sponsor chooses.

Sponsors are allowed and encouraged to provide any means of identification and promotional material for their paddle teams to set them apart from other business. The limitation to this is that nothing can be attached to the team rafts and must be approved for safety by the race committee. In planning this, sponsors need to remember that this is a RACE, with paddlers shifting from place to place as the race dictates and under the direction of the river captain, and that materials that hinder these activities must be extremely limited for

safety reasons. A suggestion might be caps or t-shirts, or banners and materials to be placed at a potential "victory barbecue" after the team runs its course or at the start or finish line.

It's important to remember that any limitations imposed by the race organizers are only for the safety of the participants, not to limit creativity or to keep teams from enjoying themselves. This is the first year of the addition of the paddle craft races to the annual Race Over the Rapids, and there has been an outpouring of enthusiasm for the race. We are supported and aided by local and statewide paddle craft professionals and the Northwest River Rafters Association. It appears that this will be a tremendous addition to the Race Over the Rapids, and as it grows, should become a Douglas County favorite.

If you need additional information, or wish to discuss your participation, call Ron Ellsworth, Ron Ellsworth Financial Services, at 677-0844 or Bill Blodgett, Oregon Ridge and River Excursions, at 496-3333. Roseburg Optimist Club, P.O. Box 221, Roseburg, OR 97470

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“A Republic, If You Can Keep It”

By John F. McManus

Knowing that a democracy is a government of men in which the tyranny of the majority rules, America's Founding Fathers wisely created a republic - a government ruled by law.

On Constitution Day, September 17, 2000, President Bill Clinton spoke at the ground-breaking ceremony for a National Constitution Center at Independence Mall in Philadelphia. On that occasion the president remarked that the men who signed the Constitution "understood the enormity of what they were attempting to do: to create a representative democracy." He heaped praise on "Washington, Franklin, Madison" for having created our form of government.

President Clinton turned the work of the Founding Fathers on its head. Washington, Franklin, Madison, and the other men who gave us independence and our form of government never set out to create a "representative democracy." Those men recognized in democracy a danger to freedom just as deadly as that represented by the worst despotism. Mr. Clinton is not the first politician to claim the Founding Fathers established a democracy. But the fact that this error is widespread does not make it any more accurate.

Intent of the Founders

The deliberations of the Constitutional Convention of 1787 were held in strict secrecy. Consequently, anxious citizens gathered outside Independence Hall when the proceedings ended in order to learn what had been produced behind closed doors. The answer was provided immediately. A Mrs. Powel of Philadelphia asked Benjamin Franklin, "Well, Doctor, what have we got, a republic or a monarchy?" With no hesitation whatsoever, Franklin responded, "A republic, if you can keep it." This exchange was recorded by Constitution signer James McHenry in a diary entry that was later reproduced in the 1906 American Historical Review. Yet in more recent years, Franklin has occasionally been misquoted as having said, "A democracy, if you can keep it." The NRA's Charleton Heston quoted Franklin this way, for example, in a CBS 60 Minutes interview with Mike Wallace that was aired on December 20, 1998.

This misquote is a serious one, since the difference between a democracy and a republic is not merely a question of semantics but is fundamental. The word "republic" comes from the Latin *res publica* — which means simply "the public thing(s)," or more simply "the law(s)." "Democracy," on the other hand, is derived from the Greek words *demos* and *krates*, which translates to "the people to rule." Democracy, therefore, has always been synonymous with majority rule.

The Founding Fathers supported the view that (in the words of the Declaration of Independence) "Men ... are endowed by their Creator with certain unalienable Rights." They recognized that such rights should not be violated by an unrestrained majority

any more than they should be violated by an unrestrained king or monarch. In fact, they recognized that majority rule would quickly degenerate into mobocracy and then into tyranny. They had studied the history of both the Greek democracies and the Roman republic. They had a clear understanding of the relative freedom and stability that had characterized the latter, and of the strife and turmoil — quickly followed by despotism — that had characterized the former. In drafting the Constitution, they created a government of law and not of men, a republic and not a democracy.

But don't take our word for it! Consider the words of the Founding Fathers themselves, who — one after another — condemned democracy.

• **Virginia's Edmund Randolph participated in the 1787 convention. Demonstrating a clear grasp of democracy's inherent dangers, he reminded his colleagues during the early weeks of the Constitutional Convention that the purpose for which they had gathered was "to provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and trials of democracy...."**

• **Samuel Adams, a signer of the Declaration of Independence, championed the new Constitution in his state precisely because it would not create a democracy. "Democracy never lasts long," he noted. "It soon wastes, exhausts and murders itself."**

"... democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives as they are violent in their deaths."

— James Madison

He insisted, "There was never a democracy that 'did not commit suicide.'"

• **New York's Alexander Hamilton, in a June 21, 1788 speech urging ratification of the Constitution in his state, thundered: "It has been observed that a pure democracy if it were practicable would be the most perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity." Earlier, at the Constitutional Convention, Hamilton stated: "We are a Republican Government. Real liberty is never found in despotism or in the extremes of Democracy."**

• **James Madison, who is rightly**



known as the "Father of the Constitution," wrote in *The Federalist*, No. 10: "... democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives as they are violent in their deaths." The *Federalist Papers*, recall, were written during the time of the ratification debate to encourage the citizens of New York to support the new Constitution.

• **George Washington, who had presided over the Constitutional Convention and later accepted the honor of being chosen as the first President of the United States under its new Constitution, indicated during his inaugural address on April 30, 1789, that he would dedicate himself to "the preservation ... of the republican model of government."**

• **Fisher Ames served in the U.S. Congress during the eight years of George Washington's presidency. A prominent member of the Massachusetts convention that ratified the Constitution for that state, he termed democracy "a government by the passions of the multitude, or, no less correctly, according to the vices and ambitions of their**

leaders." On another occasion, he labeled democracy's majority rule one of "the intermediate stages towards ... tyranny." He later opined: "Democracy, in its best state, is but the politics of Bedlam; while kept chained, its thoughts are frantic, but when it breaks loose, it kills the keeper, fires the building, and perishes." And in an essay entitled *The Mire of Democracy*, he wrote that the framers of the Constitution "intended our government should be a republic, which differs more widely from a democracy than a democracy from a despotism."

In light of the Founders' view on the subject of republics and democracies, it is not surprising that the Constitution does not contain the word "democracy," but does mandate: "The United States shall guarantee to every State in this Union a republican form of

government."

20th Century Changes

These principles were once widely understood. In the 19th century, many of the great leaders, both in America and abroad, stood in agreement with the Founding Fathers. John Marshall, chief justice of the Supreme Court from 1801 to 1835 echoed the sentiments of Fisher Ames. "Between a balanced republic and a democracy, the difference is like that between order and chaos," he wrote. American poet James Russell Lowell warned that "democracy gives every man the right to be his own oppressor." Lowell was joined in his disdain for democracy by Ralph Waldo Emerson, who remarked that "democracy becomes a government of bullies tempered by editors." Across the Atlantic, British statesman Thomas Babington Macaulay agreed with the Americans. "I have long been convinced," he said, "that institutions purely democratic must, sooner or later, destroy liberty or civilization, or both." Britons Benjamin Disraeli and Herbert Spencer would certainly agree with their countryman, Lord Acton, who wrote: "The one prevailing evil of democracy is the tyranny of the majority, or rather that party, not always the majority, that succeeds, by force or fraud, in carrying elections."

By the 20th century, however, the falsehoods that democracy was the epitome of good government and that the Founding Fathers had established just such a government for the United States became increasingly widespread. This misinformation was fueled by President Woodrow Wilson's famous 1916 appeal that our nation enter World War I "to make the world safe for democracy" — and by President Franklin Roosevelt's 1940 exhortation that America "must be the great arsenal of democracy" by rushing to England's aid during WWII.

One indicator of the radical transformation that took place is the contrast between the War Department's 1928 "Training Manual No. 2000-25," which was intended for use in citizenship training, and what followed. The 1928 U.S. government document correctly defined democracy as:

A government of the masses. Authority derived through mass meeting or any other form of "direct expression." Results in mobocracy. Attitude toward property is communistic — negating property rights. Attitude of the law is that the will of the majority shall regulate, whether it be based upon deliberation or governed

Continued on page 11



Ineffective Assistance Claims Spur New Trials

By BILL BRAUN
World Staff Writer

The issue of adequate counsel in capital cases is getting more attention.

Convicted child murderer Wayne Henry Garrison returns to a Tulsa County courtroom this spring with a new opportunity to avoid the death penalty.

Garrison got some relief on the matter of punishment because of an appellate court's finding that he received "ineffective assistance" from his lawyers.

That is an issue that has been regularly raised for years, but apparently has grown in visibility on the local level.

In another Tulsa County case, a panel of the 10th U.S. Circuit Court of Appeals heard arguments last week concerning the fate of Lonnie Wright Richie, who received a death sentence for a woman's hanging in 1991.

A Tulsa federal judge decided last year that the 1993 trial performance of Richie's lawyer was sufficiently deficient to require a new trial, a decision the state Attorney General's Office is challenging.

And in a Tulsa County case where the death penalty is not a factor, Randy D. Barrett awaits a May retrial on a murder charge linked to the freezing death of a man who was beaten and abandoned outside.

Barrett, who was convicted of manslaughter for a 1989 killing, got a life prison term in 2002 for the hypothermia homicide.

The state Court of Criminal Appeals reversed that result in 2004 and found that his lawyer was ineffective for misinforming Barrett, during strategy talks, about potential parole eligibility.

"I think the courts are being more careful in review, particularly of death-penalty cases, because of increasing awareness of wrongful convictions," Tulsa attorney Rob Nigh said.

"The perception we have is different than 10 years ago. Courts are reviewing ineffectiveness claims against a backdrop that did not exist" in years past, said Nigh, who did not defend Garrison, Richie or Barrett.

"There is a heightened degree of accuracy required in a death penalty case," and a defense lawyer assumes "a heightened responsibility for doing your job correctly," Nigh said.

District Attorney Tim Harris is troubled by an attitude that he perceives within the defense ranks in which there is "no stigma attached" in getting a case reversed for ineffectiveness.

"If that was said about a prosecutor of mine, I think I would have to think hard

Judge Forbids Board to Pray at Meeting

BY FRED BATISTE
Staff Writer - Daily Star

NEW ORLEANS -- A federal judge ruled to permanently forbid the Tangipahoa Parish School Board from beginning its meetings with prayers that violate the First Amendment's "Establishment Clause."

U.S. District Court Judge Ginger Berrigan ruled in favor of John Doe in the Loranger parent's federal lawsuit against TPSB.

The decision against the School Board marks the third time in more than nine years that the board has lost a lawsuit when the American Civil Liberties Union acted on the plaintiffs' behalf.

"It showed what they were doing had a religious purpose. Essentially, unfortunately for them, they reached a point where they decided we're going to do it our way and not be concerned with how a federal court decides," attorney Ron Wilson, who represented Doe, said Friday. "It's sort of a lack of willingness to do what was equally right."

The Tangipahoa Parish School Board's August 2004 unanimous refusal to adopt a proposed prayer policy was

basically what decided the case against it, Wilson.

AIG Insurance, who holds the School Board's errors and omissions insurance, hired New Orleans-based law firm Adams and Reese in January 2004 when the board turned the case over to the company. Lawyers from the firm had recommended a policy stating the board could open meetings with a brief "nonsectarian, nonproselytizing" invocation.

Board attorney Chris Moody told The Daily Star in August 2004 that nonproselytizing meant the invocation does not try to convert someone or bring them into a particular religious fold. Nonsectarian meant it cannot be directed to any one belief.

Moody said Friday the School Board will have to honor Berrigan's injunction, and he assumed the board will want to appeal. The board has 30 days from the ruling to file an appeal to the 5th U.S. Circuit Court of Appeal.

"I can't count those votes. This issue is very important to them. I expect they would appeal," he said.

The case was originally filed in October 2003 by the ACLU on Doe's

behalf. It accused the board of endorsing prayers or religion at Loranger High School football games, during the school day and at School Board meetings.

Berrigan ruled the School Board failed the U.S. Supreme Court's Establishment Clause tests created after the 1971 Lemon vs. Kurtzman case.

A government practice is unconstitutional under Lemon if it lacks a secular purpose, its primary effect either advances or inhibits religion or it excessively entangles government with religion.

Citing the Sept. 3, 2003, board meeting, Berrigan stated School Board invocations lacked a secular purpose, despite the board asserting it had a secular purpose on that date.

"Furthermore, the School Board specifically refused to adopt a written policy that would provide nonsectarian and nonproselytizing prayers. Accordingly, this court holds that the School Board's practice of opening each meeting with a prayer lacks a secular purpose," the judge wrote in her ruling.

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Irate Federal Judge Imposes Lifetime Ban on Defense Lawyer

By Anthony Lin
New York Law Journal

A federal judge on Long Island has banned from his courtroom for life a defense lawyer who claimed the judge improperly communicated with a co-defendant's lawyer.

Eastern District Judge Leonard D. Wexler said the "lies" contained in an affidavit submitted by attorney Joseph J. Fleischman made him so furious that he could not proceed with an ongoing trial in which Fleischman represented the main defendant. "I think the half-truths and the lies by Mr. Fleischman have messed this up," Wexler said, according to a transcript of a March 1 hearing. "And therefore I declare a mistrial."

The judge barred Fleischman from ever again practicing before him and he also barred Fleischman's law firm, Bridgewater, N.J.'s Norris McLaughlin & Marcus, so long as Fleischman remained a partner at the firm.

Fleischman is representing DRS Technologies Inc., a Parsippany, N.J.-based maker of defense electronics, in a suit brought in October 2001 by an Alabama-based competitor, the Miltope Corp., and Miltope's Hauppauge, N.Y.-

based subsidiary, IV Phoenix Group Inc.

The plaintiffs claimed DRS and another group of defendants, engineers formerly employed by IV Phoenix who went to work for DRS, misappropriated trade secrets, infringed patents, breached confidentiality agreements and interfered with business relationships, among other claims.

Trial in the matter began in February. The lawyer for the engineers, William Heller of Newark's McCarter & English, met with the judge Feb. 25 to discuss a possible settlement dismissing the engineers from the case. It was this discussion Fleischman apparently declared an improper ex parte communication.

According to the transcript, the judge defended his discussion and pointed out that Heller and Fleischman were both paid by DRS and had appeared to behave as co-counsel. The judge noted that he had also spoken to DRS's in-house lawyer in a similar context.

Heller said he had told Fleischman about his discussion with the judge. The plaintiff, represented by Brian Lysaght of DLA Piper Rudnick Gray Cary, had also consented to the discussions.

Fleischman had requested a mistrial on several occasions and Lysaght,

according to the hearing transcript, suggested that the defense counsel had used his declaration to goad the judge into declaring a mistrial.

"And now by this ploy to just infuriate you by putting in misstatement after misstatement after misstatement, he's finally going to get what he wants," Lysaght said at the hearing. "And it would go against every notion of justice if that were to occur."

Fleischman, who declined to comment, said at the hearing that he had not behaved improperly in any way.

The judge disagreed and asked Fleischman: "[W]hy didn't you put in that [Mr. Heller] spoke to you about what he came in to see me about? ... Why didn't you put that in so someone who does read this will know what the truth is? It was a half-truth, which are lies."

Wexler said he did not want to give Fleischman an advantage in the litigation but said he felt he had no choice but to declare a mistrial under the circumstances.

The judge apologized to the plaintiff before addressing Fleischman.

"You got what you wanted," the judge said. "But let the record indicate you are barred for life. And so is your firm."

about that lawyer's ability to continue to prosecute," Harris said.

Defense lawyers who are judged to have been ineffective "actually get rewarded" by getting relief for a defendant, he said.

In Garrison's case, jurors in 2001 imposed the death penalty after finding him guilty of murdering 13-year-old Justin Wiles in 1989.

In a Nov. 30 ruling, the Court of Criminal Appeals upheld the first-degree murder conviction but decided that Garrison deserves a resentencing trial.

He was "likely denied the effective assistance of trial counsel" regarding presentation of mitigating evidence, that order says.

The opinion by Appeals Judge Gary Lumpkin noted the word "likely" was used because appellate lawyers with the

Oklahoma Indigent Defense System -- at a 2004 hearing regarding the effectiveness of Garrison's trial lawyers -- "failed to ask trial counsel any questions" regarding preparation, investigation, strategy or the case for mitigation.

Lumpkin's opinion described the circumstances of that hearing as "unique and utterly bizarre."

When oral arguments were presented in May, Lumpkin told OIDS attorney Michael Morehead that the defense approach to that earlier hearing "causes me consternation."

But Harris has noted that the reversal of the death sentence means this "goes in the victory column" for OIDS.

According to the appeals court, the defense's sentencing stage presentation "did little to educate the jury" about Garrison's adolescence, which would

have necessarily required a close examination of his "horrendous past."

In that stage, prosecutors presented evidence that Garrison killed two small children when he was ages 13 and 14.

Two of Garrison's trial lawyers, Art Fleak and Kurt Hoffman, said they did their best to defend him.

From a defense perspective, bringing up Garrison's past was "extremely difficult," Hoffman said recently.

"A trial attorney has to temper his actions so as not to alienate the jury," he said.

Appellate lawyers and courts, relying on transcripts of words spoken at trial, make "an evaluation after the fact of an attorney's performance," he said.

If a death verdict results, lawyers should expect the effectiveness issue to be raised, he said.

Continued on page 10

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Continued from page 9 Ineffective Assistance ...

"It's not about our egos," Hoffman said. "It's about the system and justice for the clients."

To establish ineffective assistance, a defendant must show that his counsel's performance was constitutionally deficient -- violating a Sixth Amendment right -- and that the performance prejudiced the defendant, with a "reasonable probability" that it impacted the trial result.

Harris said he is training prosecutors to be "proactive" in court to preserve a sufficient record on defense-related issues that could be reviewed on appeal.

Finding that Tulsa County public defenders did not give effective assistance, the state appeals court in 2001 reversed a murder conviction and death sentence against Shelton Dwayne Jackson and gave him a new trial in the beating-stabbing death of his girlfriend, Monica Decator.

Prosecutors theorized Jackson killed Decator in 1997 after he inflicted life-threatening injuries to her 2-year-old son, Oz.

The appeals court affirmed sentences of life plus 35 years in prison for child-

injury and arson crimes but granted Jackson a new murder trial based on uncertainty about whether public defenders discussed a key strategy matter with him.

At a hearing, Chief Public Defender Pete Silva and Assistant Public Defender Paula Alfred "amazingly" testified that "they could not recall whether they did or did not discuss the strategy of conceding guilt" with Jackson, that appellate ruling says.

Alfred said she and Silva decided that "it would be best to concede guilt" in the first stage and present mitigating evidence in the second stage in an effort to save Jackson's life. That was "clearly acceptable trial strategy," but Jackson insisted that neither lawyer discussed it with him before his trial, and he wanted to assert a claim of self-defense, according to the opinion by then-Appeals Judge Steve Lile.

A 2003 retrial, where Jackson was defended by OIDS attorneys, produced the same outcome on the murder count -- guilty and a death sentence.

Benton Eugene Richardson, on the other hand, faced the prospect of never leaving prison until U.S. Senior District Judge James Ellison ruled in 2004 that attorney Michael Wehba provided ineffective assistance.

Nevada Agency Run Amuck

Open Letter to Congressman Jim Gibbons

Dear Congressman Gibbons:

The Nevada Department of Wildlife (NDOW) has willfully manipulated the judicial system to perform an unlawful "taking" by a governmental body, thereby destroying not only my source of income but, the federally protected Railroad Valley Spring Fish that were flourishing on the property. These fish lived in the springs on my property and had thrived for more years than I know. *Go to usoregonobserver.com and type in Bob Eddy in the search box to read the background on this case.*

Since there is currently a great deal of both state and federal money being spent to save these Springfish and their habitat, I feel the U.S. E.P.A. should be requested to investigate.

They violated the law by judge shopping, looking for a judge that would be sympathetic to their cause, in the first place. My home, business and the crayfish are located in the Fifth Judicial District and any court case involving it should have been heard here locally. Instead they chose to file in District Two where they had a sympathetic judge. This is a direct violation of my rights.

Judge Elliot ordered that they could "reduce the temperature of water in any facilities used for raising or possessing such crayfish" and the "Nevada Division of Wildlife assumes full responsibility for its actions in regard to the Railroad Valley Springfish that may be present."

NDOW officers appeared on my land and held my wife and I hostage with armed guards while they actually poisoned the crayfish, the Springfish and the entire ecosystem downstream from my springs, in an area designated as "environmentally sensitive" by the Nevada Department of Transportation, in direct violation of the court order. I have appealed and been denied any satisfaction from either NDOW or the court.

I would appreciate it if you would look into this matter and help me out.

Sincerely,

Robert L. Eddy
Mina, Nevada

Editors Note: Bob, your problem is one that is shared by many others across this nation, but cared about by few. In Oregon, our Department of Fish and Wildlife clubs and electrocutes to death thousands of salmon each year, both hatchery and native. They then lie to the public through their controlled, main-stream media while they live lavishly on our hard earned tax dollars. All governmental agencies are allowed to continue to steal our money and trample our rights by our legislative and judicial branches of government, when many of them should be behind bars for ruining the lives of honest, hard working Americans. The main problem shared by all who face situations such as yours is that our legislative and judicial branches of government have allowed government agencies to actually legislate laws themselves and as they experience this power they become "gods" unto themselves. To reform their unconstitutional and therefore illegal activities we need to clearly expose their criminal and evil acts, not to our lame legislatures which rubber-stamp their skirting of our constitutions, but rather to their friends, relatives and neighbors who will begin to see these uncontrolled people for exactly what they are...EVIL.

The US~Observer creates this exact type of exposure and that is the reason we win...period. When men such as yourself realize this and support the ONLY method that works, we see the evil and those who practice such evil flee. They flee because they are guilty and spineless.

I sincerely hope that you share this newspaper with all those you associate with and prompt them to get involved in any way they can to help us stop those who choose to destroy the innocent.

That ruling vacated a no-parole life term imposed in 1997 when jurors convicted Richardson of murdering a man outside a Tulsa restaurant in 1995.

The death penalty was not pursued in that case, and a retrial was avoided when Richardson pleaded no contest in September to a reduced charge of second-degree murder.

He accepted a 20-year prison term in which he got credit for more than eight years already spent behind bars. A Department of Corrections Web site indicates he is scheduled for a parole hearing in February 2006.

In Richie's case, jurors convicted him of murdering Laura Launhardt, who disappeared after shopping at a Tulsa store. Her bound body was found days later in an abandoned house.

The defense's theory was that she had been left alive and unintentionally hanged herself while alone and struggling to get free. Prosecutors maintained that Richie actively caused

her death by strangulation.

On Richie's behalf, defense attorney Melody Brannon failed to elicit critical testimony from a medical examiner to oppose the prosecution's "hanging" theory, U.S. District Judge Terence Kern wrote in a new-trial ruling.

Last year, Tulsa County judges changed their pay practices to increase substantially the compensation available for lawyers appointed to capital cases.

The system "needs to figure out a way to get more people in the bar who are able to do death-penalty cases," Presiding District Judge Tom Gillert said. "There really aren't that many."

James Rowan, an Oklahoma City lawyer with ample experience in death-penalty defense, said that in trying to minimize ineffective assistance issues, it is "the right idea to increase the training and skill of capital trial lawyers."

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Continued from page 8 A Republic ...

by passion, prejudice, and impulse, without restraint or regard to consequences. Results in demagogism, license, agitation, discontent, anarchy.

This manual also accurately stated that the framers of the Constitution "made a very marked distinction between a republic and a democracy ... and said repeatedly and emphatically that they had formed a republic."

But by 1932, pressure against its use caused it to be withdrawn. In 1936, Senator Homer Truett Bone (D-WA) took to the floor of the Senate to call for the document's complete repudiation. By then, even finding a copy of the manual had become almost impossible. Decades later, in an article appearing in the October 1973 issue of Military Review, Lieutenant Colonel Paul B. Parham explained that the Army ceased using the manual because of letters of protest "from private citizens." Interestingly, Parham also noted that the word democracy "appears on one hand to be of key importance to, and holds some peculiar significance for, the Communists."

By 1952 the U.S. Army was singing the praises of democracy, instead of warning against it, in Field Manual 21-13, entitled The Soldier's Guide. This new manual incorrectly stated: "Because the United States is a democracy, the majority of the people decide how our Government will be organized and run...." (Emphasis in original.)

Yet important voices continued to warn against the siren song for democracy. In 1931, England's Duke of Northumberland issued a booklet entitled The History of World Revolution in which he stated: "The adoption of Democracy as a form of Government by all European nations is fatal to good Government, to liberty, to law and order, to respect for authority, and to religion, and must eventually produce a state of chaos from which a new world tyranny will arise."

In 1939, historians Charles and Mary Beard added their strong voices in favor of historical accuracy in their America in Midpassage: "At no time, at no place, in solemn convention assembled, through no chosen agents, had the American people officially proclaimed the United States to be a democracy. The Constitution did not contain the word or any word lending countenance to it, except possibly the mention of 'We, the People,' in the preamble.... When the Constitution was framed no respectable person called himself or herself a democrat."

During the 1950s, Clarence Manion, the dean of Notre Dame Law School, echoed and amplified what the Beards had so correctly stated. He summarized: "The honest and serious student of American history will recall that our Founding Fathers managed to write both the Declaration of Independence and the Constitution without using the term 'democracy' even once. No part of any of the existing state Constitutions contains any reference to the word. [The men] who were most influential in the institution and formulation of our government refer to 'democracy' only to distinguish it sharply from the republican form of our American Constitutional system."

On September 17 (Constitution Day), 1961, John Birch Society founder Robert Welch delivered an important speech, entitled "Republics and Democracies," in which he proclaimed: "This is a Republic, not a Democracy. Let's keep it that way!" The speech,

which was later published and widely distributed in pamphlet form, amounted to a jolting wake-up call for many Americans. In his remarks, Welch not only presented the evidence to show that the Founding Fathers had established a republic and had condemned democracy, but he warned that the definitions had been distorted, and that powerful forces were at work to convert the American republic into a democracy, in order to bring about dictatorship.

Means to an End

Welch understood that democracy is not an end in itself but a means to an end. Eighteenth century historian Alexander Fraser Tytler, Lord Woodhouselee, it is thought, argued that, "A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship." And as British writer G.K.

Chesterton put it in the 20th century: "You can never have a revolution in order to establish a democracy. You must have a democracy in order to have a revolution."

Communist revolutionary Karl Marx understood this principle all too well. Which is why, in The Communist Manifesto, this enemy of freedom stated that "the first step in the revolution by the working class is to raise the proletariat to the position of ruling class, to win the battle of democracy." For what purpose? To "abolish private property"; to "wrest, by degrees, capital from the bourgeoisie"; to "centralize all instruments of production in the hands of the State"; etc.

Another champion of democracy was Communist Mao Tse-tung, who proclaimed in 1939 (a decade before consolidating control on the Chinese mainland): "Taken as a whole, the Chinese revolutionary movement led by the Communist Party embraces the two stages, i.e., the democratic and the socialist revolutions, which are essentially different revolutionary processes, and the second process can be carried through only after the first has been completed. The democratic revolution is the necessary preparation

for the socialist revolution, and the socialist revolution is the inevitable sequel to the democratic revolution. The ultimate aim for which all communists strive is to bring about a socialist and communist society."

Still another champion of democracy is Mikhail Gorbachev, who stated in his 1987 book Perestroika that, "according to Lenin, socialism and democracy are indivisible.... The essence of perestroika lies in the fact that it unites socialism with democracy [emphasis in the original] and revives the Leninist concept.... We want more socialism and, therefore, more democracy."

This socialist revolution has been underway in America for generations. In January 1964, President Lyndon Johnson boasted in a White House address: "We are going to try to take all of the money that we think is unnecessarily being spent and take it from the 'haves' and give it to the 'have nots' that need it so much." What he advocated, of course, was a Marxist, not an American, precept. (The way Marx put it was: "From each according to his abilities, to each according to his needs.") But other presidents before and after have advanced the same goal. Of course, most who support this goal do not comprehend the totalitarian consequences of constantly transferring more power to Washington. But this lack of understanding is what makes revolution by the ballot box possible.

The push for democracy has only been possible because the Constitution is being ignored, violated, and circumvented. The Constitution defines and limits the powers of the federal government. Those powers, all of which are enumerated, do not include agricultural subsidy programs, housing programs, education assistance programs, food stamps, etc. Under the Constitution, Congress is not authorized to pass any law it chooses; it is only authorized to pass laws that are constitutional. Anybody who doubts the intent of the Founders to restrict federal powers, and thereby protect the rights of the individual, should review the language in the Bill of Rights, including the opening phrase of the First Amendment ("Congress shall make no law...").

As Welch explained in his 1961 speech:

... man has certain unalienable rights which do not derive from government at all.... And those ... rights cannot be abrogated by the vote of a majority any more than they can by the decree of a conqueror. The idea that the vote of a people, no matter how nearly unanimous, makes or creates or determines what is right or just becomes as absurd and unacceptable as the idea that right and justice are simply whatever a king says they are. Just as the early Greeks learned to try to have their rulers and themselves abide by the laws they had themselves established, so man has now been painfully learning that there are more permanent and lasting laws which cannot be changed by either sovereign kings or sovereign people, but which must be observed by both. And that government is merely a convenience, superimposed on Divine Commandments and on the natural laws that flow only from the Creator of man and man's universe.

Such is the noble purpose of the constitutional republic we inherited from our Founding Fathers. ■■

*Our constitution works. Our great republic is a government of laws, not of men.
--Gerald Ford*

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- You wore a white hard hat and said "hi" when David (a 50 year old Caucasian man) said "good morning" to you.
- You may have noticed David crawling in &/or out of the back of his blue 1974 Chevy Blazer which had a white roof & black hood.
- It was a cold morning & David was defrosting his car windows.
- Please contact Ed Snook or Kelly Stone at 541-474-7885

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Teens' Risky Behavior Down Since 1993

By KEVIN FREKING
Associated Press Writer

WASHINGTON - In many ways, children today are doing better than their parents did. They take fewer drugs, commit fewer crimes and have fewer babies. If they would just lay off the chips and soda.

A huge increase in obesity and increases in young people living in poverty and in single-parent homes have held back even greater progress in children's overall well-being during the past three decades, according to the Foundation for Child Development.

The Child Well-Being Index, which tracks 28 separate measures, shows that since 1993 children have been engaging in less risky behavior. And while all is not rosy, the report says the overall well being of children is improving.

Among the findings:

The adolescent and teen birth rate has dropped from 20 births per 1,000 girls in 1992 to an estimated 10.9 births per 1,000 girls in 2004.

Binge drinking among high school seniors has fallen from 36.9 percent in 1975 to about 29.2 percent in 2004. Binge drinking is the consumption of five or more alcoholic drinks in one setting, and respondents were asked whether they had consumed such amounts within the past two weeks.

The number of youth offenders — and victims — has fallen dramatically since 1993. The number of youths age 12-17 who were victims of crime in 1994 stood at 120 per 1,000 children. The number of crime victims in that same age group is projected at about 45 per 1,000 in 2004.

Jeffrey Butts, director of the youth justice program at the Urban Institute, said the report speaks well of today's teens.

"Maybe we have the next 'greatest generation' coming along here," Butts said.

Kenneth Land, a professor at Duke University and author of the report, said a number of factors contributed to the improvement.

For example, the declining crime rate could be attributed to a better economy, the waning of the crack cocaine

epidemic and an expansion of community policing, including more officers in schools.

Parents, too, have played a role in the gains.

Parents who grew up in the 1970s and early '80s saw or experienced the effect of drug use and have been more assertive about controlling their own children's behavior, he said.

But Butts cautioned against linking trends to specific policy changes without further study. For example, he said that linking lower juvenile crime rates to funding police officers during the Clinton years sounded more like political speculation to him.

Butts also said improvements in such diverse categories as drug use, teen pregnancy and crime are hard to explain through government initiatives.

"I think it's not so much a sign of policy-making as it is a fundamental cultural shift," Butts said.

The study was based on a series of statistical reports from the Census Bureau, the National Center for Health Statistics and other government agencies. The section on smoking, drinking and drugs used data from University of Michigan research.

In some categories, particularly health, America's children aren't doing so well. The obesity rate among children 6 to 17 has tripled since 1975 — from about 5 percent to nearly 16 percent.

Test scores measuring academic achievement have remained stagnant during the three decades studied — despite increases in per-pupil spending.

Also, the number of children 18 and under in single-parent households has increased over the past three decades. In 1975, about 17 percent of children lived in single-parent households. By 2003, that number had increased to 27.5 percent, with most of the increase occurring in the 1980s.

"We can do better and we are doing better, but not better enough," said Fasaha Traylor, senior program officer at the foundation.

The Foundation for Child Development is a national philanthropy dedicated to helping children, particularly the disadvantaged. ■■

NRA Leader Advocates Guns for Teachers

PHOENIX (AP) - All options should be considered to prevent rampages like the Minnesota school shooting that took 10 lives - including making guns available to teachers, a top National Rifle Association leader said Friday.

"I'm not saying that that means every teacher should have a gun or not, but what I am saying is we need to look at all the options at what will truly protect the students," the NRA's first vice president, Sandra S. Froman, told The Associated Press.

Gun-control restrictions would not have prevented Jeff Weise, 16, from killing nine people and himself Monday at Red Lake High School near Bemidji, Minn., said Froman, an attorney expected next month to be elected president of the NRA, which claims 4 million members.

The presence of an unarmed guard at the school failed to stop the siege, she noted.

"No gun law, no policy that you could implement now or that was already implemented, I think, could possibly prevent someone so intent on destruction," she said. "I think everything's on the table as far as looking at what we need to do to make our schools safe for our students."

Froman said if it is the responsibility of teachers to protect students in a school, "then we as a society, we as a community have to provide a way for the teachers to do that."

Froman cited the 1997 school shooting incident in Pearl, Miss., where a teacher retrieved a gun from his car when a student opened fire, then held the student at bay until police arrived.

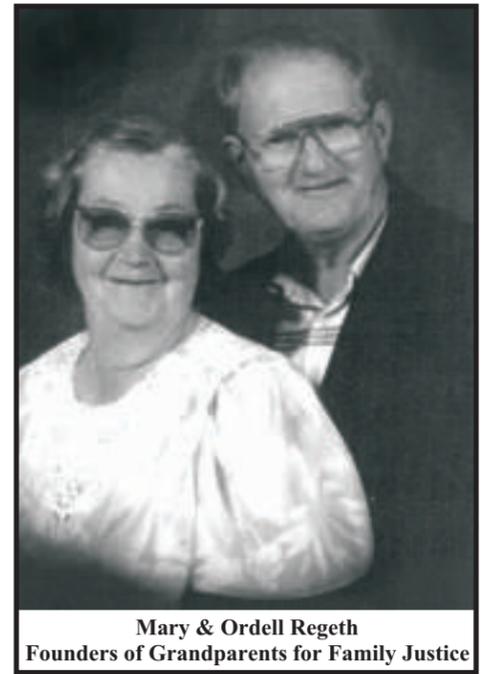
A law prohibiting guns in schools "is not going to stop someone who has evil in their heart and who has the capacity to commit those crimes from doing them," Froman said.

US~Observer's Hero Spotlight Grandparents for Family Justice

Mary and Ordell Regeth founded Grandparents for Family Justice in 1985 and have saved many children from falling into the system and away from their families when in 1997 they succeeded in establishing the Kinship Law.

Prior to their involvement most children were turned over to state-run homes and foster care which sets them on a possible journey down a road that can lead from home to facility to possible dysfunction and poverty.

The US~Observer would like to extend our thanks for their outstanding display of humanity and commitment to justice.



Mary & Ordell Regeth
Founders of Grandparents for Family Justice

Are Certain Lives Not Worth Living?

www.jewishworldreview.com — Dr. Leo Alexander served with the Office of the Chief Counsel for War Crimes in Germany after Hitler was defeated. He interviewed the physician defendants, German doctors who had been involved in practices such as euthanizing mentally handicapped Germans that led to the "final solution" for Jews and others. In a prophetic article in the July 14, 1949, issue of the New England Journal of Medicine, Alexander examined the initial causes of the Holocaust. "The beginnings," he wrote, "were merely a subtle shift in emphasis in the basic attitude of the physicians. It started with the acceptance, basic in the euthanasia movement, that there is such a thing as life not worthy to be lived."

The Nazis described the patients they killed as "useless eaters."

Not long before Alexander's death in 1984, he warned that the same lethal attitudes were taking root in this country. He cited the rise of the "death with dignity" movement, which advocated what later became more widely known as assisted suicide -- doctors providing the means for patients to kill themselves, which is now legal in Oregon.

Recalling his research for the Nuremberg trials, Alexander said of what was happening here: "The barriers against killing are coming down."

A new book by Wesley Smith, "The Culture of Death: The Assault on Medical Ethics in America," documents Alexander's concerns more fully and lucidly than any volume yet published on whether humanity will be able to remain humane.

Writing about "The Culture of Death," Dr. N. Gregory Hamilton, president of Physicians for Compassionate Care, points out that "prominent bioethicists now claim the value of each human life can be traded off in complex cost-benefit ratios. ... Members of the bioethics elite have quietly convinced many of our judges, hospital administrators and doctors that some human lives have relatively less value, and therefore less right to equal protection."

I have known and read Wesley Smith for a long time, and I have often cited him in this column because of the range, depth and accuracy of his research. His new book names a number of these bioethicists -- whom I called, years ago, "the new priesthood of death." He shows

how their influence began and grew, and tells of patients who have been subject to final decisions by doctors -- often against the patients' wishes and the wishes of their relatives -- because it was thought that their lives were no longer worth living. It's called involuntary euthanasia.

As Smith says in "The Culture of Death": "With the exception of assisted suicide -- due mostly to the widespread media coverage of Jack Kevorkian -- most people are but dimly aware of what is happening." "Popular culture," he adds, "promotes many of these practices as a compassionate response to the trials and tribulations of illness."

Like Alexander in 1949, Smith is trying to alert all of us to the falling barriers against killing. Moreover, he warns that a consequence of this devaluing of disabled and otherwise fragile lives is the creation of "a duty to die." I have debated academics who seriously believe that people who are no longer "productive" should die rather than expect their families and the rest of society to pay what it costs to keep them alive.

In the Cambridge Quarterly of Healthcare Ethics last fall, there was this medical advice by Drs. Lawrence J. Schneiderman and Alexander Morgan Capron:

"A judge who orders that a severely disabled child be kept alive rarely sees firsthand the long-term consequences of that decision, which remain a continuing vivid experience for the health professionals who must provide care for the child."

Therefore, so that these "professionals" can be relieved of such a "vivid experience," a compassionate judge should order that the child not be kept alive. That is the culture of death.

Smith ends "The Culture of Death" with the following words: "We all age. We fall ill. We grow weak. We become disabled. A day comes when our need to receive from our fellows adds to far more than our ability to give in return. When we reach that stage of life ... will we still be deemed persons entitled to equal protection under the law?"

If only in self-defense, you ought to read "The Culture of Death" and discuss it with your doctors and your family. And put your wishes in writing.

Judges Say Overhaul Would Weaken Bankruptcy System

By Peter G. Gosselin
Times Staff Writer

WASHINGTON — For nearly a decade, proponents of overhauling the nation's bankruptcy laws have described their aim as ensuring that Americans who enter bankruptcy court do not escape bills that they can truly afford to pay.

But only weeks before Congress is likely to approve the long-sought overhaul, bankruptcy judges across the country warn that the measure would undermine the very section of the law under which debtors are now repaying more than \$3 billion annually to their creditors.

These judges say the effect of the overhaul would be to discourage most forms of personal bankruptcy, which for nearly two centuries has served as a safety net for people in economic trouble.

"The folks who brought you 'those who can pay, should pay' are pulling the stuffing out of the very part of the bankruptcy law where debtors do pay," said Keith Lundin, a federal bankruptcy judge in the eastern district of Tennessee in Nashville and an authority on bankruptcy repayment plans.

"The advocates aren't trying to fix the bankruptcy law; they're trying to mess it up so much that nobody can use it," Lundin charged.

In interviews, a dozen current or former bankruptcy judges, whose names were suggested by proponents as well as opponents of the overhaul legislation, described what they saw as the problems that could result from key provisions of the new measure.

Judges now have broad discretion to determine how much a debtor must pay to creditors and on what schedule after declaring bankruptcy under what is known as Chapter 13. But under the legislation, that discretion would be substantially curtailed.

The new legislation would bar courts from reducing the amount that many debtors would have to repay on their cars and other big-ticket items. It would also extend the length of time people would have to make repayments and impose repayment schedules that critics describe as so onerous that many debtors would fall behind.

The result, the judges said, would be the collapse of more repayment plans, forcing debtors out of bankruptcy court protection. Creditors then could try to force debtors to pay the full amount owed — not the reduced amount a judge had ordered — by moving to repossess their belongings or bringing legal actions. Many people would have to pay creditors far into the future, the critics said, and thus be unable to restart their economic lives, a long-held aim of bankruptcy.

Repayment plans "are pretty fragile documents to begin with, but they're going to get a lot more fragile under these conditions," said Ronald Barliant, a former bankruptcy judge from the northern district of Illinois in Chicago.

"It's going to take away of lot of the incentives" for people to enter repayment plans, said David W. Houston III, a bankruptcy judge from the northern district of Mississippi in Aberdeen.

Overhaul proponents respond to such criticisms by contending that the current bankruptcy system is rife with fraud and abuse and is stacked against creditors. Many proponents are deeply scornful of bankruptcy judges, who they charge

have let the system spin out of control.

"They're part of the ... problem," declared Jeff Tasse, a Washington lobbyist who heads the coalition of credit card companies, banks and others that has spearheaded the overhaul drive.

"They're not real judges, not Article 3 judges," Tasse said. He was referring to Article 3 of the U.S. Constitution, under which judges in the regular federal court system are appointed for life. Bankruptcy judges are appointed under Article 1 to 14-year renewable terms.

As matters now stand, financially distressed Americans generally have two options in bankruptcy. They can file a Chapter 7 case, in which they forfeit most of their assets in return for cancellation of most debts and a debt-free "fresh start." Or, they can file a Chapter 13 case, in which they get to keep most of their property but must agree to repay a portion of their debts over a period of time.

Some advocates for changing the system have contended that these provisions should be rewritten to address a kind of moral laxness in bankruptcy practices.

"When you have seen a system that has gone from a few hundred thousand cases to 1.5 million last year — most of that increase during the fat years of the Clinton administration — you must conclude something is not right," said Edith H. Jones, a federal appellate court judge in Houston who served on a blue-ribbon panel to review bankruptcy law in the 1990s and is widely believed to be seen as on President Bush's short list for a position on the Supreme Court.

"People have been encouraged to see bankruptcy as an easy way out of uncomfortable situations," Jones said.

Overhaul proponents have also said that the new measure is so narrowly cast that it would affect no more than 15% of bankruptcy filers.

The legislation would require courts to check whether people make more than their state's median income and can pass a "means test," which gauges whether they have enough to cover allowable living expenses, pay secured creditors such as mortgage lenders and still have some left over for unsecured creditors such as credit card companies. Those who are above the median and have the means would no longer be allowed to file under Chapter 7 and wipe out most of their debts, but would have to file Chapter 13 cases and agree to a repayment plan.

Nearly all congressional Republicans, together with many Democrats, support the overhaul measure, which the president has warmly endorsed and said he would sign. The Senate passed the measure this month in a 74-25 vote. Approval from the House is expected next month.

However, largely overlooked in the debate has been a series of proposed changes in Chapter 13 that critics say would make it harder for debtors to stick with repayment plans — the opposite effect of what supporters say they want.

Critics, including bankruptcy judges in California, North Carolina, Massachusetts, and Florida say there is nowhere near the fraud in the system that advocates claim.

They cite a study by the nonpartisan American Bankruptcy Institute, which concludes that only about 3% of those who wipe out their debts in Chapter 7 could afford to repay a portion in Chapter 13. Lobbyists for the credit card and banking industries estimate

that 10% or more would be able to pay.

Those opposed to the changes contend that most people who file for bankruptcy are truly distressed financially — and say the success that courts have in collecting as much as they do under Chapter 13 shows the system is working.

According to figures from the U.S. Trustee Program, a Justice Department agency, Chapter 13 debtors repaid almost \$3.6 billion in 2003, the latest year for which figures are available.

But critics say the courts' success with Chapter 13 is threatened by several little-noticed elements of the proposed legislation:

Auto Loans

Under current law, those who file under Chapter 13 must repay car loans only up to the amount the car is worth at the time they enter court, or they risk losing the vehicle. A debtor who bought a \$24,000 sport utility vehicle and filed for bankruptcy two years later, for example, might have to pay far less because the vehicle had depreciated.

By reducing what debtors owe auto lenders in this fashion, the law ensures more money for other creditors. And, according to bankruptcy experts, it means that auto lenders are treated on an equal footing with other "secured" creditors — they are promised repayment only to the value of the item they could repossess.

Under the new measure, debtors would have to pay the full amount on any vehicle purchased within 2 1/2 years of bankruptcy, or risk losing the vehicle. The change may seem minor to an outsider, but not to Chapter 13 debtors or bankruptcy judges. "That's going to be a big deal," predicted A. Thomas Small, a bankruptcy judge for the eastern district of North Carolina in Raleigh. It would mean that many repayment plans that work now would fail under the new measure, he said.

Repayment Plans

Under current law, the debtor and his lawyer work out a repayment plan that they think represents the most the debtor can pay and still cover basic living expenses. A bankruptcy judge must eventually approve the plan, which usually has reduced or stretched-out payments to creditors. In the meantime, the debtor immediately begins making payments to a court-appointed trustee.

Under the legislation, many debtors would have to make full payments on such big-ticket items as houses, furniture and appliances. They would have to make those payments directly to the lenders. And at the same time, they would have to start paying the court-appointed trustee for debts to doctors, credit card companies and other unsecured creditors.

Many bankruptcy judges say debtors who come before them often do not have enough income to make both sets of payments.

The result, they warned, would be that many debtors' plans would quickly fail.

Starting Over

Under current bankruptcy law, two guiding principles are that debtors should not be required to repay indefinitely, or they effectively become indentured servants to their creditors, and that they should eventually be given a debt-free "fresh start" on their economic lives.

The legislation would require debtors to agree to repayment plans with a five-year minimum repayment schedule, up from the current three-year minimum. It would also boost the chances that debtors would be required to continue paying some debts even after a plan's successful completion.

Todd Zywicki, a law professor at George Mason University in Virginia, said the shift away from the "fresh start" philosophy is justified because another bedrock American value — that people who incur debts should pay them — is being sullied under the current system.

But many bankruptcy judges and independent experts warn that equally compelling values would be lost if the proposed measure becomes law.

Practically, they warn, debtors who would no longer qualify for Chapter 7 and fail to complete Chapter 13 repayment plans would either have to keep paying creditors indefinitely or drop out.

"If you're confronted with a mountain of debt and have no hope of getting out from under it, you're either going to go underground or turn to crime," said Kenneth N. Klee, a former Republican congressional staffer who was one of the chief authors of the last major bankruptcy law change in 1978 and now teaches law at UCLA.

More broadly, say judges and others, the ability to start over after running into financial problems should not be discounted.

"Loads of people have filed bankruptcy — Mark Twain, Buster Keaton, Walt Disney," said Lundin, the Nashville-based bankruptcy judge. "Bankruptcy is a very American safety net.

"It's part and parcel of the American dream."

Colorado: Jurors' Bible reading cited; penalty altered

DENVER (AP) -- The Colorado Supreme Court on Monday threw out the death penalty in a rape-and-murder case because jurors had studied Bible verses such as "eye for eye, tooth for tooth" during deliberations.

On a 3-2 vote, justices ordered Robert Harlan to serve life in prison without parole for kidnapping 25-year-old cocktail waitress Rhonda Maloney in 1994 and raping her at gunpoint for two hours.

The jurors in Harlan's 1995 trial sentenced him to die, but defense lawyers discovered five of them had looked up Bible verses, copied them down and talked about them while deliberating a sentence behind closed doors.

The Supreme Court said that "at least one juror in this case could have been influenced by these authoritative passages to vote for the death penalty when he or she may otherwise have voted for a life sentence."

During oral arguments before the Supreme Court last month, defense attorney Kathleen Lord said the jurors had gone outside the law. "They went to the Bible to find out God's position on capital punishment," she said.

Prosecutors had argued that jurors should be allowed to refer to the Bible or other religious texts during deliberations.

Incredible Shrinking Colorado Governor Bill Owens

By Frosty Wooldridge
NewsWithViews.com

"It's a sad day in America when law makers side with law breakers against law abiding citizens." African-American Ezola Foster

Two weeks ago, after hearing 28 Colorado citizens speak in favor of Representative David Schultheis' H.B. 1271, which prohibits illegal aliens from gaining taxpayer benefits—Democrat Terrance Carroll stood up and announced that all 28 men and women in favor of upholding the law—were racists.

Quite a few of those who spoke were grandmothers and grandfathers in their 70's. Carroll, an African-American, somehow 'knew' they were racists because they supported the rule of law. He purported they were 'racists' because they asked their representatives to abide by their oath of office to stand for Coloradans. They were 'racists' because they didn't want their tax dollars paying for federal criminals who broke into America against our laws. They were 'racists' because they expressed their First Amendment rights.

Of the seven who spoke against the bill, two were hospital administrators who didn't want to report on those they served who resided in Colorado illegally. When asked who they billed for unpaid services by illegals, hospital administrator Hudson said, "We bill the State of Colorado." In other words, he doesn't mind making us pay for 250,000 illegal aliens using our hospitals, but he's upset that he might have to report that fact. With his perspective, California suffered 24 hospitals bankrupting in 2004. They failed because three million illegal aliens in California use hospitals without paying. After those hospitals bankrupted, American citizens lost their medical care.

ACLU spokeswoman, Cathy Hazouri, said that the bill was an invasion of privacy for illegal aliens. It's okay that illegals invaded our country but it's not okay that we invade their privacy. That makes a lot of sense! Another woman

said the bill would create fear in the immigrants, but refused to say they were illegal aliens. If you were there, you might think you were hearing rationalizations from nut cases on Judge Judy.

If you rob a bank, you fear jail. If you cheat on an exam, you fear being flunked. If you broke into America illegally, you fear deportation. If you are a legal immigrant, you have no fear whatsoever.

Last month, writer Terry Graham exposed Governor Bill Owens for endorsing and promoting a booklet welcoming illegal aliens into Colorado. Owens boldly showed illegal aliens how to find employment, gain free medical services, avoid deportation and send money back to Mexico in his "Guide to the Mexican Migrant." The problem--Owens stands in violation of federal laws: USC 8, Section 1324, 274, 275, 276 and 277. He was touted as the best governor in America in the September 2, 2002, National Review, John J. Miller, "America's Best Governor: For Republicans—A Rocky Mountain High—Bill Owens." Ironically, he serves illegal aliens better than citizens of Colorado.

Speakers for the bill included Dr. William Herron of www.defendcoloradonow.com. He offered persuasive reasons for passing the bill. He moved to Colorado from Los Angeles because of crime, loss of English, gridlock, drugs and chaos of that city. "We're driving Colorado into the same nightmare as Los Angeles if we continue this magnet of freebies for illegal aliens in Colorado...does anyone here want Colorado to add a million illegal aliens?"

One speaker attempted to show the committee the crisis from the standpoint



of other states. He said, "At one time, California suffered 250,000 illegal aliens, but today, they have three million. Arizona follows with 500,000 illegal aliens and their hospitals are in financial crisis. Arizona approved Proposition 200 to stop illegals from gaining services for which they have no business gaining. Virginia's House and Senate passed the same kind of bill a week ago. Idaho gathers its forces to stop illegals. Iowa passed a bill to stop illegals from gaining driver's licenses. Arkansas moves toward its own bill to stop illegals from receiving services they do not warrant. Let's face it; they are illegally in our country. They are federal criminals that can be deported."

Representative David Schultheis showed the committee a Colorado poll showing 80 percent of voters approved of H.B. 1271. According to Carroll, they're all racists. Never mind that Arizona is overrun with 500,000 illegal aliens while suffering 57,000 car thefts per year and has become the drug route of choice. They passed Proposition 200, which according to Carroll, they must be racists. Never mind that California with 3.1 million illegals looks like the Titanic sinking with \$38 billion in debt. Never mind California's exploding crime, schools in chaos, air pollution and gridlock along with a state cost of \$9.2 million for illegals using schools, welfare, education and medical

facilities. Never mind that 24 hospitals and ER wards bankrupted in California last year. They passed Proposition 187. They must be racists.

Contrary to Carroll's racist charges, African American Terry Anderson supports H.B. 1271. African American Ezola Foster supports it. Hispanics Haydee Pavia and Priscilla Espinoza support H.B. 1271. Are they racists?

In 1994, the U.S. Commission on Immigration Reform, chaired by highly-regarded African-American Representative Barbara Jordan, famously stated "...it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest."

According to Terrance Carroll in Colorado, Barbara Jordan must be a racist!

It's a sad day in Colorado when lawmakers like Terrance Carroll call law abiding Coloradans who participated with reasoned speeches as "racists." It's a pathetic moment in history when a sitting governor breaks federal laws in favor of federal criminals from foreign countries. It's a sad day in Colorado when those who are elected to represent us; instead, represent illegality, growing crime, growing educational chaos and the loss of the rule of law.

Editors Note: For more articles like this one, go to NewsWithViews.com.

Immigration Minuteman Project Begins This Week

By Gentry Braswell
Herald/Review

TOMBSTONE - Emotions and opinions vary in Cochise County and beyond regarding the controversial Minuteman Project.

But no matter what the view, the border watch effort is set to start on Friday.

"Well, volunteers continue to pour in," said co-organizer Chris Simcox of Tombstone. "We have 1,100 confirmed RSVPs from people we've screened and deemed as responsible, rational citizens who understand that this is a peaceful political protest."

The Minuteman Project is a monthlong endeavor where organizers plan to deploy civilian volunteers at Cochise County's U.S.-Mexico border, in turn reporting any illegal border activity to the U.S. Border Patrol. The project is focusing on the San Pedro Valley, a hot spot for illegal border crossings.

"The message is for President Bush and Congress to remember who they work for," he said.

But local law enforcement worry about unforeseen results, and the Border Patrol's official stance is it doesn't need the project's assistance.

U.S. Rep. Jim Kolbe said Wednesday during a speech in Tucson that the project will only complicate the efforts of border enforcement, as well as the issue itself.

Simcox said he and co-organizer Jim Gilchrist have contracted with private security officers for their own personal protection after receiving threats.

"We've got some personal security, for especially myself and Mr. Gilchrist, in case there's any violent opposition," he said.

Cochise County Sheriff Larry Dever has expressed concern about the two organizers' safety, as well as his concern for the many other participants, onlookers and Mexican nationals. And

he has met with Minuteman Project organizers to tell them to obey the law or face the law.

Simcox said members of an anti-American, racist group from California "have threatened to come out and confront us with weapons. To instigate a confrontation to taint the mission."

"We must be exemplary in our behavior to succeed," he said.

The project's objective is to prove that saturating the border with patrol will prevent illegal immigration, he said. But, he said, that must be done scrupulously and peacefully to be seen as legitimate.

"Border Patrol is already seeing a decrease," he said, because "we have publicized that we're going to patrol."

The Tucson Sector has recorded 210,718 apprehensions since Jan. 1, according to Border Patrol Spokeswoman Andrea Zortman. She said this is a 6 percent increase of apprehensions from the first quarter of 2004.

And since March 14, she said on Friday, there had been a 1 percent drop in apprehensions, relative to the same 10-day period during 2004.

This, however, could be just as much a result of the recent increase of Border Patrol field personnel and equipment, and not necessarily because of next month's Minuteman Project, Zortman said.

Simcox said Minuteman collaborators will hold informal rallies next Saturday and Sunday, at both Douglas' and Naco's Border Patrol headquarters.

These rallies are to be "pro-Homeland Security" demonstrations, he said.

"We're inviting people to show support for the Border Patrol," Simcox said. "And demanding that the president give them our blessings on spending whatever it takes to support that border."

The message, he said, is directed toward Washington, D.C., not at Mexico City.

Continued on page 15

Continued from page 14
Immigration Minuteman ...

On April 16, there is scheduled another demonstration, which he called the "Boston Tea Party rally," to demonstrate against what Simcox calls "taxation misrepresentation" in terms of federal border-security spending as it relates to local taxpayers.

On Friday, those volunteers that show up in Tombstone for the project will spend all day being briefed at an orientation and registration seminar at Schieffelin Hall.

Official participants will be issued Minuteman identification cards, information packets and maps to their assigned patrol areas.

Simcox said estimations regarding the local economic boost anticipate about a half-million-dollar influx from visiting media, participants and curious onlookers.

"This is going to be a boom event for our local economy," Simcox said.

Tombstone Councilman Moe Sinsley agreed that it could be a windfall for Tombstone if all goes well.

"In talking to most of the motel owners, and the RV park owners, they have a lot of booking," Sinsley said.

But, he added, it remains to be seen whether all of these people arrive to fulfill their reservations.

"For a lot of people it will be their first time in, so there will be a curiosity factor," he said, which is a significant variable in predicting any economic impact. ■■

Bills Aim to Limit Lawsuits Against Weapons Makers

By Karen Dandurant

PORTSMOUTH, New Hampshire—Gun manufacturers, including Sigarms of Exeter, don't want to be sued by third parties when someone illegally uses their products.

Gun control advocates, on the other hand, oppose legislation that would prevent civil liability actions against the gun industry.

That's how the political battle lines are drawn as, once again, bills are pending in both the U.S. House and Senate that would limit legal action against gun companies.

HR 800 is under consideration by the House Subcommittee on Commercial and Administrative Law, while S 397 is slated for a future Senate calendar.

The legislation was introduced last year but was defeated in the Senate after amendments were attached to it, including one that would have extended for 10 years the ban on assault weapons that expired last year.

In New Hampshire, both Republican Sens. Judd Gregg and John Sununu voted against the measure, while Reps. Charlie Bass and Jeb Bradley voted in favor of it.

Barbara Riley, representing Sununu, said the senator supports the bill and did so last year, until the assault weapons amendment was attached.

Last year, former Gov. Craig Benson signed a bill into law that made the state

the 34th to prohibit politically motivated, "frivolous" lawsuits against the firearms industry. The New Hampshire bill prohibits lawsuits dealing with the illegal use of guns by third parties, those who obtain guns legally. It does not prohibit suits based on allegations of defective products or negligence of a dealer.

Gun control advocates are lobbying against the two bills.

The Brady Campaign to Prevent Gun Violence is conducting an online petition drive asking citizens to urge their legislators not to support the bills.

"If this passed, it would be the first time in U.S. history, and possibly world history that a single industry was singled out to be immune to suit," said Peter Hamm, director of communications for the Brady Campaign. "There's no precedent to it. It takes away the rights of all victims of gun violence."

Hamm said the problem with the bill is that it would make gun dealers who turn a blind eye to straw purchasers immune from their negligence.

"There are a number of cases of victims injured because of the negligence of a gun dealer," said Hamm. "A guy and woman walk into a dealer. He points out the guns he wants, gives her cash. She does the background check and turns over the guns."

Kelly Hobbs, spokesperson for the National Rifle Association, said the bill is intended to save the lawful American firearms industry from frivolous lawsuits, based on the actions of criminals.

"The gun ban lobby has not been able to achieve their goal of legislating guns out of existence, so they've taken to the court in an attempt to litigate them out of existence," said Hobbs. "This bill does not provide blanket immunity, and I suggest the Brady people read it before taking a position. Any dealer who breaks the law or sells a defective product will not be immune from prosecution."

There are changes that could be made to the legislation that Hamm said might make a difference.

"Should Smith & Wesson, or any other gun manufacturer, be responsible if a bad guy shoots someone with a gun that was sold legally?" asked Hamm. "Of course not. But if a manufacturer sells to a dealer who traffics, and they are informed of it and do nothing, then yes, they should be accountable."

Hamm said the court system has a way of dealing with frivolous lawsuits: The suits are dismissed. The precedent this would set could be devastating, he added.

"Let's immunize the pharmaceutical industry, the auto industry," said Hamm. "They are all sitting, watching this. You'd not be able to ever sue anyone. It's disgraceful, and the industry knows this."

SIGARMS' VIEW

Paul Erhardt, spokesman for the Exeter-based gun manufacturer Sigarms, said the precedent spins in a different direction.

"If any manufacturer makes a defective product, or sells a gun illegally, we still have that liability under this bill," said Erhardt. "If we can be sued for the actions of a third party, then who do we go after next? We can say car dealers are not doing enough to prevent drunk drivers from getting in cars. To hold any group liable for the criminal

use of their product is wrong."

Hamm invites gun manufacturers, like Sigarms in Exeter, and Sturm, Ruger & Co., Inc. in Newport, to come up with sensible legislation on their own.

"Create something that passes the laugh test and I'm sure we could make progress," said Hamm. "However, they create products that kill people and are occasionally going to get sued. There's a clear liability risk."

The bottom line, Erhardt said, is that the gun control lobbyists are trying to bankrupt the industry. He said the money the industry is spending to defend itself is not being spent investing in new machinery, engineers, upgrades, research and development or product testing.

Hobbs said cases against the industry are often thrown out of court, but are still costing the industry millions of dollars.

"This is a jobs bill as well as a Second Amendment issue - the right to bear arms," said Erhardt. "They want to drive us out of business, but 40 million Americans enjoy the hunting and sport industry."

Sigarms supplies weapons to the Homeland Security Department, including the Coast Guard, as well as state and local police in several states, Erhardt said.

PRO-GUN CONTROL VIEW

Information compiled by Physicians for Social Responsibility for the year 2001, using data sources such as the Centers for Disease Control and the Bureau of Alcohol, Tobacco and Firearms:

- 29,573 people were killed with a firearm in the United States, including 91 N.H. residents.
- 802 people died from firearm-related homicides in the U.S.; three were residents of New Hampshire.
- Suicide with a firearm was the leading cause of violent death in New Hampshire. Homicide with a firearm is the fourth leading cause.
- For every firearm fatality in the United States, there are two non-fatal firearm injuries.
- There are eight times the number of firearms dealers as there are McDonald's franchises in America.

PRO-FIREARMS VIEW

Statistics released by the National Rifle Association, the National Center for Health Statistics and the National Safety Council:

- The nation's violent crime rate has decreased every year since 1991 and is now at a 27-year low.
- Firearm accident deaths have been decreasing for decades. Since 1930, their annual number has decreased 76 percent, while the U.S. population has more than doubled and the number of firearms has quintupled. Among children, such deaths have decreased 89 percent since 1975.
- The firearm accident death rate is at an all-time annual low, 0.26 per 100,000 population, down 92 percent since the all-time high in 1904.
- Firearms are involved in 1 percent of all deaths, and 1 percent of all deaths among children. Deaths involving firearms have decreased 1 percent since 1993.

Richardson Bill Holds Agencies Accountable When They Sue Citizens and Lose

Rep. Richardson recently introduced House Bill 3085 to hold state agencies fiscally accountable when they sue private citizens and lose. Specifically, it enables citizens to recover what they spent for attorney fees and costs after they have prevailed in court. The bill may help curtail what many believe are frivolous and vindictive lawsuits against private citizens.

"I know Southern Oregonians who have been unjustly sued, repeatedly, by state agencies," Richardson said. "This bill warns the Executive Branch of our government that unnecessary lawsuits against the people will not be tolerated."

Richardson cited the case of Robert Kerivan, a Cave Junction farmer who has been sued four times by the Division of State Lands (DSL). Kerivan has since received an injunction against DSL to prevent further harassment from the agency.

DSL sued Kerivan, and had him arrested, for removing materials from a stream bed (located on his own farm) without first getting a permit from the agency. DSL claimed Oregon Administrative Rules gave them the jurisdiction to require permits for "fill and removal" activities. According to a witness present at court proceedings, the

agency's primary argument was based on an administrative rule written 11 months after Kerivan's original arrest.

Through his attorney, Kerivan argued that Oregon Revised Statutes exempted him from having to secure any type of permit for his agricultural activities. On April 25, 2001, a Josephine County Circuit Court judge agreed with Kerivan and determined the state's analysis flew "in the face of the plain reading of the statute..." Throughout the legal battle, Kerivan spent more than \$100,000 in attorneys fees and other costs to defend himself.

Current law provides for the recovery of attorneys fees and other costs when citizens prevail in court. However, the Court's narrow interpretation of the law has prevented many citizens from being reimbursed. HB 3085 improves law that was originally passed by the Legislature in 1981.

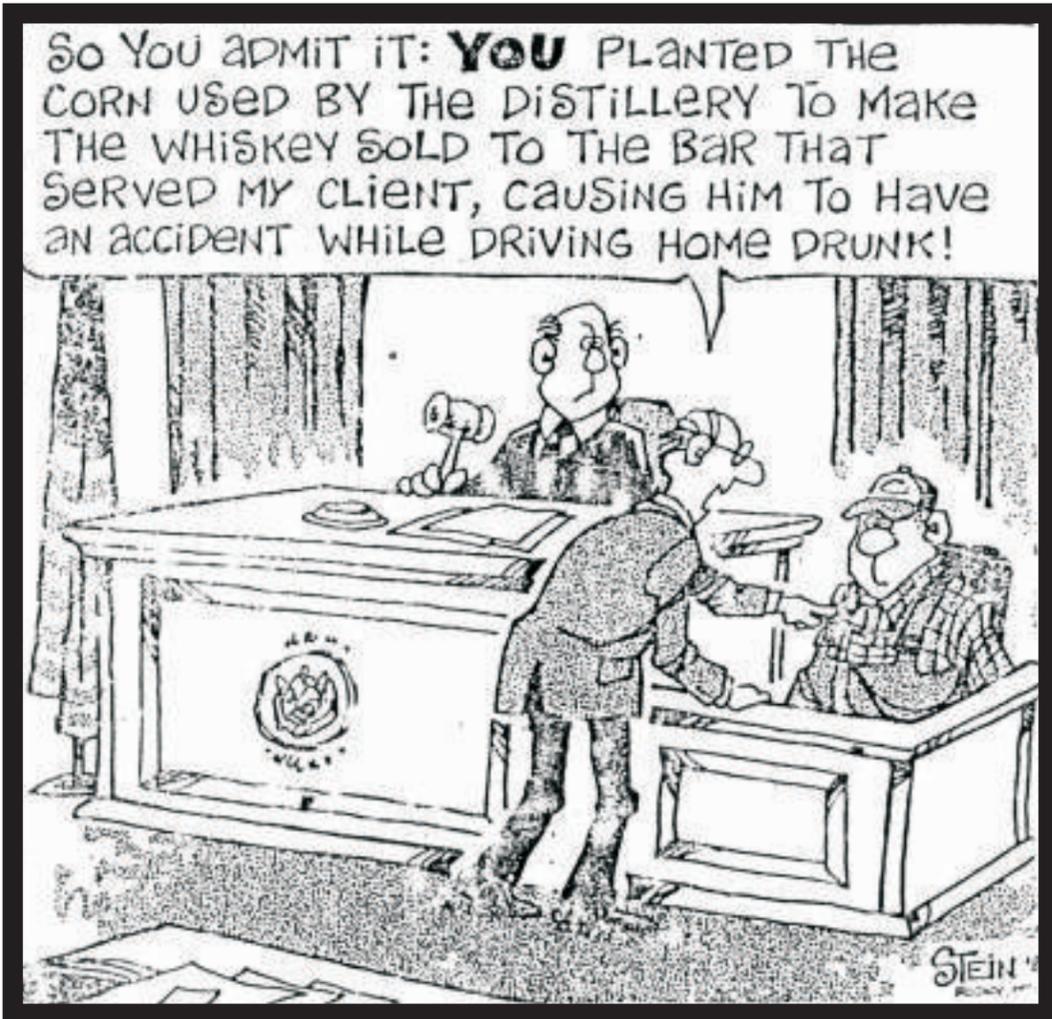
"HB 3085 offers additional protection to citizens by making current accountability statutes more effective and applicable to failed agency lawsuits," Richardson said. This bill is for Mr. Kerivan and other citizens who have been the target of merciless and relentless litigation by the state." ■■■

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A Lawyer Joke

If you have ever testified in court, you might wish you could have been sharp as this Police officer.

A defense attorney was cross examining a Police officer during a felony trial.

It went like this....

Q. Officer, did you see my client fleeing the scene?

A. No sir, but I subsequently observed a person matching the description of the offender running several blocks away.

Q. Officer, who provided this description?

A. The officer who responded to the scene.

Q. A fellow officer provided the description of this so-called offender? Do you trust your fellow officers?

A. Yes sir, with my life.

Q. With your life? Let me ask you this then officer, do you have a room where you change your clothes in preparation

for your daily duties?

A. Yes sir, we do.

Q. And do you have a locker in that room?

A. Yes sir, I do.

Q. And do you have a lock on your locker?

A. Yes sir.

Q. Now why is it officer, if you trust your fellow officers with your life, that you find it necessary to lock your locker in a room you share with those same officers?

A. You see sir, we share the building with the entire court complex, and sometimes lawyers have been known to walk through that room.

With that, the courtroom erupted in laughter, and a prompt recess was called.

The officer on the stand has been nominated for this year's best comeback line and we think he'll win.



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Thomas A. Edison (1847 - 1931)

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HALL OF SHAME

For Corrupt and/or Incompetent Judges, Attorneys & Public Officials



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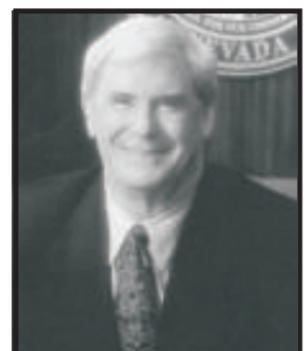
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Judge Lane W. Simpson



**JOSEPHINE COUNTY,
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**Send us your nominations for our
HALL OF SHAME**

Please send **FACTUAL** accounts of your
candidates incompetencies or corruptions.
Be sure to include a photo suitable for
Framing in "The Hall of Shame"

The Observer Staff will deem if they are worthy.

Anywhere, USA All too often today innocent people are convicted or wrong rulings are handed down from incompetent or corrupt judges, in concert with incompetent or corrupt attorneys, which literally ruin the lives of those on the receiving end of the injustice.

The US~Observer has a "Hall of Shame" for the corrupt or incompetent. This section of the newspaper will be permanent, meaning that once a corrupt or incompetent official, judge or attorney is listed, they will remain there until they reverse their corrupt or incompetent acts and write a sincere letter of apology to their victim. This is unlikely to ever occur, so those listed can look forward to the public seeing their picture in each future edition under the "Hall of Shame" heading.

Our first inductee was Judge Lane W. Simpson of Lake County, Oregon. Judge Simpson issues false findings of fact from his office in Lakeview, Oregon. Our most recent inductee is Josephine County, Oregon Sheriff Dave Daniel (see his corrupt or incompetent actions on the front page of this edition).

We could literally fill the entire paper with pictures and stories based on accusations. This won't happen. Our readership should (as always) know that we are speaking first hand and factually when they see an Observer reporter's name attached to the by-line.

In Oregon a defendant can have a judge recuse him/herself for the simple reason that the defendant believes he/she can't receive a fair and impartial hearing from the judge appointed to their case. If a judge or attorney is listed in our "Hall of Shame," don't dare use them. They are there for a valid reason and therefore should be shamed instead of paid. If a politician is listed, don't vote for them and be sure that you inform as many voters as possible that the politician is corrupt and/or incompetent.

If a corrupt or incompetent judge or attorney has damaged you, please send their name and picture along with the proof of their corrupt or incompetent acts against you and we will do everything possible to see that they receive "Hall of Shame" status.

Continued from page 2 Deschutes County ...

signed onto Wishon's property with her and subsequently filed a motion to quiet title. At this juncture Hasse and Torres hired Claud Ingram to represent them. Ingram, who has made it a practice to file frivolous lawsuits, then filed civil actions against Weidner and Wishon and anyone who supported them, including the Observer for reporting on Wishon's accusations and the public record concerning the case.

At the conclusion of Weidner's March 7th hearing Weidner's mother Francis informed Captain Edwards and another deputy that they should be ashamed of themselves.

Victims of Ingram's frivolous lawsuits often include people who can't afford to hire expensive attorneys and his victims usually "settle with him rather than pay out thousands in fees to defend themselves." Others who choose to represent themselves usually get caught up in procedural errors and lose

Continued from page 2 Chicken Trial Aborted! ...

Announcer: "Let's go to our first caller, good morning."

Gombos: "Yes, hi, I wanted to comment to Sheriff Daniels. My name is Nick Gombos, and I'm the one that was arrested for the chicken issue. First, what Sheriff Daniel is talking about is absolutely false. Ah there are sheriffs that came out to my property and threatened to arrest me if I would not give back the chicken. I told them they had no proper right to come onto my property. I'm going to make this long story very short. Also in Ray's Market in their report itself said they did not want anything done whatsoever and that I could have the chicken. Now the sheriff's department, because I told them to get off my property because they had no right, woke up Judge Neufeld, which is another good old boy of this town, woke him up at twelve o'clock in the morning to get a warrant to come onto my property to arrest me to get a chicken. And they are lying after a writ about a citation that was read to me. Now, Sheriff Daniel, you know exactly what I'm talking about. And I want you to tell the people the truth, and I want the people to know that if you are voting for a levy that he needs more money he is manipulating the situation and we are going to be paying money for nothing. (This was the November Jail levy that failed.) Now let me tell you something, he had seven police officers five patrol cars out there for a chicken. Absolutely ridiculous! Of course he will tell you something else because he wants his money...." (Money for the jail.)

Announcer: "Gentlemen, comments?"

Sheriff Daniel: "You know all I can say is Mr. Gombos has a trial upcoming and uh let's wait and hear the results of that trial. I'm not going to come on and justify any of his remarks, certainly we have a disagreement. I can tell you that the people that run Century Market (Ray's) did want to prosecute. There wouldn't have been any reason for our officers to go out and contact him if they didn't."

Is the Sheriff Confused, or is He Lying?

The fact is at no time did Ray's Market want to prosecute Nick Gombos for taking the chicken home. I got that information directly from a manager at

outrageous amounts to the conscientious Ingram and his clients.

While Oregon judges continue to plead for more jail space and tax dollars to conduct our courts their pleas fall on many "deaf ears." If our court system would stop allowing frivolous suits, start conducting hearings with justice in mind rather than procedures, and if law enforcement would properly investigate before charging a person, we would certainly have a windfall of funds for our justice system.

As for Claud Ingram, he will eventually have to face the Observer in a courtroom where he and his clients will lose...period. Then Ingram and his clients will face the dreadful experience of being exposed and sued to the hilt for their destructive practices. This is a promise from the US Observer to Claud and his worthless clients.

The US~Observer prompts anyone with information on any of the participants or matters involved in Ingram's lawsuits to contact the Observer at 541-474-7885.

Ray's Market on February 14th, 05. Daniel is either deliberately lying or is confused on the facts. On April 12th, 04 a representative for Ray's Market stated in a victim impact statement with a touch of humor, "We at Ray's believe this whole mess was the result of an unfortunate misunderstanding. ... We think that Mr. Gombos' heart was in the right when he took the chicken. Therefore, we would like to say, 'no harm, no fowl.' We do not favor jail time. In fact, the charges against Mr. Gombos should be dropped." That contradicts Daniel's last statement as to the store wanting to prosecute. Daniel needs to read that last sentence very carefully, "Charges against Mr. Gombos should be dropped." The search warrant that allowed JoCo deputies to invade the ranch where Nick and Speckles were was signed March 24th, 04, and the victim's statement was signed 19 days later. I recently spoke to the manager at Ray's Market and asked him if the store had ever wanted to prosecute Nick Gombos and he replied without hesitation, "No." The chicken mess the deputies and the DA's office personnel stepped in was of their own creation. A fowl waste of public resources, money, and a public relations nightmare.

Hypothesis: DA Never Intended to Take Chicken Case to Trial

Sheriff Daniel made the statement, "You know all I can say is uh Mr. Gombos has a trial upcoming and uh let's wait and hear the results of that trial." Fact, the case the JoCo prosecutors feverishly pursued against Nick Gombos, for nearly a year, was simply unplugged. The case was dropped along with all the charges by using a legal term, "civil compromise" that saves the new DA from looking like a fool. Former DA Clay Johnson is gone. The new DA Steven Campbell didn't want the specter of Speckles the chicken hanging around his neck, like an albatross, stinking up the office, and affecting his persona. He did what Johnson wouldn't do, he got rid of the chicken and Gombos by pulling the plug. This should have been done last March, and wasn't. It was a smart move by Campbell. I called DA Campbell at the time I received information on the dropping of charges to confirm that the case was over, however he didn't return

the call. At this time how can our justice system explain the 91 court registry entries, waste of DA employees' time, judge's time, postage, paper work, etc? All this to prosecute over a \$2.00 chicken and the store management wouldn't sign a complaint. What about the thousands of dollars citizen Nick Gombos will pay to his defense attorney? How can all this be justified when the DA dropped the charges? Weren't the charges as valid at the time of dropping them as when the DA's office filed them? In this case justice has not been served. Discovery evidence was reportedly suppressed by the DA's office, when requested by Nick's attorney. One tape turned over to the defendant had missing or deleted segments. This and other aspects of the case lead to the conclusion that, the former DA (Clay Johnson) never intended to take the case to trial!

Deputies Get Hundreds of Dollars in Overtime

Five deputies (Gombos claims seven) made the one o'clock hop out to the ranch to secure Speckles the hen. As a chicken Speckles was worth a couple of dollars. Some deputies were on their regular shift and others were on overtime. The overtime is reported to have cost taxpayers around \$300. The sheriff never mentioned this information on the radio. Also, the several patrol vehicles on location that night suck expensive gasoline like a thirsty sheriff who recently cost the taxpayers well over a hundred thousand dollars in two lost lawsuits arising from Daniel's wrongful firing of two deputies.

Did a Deputy Come Out to Investigate Your Burglary?

Burglaries are rampant in Josephine County, which can be verified by checking the daily police reports in the local paper. I talked to a fellow recently, and he complained that thieves had hit his place and got off with \$1,000 worth of tools and personal effects. A deputy did return his call, but none came to his place to investigate and gather evidence. However, deputies did turn out in force for a \$2.00 chicken that was being well cared for. The reality is, it's a rare burglary in JoCo that gets investigated by the Josephine County Sheriff's Office. They will tell you they don't have the manpower, resources, or funding. But who can forget Matt Tripp and four other Jim-Dandy deputies and Speckles the hen. The JoCo sheriffs office's inefficiency is known to many and articles describing this problem can be found on newswithviews.com and usobserver.com The taxpayers are the ones that get stuck with the bill (chicken bill) and have poor protection from Dave Daniel's sheriffs office, while getting the boot.

Why the Voters Say No to Increasing the Criminal Justice System's Budget.

The following is a listing of who's who in the Josephine County Criminal Justice System that signed documents that went into the case registry and took legal action moving the chicken prosecution forward toward a trial date that never happened. The prosecution of Nick Gombos by the DA squawks of duplicity, inefficiency, and the wasting of time and money on a grand scale. It indicates this case may not be an isolated one in which taxpayer dollars are used to punish without going to trial to promote

a personal or political agenda within the criminal justice system. There are no whistle blowers in the local CJS to tell. Judge Neufeld signed the search warrant that gave Deputy Matt Tripp the authority to set up the legal dominos that would later collapse. Tripp is the deputy that Gombos refused to allow to enter the ranch property without a search warrant. In obtaining the search warrant it wasn't the midnight ride of Paul Revere; this was the midnight ride of Deputy Matt Tripp who woke a slumbering Judge Gerald Neufeld to sign a search warrant. Tripp showed up at Gombos' home less than an hour later with four more deputies in tow to help snatch Speckles the sleeping hen. When these human foxes got in the hen house, they reportedly injured a hen not involved in the snatch. Five members of the DA's office spent time and money pursuing this case. They are: Plaintiff for the State of Oregon Linda Marie Wingenbach, Lisa Marie Turner, Scott K. Titzler, Michael Sanchez OSB # 95159, and Cynthia Zamorski OSB # 04461. These names all appeared on various documents in a failed attempt to convict Gombos. The judges that signed documents are Judge Gerald Neufeld, Judge Michael Newman, Judge Allen Coon, and Judge Lindi Baker. Baker signed the civil compromise document to drop the charges against Gombos. And the last on the list is none other than Sheriff Dave Daniel. Although he took a rear seat in this melodrama, Daniel applauded and said, "I stand behind the deputies and the procedures they followed."

Credibility is Everything

The public relations (PR) aspect of arresting and prosecuting Nick Gombos by the JoCo Criminal Justice System has been an absolutely miserable PR failure. This will no doubt hamper the full effectiveness of law and order in this county for the foreseeable future. When these folks ask the voters for additional funds to fight crime, how can the voters possibly trust their credibility? The good and responsible people within the JoCo Criminal Justice System who find their jobs tougher to do can remember the deputies, prosecutors, and judges whose names are listed in this article. These public servants helped make this county the laughingstock of the Oregon, sheriffs and the nation. It all comes down to what kind of people do you have running the store? All they have to show the public for the arrest and prosecution of Nick Gombos is a fistful of worthless feathers.

Editors Note: John Taft has written one more, in a long list of award winning expository articles on Josephine County's incompetent sheriff. In all fairness to Josephine County's new District Attorney Stephen Campbell, he did drop the false charges and the Observer is aware of other cases in which Campbell has acted fairly...Something that a worthless Clay Johnson would never do. As for the Deputy District Attorneys listed above, the public should realize they did not initiate the chicken case and that they were directed by and working at the pleasure of DA Clay Johnson, a permanent member of the Observer's Hall of Shame. In the future the Observer would encourage Mr. Campbell to return phone calls, we commend him for not pursuing questionable and ridiculous charges and we wish him the very best at his new and often strenuous job.

Articles and Opinions

To the Editor letters for publication are encouraged – they must be typed, a maximum of 1,000 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.

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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.”

On the Internet:

www.usobserver.com



Letters to the Editor

Dear Ed,

Didn't want to take up your time on the phone so thought I'd just drop a note to update you on the two dogs, Jackson and Riffle.

Riffle, is currently with Mark Ripoli in Napa, Calif. being evaluated as a possible Drug, Bomb, or SAR Dog. Mark signed an agreement to return Riffle to us if he does not pass. We should know for sure sometime next week.

We are currently in negotiation with an out-of-state organization that trains Assistance Dogs as a possible placement for Jackson.

These dogs have great potential and we are so glad that the Board of Commissioners allowed them to be rescued.

Lastly, my husband and I are starting a rescue group for Labs. There is no Lab rescue in southern Oregon. We named it the Empathy Program Lab Rescue. It is named after the Empathy Program that my husband and I conceptualized, developed, and briefly trialed before my husband became ill four years ago. The program was designed as an aid to teach empathy for all living things to school age children (grades 2 - 4). Now that my husband is well again, hopefully we can rekindle the Empathy Program in schools here. Meanwhile, there is much work to be done getting set up as a Lab rescue group. Presently, we are a "group" of two, but soon hope to be able to enlist the support of volunteers within the community.

I look forward to meeting you, Ed.

Thanks again,
Jj Jones-Russell

To the Editor,

I live in Gabbs and have so for ten years. I love this place.

I moved here from Condon, Oregon because of the weather. I needed more sunshine for health reasons.

I have followed with personnel experience your articles on Gabbs. I would like to add my opinion. I have a strong belief in the saying: I have a right to my opinion, just as you have the right to yours, just don't put your opinion on me or anyone else.

There is a lot of drug use in Gabbs, illegal and legal...As is true almost everywhere. If there is a place I

could move to with much less I would. I myself smoke cigarettes, a legal drug, but just as deadly.

Gossip in this town is also a major problem. But, there isn't much else for some people to pass their time with. If we are going to do any good towards this place we must have something for all people to do. Like a rec. center for all. A preschool, or drop-in center, or daycare, to give the parents a break. Or/and a senior center. There is no way to help kids if parents aren't helped. We need good social activities for all ages in order to do any good with our population. And stop talking about what should be done, and do it.

Sincerely Yours,
Wendy Haberman
Gabbs, Nevada

To the Editor

Get a list of all the bills sponsored by Governor Theodore R. Kulongoski, especially HB 2101 and HB 5054.

HB 2101 establishes “The Oregon Homeland Security Department.” To accomplish this sneaky-feat over 70 ORS laws are amended. This is the Nationalizing of our police departments and entire government in one big grab.

44 pages of legal language are used, with only number references to laws amended to fit the desires of the Governor and the Eastern elites, who pull his strings.

We elect our county Sheriff's which gives assurance of control over their Quality, and the Oregon State Police keep a clean record, so, closely check “WHO,” is putting himself at the top in the Oregon branch of that system in the “authors” own words in:

“Section 3. The Governor shall appoint the Director of the Oregon Homeland Security Department, who holds office at the pleasure of the Governor.”

What happened to: “...Government derives its power from consent of the governed...” Where does he get the notion he has all “The Pleasure?”

“Section 3. For purposes of administration, subject to approval of the Governor, the director may organize and reorganize the department as the director considers necessary to properly conduct the

work of the department.”

HB 5054 has three price tags that total over \$174,000,000, for a beginning.

Most interesting, this “thing” is timed to take place on July 1, 2005 when it is a glaring insult to our Fourth of July celebration of Independence from foreign oppression.

Also, it fits in with MSD specialist-Bush's plot to start another no-win war against Iran. What does he have against small countries with short names and lots of goopy oil? The department would be useful to arrest any who protest his war goals.

What is the man-in-the-street interpretation of the first part of: “Section 3? Notwithstanding any other law limiting expenditures...”

Joe Spenner
Stayton, Oregon

The Sonnentag Saga

Editors Note: The Observer has worked on the Sonnentag case much of the past two years in an effort to vindicate him. Our efforts finally paid off on December 16, 2004. To appreciate the letter and fax below our readership should read the entire Sonnentag case history on our web site at usoregonobserver.com or usobserver.com. Our readership should also consider reading the letter from Attorney Houston below and then the letter to Mr. Houston. This case makes for fascinating reading.

Letter to Sonnentag from Attorney Houston

Dear Bud:

I arrived in my office this morning to find yet another letter from you that I have difficulty understanding or explaining. I had written you and faxed you yesterday indicating I was copying your entire file for delivery. Yet you write me a letter like you haven't heard from me. I find that to be somewhat unusual and somewhat alarming. If you are not receiving my faxes, please advise. If you are receiving my faxes, please quit sending me letters as though I am not being responsive to your communication. I do not know what your purpose is, but as stated above I

Continued on page 21

DIAMOND

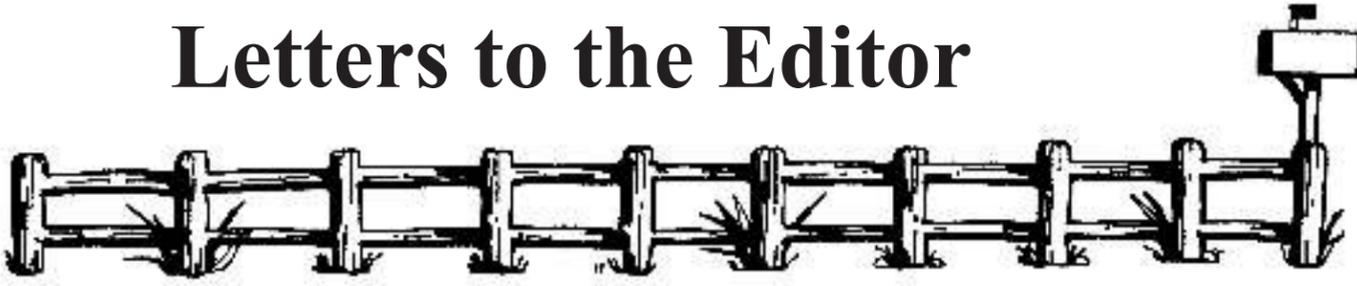


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Letters to the Editor



find it of some consequence you continue to write letters as though you are not receiving adequate communication.

I will be perfectly blunt. I am copying your entire file. It will be mailed out today. Not only that, your case has been dismissed. Not one case, but all three cases. For some reason this does not seem to please you. I am uncertain why. To write a letter to me to say you are not afraid of me suggests for some reason I have threatened you. This is absolutely false and I find it to be somewhat disturbing you have adopted this tone. I do believe from now on your communications to me will be in writing. I will not speak with you telephonically because I am uncertain as to what you're up to. The consequence of your last letter puts me on notice that you do not appear to be dealing with me in good faith.

I have done nothing but help you and respond to every difficult situation you have put in my path, from your continued refusal to cooperate, as well as providing newspaper articles that simply inflamed the situation. As you are aware, when this case was due to be settled a newspaper article was published in the Oregon Observer, once again inflaming this problem. You indicated to me this was done by Ed. However, in my discussions with Ed I am advised that you were not only aware of it, but were assisting by passing the article out in Gabbs, as far as posting it in different spots.

It seems as though you did not want your case to end, but rather wanted to continue to live the drama. Your drama could have cost you a considerable period of time in prison. While you may not be afraid of anyone, no one has made any threats against you. The only thing this office has done is successfully conclude your cases. If for some reason that troubles you, then certainly you are free to create additional problems in your life and simply start the cycle over again. Obviously, it will not be with my assistance when you attempt to extricate yourself.

The short version is, I do not enjoy having unhappy clients. You have no reason to be upset with this office and you are being completely unfair as to your treatment of me and my efforts toward you. Your implication that threats have been made is

unacceptable. It has never happened. Your implication we have not done all you have asked is unacceptable. It never happened. We have done everything you have asked and more. I have put up with everything you have thrown as roadblocks and more. I do not want to have accusations leveled against me that are neither fair nor accurate. It is for that reason that if you have issues, please contact me only in written correspondence because I do not think telephone conversations would be productive.

Sincerely,
David R. Houston, ESQ

Sonnentag Supporter

Dear Mr. Houston,

Bud Sonnentag has let me read the fax you sent him on 2/2/05 (fax to follow this letter). You accused Bud of "passing" out the papers in Gabbs.

Mr. Houston, you owe Bud an apology...My kids and I passed out every US~Observer paper in Gabbs and further I have no idea what you are talking about when you say "posted." We door to door delivered those papers and that's it! Remember? Bud had an "invalid" restraining order against him, even though "invalid" he would have been arrested like he was the first time he WAS honoring it! NO Way that he drove those papers around Gabbs!!

Mr. Houston, I am one of three witnesses who sat behind you in the courtroom on Dec. 16, 2004, and was introduced to you in the lobby by Bud. We are a few of the many witnesses in Gabbs who know that it was not a "younger girl" who accused an "older man" as you stated in your 2/1/05 fax to Bud. It was her parents! I would like to understand why none of Bud's witnesses were ever questioned by you, or Ken Ward either for that matter? I realize that we did not go to court, but if we had been contacted, I think we might have put a different perspective on things. If nothing else maybe we could have helped you to understand where Bud was coming from. If you knew you were innocent of an allegation such as this you would probably feel and act the same way

Bud has! He wanted it all out in the open because he has done nothing wrong and has nothing to hide...Bud is an honorable, upstanding and law abiding Gabbs citizen of twelve years. It is disheartening to see what The Justice System has done to him in the past two years.

It is beyond his control that a "dysfunctional family" (an investigation of their background would confirm) can make some false accusations. Since then Bud has been "drug through the mill" by the Nye County Justice System and his Attorneys. He has been falsely arrested, harassed by the accusing party, harassed by the local deputy, lied to, deceived, his freedom to come and go revoked, and his outstanding reputation exploited! It's no wonder he has lost his faith in the Justice System! Yet, they take people like the Kepharts' (Bud's accusers) and pat them on the back and tell them everything will be OK...These people are suspended with pay from the Nye County School Dist and have been since Oct 2004 when they were arrested on drug and child endangerment charges. Our tax dollars are paying for them to be off and also for the people who are replacing them at the school. Only for Tonopah Justice Court to keep continuing their court dates. Twice, so far...? It will be interesting to see how the education budget comes out for Gabbs Schools this year.

It has been too long happening, but I am glad that Bud's charges have finally been dismissed. It has just been very draining for all of us morally conscious people to try and understand...?

Mr. Houston, I realize that I will probably not get a response from you in regards to this letter, but I needed to clear up your discrepancies in regards to Bud Sonnentag!

Thank you very much for your time.

Sincerely,
Lita Lance
Gabbs, Nevada

Cc: Robert S. Beckett
Joe Maslach
Donn Ianuzi
Ed Snook
Dr. William E. Roberts
Charlotte Curtis

Submit your
Letter to the Editor!
editor@usobserver.com

Global Warming?

Many seem concerned about Global Warming. Dr. Arthur Robinson has covered this topic a number of times in his publication "Access to Energy" (www.AccessToEnergy.com) and was concerned enough to circulate a petition among the public, mostly scientists. So far 19,500 (including 17,500 scientists) have signed the petition. He is now campaigning to raise the number of signers to over 20,000.

The most significant portion of the petition is as follows:

"There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gasses is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth."

You may view a lecture titled "Global Warming' Truth" which Dr. Robinson delivered at Southern Oregon University. The lecture may be downloaded from or viewed on the above mentioned website. Dr. Robinson mentions that water vapor is the most significant of all the greenhouse gases. You can verify this on a daily basis by watching the weather reports on TV. If the humidity (water vapor content of the atmosphere) is low it will cool off a lot more during the night than if the humidity is high. The meteorologist on Channel 12 (Medford; Scott Lewis) has mentioned this on numerous occasions.

Here is a link to a scientific review paper (8-pages PDF format) on global warming:

<http://www.oism.org/oism/lecture/resources/review.pdf>

Larry Brown
Sutherlin, Oregon

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Health

Makers Suspend Sale of M.S. Drug After Death

BOSTON (AP) - Biogen Idec Inc. and Elan Corp. announced Monday they have voluntarily withdrawn Tysabri, a drug used to treat multiple sclerosis, after one patient died and another developed a serious disease of the central nervous system after taking it in combination with another drug.

The companies said in a news release that they have suspended supplying and marketing the drug and advised doctors to suspend prescribing the medication. The companies also have stopped using the drug in clinical trials.

They said the decision came after recent reports of two cases of serious effects among patients who used it along with Avonex in clinical trials. In one case, the person died, while in another, the person developed a suspected case of progressive multifocal leukoencephalopathy, a rare and frequently fatal disease of the central nervous system.

Both patients had taken Tysabri for more than two years in combination with Avonex, the companies said.

"Our ongoing commitment to MS patients has led us to take these steps," said Dr. Burt Adelman, executive vice president of Development at Biogen Idec. "Because we believe in the promising therapeutic benefit of Tysabri, we are working to evaluate this situation thoroughly and expeditiously. While we work through this matter, we must place patient safety above all other considerations."

The companies said they took the action after consulting with the U.S. Food and Drug Administration.

"We are working with leading experts and regulatory agencies to responsibly investigate these events and to develop the appropriate path forward," said Dr. Lars Ekman, executive vice president and president of research and development at Elan. "Our primary concern is for the safety of patients."

Americans Embrace Ancient Practice of Yoga

Transforming an Ancient Exercise for Body and Mind to Make It Fit Modern Needs

ABC NEWS

Kids are doing it in the Northeast. Soldiers are doing it in Iraq. Even some dogs in California are doing it.

It's yoga, the ancient practice that's taken the United States by storm, and it is becoming more accessible as more people try to stretch their way to serenity.

"There are currently 16.5 million people who practice yoga [in the United States]," said Lynn Lehmkuhl, an editor at Yoga Journal magazine. "And since 2002, that's been literally an increase of 43 percent, which is phenomenal."

And the practice is transforming from its origins to fit the needs of more Americans.

"It just grew naturally as more and more people discovered that you could be into yoga and you don't have to be Indian, you don't have to be Hindu, you don't have to change your diet to feel all these fantastic benefits," said Cyndy Lee, an instructor at Om Yoga Center in New York.

Practitioners say the benefits of yoga are both mental and physical.

"You can get a tight butt, an open heart and a calm mind all in an hour and a half," Lee said.

Today's yoga comes in many different forms. There is yoga for expectant mothers, and baby yoga once your bundle of joy

arrives.

Yoga is practiced by soldiers in Iraq, and in jail where it helps prisoners deal with stress.

There's Bikram yoga, where the temperature is turned up to make you sweat, and yoga for Christians.

Lehmkuhl says yoga is different than other workouts, especially for stressed-out Americans.

"Even for the most competitive people, it's a great relief and release to do something that's truly for you, and you're not in competition with anybody or anything," she said.

Yoga has become a lifestyle for Turlington. She has two yoga-based clothing lines, called Nuala and Mahanuala, and has written a book, "Living Yoga: Creating a Life Practice."

Turlington said that yoga helped her cope when her father was dying of lung cancer.

"I feel like without that connection to myself and really where I was going emotionally every day, it would have been a much harder thing to go through," she said.

And Lee of Om Yoga says that



Christy Turlington



Burger King Sandwich Packs the Calories

(AP) MIAMI - Burger King began offering two new breakfast sandwiches Monday, including one that packs more calories and fat than a Whopper.

The Enormous Omelet Sandwich carries 730 calories and 47 grams of fat and comes with two eggs, sausage, three strips of bacon and two slices of melted American cheese on a bun. It's heavier than a Whopper hamburger, which weighs in at 700 calories and 42 grams of fat.

Officials at Miami-based Burger King Corp. said that healthier choices are also available, but surveys showed customers wanted bigger sandwiches.

"By expanding our indulgent breakfast sandwich menu, Burger King restaurants now offer even more alternatives for our guests who want a convenient and filling breakfast," said Russ Klein, Burger King's chief global marketing officer.

The other new breakfast item, the Western Omelet Croissanwich, is a lighter pick with 320 calories and 17 grams of fat. It has fire-grilled onions, ham and melted American cheese inside a folded egg on a croissant.

The omelet sandwich will stay on the menu at about \$2.99, but the Western sandwich is in stores until May 8.

Am I Seeing Things?

Don't skip this because it looks weird. Believe it or not your mind can read it

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Male Menopause?

HealthDay News

For men who believe they are going through the proverbial midlife crisis, some doctors say you may actually be experiencing andropause, a male version of menopause.

Andropause is becoming more widely recognized and accepted by physicians for the changes many middle-aged men experience -- from depression and loss of libido to sexual dysfunction.

According to Australia's Monash University Medicine, Nursing and Health Services, here's what you can do to alleviate symptoms of andropause:

- Maintain a healthy diet, which includes a balanced amount of

vegetables, fruits, meats, fish and dairy products.

- Engage in regular exercise, including aerobic, muscular, and flexibility activities.
- Get regular health checkups. Regular health care visits and screenings can help prevent conditions such as heart problems, stroke, and cancers of the testicles and prostate.
- Check hormone levels as you get older. Generally between ages 40 and 55, a number of important hormone levels in a man's body begin to decline.
- Reduce stress and worry. Stress is a major source of trouble for men at midlife. Exercise and relaxation help reduce stress, as does talking to your partners, friends, and family about your problems.
- Get plenty of sleep.

Chronic Illness Can Be Cured With Raw Foods

By Dr. James Howenstine, MD.
NewsWithViews.com

How much raw foods can accomplish in treating chronic illnesses is well illustrated by the immigrant Russian, Igor Boutenko's family. Son Sergie age 9 was a heavy consumer of dairy products who had become obese and developed juvenile diabetes with blood sugars ranging from 200 to 400. His mother was encouraged to have him stop the use of dairy products and cooked foods and eat only raw foods. He initially balked but when confronted with the prospect of a life full of insulin injections decided to give the diet a try (high intake of dairy products is known to produce juvenile diabetes). Within two weeks he felt so much better he asked his mother if he could continue the raw food diet. Five months later his blood sugars had returned to normal. He remains in good health at age 20.

Father Igor at age 38 had developed hyperthyroidism with white hair, insomnia, fatigue, heart rate of 150 and a progressing arthritis. He was advised to have radioiodine therapy. Igor began the raw food diet and in a few months all his symptoms were gone.

Daughter Valya had been ill from infancy and developed asthma at age 9 with fatigue. On the raw diet her asthma disappeared as did the fatigue.

Doug Graham DC grew up taking antibiotics. He had nasal tubes to drain his sinuses and was annoyed by severe dandruff and a progressive spinal arthritis. At age 23 he already had severe changes of osteoarthritis in neck xrays. At age 25 he started a raw food diet. Within 3 years all his symptoms had disappeared and his neck xrays had returned to normal. The healing of bony abnormalities by simple dietary changes gives strong proof about the importance of what we eat.

I am not certain why Dr. Graham's bone abnormalities disappeared on a raw food diet. One could guess that a person who needed nasal tubes and required nearly continuous antibiotics was probably allergic to milk and that he consumed considerable dairy products.

Excessive antibiotics in children almost certainly stops normal maturation of a healthy immune system. Lack of healthy bacteria in the intestines caused by antibiotics creates an environment in which pieces of partially digested proteins are able to penetrate the barrier of the intestinal lining. When these abnormal proteins enter the blood the body properly reacts to them as foreign substances. The foreign proteins cause an antigen antibody reaction producing symptoms and setting the stage for a possible auto-immune illness to develop. Food allergies can also appear along with impaired absorption of nutrients which may lead to poor health.

Milk from cows is an unusually high protein content food. Cooked meat also contains considerable protein and Dr. Graham's dietary intake included cooked food so it probably contained meat. In the metabolism of protein from milk and meat, acid is produced which must be neutralized by calcium and magnesium leached from bone. If the body failed to neutralize the acid residues from a high protein intake a dangerous chronic acidosis would appear. This continuing loss of minerals

from bone weakens the bone structure.

Weak bones are constantly exposed to torques from the activities of daily living. Human bones lay down bony projections from their surfaces when they are being stressed (injury to bone framework when weakened by mineral loss, excessive exercise, repetitive small injuries etc.) to try to maintain the bone's strength and function. These projections are called bone spurs and they are the prime clue that helps a radiologist diagnose osteoarthritic changes in bones. When excessive protein is no longer being consumed by a raw diet the alkaline minerals magnesium and calcium begin to reenter bone restoring strength to the bone. As the bone becomes stronger the bony spurs are no longer needed and the body proceeds to dissolve them returning the bone xrays to normal.

We know that countries where dairy consumption is low (Thailand) have almost no osteoporosis while nations eating lots of dairy products (Germany, Scandanavia, United States) are afflicted with an epidemic of osteoporosis. I think that terminating the high protein intake from dairy products and meat when Dr. Graham switched to eating a raw diet could have permitted Dr. Graham's bones to restore the proper balance of minerals (calcium, magnesium) needed for strong bones. Over a period of time the bony spurs in his neck vertebrae might disappear. Reversal of arthritic problems by an alkalizing diet full of fruit and vegetables is a worthwhile endeavor for all persons suffering from arthritis.

What's Wrong With Milk?

Milk is a perfect food for calves. God designed it so it would cause a calf to triple in size in 12 months. However, as currently presented to the consumer, milk has serious problems for humans:

- The protein content of cow's milk is far too high for humans. Protein metabolism creates acidic residue (phosphates, sulphates). Continued intake of large amounts of acidic foods causes loss of alkaline minerals from bone that prevents the body from becoming acidotic. Bones losing these structural minerals becomes weak prone to fracture.

- Diets high in dairy, meat and eggs produce large quantities of arachidonic acid. The body forms series 2 prostaglandins from arachidonic acid. The series 2 prostaglandins are highly inflammatory. For this reason persons with an inflammatory illness such as arthritis, multiple sclerosis, ulcerative colitis, Alzheimer's Disease, etc. will fare better with diets restricted in dairy, meat and eggs.

- Currently cows are being raised on soy protein in feedlots instead of green grass. Lack of green grass as food sharply reduces the quantity of conjugated linoleic acid CLA contained in milk. CLA is important because lack of CLA in the human body causes fat to stop being burned for energy. Instead fat becomes stored in fat cells where it remains until the dietary intake of CLA is increased by CLA supplementation. The meat and milk obtained from

feedlot cows contains only about 25 % of the CLA found in grazed cattle.

- Cows are currently given bovine growth hormone BGH (Posilic) which increases milk output three fold. This increased milk output has a price. These cows are vulnerable to udder infections and must take antibiotics frequently. Thirty eight percent of sampled cow's milk contains antibiotics. Also the lifespan of BGH treated cows is decreased. German veterinarians refused to approve BGH because of concern about the welfare of cows.

- BGH treated cows have increased quantities of insulin like growth hormone IGF-1 in their milk. IGF-1 is believed to stimulate the growth of malignancies in persons with cancer and also appears to promote the start of breast cancer in females and prostate cancer in males.

- Cows taking BGH are thinner than normal. The decreased quantity of fat tissue to store pesticides results in increased levels of pesticides in milk.

- In the process of homogenization, which nearly all milk receives, fat particles surround and protect the enzyme zanthine oxidase. This permits zanthine oxidase to go directly into the blood stream where it proceeds to oxidize cholesterol producing arteriosclerotic plaques. Normal cholesterol has anti-oxidation capabilities. The incidence of heart attacks in Great Britain underwent a striking rise when homogenization of milk was introduced.

- The most common food allergy in the United States is allergy to milk. Multitudes of infants have frequent recurring ear infections. These "infections" usually subside when milk intake ceases as they are often caused by allergy to milk. Many children have tubes placed in their ear canals because of these "ear infections". This procedure has recently been discovered to lead to decreased hearing as adults. This whole infantile ear infection problem is usually milk allergy not bacterial infection.

- Cows milk contains large amounts of phosphorus as do soft drinks. Children consuming large amounts of milk and soft drinks must eliminate this phosphorus. The phosphorus combines with calcium in the intestines which decreases the quantity of calcium absorbed. The decreased absorption of calcium and increased loss of calcium in the urine when calcium combines with the acidic ions generated by a high protein diet causes softening of bones. Vegetarians do well with 50 % lower calcium intakes because they do not have the urinary loss of calcium brought on by the excessive protein intake.

- Almost the total milk production in the U.S. is pasteurized. This heating of milk destroys the enzymes needed for absorption of milk and also kills the



healthy bacteria found in milk. The result is impaired absorption of vitamins and minerals.

- Butterfat is absent from pasteurized milk. This butterfat has anti-cancer properties.

- Some patients with Crohn's Disease have been found to have mycobacterium avium paratuberculosis MAP organisms in blood cultures. Cultures of ulcerated areas in the intestine and human breast milk have also grown MAP. Cows have a disease called Johne's Disease caused by MAP that mimics the pathologic findings seen in Crohn's disease. Forty per cent of large herds of cows are known to be infected with MAP. A seven year old boy developed enlarged lymph nodes in his neck which cultured MAP. Five years later he developed classic Crohn's disease of the intestines. Antibiotics directed against MAP have helped most patients with Crohn's Disease to recover. There is thus considerable evidence that Crohn's Disease is an infectious illness caused by MAP organisms from contaminated milk.

The Milk Council has done a superb job of merchandising dairy products. The hazards of milk ingestion have been thoroughly covered up by this effective advertising. My wife and I have limited our intake of dairy to unpasteurized goat yogurt which is used on cereal. Persons who are uncertain about whether stopping dairy products could improve their health might wish to try 3 or 4 weeks away from dairy to see if they experience loss of symptoms.

What's Wrong With Cooked Food?

Cooking food destroys the natural enzymes found in food which facilitate digestion. There is no doubt that uncooked food is much easier for the body to digest and assimilate. When cooked food is the primary source of nutrition the body's digestive enzymes are forced to work overtime to overcome this loss of food enzymes. As we age production of digestive enzymes usually diminishes in quantity and nutrition may suffer.

Some persons are able to live long healthy lives eating cooked food. Also there are some individuals who do not do well on a vegetarian diet. Knowing that raw food might end a chronic illness gives you a simple inexpensive possible solution for a significant health problem.

US~Observer *Demanding Accountability*

Upcoming Articles ~ Continuing Investigations!

Polk County Legal Abuse?

Monmouth, Oregon - Tim Grant of Eddyville, Oregon and Catherine Grant of Corvallis(at the time of divorce) were legally divorced on March 24, 2003; however their legal battle was just beginning. Catherine subsequently moved to Little Rock Arkansas and Mr. Grant was deceived into accepting an agreement in Judge William M. Horner's courtroom, which was not in his or his young daughters best interests. Was Judge Horner involved in pushing the agreement? Does Judge Horner have a special relationship with Catherine's attorney Joseph Penna? Has collusion occurred in the Polk County legal system? Don't miss our next article on the Grant divorce case and much more regarding Polk County, Oregon and Judge William M. Horner...

No Due Process! DHS Incompetence, Lies and Abuse?

Multnomah County, Oregon In March of 2004, Shannon Harding's daughter accidentally broke her femur bone. Neither Shannon nor her boyfriend were present at the time as young Kahleah was in her bunk-bed awakening from a nights sleep. Shannon rushed Kahleah to the emergency room at Meridian Park Hospital and then on to Emanuel Hospital in Portland, Oregon where she explained to the doctors that she believed Kahleah had caught her leg in the bed-frame. Little did Shannon know that her nightmare was just beginning. The doctor contacted the authorities and soon thereafter a detective and a representative of the Department of Human Services (DHS) showed up, questioning everyone present. After Kahleah had received the proper medical treatment Shannon and her boyfriend Bobby Carter took her home and made her as comfortable as possible. Two hours later Shannon answered a knock at the door and found a police officer and a DHS caseworker who proceeded to treat her like a criminal, telling her that her mother needed to pick up Kahleah and Tate because they weren't going to allow the children to remain with Shannon. Shannon's mother Shirley Rowland picked up her grandchildren and took the two home with her. Ms. Harding was devastated as she had never been arrested before and was a law abiding citizen as well as a loving and protective mother...with absolutely no support whatsoever from her children's fathers. Shannon and her boyfriend were then questioned repeatedly, "made to feel like low-life criminals" and then forced to take polygraph tests, which are factually nothing more than witch-hunt tests, devised by police-state minded people. Shannon passed her ludicrous test 100% but Bobby didn't, so Shannon was instructed that Bobby could no longer be around the children. To make a long story short, Shannon and Bobby are no longer together, no criminal charges have been filed because no crime was committed, yet DHS continues to keep Kahleah and Tate from their mother. Realizing that she couldn't fight such a monstrous and abusive system, Shannon decided to allow the children to stay with her parents. This wasn't good enough for DHS, so caseworker Marina MacMichael began lying about the grandparents in an attempt to have the children split-up and removed from the Rowland's custody. Now DHS is having Kahleah's and Tate's fathers take parenting classes in an effort to remove the children from an exemplary home where they have adjusted well, are overly taken care of and where they want to be. Multnomah County Judge Knoefler has ordered Shannon to take parenting classes with known criminals, drug abusers and the like and Shannon has refused. A termination of parental rights hearing is scheduled for April 18, 2005 and DHS's butt is now on the line. Director of DHS Gary Weeks is responsible for this crime along with Judge Knoefler and the Observer will be present. It is the Observer's hope that the responsible individuals will do what is right, but if they don't they can rest assured that the Observer will...that is to make their names household names throughout the entire state and country. Stop abusing the innocent DHS. Stop sentencing innocent people who have been afforded no due process whatsoever Judge Knoefler and please give the Observer reason to print something positive about you...

Lincoln County, Oregon False Charges?

Newport, Oregon On February 6, 2005 Oregon State Police (OSP) Recruit Trooper Justin McGladrey and Trooper Greg Plummer of the Newport Patrol Office were dispatched to Beverly Beach State Park on the Oregon coast to investigate an alleged domestic assault. In reviewing the police reports we find that Michael Cross of Salem was charged with felony assault for spanking his daughter for her continued disobedience. The report states that "Mrs. Cross struck him (Michael Cross) on the face," however no charges were filed against her. The reports contain other disturbing information and the Observer is investigating...

Acosta vs. Century 21 ... Possible Fraud and Collusion?

Gold Hill, Oregon Bob and Linda Acosta purchased their final retirement property and home in Gold Hill, Oregon in January of 2002. Their agent who was also the seller's agent happened to be Jeanie Moore of Harris & Taylor Century 21 Real Estate. Moore assured the Acosta's their property backed up to BLM land which was a major consideration when the Acosta's decided to purchase. In August of 2002, Bob and Linda discovered that their land in fact didn't back up to BLM land. They contacted their Real Estate agent and her Brokers and the Acosta's were ignored repeatedly as well as talked to disrespectfully and in a vulgar manner on several occasions. They then filed a claim with the Oregon Real Estate Agency and in February of 2004 Jeanie Moore was found guilty of the Acosta's charges. Unfortunately, Bob Acosta who suffered from a severe illness passed away before seeing Moore held accountable and witnesses including this writer attribute the stress created by Century 21 as a contributing factor to his death. Century 21 continued to lend a deaf ear to this severe case of abuse, thinking they could run over the now widowed Acosta and in June of 2004, Linda Acosta was forced to file suit. Instead of being responsible for their "fraud" Century 21 then filed a motion to dismiss Acosta's complaint or in the alternative send it to arbitration. Following a January 31, 2005 hearing in Medford Circuit Court where oral argument took place between Acosta's attorney Foster Glass and Century 21's attorney Mark Clarke of the Frohnmayer/Deatherage law firm, Circuit Court Judge Mark Schiveley ruled against Century 21. Subsequently, Century 21 filed a "Motion to Reconsider" claiming they had discovered a "missing page six" which would strengthen their position. Upon review of the "all too convenient" missing page Linda Acosta knew that she had never seen the highly questionable, produced document, so she went to her escrow company which was First American Title in Rogue River, Oregon to look at the file in an attempt to prove that Century 21 had provided the court with a fraudulent document. Mysteriously the escrow file had disappeared and even after supposed advanced searches First American reports they can't find it and that they won't be able to help Ms. Acosta further. First America Title Company's attitude in and of itself begs for an investigation into possible fraud and collusion. Attorney Foster Glass claimed in his response to the Motion for Reconsideration, "The evidence we have suggests these documents may have been fabricated, and altered after the defendants received the Judge's Opinion following the hearing on January 31, 2005. Judge Schiveley denied Century 21's "Motion for Reconsideration" on March 14, 2005 stating, "There do appear to be disturbing differences between the exhibits attached to the "Motion for Reconsideration." The court is not prepared to say that any documents have been altered or in some other way prepared for the "Motion to Reconsider," because the court does not have to." Amazing! Now Ms. Acosta can have her day in court where Century 21 will definitely leave with much egg on their face and a well deserved, large judgment against them. Large corporations like Century 21 will soon learn that they can't simply take their clients money, cheat them and then basically tell them to go to hell...At least not when the US Observer is involved.

Anyone with information on Century 21, this case, or any special relationships between Harris & Taylor Real Estate and First American Title Company is urged to contact Edward Snook at 541-474-7885.